



Northern Ireland
Assembly

OFFICIAL REPORT

(Hansard)

Volume 63

(7 March 2011 to 24 March 2011)

Table of Contents

Assembly Members	i
Principal Officers and Officials of the Assembly	ii
Ministerial Offices	iii

Assembly Sittings

Monday 7 March 2011

Assembly Business

Suspension of Standing Orders	1
-------------------------------------	---

Ministerial Statement

Higher Education: Participation	1
---------------------------------------	---

Executive Committee Business

High Hedges Bill: Further Consideration Stage	8
-----------------------------------------------------	---

Oral Answers to Questions

Office of the First Minister and deputy First Minister	25
Culture, Arts and Leisure	31

Executive Committee Business

Justice Bill: Further Consideration Stage	38
Public Bodies Bill: Legislative Consent Motion	105

Committee Business

European Issues: Committee for OFMDFM Report	105
----------------------------------------------------	-----

Private Members' Business

Autism Bill: Further Consideration Stage	113
------------------------------------------------	-----

Tuesday 8 March 2011

Assembly Business	117
--------------------------------	-----

Ministerial Statement

Water Services: Freeze-Thaw December 2010	118
-------------------------------------------------	-----

Executive Committee Business

Health and Social Care Bill: Legislative Consent Motion	130
Civil Registration Bill: Further Consideration Stage	133
Damages (Asbestos-related Conditions) Bill: Further Consideration Stage	133
Planning Bill: Consideration Stage	134

Oral Answers to Questions

Health, Social Services and Public Safety	143
Justice	149

Executive Committee Business

Planning Bill: Consideration Stage (<i>continued</i>)	155
---------------------------------------------------------------	-----

Private Members' Business

Single Use Plastic Bags Bill: Consideration Stage	207
---------------------------------------------------------	-----

Wednesday 9 March 2011

Assembly Business215

Executive Committee Business

Budget 2011-15: Programme for Expenditure215

Dogs (Amendment) Bill: Royal Assent.....245

Budget 2011-15: Programme for Expenditure (*continued*)245

Private Members' Business

Local Government (Disqualification) Bill: Final Stage297

Monday 14 March 2011

Speaker's Business

Standards of Debate329

Ministerial Statement

British-Irish Council: Environment330

Executive Committee Business

Clean Neighbourhoods and Environment Bill: Final Stage.....333

Housing (Amendment) Bill: Final Stage.....338

Departments (Transfer of Functions) Order (Northern Ireland) 2011349

Departments (Transfer of Functions) (No. 2) Order (Northern Ireland) 2011350

Energy Bill: Legislative Consent Motion351

Categories of Tourist Establishment Order (Northern Ireland) 2011354

Draft Insolvency (Monetary Limits) (Amendment) Order (Northern Ireland) 2011355

Insolvency (Fees) (Amendment) Order (Northern Ireland) 2011.....357

Draft Debt Relief (2010 Act) (Transitional Provision) Order (Northern Ireland) 2011357

Private Members' Business

Single Use Carrier Bags Bill: Further Consideration Stage.....358

Oral Answers to Questions

Regional Development358

Social Development.....365

Tuesday 15 March 2011

Matters of the Day

Lance Corporal Stephen McKee.....373

Assembly Business

Justice Bill375

Ministerial Statements

Road Safety Strategy375

Proposed Discontinuance of Stranmillis University College and Merger with QUB383

Executive Committee Business

High Hedges Bill: Final Stage389

Oral Answers to Questions

Agriculture and Rural Development395

Finance and Personnel402

Ministerial Statement

Higher Education: Tuition Fees and Student Finance408

Executive Committee Business

Justice Bill: Final Stage.....	417
--------------------------------	-----

Private Members' Business

Autism Bill: Final Stage.....	417
-------------------------------	-----

Monday 21 March 2011

Assembly Business	437
--------------------------------	-----

Petition of Concern: Planning Bill	438
------------------------------------------	-----

Local Government Finance Bill: Royal Assent.....	439
--------------------------------------------------	-----

Transport Bill: Royal Assent.....	439
-----------------------------------	-----

Caravans Bill: Royal Assent.....	439
----------------------------------	-----

Suspension of Standing Orders	439
-------------------------------------	-----

Ministerial Statement

Northern Health and Social Care Trust: Clostridium Difficile	440
--------------------------------------------------------------------	-----

Executive Committee Business

Renewables Obligation (Amendment) Order (Northern Ireland) 2011	446
-----------------------------------------------------------------------	-----

Planning Bill: Further Consideration Stage.....	450
-------------------------------------------------	-----

Oral Answers to Questions

Office of the First Minister and deputy First Minister	464
--------------------------------------------------------------	-----

Education	470
-----------------	-----

Assembly Business

Privilege: Leak of PAC Report	477
-------------------------------------	-----

Executive Committee Business

Suspension of Standing Orders: Planning Bill	477
----------------------------------------------------	-----

Marine Licensing (Appeals) Regulations (Northern Ireland) 2011	478
----------------------------------------------------------------------	-----

Marine Licensing (Civil Sanctions) Order (Northern Ireland) 2011.....	480
-----------------------------------------------------------------------	-----

Suspension of Standing Orders: Justice Bill	481
---------------------------------------------------	-----

Justice Bill: Exceptional Further Consideration Stage	482
-------------------------------------------------------------	-----

Civil Registration Bill: Final Stage	485
--------------------------------------------	-----

Damages (Asbestos-related Conditions) Bill: Final Stage	485
---------------------------------------------------------------	-----

Rates (Industrial Hereditaments) (Specified Percentage) Order (Northern Ireland) 2011.....	489
--------------------------------------------------------------------------------------------	-----

Rates (Regional Rates) Order (Northern Ireland) 2011	493
------------------------------------------------------------	-----

Rates (Housing Executive) Order (Northern Ireland) 2011	498
---------------------------------------------------------------	-----

Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2011	500
----------------------------------------------------------------------------------------------------------------------------	-----

Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2011	501
------------------------------------------------------------------------------------------------------------------	-----

Pensions Bill: Legislative Consent Motion	503
-------------------------------------------------	-----

Fishing Boats (Electronic Transmission of Fishing Activities Data) Scheme (Northern Ireland) 2011 ..	506
------------------------------------------------------------------------------------------------------	-----

Protection of Freedoms Bill: Legislative Consent Motion.....	508
--------------------------------------------------------------	-----

Committee Business

Successful Post-Primary Schools Serving Disadvantaged Communities	512
-------------------------------------------------------------------------	-----

Wednesday 23 March 2011

Speaker's Business

End of Mandate525

Assembly Business

Employment Bill: Royal Assent.....532

Budget Bill: Royal Assent532

Ministerial Statement

Health: Capital Priorities532

Executive Committee Business

Code of Audit Practice540

Planning Bill: Final Stage541

Justice Bill: Final Stage.....548

Oral Answers to Questions

Employment and Learning.....552

Enterprise, Trade and Investment.....558

Ministerial Statement

Northern Ireland Housing Executive564

Executive Committee Business

Justice Bill: Final Stage (*continued*).....575

Committee Business

Museums: Impact and Value581

Private Members' Business

Single Use Carrier Bags Bill: Final Stage590

Written Ministerial Statements

Social Development

Social Security Agency: Customer First Evaluation Decision and Commencement of Roll-out WMS 1

Regional Development

Review of the Regional Transportation Strategy – Consultation..... WMS 2

Office of the First Minister and deputy First Minister

Executive Response to the Independent Review of the Dioxin Incident..... WMS 3

Enterprise, Trade and Investment

Independent Review of Economic Policy (IREP)..... WMS 4

Progress on List of Recommendations WMS 9

Social Development

Social Clauses in Government Contracts..... WMS 18

Written Answers

Friday 11 March 2011

Office of the First Minister and deputy First Minister	WA 1
Department of Agriculture and Rural Development	WA 16
Department of Culture, Arts and Leisure	WA 21
Department of Education	WA 26
Department for Employment and Learning.....	WA 39
Department of Enterprise, Trade and Investment	WA 46
Department of the Environment.....	WA 47
Department of Finance and Personnel	WA 54
Department of Health, Social Services and Public Safety.....	WA 57
Department of Justice	WA 71
Department for Regional Development.....	WA 75
Department for Social Development	WA 84

Friday 18 March 2011

Office of the First Minister and deputy First Minister	WA 95
Department of Agriculture and Rural Development	WA 98
Department of Culture, Arts and Leisure	WA 109
Department of Education	WA 114
Department for Employment and Learning.....	WA 151
Department of Enterprise, Trade and Investment	WA 154
Department of the Environment.....	WA 156
Department of Finance and Personnel	WA 158
Department of Health, Social Services and Public Safety.....	WA 162
Department of Justice	WA 176
Department for Regional Development.....	WA 182
Department for Social Development	WA 198
Northern Ireland Assembly Commission.....	WA 202

Thursday 24 March 2011

Office of the First Minister and deputy First Minister	WA 205
Department of Agriculture and Rural Development	WA 211
Department of Culture, Arts and Leisure	WA 216
Department of Education	WA 218
Department for Employment and Learning.....	WA 231
Department of Enterprise, Trade and Investment	WA 241
Department of the Environment.....	WA 248
Department of Finance and Personnel	WA 251
Department of Health, Social Services and Public Safety.....	WA 265
Department of Justice	WA 291
Department for Regional Development.....	WA 294
Department for Social Development	WA 305
Northern Ireland Assembly Commission.....	WA 337

Revised Written Answers

Culture, Arts and Leisure

Irish Language Strategy RWA 1

Regional Development

Chair of NI Water RWA 1

Agriculture and Rural Development

Training Courses RWA 1

Education

Consultations RWA 13

Culture, Arts and Leisure

2010/11 In-Year Monitoring Rounds RWA 15

Education

Western Education and Library Board: Newbuilds RWA 16

Regional Development

Legal Services RWA 16

Index

Members' IndexIDX 1

Assembly Members

Anderson, Ms Martina (Foyle)
Anderson, Sydney (Upper Bann)
Armstrong, Billy (Mid Ulster)
Attwood, Alex (West Belfast)
Bannside, The Lord (North Antrim)
Beggs, Roy (East Antrim)
Bell, Jonathan (Strangford)
Boylan, Cathal (Newry and Armagh)
Bradley, Dominic (Newry and Armagh)
Bradley, Mrs Mary (Foyle)
Bradley, P J (South Down)
Brady, Mickey (Newry and Armagh)
Bresland, Allan (West Tyrone)
Browne, The Lord (East Belfast)
Buchanan, Thomas (West Tyrone)
Burns, Thomas (South Antrim)
Butler, Paul (Lagan Valley)
Callaghan, Pól (Foyle)
Campbell, Gregory (East Londonderry)
Clarke, Trevor (South Antrim)
Clarke, Willie (South Down)
Cobain, Fred (North Belfast)
Coulter, Rev Dr Robert (North Antrim)
Craig, Jonathan (Lagan Valley)
Cree, Leslie (North Down)
Dallat, John (East Londonderry)
Deeny, Dr Kieran (West Tyrone)
Doherty, Pat (West Tyrone)
Easton, Alex (North Down)
Elliott, Tom (Fermanagh and South Tyrone)
Empey, The Lord (East Belfast)
Farry, Dr Stephen (North Down)
Ford, David (South Antrim)
Foster, Mrs Arlene (Fermanagh and South Tyrone)
Frew, Paul (North Antrim)
Gallagher, Tommy (Fermanagh and South Tyrone)
Gardiner, Samuel (Upper Bann)
Gibson, Simpson (Strangford)
Gildernew, Ms Michelle (Fermanagh and South Tyrone)
Girvan, Paul (South Antrim)
Givan, Paul (Lagan Valley)
Hamilton, Simon (Strangford)
Hay, William (Speaker)
Hilditch, David (East Antrim)
Humphrey, William (North Belfast)
Irwin, William (Newry and Armagh)
Kelly, Mrs Dolores (Upper Bann)
Kelly, Gerry (North Belfast)
Kennedy, Danny (Newry and Armagh)
Kinahan, Danny (South Antrim)
Leonard, Billy (East Londonderry)
Lo, Ms Anna (South Belfast)
Lunn, Trevor (Lagan Valley)
Lyttle, Chris (East Belfast)
McCallister, John (South Down)
McCann, Fra (West Belfast)

McCann, Ms Jennifer (West Belfast)
McCarthy, Kieran (Strangford)
McCartney, Raymond (Foyle)
McCausland, Nelson (North Belfast)
McClarty, David (East Londonderry)
McCrea, Basil (Lagan Valley)
McCrea, Ian (Mid Ulster)
McDevitt, Conall (South Belfast)
McDonnell, Dr Alasdair (South Belfast)
McElduff, Barry (West Tyrone)
McFarland, Alan (North Down)
McGill, Mrs Claire (West Tyrone)
McGimpsey, Michael (South Belfast)
McGlone, Patsy (Mid Ulster)
McGuinness, Martin (Mid Ulster)
McHugh, Gerry (Fermanagh and South Tyrone)
McIlveen, Miss Michelle (Strangford)
McKay, Daithí (North Antrim)
McLaughlin, Mitchel (South Antrim)
McNarry, David (Strangford)
McQuillan, Adrian (East Londonderry)
Maginness, Alban (North Belfast)
Maskey, Alex (South Belfast)
Maskey, Paul (West Belfast)
Molloy, Francie (Mid Ulster)
Morrow, The Lord (Fermanagh and South Tyrone)
Moutray, Stephen (Upper Bann)
Murphy, Conor (Newry and Armagh)
Neeson, Sean (East Antrim)
Newton, Robin (East Belfast)
Ní Chuilín, Ms Carál (North Belfast)
O'Dowd, John (Upper Bann)
O'Loan, Declan (North Antrim)
O'Neill, Mrs Michelle (Mid Ulster)
Poots, Edwin (Lagan Valley)
Purvis, Ms Dawn (East Belfast)
Ramsey, Pat (Foyle)
Ramsey, Ms Sue (West Belfast)
Ritchie, Ms Margaret (South Down)
Robinson, George (East Londonderry)
Robinson, Ken (East Antrim)
Robinson, Peter (East Belfast)
Ross, Alastair (East Antrim)
Ruane, Ms Caitríona (South Down)
Savage, George (Upper Bann)
Sheehan, Pat (West Belfast)
Spratt, Jimmy (South Belfast)
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Weir, Peter (North Down)
Wells, Jim (South Down)
Wilson, Brian (North Down)
Wilson, Sammy (East Antrim)

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Ministerial Offices

The Executive Committee

First Minister	Mr Peter Robinson
Deputy First Minister	Mr Martin McGuinness
Minister for Employment and Learning	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 7 March 2011

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

Members observed two minutes' silence.

Assembly Business

Mr Speaker: I wish to advise the House that a valid petition of concern was presented on Friday 4 March 2011 in relation to six amendments published for today's Further Consideration Stage of the Justice Bill. Those are amendment Nos 5, 6, 8, 9 and 10, which are in group 2 and are to do with chanting at regulated sports matches and banning orders, and amendment No 11, which is in group 3 and is to do with sex offender licensing provisions and legal aid. The votes on those amendments will be on a cross-community basis and may take place later today.

Suspension of Standing Orders

Mr Weir: I beg to move

That Standing Orders 10(2) to 10(4) be suspended for 7 March 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 7 March 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 Statement

Higher Education: Participation

Mr Speaker: I have received notice from the Minister for Employment and Learning that he wishes to make a statement to the House.

The Minister for Employment and Learning

(Mr Kennedy): I welcome this opportunity to update the Assembly on the latest developments in relation to our work on the future policy for widening participation in higher education. In particular, I want to advise Members of the launch of the consultation on the development of a regional strategy for widening participation. I will, shortly, make available a consultation document on the Department for Employment and Learning's website, and a copy has also been placed in the Assembly Library.

I will give a brief recap on the situation. Widening participation in higher education among students from under-represented groups, in particular, students from low-income backgrounds and those with learning or other difficulties, is one of my Department's key strategic goals. My Department's vision for widening participation is that any qualified individual in Northern Ireland should be able to gain access to higher education that is right for them, irrespective of their personal or social background.

My Department addresses the issue of fair access to higher education through a number of policy initiatives. Those include requiring higher education institutions to publish annual access agreements and widening participation outreach strategies that outline their range of outreach and bursary support to low income students and communities. My Department also provides widening participation premium funding through the teaching and learning block

grant to provide additional support to students while in college, as well as a range of specific funding mechanisms for widening participation such as Step-Up to Science at the University of Ulster and the Discovering Queen's outreach programme. Much of that special project work is undertaken in schools in areas with traditionally low levels of progression in education.

For the 2010-11 academic year, my Department allocated £2.5 million to promote widening participation in higher education. At almost 50%, Northern Ireland now has the highest participation rate of any area of the United Kingdom. Data for 2008-09 shows that almost 42% of Northern Ireland's young full-time first-degree entrants were from socio-economic classes 4 to 7, compared with only 32% in England and 28% in Scotland. We have, therefore, been quite successful in achieving our objectives of raising the motivation, aspirations and performance of students who, otherwise, may not have considered going into higher education. I would like to take the opportunity to congratulate our universities, further education colleges and schools on their work in this vitally important area.

Nevertheless, there remain stubborn pockets of under-representation, including of socio-economic classification groups 5 and 7 and of low participation and high deprivation areas. That is why my Department is leading the development of a new integrated regional strategy for widening participation in higher education in Northern Ireland. I am absolutely committed to developing a new approach to widening participation in Northern Ireland based on a future vision of the sector in which the people who are most able but least likely to participate in higher education are given every encouragement and support to achieve the necessary qualifications to apply to and benefit from the higher education that is right for them.

Let me be clear that my vision for widening participation does not include quotas for the lowering of academic standards. Such soft bigotry of low expectation patronises and demeans those who can excel in spite of a challenging social or family context. My vision of widening participation is about raising aspiration, challenging stereotypes and empowering those who are most able but least likely to enter our universities.

The development of a regional strategy for widening participation represents a major step forward in delivering the new approach. In March 2010, my Department established a higher education widening participation regional strategy group and four expert working groups — comprising relevant experts from the education sector, the public sector, the private sector and other Departments — to consider the issues involved and begin to outline a new approach.

The strategy group subsequently held a pre-consultation event for the public in May 2010 to ensure that as many views as possible were considered in the early stages of the development of the consultation document. The strategy, therefore, represents the first integrated approach to the issue. I would like to take this opportunity to thank everyone who contributed to the development of the document for their commitment and hard work on this extremely important and complex issue.

In April 2010, my Department commissioned a review of the financial support initiatives designed to encourage widening participation in higher education, in order to determine the extent to which the funding was being appropriately targeted, the impact on increasing participation and the overall value for money of the programme expenditure. The review report reached a number of positive conclusions and made a number of recommendations for improvements in funding that have been incorporated into the proposals contained in the consultation document.

The development of the consultation document has been conducted in tandem with the development of consultation documents on the development of a higher education strategy, on tuition fees and on student support arrangements, and care has been taken to ensure that the consultation document aligns with other departmental strategic approaches, such as Success through Skills, FE Means Business and the Executive's economic and social development strategies.

One of the key issues to be addressed in the consultation is the identification of all those groups that are under-represented in higher education and that may require additional support in a more strategically focused manner. The consultation addresses and puts forward proposals for how we might better target resources at each of the critical stages in the

student cycle. We need to raise aspirations among under-represented groups to participate in higher education and, in turn, to raise their education attainment levels to allow that participation. We also need to enhance the recruitment processes in order to ensure that students have the necessary information to apply for the right course and that their whole potential is recognised in the selection process. We also need to ensure the retention of students in higher education, once in the system, and their ultimate progression into employment.

The issue of drop-out rates in higher education has become a particular area of concern in recent years. The issue is a particularly complex one, and research has shown that many factors may impact on dropping out, including finance, gender, education background and, of course, the subject being studied.

It may be helpful at this stage if I give Members some sense of why I believe that widening participation is such a critical issue for Northern Ireland. First, there is the need to promote social mobility and extend opportunity. Too many families and individuals in Northern Ireland still regard higher education as somehow not for them. For example, the 2001 census showed that almost half of the Northern Ireland population came from the socioeconomic classifications 5 to 7, yet just a quarter of the student population came from those groups. I believe that the House is united in striving to ensure that people with the necessary qualifications, from all social backgrounds, should have the opportunity to access higher education. Raising education aspirations is fundamental to promoting such opportunities.

Secondly, there are benefits that graduates as individuals, and society generally, may derive from higher education. Research studies show that participation in higher education may lead not only to higher pay but to a wide range of personal benefits, including a higher sense of well-being and personal confidence. However, we are not doing this just because it is the right thing to do, but because it is crucial to the economy that we harness the talents of all our people. To achieve the very highest standards, our higher education institutions must have access to the very best pools of talent.

12.15 pm

For Northern Ireland to secure a sustainable, globally competitive economy and achieve

growth in the number of people with high-level skills, which would make this country world-class, we must encourage participation from groups that have not traditionally benefited from higher education.

The challenge to develop a highly skilled workforce is not just about providing new, young graduates with the skills needed. Given that around 80% of the 2020 workforce has already completed formal education, a major focus has to be the upskilling of the existing workforce.

The consultation document recognises higher education as more than the traditional three- or four-year primary degree. Higher education includes all qualifications beyond level 4, including intermediate level qualifications, in which Northern Ireland currently has recognised skills shortages. I believe that the development of a new regional strategy will be critical to the achievement of the widening participation vision and our skills objectives.

The public consultation exercise that I am launching today is being carried out to ensure that as many views as possible on the widening participation strategy are considered. The consultation document sets out a series of proposals on the way forward. The key proposals include a new regional awareness campaign to improve the understanding of the relevance and benefits of higher education to the individual among adults and young people. It suggests ways of improving educational attainment to ensure a continued supply of high-quality applicants to all forms of higher education. It proposes better outreach from the higher education institutions to local communities, including employers, workers and adult returners, as well as young people from areas with traditionally low participation in higher education. Finally, it considers the methodologies that help to identify individuals in need of support during their course to better track their progress through higher education and help minimise the problems associated with non-progression.

The responses to the consultation document will inform the development of the regional strategy. It is likely that the regional strategy will be published in the summer.

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

As I have said on other occasions, it is my guiding principle that access to higher education

should be on the basis of the ability to learn, not the ability to pay. That is why upfront fees should have no place in our higher education system, and why tuition fees, necessary to sustain investment in Northern Ireland's world-class universities, should be less than those proposed by Browne for England. However, that debate is for another day. Today is about retaining Northern Ireland's commitment to widening participation in higher education, raising aspirations and promoting opportunity. I trust that the House will join me in this undertaking.

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

I thank the Minister for his statement.

The Committee has considered widening participation in higher education on a number of occasions. The Committee believes in the importance of social inclusion, social mobility and widening access and participation. It has become clear that a strong economy needs a well-qualified workforce, and the Committee welcomes any and all efforts on the Minister's part to ensure that all our people have access to educational and skills opportunities.

I turn to the Minister's comment that a major focus has to be the upskilling of the existing workforce and his point about a number of young graduates, many of whom are in employment that is probably nothing to do with the degree that they studied. I know one young man in my own constituency who, two years after his degree, wanted to do a course. He had to pay an upfront fee of £400. He is 24 years of age and could not get a loan from any bank in the whole of Lurgan —

Mr Deputy Speaker: Could we have a question?

The Chairperson of the Committee for Employment and Learning:

The question, Mr Deputy Speaker, relates to the Minister's commitment to upskilling. There are dangers around upfront fees. Will the Minister give a commitment to address that issue and look specifically at how the needs of young graduates can be assessed?

The Minister for Employment and Learning: I am grateful to the Chairperson of the Committee for Employment and Learning, not just for her comments, but for her question. I share her concern about the experience of that graduate and I want to assure her that that is not how we wish to proceed. Widening participation means

widening participation in every true sense, and that is the commitment that I, as Minister, want to see brought forward. I believe that everyone shares that desire; the Member, members of the Employment and Learning Committee and Members of this House.

Mr Bell: Does the Minister share my concern that only one pupil in 10 in certain parts of the controlled sector is accessing further education compared with one in five in the maintained sector? Will the Minister confirm that he will not run away from his ministerial duties by playing resignation statements and joining the on-the-runs?

The Minister for Employment and Learning: I am grateful to the deputy Chairperson of the Employment and Learning Committee and thank him for his genuine concern for my personal well-being. *[Laughter.]* No doubt, he sees opportunity for himself, but at this stage I am not able to encourage him in any form.

It is important that we focus on the issue of widening participation. The Member rightly raised concern about what are described as young, Protestant, working-class males having proper opportunities to participate in higher education. That group, among others, has to be a matter of priority and concern for the House and my Department. I look forward to receiving valuable contributions to the consultation so that we can bring forward meaningful proposals that will be more inclusive and representative of wider society. That will lead to our universities not being places only for the select few, but, rather, places for all who want to avail themselves of higher education.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. Like other Members, I welcome the Minister's statement. It is important to highlight the potential impact of the suggested increase of student fees on people from socially disadvantaged areas. The Department is trying to widen participation, so it is a bit silly not to be factoring that in when looking at possibly increasing fees.

In his statement, the Minister highlighted that targeting is important. In some areas of social disadvantage, the first step to higher or further education is through the community and voluntary infrastructure, and there is —

Mr Deputy Speaker: Question.

Ms S Ramsey: I am coming to my question; I have to build a picture. There is evidence that people make that first step through the community and voluntary sector. Will the Minister indicate whether he has had any discussions with the Department for Social Development on its involvement in neighbourhood renewal and the European social fund, where money has been targeted but groups have failed to get funding through programmes such as the Training for Women Network?

The Minister for Employment and Learning: I am grateful to the Member for her question, and I understand her point. I have not had specific discussions with the Minister for Social Development on that matter. Nonetheless, the consultation affords everyone the opportunity to participate and make a meaningful contribution. I have no doubt that Ministers, Members of the House and members of political parties across the range of civic and social society will be interested in this.

The Member raised the issue of student fees. It is important to state that I reject the notion of up-front fees, and I also reject the level of fees advocated by Browne for England.

The issues around tuition fees will be subject to the public consultation, which I hope will emerge very shortly. Opportunities can then be taken to explore those issues in more detail.

Rev Dr Robert Coulter: I thank the Minister and congratulate him and his Department on this initiative. Will the Minister outline what discussions have been held with the universities to ensure that the young people who are given the opportunity to go to university achieve the necessary qualifications to apply for and benefit from the higher education that is right for them?

The Minister for Employment and Learning: I am grateful to the Member for his question and for his long-time commitment to education in all its forms, including higher education and further education. He raised an important issue, and I am pleased that our local world-class universities are seized of the need to widen participation. As I said in my statement, they already have programmes in place in which that is their stated desire. Those programmes can be built upon, and I will watch with interest the options and actions that the universities take as we seek to open the doors even wider to all elements of society so that more can avail themselves of a higher education. That

will provide considerable benefit to the wider public and society in general and, hopefully, will improve the necessary skills that Northern Ireland needs if it is to move forward in the economic times that we face. It is important work, and that is understood by the universities. I have no doubt that we will have their co-operation as we move forward.

Mr Lyttle: I welcome any strategy that delivers fair access to education that will improve high-value employment to local people. I share Members' concerns that an increase in student fees could undermine the good work that has been done in this area. On improving employment progression, what work does the Minister think needs to be done to improve career planning and the role of further education in providing a link to higher education pathways?

The Minister for Employment and Learning: I am grateful to the Member for his question. I strongly agree that it is important to take a co-ordinated approach to education, be it further education or higher education. I also take his point about the advice that students and young people receive, particularly on careers and pathways. That is increasingly important, and it is important that that be done in a co-ordinated and joined-up way that provides good, sensible and meaningful advice so that students can pursue careers through higher education or further education that will lead to meaningful opportunities, rather than just gaining qualifications and ending up working in supermarkets or doing more menial jobs. Through the consultation, I want to encourage people's ideas and innovations to generate that interest and restore opportunities for young people to avail themselves of a higher education place that enhances their life prospects and, ultimately, makes a positive contribution to society and life here.

12.30 pm

Mr Weir: I thank the Minister for his statement on what is an important subject. Although a lot of work has still to be done, he highlighted the relative success in our participation rates. However, the Minister's statement also acknowledged the fact that we are weaker on drop-out numbers. Will he expand on the strategy that the Department will pursue to avoid having a revolving-door approach to students from a lower economic background? Will he also expand on the Department's

strategy to retain students once they enter the system in the first place?

The Minister for Employment and Learning: I thank the Member for making that important point. At present, insufficient support is given to individuals who find themselves at university, perhaps as the first member of their family or their generation to avail themselves of the opportunity to go. It is important that colleges and universities adequately support and encourage them and that we do not lose people for the want of looking after them properly. I hope that the consultation document and the responses to it will lead to a careful assessment of how best we can help people for whom a university education is a new but good thing that is to be encouraged and that we strongly support.

Mr P Maskey: Go raibh maith agat, a LeasCheann Comhairle. I also thank the Minister for his statement. I want to stay on the subject of career paths. How joined up is the relationship between his Department and the Department of Education? Would earlier careers advice be more beneficial to our younger people to assist them in their higher education?

The Minister for Employment and Learning: I am grateful for the question. The Member, again, makes the valuable and important point that a career path is vital and that good, sound advice should be offered and given at the earliest opportunity. I am happy and willing to work with the Minister of Education to improve careers advice to all our students. Such advice and the opportunities that it should highlight are increasingly important to young people as they move forward in their overall education.

Mr McCallister: Does the Minister agree that the thought of Jonathan Bell taking up his role would be enough to make him stay on, possibly for many years or, indeed, maybe for ever? I thank the Minister for his statement. Will he confirm that the plans that he outlined will help Northern Ireland to stay at the top of the UK's widening participation league?

The Minister for Employment and Learning: I am grateful to the Member. I will carefully avoid his first assertion. *[Laughter.]*

Northern Ireland enjoys a particular United Kingdom status in widening participation, which it is important to maintain. How we continue to stay at the top of that league and encourage

young people from all social backgrounds to avail themselves of a university or college education are key priorities of the consultation. We are finding the right balance, in that although tuition fees are levied, we still have the best record in participation.

So, it is not just about money and access, although it is important to stress and reiterate that university places must always be allocated on the basis of people's ability to learn rather than on their ability to pay. That remains our guiding principle.

Mr P Ramsey: I welcome the Minister's statement on widening participation, and I thank him for acknowledging the Step-Up programme, particularly at Magee campus in my constituency. Recently, as well as this issue, the Committee for Employment and Learning has been exercised by those not in education, employment or training, the education maintenance allowance and the strategy on further and higher education. One wonders how those matters might be brought together and into greater focus. Given that the Minister referred to social mobility, which is one of the most important areas, what could be done to maximise participation — and I say this deliberately — among the Protestant community in my constituency? Allowing the maximum student number (MaSN) cap has enabled the Magee campus to develop, and it could be one important way to widen participation across low-income families.

The Minister for Employment and Learning: I am grateful to the Member for his question, which coincides neatly with the fact that he represents that area. He has long championed that cause at Magee, for which I pay tribute to him. It is important to state that a number of consultations have begun; on the higher education strategy and today's widening participation strategy. I hope that the review of fees strategy will emerge in the coming days. Of course, although there are strong linkages among the three of them, they, nevertheless, represent distinct areas of higher education policy. Therefore, it is appropriate to consult on them separately. Of course, once those consultations are complete, we will seek to implement recommendations, taking care that they are consistent with the Department's approach on all those issues. I hear the case that the Member made again about student

numbers at Magee, and I confirm that the matter is subject to my ongoing consideration.

Mr K Robinson: I thank the Minister for his statement. He clearly stated his opposition to a quota system, and I thank him for that. Will he outline the important role of schools and parents in raising education attainment and aspiration levels in young people?

The Minister for Employment and Learning: I am grateful to the Member for his question. He raises a very important point, and we would do well to stress the important role that parents, guardians and families have in encouraging young people to avail of higher education to improve not only their quality of life but, in turn, the overall economic context in which we all live. I sense that, somewhere along the line, the ethos of reaching out for higher education has been lost in some communities, so I very much hope that we can reinvigorate, recharge and re-energise parents and guardians to be enthusiastic about allowing their children to consider university as a place from which they can benefit and use as a ladder to success.

Ms Lo: I very much welcome the Minister's statement. We should be justly proud of our participation rates, and we must do our utmost to continue reaching out to communities. Should the strategy cover the likes of foundation courses in further education colleges, because, given the potential hike in tuition fees, more students may move over to the further education sector to take up such courses?

The Minister for Employment and Learning: The Member raises yet another interesting point. It is increasingly important and evident that the linkage between further education colleges and higher education colleges — our universities — are important links and that we need to co-ordinate better the opportunities that exist for all our young people. I hope very much that we can bring that work forward, whether or not it is specific to the consultation announced today but certainly in the context of the already issued consultation on the future of higher education in Northern Ireland. The work undertaken by Sir Graeme Davies and others strikes at that, and those are important issues that we should all reflect on and bring forward in a positive manner.

Mr Beggs: The Minister has highlighted his departmental commitment to the widening participation strategy. Given his reduced budget allocations, will the Minister assure me that, in

coming to any decision on the future of tuition fees, he will be shaped by the policies in the widening participation strategy?

The Minister for Employment and Learning: I am grateful to the Member for his question and am happy to confirm that my guiding principle as Minister and, indeed, that of my Department is that places at universities should be based purely on the ability to learn and not on the ability to pay. That is the guiding principle and will remain so even in the face of the difficult economic climate and the budgetary considerations that we have to deal with.

Mr Deputy Speaker: That concludes questions on the ministerial statement. I ask the House to take its ease until we change over.

Executive Committee Business

High Hedges Bill: Further Consideration Stage

Mr Deputy Speaker: I call the Minister of the Environment to move the Further 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 Nos 1, 2, 3 and 5, which deal with the powers of the Department to prescribe the maximum fee that councils can charge when receiving a complaint under the Bill. The second debate will be on amendment No 4, which proposes placing a duty on the Department to prepare a report on neighbour disputes associated with single trees.

I remind Members that, under Standing Order 37(2), the Further Consideration Stage of a Bill is restricted to debating any further amendments tabled to the Bill. Once the debate on each group has been completed, any further amendments in the group will be moved formally as we move through the Bill, and the Question on each will be put without further debate. Members should address all amendments in the group on which they wish to comment. If that is clear, we shall proceed.

Clause 3 (Procedure for dealing with complaints)

Mr Deputy Speaker: We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2, 3 and 5. The amendments concern fees, and Members should note that amendment No 1 is a paving amendment to amendment No 2 and that amendment Nos 3 and 5 are consequential to amendment No 2.

The Minister of the Environment (Mr Poots): I beg to move amendment No 1: In page 3, line 27, leave out subsections (7) to (9).

The following amendments stood on the Marshalled List:

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

“Fees

3A.—(1) *The Department shall by regulations prescribe the maximum fee which may be determined by a council under section 3(1)(b).*

(2) *A fee received by a council under section 3(1)(b)—*

(a) must be refunded by it where subsection (3) applies; and

(b) may be refunded by it in such other circumstances and to such extent as it may determine.

(3) *This subsection applies where—*

(a) a fee is paid to the council under section 3(1)

(b) in connection with the making of a complaint to which this Act applies;

(b) a remedial notice is issued by, or on behalf of, the council in respect of the complaint; and

(c) the remedial notice takes effect.

(4) *Regulations may make provision, in relation to a case where subsection (3) applies, for the payment to the council by any person who is an occupier or owner of the neighbouring land of a fee of such amount (if any) as the council may determine.*

(5) *Regulations under subsection (4) may in particular—*

(a) provide for the fee not to exceed such amount as may be prescribed by the regulations;

(b) provide that, where two or more persons are liable to pay the fee, those persons are jointly and severally liable;

(c) provide for the fee to be refunded in such circumstances or to such extent as may be prescribed by, or determined in accordance with, the regulations.” — [The Minister of the Environment (Mr Poots).]

No 3: In clause 14, page 11, line 42, after “(b)” insert

“fees payable under section (Fees)(4) of that Act and”. — [The Minister of the Environment (Mr Poots).]

No 5: In clause 18, page 13, line 4, after “section” insert “(Fees)(4),”. — [The Minister of the Environment (Mr Poots).]

12.45 pm**The Minister of the Environment:** At

Consideration Stage, the fee mechanism proposed by the Committee for the Environment was agreed to, although Members acknowledged my concerns about the removal of flexibility for councils, human rights, enforcement complications and the administrative burden on councils. Members indicated that there was a need for further amendments at Further Consideration Stage. As a consequence, I tabled amendments that seek to accommodate the Assembly's desire for fairness in the fees payable for the investigation of a complaint and to address the shortcomings that the Assembly recognised in the amendments that were agreed and voted to stand part at Consideration Stage.

They involve replacing clauses 3(7), 3(8) and 3(9) with a new clause 3A, which will deal specifically with fees issues. Subsection 1 of the new clause requires that my Department make regulations to limit the level of fee that can be levied by councils, effectively replicating the amendment made to clause 3(7). Subsections 2(a) and 3 provide for the mandatory refund of the complainant's fee when a remedial notice takes effect. That allows for the completion of any appeals process before any refund or transfer takes place.

Subsection 2(b) restores the discretionary power of a council to refund fees, which was inadvertently removed by the amendments voted to stand part at Consideration Stage. That provides flexibility for councils and means that fees can be refunded in other appropriate circumstances, for example, if a complaint is found to be outside the scope of the legislation.

Subsections 4 and 5 provide a regulation-making power to deal with the amount of fee payable by the hedge owner, the determination of who pays when there is more than one owner or occupier and the refunding of the hedge owner's fee in prescribed circumstances. Those amendments allow the fee transfer policy to be properly developed to take account of human rights and public consultation issues. That will also provide the opportunity to consider a range of issues, including the financial circumstances of the hedge owner in the same way that the financial circumstances of the complainant can be considered. The regulations will be subject to full public consultation and approval in draft by the Assembly, so MLAs will have the opportunity

to scrutinise further any proposals before they are implemented.

The amendment to clause 14 makes provision for any fee levied on the hedge owner to be registered as a statutory charge, removing the potential legal costs associated with fee recovery if the hedge owners refuse to pay. The amendment to clause 18 means that the regulations dealing with the transfer of the fee to the hedge owner will be subject to approval in draft by the Assembly.

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 BhreisChéim an Bhreithnithe den Bhille um Fálta Arda.

On behalf of the Committee for the Environment, I welcome the Further Consideration Stage of the High Hedges Bill. The Bill was referred to the Committee on 10 May 2010, and, after conducting its scrutiny, the Committee recommended several amendments. One of those was to require the Department to place an upper limit on the level of fee that a council can charge someone for making a complaint about a high hedge. The Committee agreed that recommendation after researching the level of fees charged elsewhere. We were advised that, in England, where councils are given discretion to charge whatever fee they feel appropriate, there is not only a vast difference in the level of fee charged by different councils but that some councils charge as much as £650.

The Committee was content with the principle that councils should be allowed to charge a fee for providing the high hedge service. It recognised that that would help to deter vexatious complaints as well as protecting ratepayers from having to pay for a service from which they do not benefit. However, it was determined that councils should not be allowed to charge so much that it would be likely to make the service inaccessible to most, if not all, people who are unfortunate enough to find that their light is blocked by a high hedge.

The Bill includes a provision for the Department to limit the level of fees, but the Department told the Committee that it would not do that unless there was a clear need to do so after the legislation had been operational for some time. The Committee was pleased that the Assembly accepted its amendment at Consideration Stage to require the Department to place a

cap on fees. We welcome the fact that the first subsection of the new clause that is added by amendment No 2 will endorse that by requiring the Department to do so through regulations. The Committee also welcomes the Assembly's endorsement of its suggestion that a person paying to complain about a high hedge should have that fee refunded if the complaint is upheld by the council.

The Committee was also adamant that the refund should not come from the council, as it would place a burden on ratepayers. The Committee wanted to see the fee being recouped from the hedge owner. As Members will recall, the Minister was not keen to bring forward the Committee's requested amendments, and he warned that the Committee's amendment might be subject to human rights challenges. Nonetheless, the Assembly clearly recognised the fairness of the Committee's approach and supported its amendment.

On behalf of the Committee, I am delighted that the Minister's proposed new clause not only meets the Committee's requirements for the refunding of upheld complaint fees by the hedge owner, but takes account of human rights and public consultation requirements. In addition, amendment No 3 makes a provision for any fee levied on the hedge owner to be registered as a statutory charge. That removes any potential legal costs associated with fee recovery if the hedge owner refuses to pay. I know that councils will welcome that approach.

Finally, amendment No 5 makes the new regulations subject to draft affirmative procedure, so they will come before the Assembly for approval before being made law. That is also to be welcomed.

On behalf of the Committee, I welcome and support amendment No 2 and amendment No 1, which is the paving amendment for amendment No 2, and the detail and security provided by amendment Nos 3 and 5.

Mr Weir: I will be brief. There should be reasonable consensus around the House for the Minister's proposed amendments. As the Chairperson indicated, when the Committee brought forward a range of amendments at Consideration Stage in respect of fee levels and the polluter pays principle, which related to where costs should lie, it was indicated that there needed to be further refinement of the Bill

and that consequential amendments would have to be brought.

The Minister has put forward a very sensible set of amendments. It is right that people should have some certainty regarding the likely level of fee. One of the advantages that we have is that we have been able to look at how the legislation has been brought in and operated in England and Wales. There is no doubt that some mistakes were made there. We have not simply a bespoke piece of legislation but one that tries to avoid some of the mistakes that have been made there. One of the mistakes that is further refined by this is the idea that there was an open-ended situation regarding fees, which has meant that there has been a very wide disparity. It is important that regulations are put in place to deal with the fees issue. As the Minister indicated, when looking at those regulations, a wide range of considerations need to be taken into account, for example, the ability of either party to pay.

It is important, as a consequential amendment, that if we are to have remedial notices, the person who is deemed to be at fault has to pay and it should not get tied up with legal charges or additional cost. It should be relatively straightforward and should be done in as cost-effective way as possible. I believe that the amendments cover that point and ensure that the detailed regulations that will need to flow from the legislation are not simply produced by the Department but that they are given that democratic scrutiny, which was indicated by the Minister. Therefore, I believe that the amendments are very sensible. They add to the progress that we have made on the Bill at Second Stage and at Consideration Stage. The Further Consideration Stage refines the Bill into something that will be of benefit to the people of Northern Ireland. I commend the Minister's four amendments to the House.

Mr Kinahan: I, too, will be brief. I welcome the Bill and the Minister's amendments, with one slight proviso. Before I go into that, I think that it is especially good that we are now making it a statutory charge, so there will be no legal fees. It is also especially good that the regulations will be subject to draft affirmative resolution. We need to make sure that, regardless of whose hands the Department will be in, they should look at the cost to councils, so that whatever figure is chosen as a fee will allow the councils to get back their costs. Obviously, that is a question of

judgement, but I think that the amendments are very sensible, and we support them.

Mr Savage: I thank the Minister for his comments. This is an important Bill, which has attracted the interest of many people in my constituency on whom it would have an impact, particularly those who have issues with their neighbours' high hedges. The Bill introduces a system whereby difficulties and disagreements about hedges between neighbours can be resolved through discussion and mediation. Should that fail, there remains the facility to lodge a formal complaint with the local council, which, effectively, will act as an independent third party. It will make a decision based on the merits of the case that is presented to it. The Bill represents real progress on a troublesome issue and it will, I believe, be welcomed by householders throughout Northern Ireland. For too long, the matter has been ignored. Now is the perfect opportunity for the House to progress legislation that will have meaningful impact and actually make a difference.

I turn to the first group of amendments before the House. I am content with amendment No 1, which removes subsections 3(7) to 3(9). I welcome their replacement by a new clause in amendment No 2. That clause makes provisions for fees that local councils can charge for the provision of that relate to disputes about high hedges. Although I accept that a fee must be levied, everything must be done to ensure that it is reasonable and provides value for money to those who have paid the council to perform a service. I accept amendment No 3 as an administrative and appropriate amendment to schedule 11 to the Land Registration Act (Northern Ireland) 1970. Amendment No 5 is another minor administrative amendment. Those amendments are common sense.

I am broadly supportive of the Bill and the first group of amendments. I will finish by making a brief general comment. A number of Bills are coming through the House that involve either the transfer of a function to or increased functions for local councils. The House ought to be mindful and careful not to give increased responsibilities and functions to local administrations with one hand, while taking away their financial resources with the other. At present, councils have powers to persuade. The Bill will give them real power and real teeth.

The Minister of the Environment: I thank Members for their support. No specific questions were raised during the debate so I do not have to respond to any particular issues. A number of Members indicated that the Bill would benefit their electorate. That is why my Department brought it forward. There has been a gap in legislation for many years. We have seen many hedges spring up and grow completely out of control. Trees are allowed to grow 30 ft or 40 ft high and are built up as a dense hedge. That has a huge impact on individuals. The Bill will help us to deal with an anomaly that has existed for some time. I ask the House to support amendment Nos 1, 2, 3 and 5.

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

New Clause

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

"Fees

3A.—(1) *The Department shall by regulations prescribe the maximum fee which may be determined by a council under section 3(1)(b).*

(2) *A fee received by a council under section 3(1)(b)—*

(a) must be refunded by it where subsection (3) applies; and

(b) may be refunded by it in such other circumstances and to such extent as it may determine.

(3) *This subsection applies where—*

(a) a fee is paid to the council under section 3(1)

(b) in connection with the making of a complaint to which this Act applies;

(b) a remedial notice is issued by, or on behalf of, the council in respect of the complaint; and

(c) the remedial notice takes effect.

(4) *Regulations may make provision, in relation to a case where subsection (3) applies, for the payment to the council by any person who is an occupier or owner of the neighbouring land of a fee of such amount (if any) as the council may determine.*

(5) *Regulations under subsection (4) may in particular*0151

(a) provide for the fee not to exceed such amount as may be prescribed by the regulations;

(b) provide that, where two or more persons are liable to pay the fee, those persons are jointly and severally liable;

(c) provide for the fee to be refunded in such circumstances or to such extent as may be prescribed by, or determined in accordance with, the regulations.” — [The Minister of the Environment (Mr Poots).]

New clause ordered to stand part of the Bill.

Clause 14 (Statutory charges)

Amendment No 3 made: In page 11, line 42, after “(b)” insert

“fees payable under section (Fees)(4) of that Act and”. — [The Minister of the Environment (Mr Poots).]

New Clause

Mr Deputy Speaker: We now come to the second group of amendments for debate, which contains only one amendment. Amendment No 4 proposes placing a duty on the Department to prepare a report on neighbour disputes associated with single trees.

Mr Lyttle: I beg to move amendment No 4: After clause 16, insert the following new clause:

“Duty to report on single trees

16A.—(1) *The Department must prepare a report on the nature and extent of neighbour disputes associated with single trees not forming part of a high hedge including an assessment of the potential for legislation to address the issues.*

(2) *The report shall be laid before the Assembly before the end of the period of 18 months from the time this Act receives Royal Assent.*”

I regard the amendment as a straightforward and reasonable amendment that will place a duty on the Department to investigate the nature and extent of the impact of tall and overgrown single trees on people’s quality of life. A report of the findings of that investigation should include an assessment of the potential for legislation to address the issue, and it should be produced within 18 months of Royal Assent to the Bill.

1.00 pm

I welcome the elements of the Bill that will introduce long overdue provisions to tackle the problem of high leylandii hedges. I have seen at

first hand the negative impact that vast hedges have on people’s quality of life and enjoyment of property. However, I have also seen at first hand how excessively tall trees, some over 50 ft tall, can have a negative impact on people’s quality of life, enjoyment of property, and health and safety. It is also my understanding that a significant number of consultation responses to the Bill raised that concern.

I recognise the difficulties with defining what classifies a tall tree and the concerns, which I share, about the protection of single trees of historical significance or local character and amenity. I consulted the Woodland Trust and local authority tree officers, who are confident that it should be possible to deal with the enforced maintenance of certain single trees through legislation. For those reasons, I propose amendment No 4 to ensure that the Department monitors the operation of the High Hedges Bill and investigates whether comparable legislation could tackle the similar issue of tall trees.

It is my understanding that the amendment has the general support of the House; indeed, some Members feel that it does not go far enough. It is for that reason that I ask all Members and the Minister to give serious consideration to supporting what I deem to be a fair and reasonable amendment.

The Chairperson of the Committee for the Environment:

Go raibh maith agat, a LeasCheann Comhairle. As we heard, amendment No 4, which is in the name of Mr Lyttle, will introduce a new clause that will require the Department to prepare a report on the nature and extent of neighbourhood disputes associated with single trees that do not form part of a high hedge. The Committee was also concerned about single trees. Submissions to the Committee’s call for evidence showed that several organisations, particularly councils, were disappointed that the Bill would not cover single trees and other problems that are associated with hedges and trees, such as roots, overhanging branches and fallen leaves. It was suggested that the lack of inclusion of single trees may lead to many of the problems that are brought to councils not being resolved.

The Committee requested research on the number of complaints that councils receive that relate to single trees rather than to hedges. The research found that only rough estimates could be ascertained because councils do

not consistently record all complaints of that kind. It appears that many councils do not differentiate between complaints relating to hedges and those to single trees, and a number of complaints that they receive are not solely related to the impact of the tree or hedge on light. However, it was still apparent that a significant proportion of complaints that councils receive relate to single trees rather than to hedges. The Committee felt that that needed to be addressed in the Bill.

The Bill might be called the High Hedges Bill, but it is about light and about how access to light affects enjoyment of one's property. The Committee, therefore, looked not at whether a single tree constituted a hedge but at whether one big evergreen tree could block out as much light as two or three trees, which is the Bill's definition of the term "hedge". Clearly, it could, and I am sure that we could all think of examples of places where that happens.

I should stress that, before going down the route of tabling an amendment, the Committee sought reassurance that including single trees in the Bill would not lead to conflict with planning provision, such as tree preservation orders, or would not jeopardise ancient or historically significant trees. The Department responded that guidance would be produced in association with the Local Government Association to accompany the legislation and would specifically address the issue of tree preservation orders. However, it was noted that tree preservation orders do not usually apply to evergreen or semi-evergreen trees. Once certain that single ancient or deciduous trees would not be affected, the Committee asked the Department to reconsider the inclusion of single evergreen and semi-evergreen trees in the Bill.

The Department stated that the inclusion of single-tree problems would change the scope of the Bill and would require a full public consultation before an amendment to that effect could be made. However, the Committee noted that a significant number of responses to the Department's consultation made it clear, without being prompted, that they wanted and expected the Bill to deal with problems caused by single trees. Members agreed to a Committee amendment to include single evergreen and semi-evergreen trees in the Bill. However, several members still had some misgivings about the pressure that the inclusion of single trees in the Bill might put on single historic or characteristic

trees and, on being advised that another Member was considering tabling a revised amendment at Further Consideration Stage, I agreed with members not to move the Committee's amendment at Consideration Stage.

On receiving notification of the amendment, most members of the Committee who were contacted in the short time available were content with it, but, because some felt that the clause was not sufficiently strong, I agreed to table the Committee's original amendment to extend the Bill to include single evergreen or semi-evergreen trees. However, it did not appear on the Marshalled List of amendments. That eventuality had been allowed for by the Committee, which agreed that, if the amendment was not allowed, it would recommend that the Department must recognise the need for legislation to address the detrimental impact on reasonable enjoyment of properties caused by single evergreen or semi-evergreen trees and would like to hear a commitment to see that addressed in the new mandate.

Having consulted a majority of the Committee members — we have not had a formal meeting since the Marshalled List was issued — I am confident that Mr Lyttle's amendment sufficiently meets the recommendations of the Committee to warrant its support. Therefore, on behalf of the Committee —

Mr Ross: I thank the Member for giving way. Perhaps it would be useful if he would inform the House why the Committee amendment was not accepted at this stage. Was it because the Speaker felt that it would dramatically change the Bill, or was it for another reason?

The Chairperson of the Committee for the Environment: I cannot clarify that; I just know that it did not appear on the Marshalled List. The Committee voted to table the amendment. I voted against it on the day, but I was happy to move it on behalf of the Committee. We were given an assurance that an amendment coming forward would address the issues on behalf of the Committee, but it seems that that has not appeared. On behalf of the Committee, I am disappointed that the amendment has not been accepted by the Speaker. That is perhaps something that we should have been dealing with today. I share the concerns of some members of the Committee who were clearly in favour of moving that amendment.

There was a phone-round of members of the Committee by the staff to get a clear line on whether people would agree with Mr Lyttle's amendment, and there has been a clear indication from a majority of the members. On behalf of the Committee, I support amendment No 4, and I know that members will have a chance to speak when I have finished.

I will now speak on behalf of Sinn Féin. I am disappointed that we did not get an opportunity to discuss the amendment that went through on behalf of the Committee. In the absence of anything in the Bill, Mr Lyttle's amendment may go some way to looking at the issue, and I believe that it is something that may be brought back in the next mandate. Perhaps the Minister will respond to that. I think it is a common-sense approach. After all, it is only a report. There may be consequences for local councils, but, on behalf of Sinn Féin, I do not see any problem in supporting the amendment proposed by Mr Lyttle.

Mr T Clarke: I am disappointed that the Committee amendment did not come today. I was one of those who would have preferred it to come the last day and, after conversation with the mover of this amendment, I was happy that it was not moved because we were coming up with something that was possibly stronger and tied down much better. However, I was disappointed when I read it on Thursday, as I believe that it is much weaker. Those who, from the outset, were sceptical about including single trees will have a weaker position than ever if they support this amendment. It talks about single trees, not blocking out light, so could include roots, leaves or any species of tree. We debated all those issues in the High Hedges Bill when we had concerns about specific trees. However, the amendment opens up the gamut to include every tree under the canopy of heaven. So, I have concerns about that.

I was disappointed because I had a conversation with Mr Lyttle about the amendment and there was a suggestion that we were going to focus primarily on leylandii, which are the biggest problem in residential developments in which gardens are maybe not as big as that of my colleague in front of me from North Down. They do not enjoy the small gardens that we have in South Antrim, where single trees can be a nuisance and block out light. If the original amendment had come

forward today, we could have had a conversation about including it in the Bill.

The other problem I have with the amendment is that it states:

"The Department must prepare a report on the nature and extent of neighbour disputes".

I am puzzled as to how the Department will do that, short of going round every home in Northern Ireland, rapping the door and asking people whether they have a problem with a hedge, and given that, when Royal Assent is granted, it will be for local councils to look after the High Hedges Act. The Bill does not compel a council to record incidence of single or nuisance trees. The only issues that councils will be focusing on are those relating to hedges. That is the only reason why the Bill came about.

So, as regards the amendment, I struggle to see how the Department will get the information that Mr Lyttle hopes it will get, because that will put a greater burden on the Department and councils. Given that the Bill does not include that requirement, the amendment is suggesting that the Department and councils will have to collate that information at a later date.

Mr Weir: Perhaps one solution would be to include it as part of the census.

Mr T Clarke: Yes, given that this is possibly the last opportunity to do so. Maybe it would have been better than what Mr Lyttle is suggesting today.

The Department was resisting the opportunity to move away, and the Chairperson made remarks about that. However, those who took part in the consultation referred to single trees. It would be unfair to use a figure, but a high proportion felt it worthwhile putting it into the consultation process that those trees caused a nuisance. It is disappointing that we are pushing the issue away for 18 months and asking for a report that could raise all sorts of questions. We are giving the general public false expectations about single trees. I will not support the amendment.

Mr Kinahan: I congratulate Mr Lyttle on getting involved when he is not on the Committee and for tabling this amendment. There was some dispute on the Committee about the matter. I welcome the amendment, although much more work needs to be done. We need to talk to many more people before we tackle single trees.

I have great concern that, had we included single trees, although they were only the evergreens or semi-evergreens, there was much more behind it. I want to tell you a story, although it relates less to light and more to leaves. When I was a councillor, someone asked me who was responsible for the leaves on a road because they had slipped the other day. I told them that they should have worn better shoes and walked more carefully. They asked me whether that was my position as a councillor. Both positions are right. We need to get the control of trees, leaves, light and everything that comes with them.

This amendment goes only part of the way, but at least it acknowledges that we need to think about the issue properly, and I hope that we bring it back to the next Assembly and have proper legislation regarding trees. There is a need to have something done for those who suffer from light, leaves, berries or everything else that comes with trees. However, one does not have to cut a tree down. One can pollard it, take all the branches off and get it back to a main torso. It can then grow again, and one can pollard it many years later.

I welcome amendment No 4, but there is much further to go. I hope that the Minister will try to find some way to make councils keep a record so that they do not have to knock on every door to get proper accounts, which is what Mr Clarke suggested they might have to do. The amendment caught us slightly unawares towards the end of Committee Stage, and we did not consult on it properly. However, I support it.

1.15 pm

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. I thank Chris Lyttle for tabling the amendment.

As Members said, the amendment was discussed in the Environment Committee. I hear entirely what Mr Clarke said. We all know the problems associated with high hedges and, in this case, high trees. High trees can lead to problems not only with amenity and light but with cabling, be that TV, telephone or electricity cabling. In fact, high trees can interfere with the signal and reception for digital TV. Those issues need to be dealt with.

The counter-argument asks how we can protect the integrity of some trees, which have, for want of a better phrase, embedded roots in the heritage

of a particular area. There are trees that have been in those areas for many years and form part of their culture and heritage. So, a balance has to be struck. However, from looking at it again, I am not sure whether producing a report with findings within 18 months will tell us an awful lot more than we know already. If it is to establish the type and nature of disputes or difficulties that have arisen as a result of high trees, the Department will have to go to the courts, and it may have to go to councils. It may also have to go to the Housing Executive, for example, which has its own mediation role to play in a lot of the problems and disputes between neighbours. It also has a role to play in dealing with issues in some of the less well-laid-out estates, where problems were caused by trees planted many years ago. Nobody anticipated that those trees would become a problem, because they were just regarded as a beautiful attraction that would enhance an estate.

On the one hand, therefore, I see a lot of merit in exploring the matter further to establish what the issues are and the effect that they may have. I am not sure whether that will realise an awful lot more.

Mr T Clarke: The Member is right. Will he accept that the original intention of the Bill was to address a lack of enjoyment and lack of light due to high trees, whereas the amendment opens up opportunities to deal with all single trees? We will build up expectations if we agree to the amendment. If that route is explored and the trees in question are deemed to be problem trees, every single tree will be cut down, which is exactly what the Committee did not want. Under the Bill, we tried to address a lack of enjoyment due to a loss of light, whereas the amendment will include all other things, such as problems caused by leaves, as mentioned by Mr Kinahan, a South Antrim colleague of mine.

Mr McGlone: I thank Mr Clarke for his intervention. Indeed, many other issues are associated with high trees and how they intrude upon amenity. The definition of the amenity as somebody's property will probably need to be dealt with by legal-minded people elsewhere.

I emphasise the point again: the amendment widens the range of issues that need to be looked at. However, that is not to say that those issues are any less important. Having TV reception or telephone reception affected by high trees could be a bigger problem than

having light blocked out if, for example, they need to use the phone in an emergency.

If the Department is going down the route of accepting the amendment, there is a lot of merit in it —

Mr Weir: The root?

Mr McGlone: The r-o-u-t-e, Peter.

If the Department goes down the route of accepting the amendment, what it is looking for to help with the report and to establish its findings will have to be clearly defined. A multiplicity of issues that result from high trees affects people's homes. Perhaps Mr Lyttle could add to that by providing some clarity on his amendment. I look forward to hearing Mr Lyttle elaborate on his amendment in respect of that.

I approach the amendment like many others in the Chamber. I support it in principle, but the more I think it through, the more I realise that, if reports are to be commissioned, they will need to include a great deal of detail and have quite a bit of spec attached to them. That will be needed if we are to avoid a situation like we had in Committee, where we received inconclusive findings that did not strengthen the case for the inclusion of single trees, despite Committee members knowing that that case had to be made. Mr Deputy Speaker, I thank you for your time.

Mr Ross: There are two important issues when considering amendment No 4 in the name of Chris Lyttle. When we consider those issues it will explain why the DUP is unable to support that amendment.

Earlier, I asked the Chairperson of the Committee for the Environment why the Committee's amendment did not appear on the Marshalled List of amendments. I remember the discussion that the Committee had on single trees, and, at that time, I made the point that the issue was relevant and merited further discussion. I also said that I did not think that it could be included in the Bill, as it would have changed the Bill dramatically. Therefore, I wonder whether the Speaker also came to that conclusion and whether that is why it could not be included in the Bill.

The first important question when considering the amendment is whether it is relevant to the Bill. Mr Lyttle does not sit on the Committee for the Environment, and, had he been a Committee member, he would have been aware of the

discussions that took place on single trees. All Committee members recognised that it is an issue. However, departmental officials advised the Committee that the issue of single trees could not be included in the Bill, as the Bill was not primarily about that issue and its inclusion would dramatically change the Bill's meaning.

It is also important to say that there was no consultation on the issue of single trees. When the Bill was originally consulted on, it was not about single trees, and the public were not given the opportunity to comment specifically on that issue. My colleague Mr Clarke referred to the number of responses that mentioned single trees, and I think that the figures that he referred to were from the responses from district councils. Quite a few of them raised it as an issue. However, if we look at the responses from individual members of the public, we find something different, with only two or three of the approximately 100 responses mentioning that issue. Therefore, because the issue was not included in the Bill, the public were not given an adequate opportunity to discuss it or to give their opinions on it. Previous contributors to the debate, including Mr McGlone, have said that including the issue of single trees in any way would widen the scope of the Bill. We must be aware of that.

The second reason why I am unable to support the amendment is the requirement on the Department to make reports. As my colleague Mr Clarke said, that, in itself, could prove to be difficult. If agreed, the amendment would require the Department to make reports:

"on the nature and extent of neighbour disputes associated with single trees".

However, given that that is not actually part of the Bill and not something that councils could enforce, I wonder whether, as Mr Clarke asked, councils actually collate that type of information. I suspect that they do not, because they do not have the time or resources to do so. It would be asking dramatically more of councils to look at the issue of single trees. Therefore, I am unsure how the report would be compiled and whether councils would be able to collate the information required by the amendment.

Mr T Clarke: I thank the Member for giving way. He will know that, when the Committee discussed the issue of disputes, a great deal of emphasis was put on disputes being resolved locally and through mediation before councils

became involved. Therefore, if someone were to approach a council, it would be in relation to the original purpose of the Bill, which is to deal with high hedges. The Committee also recommended that guidance should be given to the general public on how the process should work, and that guidance will not include reference to single trees. Why would someone go to the council to tell them that they have a problem with a single tree, if it is not in the guidance?

Mr Ross: I totally concur with that. Most Members would hope that a complaint would never reach the stage where councils become involved. The focus has always been on individuals settling their differences without getting to the stage where an official complaint is made. In such circumstances, the complaint, even if it were not about a single tree, would never have been made to the council, and, therefore, the council would not be able to record it as an incident or an issue. The Member makes a good point. There are issues about how the report will be done and, as Mr McGlone said, whether it will tell us anything that we do not already know. There is also the issue of whether it could be included in the Bill. I am not sure whether the issue of single trees is entirely relevant to the main focus of the Bill. For those reasons, I will vote against amendment No 4.

The Chairperson of the Committee for the Environment: On a point of order, Mr Deputy Speaker. I am seeking clarity on the amendment not being accepted. I know that you cannot speak on behalf of the Speaker, but can I have some clarity on what the ruling would be?

Mr Deputy Speaker: Members will be aware that the Speaker considers the admissibility of amendments at any stage. If an amendment does not appear on the Marshalled List, it is clear that it has not been selected.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. I fully understand Members' concerns about single trees. This weekend, I was dealing with a dispute about a single tree and trying to mediate on the issue.

Amendment No 4 is a sensible approach, given that we have no other amendments to deal with the issue, and it will allow us to gather evidence. I came slightly late to the Committee for the Environment when it was dealing with the High Hedges Bill, but the main issue was that the Committee could not get clear data on how

big the issue was. For the amendment to be included in the Bill, the Committee would need to know how big the problem is. Councils will start to implement the high hedges legislation while the report is being carried out, and other issues outside the scope of the Bill will become apparent as councils go through the process and explain to people who are making complaints that they do not fulfil the criteria of the legislation. Even after six months, councils and the Department will have a good idea of what issues will need to be included in further legislation. This is a good opportunity, and this is a good amendment.

The biggest issue is a single evergreen or semi-evergreen blocking out light and the detrimental impact that that has on a person's reasonable enjoyment of property, versus the owner of such a tree on the other side of a hedge. Such trees have been laid out in a certain manner, benefit a garden visually and may have been there for a considerable time. All those arguments must be taken into account. Some of the trees may have been planted by a relative — a father, mother or grandparent — and those emotional issues must be taken on board.

As other Members said, the report would have to investigate the staffing implications for local authorities. George Savage —

Mr Ross: Will the Member give way?

Mr W Clarke: Yes, certainly.

Mr Ross: Does the Member agree that, should the amendment be successful and we ask local councils to collate the information, which could be quite difficult in itself, local councils would have to spend significantly more time, resources and money trying to collate the information for the Department? Does he share my concern that local councils might not want the amendment to be made, as it would place an additional burden on them?

Mr W Clarke: I do not agree. If we have to identify a problem and some of us are aware that it is a problem, there must be information to back that up. I do not think that that will create a great additional burden on councils, as enforcement officers will be dealing with issues that cannot be resolved through the High Hedges Bill.

So I do not think that it is a problem. If enforcement officers —

1.30 pm**Mr T Clarke:** Will the Member give way?**Mr W Clarke:** I will give way when I have finished this point.

If enforcement officers or council officials with responsibility go out and look at every single tree, a considerable amount of work will be involved, even if the complaint does not turn out to be genuine. At the very least, it has to be investigated. If an investigation is carried out for every complaint about single trees in the North of Ireland, it will be a considerable amount of work.

Mr T Clarke: I thank the Member for giving way. My colleague has already spoken about resources and consultation. The amendment would place an additional burden on local government. At Committee Stage, members were careful about trying to get full cost recovery, or as much cost recovery as possible, so that councils would not have to bear costs. Has the Member any concerns that local government was not consulted on the issue?

Mr W Clarke: The issue was raised. The Member speaks about full cost recovery. Single trees may involve a considerable outlay of resources to people who would have to prune such trees. Obviously, they will have to do so without killing the tree. There is a possibility that a 20 ft tree being cut down to 6 ft may not survive. An owner would have to bring in a tree surgeon, at considerable cost. There are a number of issues. The owner must ensure that the tree keeps its shape and that the job is done properly. The report can deal with some of those issues. Mediation will still be a key requirement to deal with such concerns, given the sensitivities that can arise. Trees may have emotional impacts on people because they may view a tree that was planted by a relative as that relative living on. That is a serious issue that has to be seriously considered.

Councils receive many different types of complaint from the public about trees and high hedges. Trevor Clarke touched on the issue when he spoke about moss on patios and lawns and foundations being damaged by single trees and high hedges. People could incur considerable costs that could run into thousands of pounds, through no fault of their own, in having to underpin foundations. That is now being addressed through legal avenues. Roots are another issue that must be investigated in the report. Under the current law, residents

can remove roots on their side of a boundary. Again, considerable costs could be involved.

Amendment No 4 calls for a report to be carried out to collate evidence and provide it to the Department and the new Minister in the next mandate. That is a sensible approach. We do not have an alternative, and I see no reason for not backing the amendment. Members who oppose the amendment will simply let the matter sit and take no further action to progress the issue.

Mr T Clarke: It is unfair to say that my party just wants to sit back and take no further action about single trees. If we accept amendment No 4, and it forms a part of the Bill, no action will be taken except the production of a new report. It will do nothing about single trees.

Mr W Clarke: The report will provide the new Minister in the new mandate with information about how big the issue is and where new legislation should be framed to deal with it. That is better than sitting on our hands and doing nothing until the next mandate. For that reason, I support the amendment.

Mr Weir: I will take up where Mr Willie Clarke left off. The sentiments behind amendment No 4 are perfectly reasonable, but it is ill-judged. I agree with Patsy McGlone: the more we delve into the detail, the more it does not stack up as the proper way to proceed.

The last Member who spoke essentially offered us two alternatives, which were to accept the amendment or to sit on our hands. I do not think that those are the proper choices. I think that there is a better and more productive way to go forward without the amendment. The reason I say —

Mr Ross: Will the Member give way?

Mr Weir: OK. I will give way.

Mr Ross: The Member quoted the previous Member as saying that we cannot just sit on our hands and do nothing. Does the Member agree that this Assembly needs to be a bit more mature and recognise that sometimes doing nothing is the right approach, particularly if it is going to make an amendment to legislation that will have an effect on the public that is worse than doing nothing? It is sometimes appropriate for the Assembly to do nothing.

Mr Weir: I appreciate the Member's point. That is sometimes the case, although I am not going to advocate doing nothing in this case.

When I look at the proposal, although I admire the sentiments behind it, I wonder whether the Alliance Party has moved from its traditional reputation of being tree-huggers to being tree killers. I appreciate that that may also apply to others in the House. I do not know whether it is trying to create a bit of clean, green water between itself and the Green Party, which I suspect may not be just as enthusiastic about the proposal. We wait to hear the words of Mr Wilson at the next stage.

There are a number of points to be made about the proposed amendment. First, the requirement to produce a report seems to be very unusual in respect of legislation. That is not normally the way in which it happens. I appreciate that the Member has not been here for a long time. The normal process is that Departments produce reports that produce reviews. It is very rare for that to be straitjacketed in a particular way in legislation. If the amendment is not passed, I would like to see — I suspect that it will have to happen anyway — a wider review of the legislation once it has been implemented and has had time to bed in. Simply not having the provision in place will not mean that the Department will be sitting on its hands or doing nothing. It will give the Department greater scope to look at what needs to be done.

This legislation was somewhat controversial for some people because it was implemented a few years ago in England and, as I understand it, there were a lot of problems with that. That is one of the reasons why the Department and the Committee have striven to ensure that we get what we have right. It is fairly clear that, at some time down the line, there will have to be a review of the legislation to ensure that we have got it right, not simply on the matter of single trees but on a wider range of topics, and that we have something that is bespoke to Northern Ireland. That will have to happen, and I am sure that the Department would see that as a progressive route — no pun intended.

What we have in the proposed amendment is something that straitjackets us in a number of ways. First, mention was made of the Committee's amendment. I am relatively agnostic about whether single trees ultimately do or do not form part of the proposals. I took

the view that they should not be part of this legislation because that was not part of the consultation, and I think that it would be wrong to insert it into the legislation. As Mr Clarke indicated, the Committee's amendment at least limited the single tree issue to where it saw the problem as being, whereas the scope of this proposal is too wide. It covers anything to do with single trees.

Secondly, if we are to get a report on the nature and extent, it means that we have legislation that does not cover single trees. If it is known that that is not, therefore, a valid complaint, will someone in the community put in a complaint to their local council about single trees when they know that that is outside the scope of the legislation? If they do not put in a complaint, how do we get a clear-cut view of the impact of single trees? Why would someone complain about something that they know will not only cost them a certain amount to lodge but will have no chance of success? How will get a particularly accurate picture of that?

Any review needs to go beyond simply single trees and, consequently, the proposal is flawed in that respect as well. The point that Mr McGlone made is also valid. If we are to have a proper review, I question what is proposed under new clause 16A(2), which would mean that a report would be produced within 18 months. In practice, if the report is laid before the Assembly within 18 months, drafting will probably start within a year of the legislation coming into effect.

Mr McGlone: Does the Member accept that if any review is to be conducted, the Department's criteria for such a review will be key? In other words, how wide-ranging or narrow would the review be — whether, dare I say it, it would be a root and branch review — and what specific areas would it go into?

Mr Weir: That is a valid point. I hear heckling from the Back Benches that no leaf should be left unturned. We need to have an opportunity to have a review. A review after 18 months, however, is far too soon, and if we the amendment is made, we will be specifically tied to a particular report on a particular issue in a time frame that may not produce the answers that we require.

Mr McGlone is right: it is important to have a degree of discussion and consultation among the Department, the Assembly and the

Committee for the Environment in the next term on what the scope of a review should be.

If we accept the amendment, and I have no doubt that there are good intentions behind it, we straitjacket that review to one particular issue and one particular time frame in one particular way. There is, however, an opportunity to have a wider review. We have done some educated guesswork, and it is only sensible in mapping a way forward that we have talked about fees. Perhaps the fees regime will not work out particularly well. Is that covered by the amendment? No. It is limited to a report on single trees. What is the overall impact on the environment? Again, that is outside the scope of the amendment.

I want to see a commitment to a wider review that will be carried out in a more timely fashion. I suspect that we will require a minimum of at least two or three years of implementation before we will be in a position to have a proper assessment of the overall impact of the legislation. I would prefer not to tie our hands at this stage with what is an unnecessary amendment. The requirement to produce a report or undertake a review does not need to be in the Bill. We have seen that happen with a number of pieces of legislation. In addition, the idea of a review has been got wrong from the start. I would much rather see the Department conduct a review in a more realistic time frame, in which it can have discussions with the Committee for the Environment.

However well-motivated, the amendment is ill-judged. I urge the House not to accept it today, and instead, in an almost Blairite fashion, find a third way. It is not a question of the amendment itself or of sitting on our hands but of finding something that is of much more productive use by way of support for some sort of report, ultimately from the Department, on a wider review of the implementation of the legislation. That is a much more sensible way forward, and I urge the proposer of the amendment to consider that and not press his amendment. If he does, however, I urge the House to take a wider view on a better way forward for the implementation of the legislation and vote against the amendment.

Mr B Wilson: I welcome the amendment. High hedges and trees have been a major issue in my constituency. As a member of North Down Borough Council, I have dealt with many such cases over the past 30 years. Indeed,

I was involved in drawing up a number of my constituents' responses to Lord Rooker's consultation, and I know for a fact that some of the respondents were referring to high trees rather than hedges.

Mr Weir: I am not in any way questioning the fact that single trees need to be discussed. However, does the Member not accept that, if made, the amendment will limit the scope of any report and that we should instead be looking at the implementation of the entire Bill? Would that not be a better way forward than simply having a single report that deals with one specific issue relatively soon in the term of a new Assembly? We should try to get it right for all constituents.

Mr B Wilson: I accept the Member's point, but I do not agree with it.

1.45 pm

The Assembly is giving a lot of time to discussion of this legislation. I doubt whether the next Assembly will revisit the issue unless there is an obligation in existing legislation. I am not sure where we are going. I would prefer to deal with the issues of light and the amenity of a garden. Discussing roots and so on makes it a totally different issue that has no place in the Bill.

Many of my constituents have been unable to enjoy their gardens because of inconsiderate neighbours who are unwilling to reduce their hedges. People have become aware of this legislation in recent months. People have asked me about the precise detail of the legislation and when it will be implemented, yet it is clear that the legislation will not cover those people's cases. The legislation does not go far enough. Most people expected the legislation to resolve issues that have been around for 20 years; they thought that the High Hedges Bill would resolve problems that they have with their neighbours. In fact, it will not resolve problems in most cases, and those people will be very disappointed. We are building up expectations.

High hedges are not the only issue, as they often incorporate high trees as well. Many people's problems relate to individual trees and their impact on light. Therefore, it is important that we look at the question of individual trees and groups of trees in respect of light and amenity but not in respect of the wider issues that other Members raised. I certainly do not approve of felling trees in normal circumstances. However, there are certain

circumstances in which individual trees, such as leylandii, can be removed without causing environmental damage. In other cases, trees are protected by tree preservation orders or by being an integral part of an area of townscape character or a conservation area. Nothing should be done to those trees.

We have to look at the problems; for example, councils should monitor complaints. One of the things that came out of the report is that most councils have no idea of the number of complaints because they do not keep a record of them. Councils do not distinguish between trees and high hedges. The amendment asks that we find out the extent of the problem.

Mr Ross: How does the Member expect that information to be collated? I am still unsure about that.

Mr B Wilson: If people tell a council that they have a problem, the council should keep a record of it.

Mr Weir: Given that single trees are outside the scope of the legislation, a complaint about a single tree will not be acted on. Why would someone ask a council to do something that they know to be outside the scope of what a council can take action on? We would not get a full picture.

Mr B Wilson: People go to councils already. I am aware of people coming to North Down Borough Council with a problem and the council saying that it can do nothing about it. With the passing of the High Hedges Bill, people will become much more aware of the legislation. They will ask a council whether a particular problem is covered by the high hedges legislation, and the council will have a record. There is no intention of going out and doing a census that looks at every tree. Basically, if constituents have a problem with a particular tree, they would approach the council.

There are a number of other issues around high trees. Obviously, a blanket view on cutting down trees is absurd and totally unacceptable. It is important that we consider the issue further and support this amendment. That will help us revisit the issue, because, if we have no obligation to follow this up, the next Assembly will probably let the matter go.

The Minister of the Environment: When I took office some two years ago, I decided within

weeks that I would move high hedges legislation forward. As a constituency representative, I knew that that issue required some remediation, because there was no possible means of dealing with it under existing legislation. Quite quickly, I proceeded to put out to consultation high hedges legislation. I repeat: high hedges legislation; legislation not about trees, but about hedges.

The major problem identified is that Castlewella Gold leylandii-type trees that have been allowed to grow without control cause huge damage to other people's property and their enjoyment of the property, due to loss of light and other issues.

Today, we are in danger of throwing the baby out with the bath water. This Assembly seems to have the capacity to see something coming from stage left, and, without having given it due consideration, to walk through the Lobbies and support it, even though it has not been properly thought through.

This matter went to the Committee in May 2010, and was discussed by the Committee until December 2010. That was seven months in which to deal with a 20-clause Bill. Today, something has come forward that fundamentally changes the Bill, and, all of a sudden, Members are prepared to go through the Lobbies and support it, without it having had due consideration, consultation or anything else. That is not a good way to legislate. Had the Committee come up with the idea during the process, we could have given it due consideration and made an appropriate response. If we want to carry out a tree survey, that is not something that needs to be legislated for.

Should the High Hedges Bill go forward unamended, I anticipate that, when the responsibility is given to councils to take forward, they will quite quickly identify where there are other problems outstanding. If a large-scale problem exists, of course we will respond. That is what this House is about. We are debating the issue because we responded to the existing problem in the first instance.

I do not know about the rest of the House, but, as I go through life, I discover that there is not a solution to every problem that I come across. I discover that, on occasion, there are solutions that are disproportionate to the scale of the problem, and, therefore, those solutions are not carried through. We have identified that

there is a significant problem. We are going to deal with that in a significant way. However, to go down the route that is being proposed by Mr Lyttle today would open the door for a cranks charter. As public representatives, we know that people do not always come to us with the best of intentions. People get involved in disputes with neighbours over a range of issues, and this will be an opportune time for people who have other problems with their neighbours to create real problems. Councils, public representatives and everyone else will get drawn into that. Huge costs will be incurred by the councils as a consequence, and we do not know what the resolution will be. I ask Members to think again about this particular issue.

If the amendment is agreed today, Chris Lyttle may become known as “Chopper” Lyttle as a consequence. I do not know whether Brian Wilson is still a member of the Green Party. I know he is not standing for the Green Party after this mandate concludes, but I am stunned that he wants to include something on the removal of deciduous trees. It is quite shocking that the Members to my right, including Mr Wilson and Mr Lyttle, want to take us down a route that would ultimately lead to the removal of deciduous trees in urban settings.

Trees add to the value of life. There are many fine chestnut trees and oak trees in urban settings that have a wonderful canopy. That may affect the light in someone’s garden or leaves may land on other people’s properties, and so forth. That, in turn, may lead to those people getting involved in this report, which may ultimately lead to a situation in which such trees would have to be removed. I am opposed to that. I am wholly opposed to removing quality trees in urban settings. I regret the fact that Mr Wilson and Mr Lyttle seem to be going down a route in which they support the removal of quality trees from urban settings, undermining wildlife and the environment. It is a shocking day when the Green Party supports the undermining of the environment to this extent.

Mr Wilson seemed to think that there would be some great resistance to this, but there is no unwillingness in my Department whatsoever to carry out an early assessment of the effectiveness of high hedges legislation. I have seen the ginormous single tree referred to in the ‘Belfast Telegraph’, and have great sympathies with the individual who is involved in that situation, which involves a leylandii that

has grown completely out of control. However, if there is something more that the Department can do to respond to that situation that is practical and sensible and that will not lead to a situation in which high-quality deciduous trees would be removed from urban settings, it will be quite happy to look at those issues again irrespective of who the Minister may be, because those are sensible and rational ways of going about things. However, the Members are trying to force us to spend an unknown sum of money pursuing the issue. In these straitened times, when my Department, unlike some others, is suffering a significant reduction in funding because of the planning downturn and other issues over the past two years, where would we find the money to do this? Are the Members proposing —

The Chairperson of the Committee for the Environment: Will the Minister give way?

The Minister of the Environment: Yes.

The Chairperson of the Committee for the Environment: I thank the Minister for giving way. I listened to the comments from the other side of the House, and some common-sense points have been made. However, if the amendment is not made, and Mr Weir clearly outlined his views, will the Minister commit to a review of high hedges legislation around single trees and the roles and responsibilities of councils in how they would address the issue?

The Minister of the Environment: I thank the Member for that. I am in office for a few more weeks, so it is difficult for me to make a commitment about what others might do thereafter.

Were I in office, I would absolutely give a commitment to the House to review the effectiveness of the high hedges legislation, and if it is deemed not to be effective and where there are reasonable solutions, I would be very happy to look at those issues. I would be totally up for a review. If the Member’s party happened to hold the Environment Minister’s portfolio, I suspect that it would be up for review. I suspect that the other parties that currently make up the Executive would also support that. That can be done without legislation.

2.00 pm

The system allows the Minister of the day, whoever that happens to be, to identify how to

fit measures into their priorities. At the moment, with the departmental budget set for four years, it would mean cutting something else. It may mean cutting the local government grant or the grants that we give to NGOs. Mr Wilson and Mr Lyttle could be supporting cuts to the RSPB, the National Trust and many of the other organisations, such as the World Wide Fund for Nature, that do a very fine job in supporting the Executive in delivering their biodiversity strategy and all the other strategies that we need to ensure that Northern Ireland's environmental position continues to get better. Perhaps we could just abandon a few more area plans and put them back for another few years. If we proceeded with the proposal, those are the sorts of decisions that the Minister would have to take.

I am quite happy and willing to go down the route that was suggested by Mr Boylan. However, the sooner we enact the legislation, the better. It will have a significant beneficial impact on hundreds if not thousands of our constituents. We can deal with the issue that Mr Lyttle has raised in a rational way that is measured and responsive to our needs. I urge Mr Lyttle not to press the amendment to a vote in the first instance. We have taken account of his desires; I have made that very clear. Should he wish to proceed, I urge the House not to support the amendment.

Mr Lyttle: My only regret is that it seems to have taken a newcomer, in the words of Peter Weir, and a non-member of the Environment Committee to raise this issue in any detailed fashion. I tabled the amendment because Members, including those who sit on the Environment Committee, advised me at Consideration Stage that provision for single trees would not be included in the Bill. Having consulted with the Woodland Trust and local authority tree officers, I was reluctant to let that pass without putting forward proposals that could find a way, on behalf of local people, for us to include in the Bill some form of consideration on single trees.

I thank Mr Boylan, the Chairperson of the Environment Committee, for his support for the amendment and for highlighting councils' disappointment at the lack of provision in the Bill on single trees. I also thank Trevor Clarke for his interventions. I particularly regret that he was not able to find his voice before today. I am not too sure why that was.

Mr T Clarke: I resent the claim that I lost my voice because, if I remember correctly, when the Bill was last debated in the House, I was one of the Members who urged the Chairman to move the amendment. I want provision for single trees to be included, so the Member's accusation is unfair and unjust. I had a conversation with Mr Lyttle, so to suggest that I lost my voice is unfair.

Mr Lyttle: If that is the level of conversation that Mr Clarke has with people, we may need to get him some help in developing that. I fear for his constituents if that is the extent to which he lobbies on issues about which he feels strongly.

To speak substantively to some of Mr Clarke's concerns: I fail to see how the Department could not find a way to require a council to focus information-gathering on this issue. Indeed, it is important to emphasise that amendment No 4 requires the Department to conduct a review outwith the council, at this stage.

I thank Mr Kinahan for his contribution. He recognised that I was not a Committee member, and I welcome his support for my contribution to the debate regardless of that. He also re-emphasised disappointment that single trees had not been included in the Bill.

Mr McGlone raised issues around concerns for heritage. As I said in my opening remarks, I share those concerns, which is why the amendment proposes to review this issue as opposed to making concrete provision in the legislation. Mr McGlone also raised concerns about the timescale of the report. I am not sure that the public would grace the Department with much longer than 18 months to try to find a way of tackling what every Member who spoke acknowledged to be a serious problem in their constituency.

Alistair Ross also recognised the issue but said that it would not be possible to include provision for single trees in the Bill. He said that consultation responses had raised significant concerns, but that that had come from councils. Well, obviously, councils represent local people, and I argue that there is significant concern out there. He also questioned the Department's ability to collate the information in a detailed manner. I am not sure that the public would grace the Department with that excuse; they would expect us to review this situation in detail.

Mr Clarke also understood the concerns —

Mr Ross: I am looking for more clarification on that issue. Members have outlined genuine concerns about how such information would be collated, not least because the issue of single trees is not in the scope of the Bill. Therefore, when an issue is raised with a local council, it will inform the individual concerned that single trees are not included in the legislation and may not collect that information. The Member is now saying that it will be up to the Department rather than local councils to collate that information. Will he tell us how he envisages that happening?

Mr Lyttle: I find it hard to see how there is an issue about a Department and a local council working together to appropriately collate information. The issue has already been raised. We are saying that it is outwith the Bill, but that issue has been raised with councils for many years. People already contact councils about single trees and will continue to do so. On the ground, they have not disassociated single trees from high hedges, and they expect delivery on that issue.

The Minister of the Environment: Has the Member given any thought or consideration to how much it will cost to implement this? I do not think anybody knows. If it is identified as a six-figure sum, and I expect that it will be, where should that funding come from? Where does the Member propose that the DOE should cut? Should it be the NGOs? Should it be the Planning Service? Should it be NIEA? Should it be from the next Assembly's legislative programme? Should it be from waste management? Where does the Member propose that we cut to enable us to do this? There will be potential opportunities to address this in a way that is not legislated for.

Mr Lyttle: I thank the Minister. As was said by a colleague, the need to know the scale of this problem and the significant number of times that it has been raised with Members suggests that it is something that we try to find resources for. The Minister knows clearly my position and that of my party on the need for an independent Environment Agency and our record on biodiversity. Therefore, to suggest otherwise is extremely misleading and disingenuous, but that has already been done. As was said by colleagues, the amendment provides a reasonable timescale for the Department to fulfil the duty of preparing a report.

I also thank Mr Weir for his contribution. Despite saying that the amendment was ill-judged, he recognised the sentiment behind it.

He suggested a wider review of the legislation. I do not see how amendment No 4 would preclude such a review. Indeed, given —

Mr Weir: Will the Member give way?

Mr Lyttle: Let me finish the point quickly. Given the length of time taken to introduce the high hedges legislation, I am sure that the public would shudder at the thought of another review of legislation before we get anywhere near to dealing with the single-trees issue.

Mr Weir: I thank the Member for giving way. The point is not about the wider review. If the Member's amendment was to go through, we would, in effect, need to have two reviews. As well as the wider review, we would have a review on that specific aspect. Surely, if there is to be a review, it makes more sense for it to encompass all the issues. Surely that would be a more sensible way forward. It would certainly be a much more cost-effective way forward.

Mr Lyttle: I thank the Member for his intervention. As I stated, my concern is that, two or three years down the line, the High Hedges Bill will have failed to tackle the single-trees issue. I propose, therefore, before getting anywhere near to considering the issue in detail, that we have an additional review now. Nevertheless, I take the Member's point on board.

Mr Wilson spoke eloquently about the nature of the problem and about the fact that the High Hedges Bill would let down many local people who raised the issue. I fear that, in the absence of amendment No 4, those people will feel that we have failed to deliver for them.

I also thank the Minister for the points that he raised. As he rightly said, in his time in office, he has put high hedges in focus. As I said in my opening remarks, my only regret is the time that it has taken him to do that. He also suggested that the amendment would fundamentally change the Bill. However, as I said, I do not think that the people for whom tall trees and high hedges are an issue disconnect the two. The Minister also said that we do not need legislation to review tall trees. Unfortunately, the length of time that has passed suggests otherwise. The Minister raised concerns about the cost of dealing with the issue. As I

mentioned, people feel that the extent of the problem means that we must find ways, albeit cost-efficient ways, to explore the scale of the problem, with a view to introducing concrete proposals.

I thank the Chairperson of the Committee for the Environment for his support for the Bill and for his intervention, during which he said that there are common-sense motives behind the proposed amendment.

In conclusion, I fear that, should we not move today, the Department of the Environment will be abdicating its responsibility to help local people affected by excessively tall trees. I also fail to understand how a Department cannot work in co-operation with local councils to gather information that is already being submitted by local people affected by the problem. In addition, given how long it has taken us to introduce high hedges legislation, we need a concrete proposal for the Assembly to review the issue.

Question, That amendment No 4 be made, put and negatived.

Clause 18 (Regulations and orders)

Amendment No 5 made: In page 13, line 4, after “section” insert “(Fees)(4),”. — [*The Minister of the Environment (Mr Poots).*]

Mr Deputy Speaker: That concludes Further Consideration Stage of the High Hedges Bill. The Bill stands referred to the Speaker. As Question Time is coming up at 2.30 pm, I ask the House to suspend until that time.

The sitting was suspended at 2.14 pm.

On resuming (Mr Deputy Speaker [Mr McClarty] in the Chair) —

2.30 pm

Oral Answers to Questions

Office of the First Minister and deputy First Minister

Victims: ‘Dealing with the Past’

1. **Mr O’Loan** asked the First Minister and deputy First Minister how they are taking forward the recommendations in the Victims’ Commission report, ‘Dealing with the Past’. (AQO 1195/11)

The deputy First Minister (Mr M McGuinness):

Dealing with the past is a highly sensitive matter. However, it is an issue that we need to resolve. It is an issue for all the parties in the Assembly, the community at large and the two Governments. We have received a paper from the Commission for Victims and Survivors that contains its views on dealing with the past. We thank the commission and all involved for their hard work in producing that paper. Junior Ministers and officials have met the commission to discuss the contents of the report and to seek clarity on some of its recommendations.

When we published our strategy for victims and survivors in November 2009, we outlined our commitment to taking forward a range of issues in a comprehensive and coherent manner. We identified that a comprehensive assessment of the needs of victims and survivors was required to inform the development of the new service, and OFMDFM’s immediate priority is the design and establishment of that service. Since the commission was established, we have made it clear to the commissioners that the delivery of the comprehensive needs assessment is a responsibility that rests clearly with them and that its timely delivery is crucial to informing the development of the service to meet the needs of all victims and survivors.

Mr O’Loan: One recommendation from the victims’ commissioners was that OFMDFM’s policy on cohesion, sharing and integration should include a commitment to dealing with the past as one of its core themes. As the draft

proposals on cohesion, sharing and integration, conspicuously, did not deal with that matter, will the deputy First Minister ensure that when a final cohesion, sharing and integration policy is produced, it will, effectively, do so?

The deputy First Minister: The Member will be aware that the cohesion, sharing and integration consultation has ended and that officials and, indeed, the First Minister and I are presently engaged in work to consider the outcome of that consultation. In the course of that consultation, many people commented and put forward ideas and suggestions, all of which will be considered seriously as we go forward. The Member knows as well as anybody else in the House that the issue involves more than the Office of the First Minister and deputy First Minister or, indeed, the Executive or the Assembly. It exercises the two Governments and, indeed, many people in the community. If a solution is to be found to resolve that issue, that is where it is to be found.

Mr Campbell: In trying to progress the issue of innocent victims and dealing with the past, does the deputy First Minister not think that the long, slow process of building his credibility in that regard would be enhanced by a clear, unambiguous statement of his involvement?

The deputy First Minister: The Member is, probably, the person in the House who is most embedded in the past. The contribution that he has just made in no way lends itself to this afternoon's discussion.

Mr Molloy: Go raibh maith agat, a LeasCheann Comhairle. Dealing with the past is a sensitive issue, and the role of victims of the past conflict is important. Will the deputy First Minister tell the House whether views expressed by the commission are consistent with those expressed by the victims' forum?

The deputy First Minister: The commission's views are not consistent with those expressed by the pilot victims' forum. The forum gave the commission important critical scrutiny and provided advice on dealing with the past. The pilot forum retains divergent views on the definition of victims. However, it reached consensus on the principle that all victims who are in need should receive support and assistance regardless of the circumstances that caused their need.

Ms Purvis: Does the Minister agree that the issue of dealing with the past is too huge

a burden to be placed solely on society's victims? Does he agree that the current piecemeal approach to dealing with the past is not sufficient, nor is it fully joined-up or co-ordinated? Does he agree that a wider societal debate on how to deal with the past is needed?

The deputy First Minister: I am firmly in the camp of people who believe that the needs of victims have to be considered first and foremost in how we deal with that issue. We all understand that, due to the nature of the conflict, there are many victims of different political allegiances and many with none. To be honest, and as I have said publicly in recent times, the way in which governments have dealt with the past has been all over the place. I get no sense from anybody that governments have even the remotest clue about how to set about dealing with the past. I do not speak for the First Minister on this issue, but my party has stated its position. However, I am conscious of the fact that our position is different from the position of many others in the House and outside the House.

I have often described the issue of how we deal with the past as one of the great failures of the peace process. I believe that to be true. However, a solution for that has to be found, and that can only be found when we have a comprehensive and joined-up approach in which everybody recognises their responsibilities in contributing to that.

Maze/Long Kesh: Delisting

2. **Mr McNarry** asked the First Minister and deputy First Minister whether they would support the delisting of buildings on the Maze/Long Kesh site. (AQO 1196/11)

The deputy First Minister: Delisting is a matter for the Department of the Environment. That Department included a review of the listing decision in respect of the relevant buildings at Maze/Long Kesh (MLK) in September 2009. The original listing decision taken in 2004 by direct rule Ministers remains unchanged.

Mr McNarry: Do the facts that the buildings on the site did not qualify to be listed on the basis of their architectural interest or age, and that the original listings that he mentioned were not equality proofed deter the Minister from supporting a shrine to terrorists under the guise of a conflict transformation centre?

The deputy First Minister: I do not know how many times I have answered questions about that. It has never been the intention of anyone involved in the project to have a shrine at the Maze/Long Kesh site. What we are attempting to do has been widely acclaimed by all those who have looked at the site. In 2004, for example, the NIEA listed buildings at MLK, following detailed research and recommendations from the CGMS historic buildings team and recommendations of the MLK cross-party consultation panel. CGMS is an English archaeology firm that won the contract to identify heritage at MLK in line with the Historic Monuments and Archaeological Objects Order 1995 and the 1991 Planning Order. The following buildings have been listed: H-Block 6; the multid denominational chapel; specific lengths of perimeter walls and watch towers; the prison hospital; and the administration block. The hangars at the site have been given scheduled building status. Several other buildings, such as the main gate building, the visit block, the kitchen and the prison laundry have been retained. In 2005, the DOE confirmed that cage compound 19 would be listed when it is moved to its final position on the site.

Listed buildings can be delisted. However, given the detailed consideration and consultation that took place at the time and the recent examination of the issue, the Department of the Environment has ruled that the buildings at Maze/Long Kesh will not be delisted. The 1991 Planning Order details the policy on listing.

It is important to stress that all of the fairly eminent developers who have come to look at the site have looked at the tremendous advantage that the site gives us. I have outlined the detail of the buildings that are being retained. I suppose that the people who kept intact the prison at Robben Island —

Mr Deputy Speaker: The deputy First Minister's time is up.

The deputy First Minister: — where Nelson Mandela was held would appreciate the importance and the significance of this.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra. I thank the Minister for his answer. I welcome the fact that there are no stated intentions to delist the buildings. Does the Minister agree that the listed buildings, including the prison buildings, in conjunction

with the conflict transformation centre, will be a key component in the overall development of the site?

The deputy First Minister: The peace building and conflict transformation centre is of immense importance. That is accepted internationally. That is why we have the full support of President Barroso and the European Union. We have made our application to the European Union and fully expect to be successful in achieving something in the region of £18 million over the course of the next short while to enable us to have this project up and running by 2015. We believe that it will be a very important part of what is one of the most significant development sites in the whole of the North.

Others have shown an interest in the site. For example, the Royal Ulster Agricultural Society (RUAS) is currently involved in detailed negotiations with officials. If that move can be made, there is no doubt that we will effectively have a site that will be a major focus, not just for the North but the whole of the island. As we know, many people in the farming institutions, North and South, regularly attend the Balmoral Show. For it to be sited at the Maze/Long Kesh site would be of huge economic advantage to us. It is a site of great economic significance.

There should be sensible and common-sense development of the listed buildings in a way that offends no one, because Members will remember that many people were on the site, not just the ex-prisoners. People worked there. There is a military installation that was used during the Second World War. Many prison officers are supportive of the project, and there are many others, including people in the British Army who guarded the prisoners there, who accept the enormous significance of the site. In economic terms, it is very important for us to develop it.

Mr Lunn: Does the deputy First Minister agree that the Maze/Long Kesh is at least relevant to all traditions in our society, and the retention of the buildings in question is important to our shared history and shared future?

The deputy First Minister: Yes; I believe that that has been widely recognised. I hope that the recent conversations that have taken place have brought about an increased realisation that nobody is looking to use the site for political advantage. What we are trying to do is use the site as part of an arena to which people from the international community can

come and where there can be an educational facility for those looking to learn about how conflict is resolved. We can use the enormous benefits that will flow from that for the economic prosperity of our people.

As I said, the RUAS has indicated its desire to move to the site, and discussions are ongoing. I have no doubt whatsoever that the site will attract many developments in the coming years. Many people recognise that, if we properly develop it, the peace-building and conflict transformation centre will probably be the centrepiece of the whole site, which is one of the largest sites on the island of Ireland. It is about economics and jobs. We all know that if the site is properly utilised, thousands and thousands of new jobs will be provided. I cannot see the argument against that.

Mr Bell: Many people will be interested in the commitment to the Royal Ulster Agricultural Society. When can we see progress on that commitment and the interest shown materialising into the Royal Ulster Agricultural Society having a quality facility and a quality show on the premises?

The deputy First Minister: I was privileged to meet the RUAS when we attended the Department of Agriculture and Rural Development's breakfast at the Balmoral Show last year. It was obvious to me that the authorities were very anxious to move to the site. Now and over the coming period, very sensitive negotiations are taking place between officials and the RUAS. The RUAS is very anxious to move to the site, and we are anxious to make that happen as quickly as possible. If it can happen next year, that will be grand, but if we have to wait for a year after that, that will also be grand. It is a massive project to move, but it is fair to say that we and the Royal Ulster Agricultural Society are very anxious to make it happen.

HM Coastguard

3. **Mr Gibson** asked the First Minister and deputy First Minister whether they responded formally to Her Majesty's Government's consultation on the relocation of coastguard facilities. (AQO 1197/11)

The deputy First Minister: Our officials have drafted a response to the consultation, which we are currently considering. We intend to submit that response to the Department for Transport

by the 24 March deadline. We are also writing to the Minister for Shipping, Mike Penning, setting out our significant concerns about the potential closure of the only coastguard rescue centre here, as it will leave us as the only Administration without a coastguard presence.

2.45 pm

Furthermore, it would also affect the South and the arrangements between both jurisdictions because Belfast coastguard is the Maritime and Coastguard Agency's official liaison point with the Irish coastguard. We asked the Minister for Regional Development to consider submitting a response to the consultation together with our civil contingencies group. The issue is also to be included on the agenda of the next British-Irish Council meeting in June.

The First Minister and I had a positive meeting at Bregenz House with Sir Alan Massey, chief executive of the Maritime and Coastguard Agency, and his staff on 17 February 2011 to discuss the draft proposals. We made clear our concerns about the impact that those proposals might have on the safety of people on our coast and at sea, and the impact on potential job losses. A coastguard service here that is fit for purpose for the twenty-first century should mean that the Belfast maritime rescue co-ordination centre is retained on a 24/7 basis. Our consultation response reflects that view.

Mr Gibson: We appreciate the response. This is a matter of considerable public concern. Many people do not appreciate that the responsibilities of the coastguard station are much more than simply for our coastal seas; the coastguard is also responsible for the waters of Lough Neagh and Lough Erne. Given that an emergency involving the coastguard invariably requires the co-operation of all emergency services —

Mr Deputy Speaker: Question, Mr Gibson, question.

Mr Gibson: Does the deputy First Minister agree that that co-operation is likely to be more effective through having a local coastguard station?

The deputy First Minister: I absolutely 100% agree. The First Minister and I, when we met Lady Sylvia Hermon and Sir Alan Massey at the coastguard station, made the point forcibly that the case for retaining the centre on a 24/7 basis is already made. From our perspective, given that we have a view that the waters on the

north-eastern coast of this island are probably some of the most dangerous in these islands, it is important that we co-ordinate with not just the authorities in the South but with those in Scotland and England. The case is compelling, and we will continue to make it forcibly that the coastguard centre should be retained, not on a piecemeal basis but a 24/7 basis.

Mr Dallat: The Minister will be aware of the successful campaign to save the coastguard station at Malin Head, with which I had the privilege of being involved. Does he agree that our coastguards pre-date partition? Does he also agree that this is an all-island service that depends entirely on the integration between the Irish coastguards and those in the North? Does he agree that the same arguments are as valid for this coastguard station as they are for the one at Malin Head?

The deputy First Minister: Coming from the traditions that I come from, I could make all sorts of arguments in favour of that, but this is about life and death. It is about how we save lives and have the most effective service possible. The relationships between Malin Head and Bangor have been powerful and strong over many years.

The work at Dublin and Valentia also has to be co-ordinated. Unless there is a co-ordinated approach, we endanger people's lives, and not just at sea. A Member mentioned the availability of the facility for people who may get into difficulties in places such as Lough Erne or Lough Neagh. That is important to a fly fisherman such as me, because I would not know when I would have to avail of some support.

The approach needs to be joined up. Any attempt to remove the Bangor/Belfast coastguard would be a major break in the chain of what has been a very effective service for many decades.

Ms Ní Chuilín: Go raibh maith agat, a LeasCheann Comhairle. Given what the deputy First Minister has said, particularly in his last answer, about the impact of the Belfast coastguard around this island and on other coastlines, will he advise us on what else we can do to ensure that that vital service is protected?

The deputy First Minister: We have to continue to lobby people and to support all who are involved in this very important campaign. There is no disagreement in the House about supporting the retention of the coastguard

station. So, we have to intensify our efforts. The First Minister and I are very much involved as a result of the discussions that we had at the coastguard station with the representatives from England and Lady Sylvia Hermon to ensure that the service is retained.

Mr Cree: I thank the deputy First Minister for his response so far.

When he and the First Minister speak to those who will make the decision, will he emphasise, apart from the normal commercial operations, the importance of the coastguard service to the leisure and tourism industry from Foyle all the way round to Carlingford and inland as well?

The deputy First Minister: That case has been made. We live on an island, and, as a result, people are attracted to the ocean. That results in all sorts of leisure activities, such as sailing. When we go to Bangor and see the amount of boats that are in the marina, it is obvious that sailing is a very popular activity for many of our citizens. Also, many people fish in such places as Lough Neagh and the Erne lakes. All of those are important recreational activities for our people.

Unfortunately, as we have seen in the past, people have lost their lives at sea in various tragedies. I had a friend who lost his life in a river while fly-fishing. We all know somebody or some family who have been affected by such tragedy. Fishing communities along the County Down coast have suffered awful tragedies in recent years, so the coastguard service is important. There is no political argument about that. This is about life and death and how we can protect our citizens, not just when they are working but also when they are involved in leisure activities.

Childcare Strategy

4. **Mr McKay** asked the First Minister and deputy First Minister for an update on the development of a childcare strategy. (AQO 1198/11)

The deputy First Minister: Mr Speaker, with your permission, I will ask junior Minister Kelly to answer that question.

The junior Minister (Office of the First Minister and deputy First Minister) (Mr G Kelly): We hope to bring a paper relating to the policy and economic appraisal report on childcare to the Executive in the next few weeks. That paper will outline the report's key findings. 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, or Departments, for that policy area will be identified and that the childcare strategy will be developed with a lead from that Department, or Departments, in collaboration with the relevant ministerial subcommittee and the child poverty subgroup.

In advance of a lead Department being identified, OFMDFM ensured that the budget included an additional £12 million for the childcare strategy.

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. I welcome the news that an additional £12 million has been found to implement the childcare strategy.

Will the Minister outline who has provided funding for PlayBoard projects over the past few years? Will he also reassure after-school clubs, which are quite concerned about funding at the moment, that funding will continue seamlessly from this financial year to the next one?

The junior Minister (Mr G Kelly): Funding for PlayBoard was covered by DHSSPS from the end of June 2008 until December 2008. From January to March 2009, OFMDFM provided the necessary £250,000. During 2009-2010, OFMDFM provided £786,000, with an additional £80,000 from DHSSPS and £60,000 from DETI. From April 2010 to March of this year, OFMDFM has provided £577,000 with the additional £100,000 coming from the Department of Education and £60,000 coming from DETI.

Mr Spratt: Does the Minister recognise that there is a specific need for childminders, given the decline in their numbers over the past 10 years? Will he assure the House that the new childcare package will go some way to address the need in that area?

The junior Minister (Mr G Kelly): The Member identified a difficulty that we are keen to look at, and that will form part of the strategy as we move forward.

Mrs D Kelly: What evidence can the junior Minister provide that the childcare strategy will be co-ordinated with the child poverty strategy and with the Executive's decision to make the economy the number one priority in the provision of affordable childcare?

The junior Minister (Mr G Kelly): The evidence is that the ministerial subcommittee on children and young people, which the other junior Minister and I chair, asked the child poverty subgroup to become involved. Therefore, we have a very co-ordinated approach. The Member will know that the reason why the ministerial subcommittee on children and young people was included was to ensure that all Departments are involved. It is also a priority to appoint a lead Department or Departments to take the strategy forward.

Arm's-length Bodies

5. **Mr I McCrea** asked the First Minister and deputy First Minister what actions they will take to ensure that arm's-length bodies deliver value for money. (AQO 1199/11)

10. **Mr Beggs** asked the First Minister and deputy First Minister to what extent they will reduce the number of their Department's arm's-length bodies. (AQO 1204/11)

The deputy First Minister: With your permission, Mr Deputy Speaker, I will answer questions 5 and 10 together.

The Executive agreed criteria and arrangements for the review of arm's-length bodies. Those were announced when the statement on the draft Budget was made in December. The Budget review group, supported by officials from OFMDFM and DFR, is reviewing arm's-length bodies against those criteria on the basis of information that Departments supplied. That group will bring recommendations to the Executive.

OFMDFM has departmental responsibility for a number of arm's-length bodies that fall within the scope of the review. In the context of the Budget plans for 2011-15, we expect each of the Departments' arm's-length bodies to deliver savings of 3% per annum in their administration and operating costs. That will deliver accumulative savings of £4.9 million by March 2015. OFMDFM is examining the potential to deliver savings in its arm's-length bodies through a rationalisation of their structures and functions. That will include an examination of the potential for greater sharing of accommodation and back office functions. Consistent with the work that the Budget review group is taking forward, we will critically examine the current and future role of each of the bodies for which OFMDFM is responsible. We will also

consider the potential for greater efficiency and effectiveness in the delivery of the services that they provide.

Mr I McCrea: I welcome the review. Will the deputy First Minister assure the House and the public that, as part of that review, if any of those arm's-length bodies is underperforming or not providing value for money, they will be got rid of or amalgamated with another body, if necessary?

The deputy First Minister: I made it clear that we are looking closely at all this. That obviously includes the performance of the arm's-length bodies. If they are not performing or delivering in the way entrusted to them by the Executive, we have a responsibility to deal with that in a manner that ensures that the public purse, which is very stretched at the minute, is protected.

Mr Sheehan: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra.

I thank the Minister for his answer. What criteria are being used to carry out the review of arm's-length bodies?

The deputy First Minister: We are looking at a range of arm's-length bodies, with the aim of assessing which might be abolished, merged or integrated into Departments.

Culture, Arts and Leisure

Creative Industries

1. **Lord Empey** asked the Minister of Culture, Arts and Leisure what action he has taken to develop export markets for creative industries. (AQO 1209/11)

11. **Mr McCallister** asked the Minister of Culture, Arts and Leisure, given that March has been designated "Creativity Month", how he is using his budget creatively to promote job creation. (AQO 1219/11)

The Minister of Culture, Arts and Leisure (Mr McCausland): With your permission, Mr Deputy Speaker, I will answer questions 1 and 11 together.

My Department supports job creation and innovation as investment in culture, arts and leisure. That fuels the emergence of creative people and creative enterprises. The creative

industries are recognised across the world for their potential for job and wealth creation, and the sector can help to grow a dynamic and innovative economy in Northern Ireland.

3.00 pm

In 2008, my Department launched the creative industries innovation fund to help the sector to compete and succeed on the world stage, and 134 businesses and 22 sectoral development bodies have been supported to promote innovation in business through people and sectoral development. Evaluation of the programme is ongoing, but emerging findings indicate that many businesses have significantly increased their innovation and international activity.

The digital contents sector, which includes Internet games and mobile applications, is a massive global growth area. Later this month, my Department will help to support one of the largest ever overseas trade missions for a specific business sector. Around 40 business delegates from Northern Ireland's interactive media and music sectors will attend the South by Southwest conference in Austin, Texas, which will showcase our creative enterprises and support access to export markets.

The Department is working across the region to raise the profile of creative industries and enhance their contribution to rebuilding and rebalancing our economy. I am pleased that the Executive have assigned an additional £4 million in the draft Budget to help to develop the skills and capacity to grow the sector even further.

"Creativity Month" during March this year is also important in promoting a range of events across Northern Ireland to raise the profile of the creative industries.

Lord Empey: I thank the Minister for his reply. I am sure that we all agree that the sector has huge potential. Will the Minister tell us whether he has an estimate of the export earnings that have been generated by creative industries here in the past four years and what role our investment ambassador, who was appointed last August, is playing in boosting those earnings?

The Minister of Culture, Arts and Leisure: I am quite clear about the amount that we have invested in the sector. However, to carry out an assessment of the total benefit to our economy would require a piece of work. I do not have that information to hand, but I will certainly consider

it. With regard to promoting the sector, we want to use every opportunity, every mechanism and every individual to best effect.

Mr Deputy Speaker: John McCallister is not in his place to ask a supplementary question.

Mr Humphrey: The Minister has outlined the importance of creative industries to the Northern Ireland economy. Will he provide an update on the creative industry's innovation fund, and will he confirm whether the fund will be in place next year?

The Minister of Culture, Arts and Leisure: In 2008, the Department secured funding from the Northern Ireland innovation fund to undertake a three-year programme to boost local creative industries. That included the provision of a creative industries innovation fund and a range of related initiatives to support innovation in business by people and through sectoral knowledge and development. The fund, which is administered by the Arts Council, has made awards to date totalling £3.62 million to 133 individuals and 23 sectoral bodies. The sectors that have been supported include film, digital media, music, craft and the performing arts. Moving forward, my Department is evaluating the impact of the fund and will consider how best to build on its success. As I indicated already, £4 million has been assigned in the draft Budget to provide similar and prioritised support to further help our creative industries on the world stage.

Dr Farry: Does the Minister agree that investment in arts at grass-roots level, including community level, is critical to ensuring that we remain competitive in the creative industries and in identifying and nurturing new talent?

The Minister of Culture, Arts and Leisure: The Member rightly identifies the link between the creative industries and all the other creative activities and industries in Northern Ireland. In the current financial situation, it is important that, as the Arts Council allocates resources, it ensures that we get the maximum value for money and that we direct money as far as possible to front line services.

Dr McDonnell: Will the Minister tell us whether he or his Department had any discussions with the Department for Employment and Learning or its Minister with regard to improving training opportunities for people in the creative industries?

The Minister of Culture, Arts and Leisure: The creative sector spans different Departments, including DCAL, DETI and DEL.

It is important that we have a joined-up approach. I welcome the suggestion. I am not aware of discussions, but it is a matter worth considering. We need to have all the skills in place. I have met a number of folk in the universities. I was with some of them the other day and I asked how they would identify their needs.

One of the important things is that in 2008 the Department launched a strategic action plan for the creative industries. That was primarily with DETI and Invest NI, but DEL has a role to play as well.

Motorsport: Safety

2. **Miss McIlveen** asked the Minister of Culture, Arts and Leisure how much funding both he and his Department have invested in motorsport safety over the past two years. (AQO 1210/11)

The Minister of Culture, Arts and Leisure: Responsibility for funding and investing in motorsports safety in Northern Ireland rests in the first instance with the organisers of those events and the governing bodies of the sport. However, over the past two years, my Department, through Sport NI, has committed up to £2 million to motorsport to help it bring about health and safety improvements at a number of motorsport venues across Northern Ireland.

That funding has been made available through the 2&4 Wheel Motor Sport Steering Group (2&4 Wheel MSG), which is the umbrella body for the four governing bodies of motorsport in Northern Ireland. I recently attended a press conference organised by 2&4 Wheel MSG to announce the works that had been assisted through this funding. It was well-attended by representatives of all the motorsport interests, governing bodies and circuit owners. The course changes that have been carried out at various venues across Northern Ireland, together with the safety equipment which has been purchased, received a very positive reaction from within the sport and was recognised as an important safety improvement for motorsport.

Miss McIlveen: I thank the Minister for his response. It would be remiss of me not to ask a supplementary pertaining to my own constituency. In that vein, I ask the Minister to

confirm how much funding Kirkistown motor racing circuit has achieved through the fund.

The Minister of Culture, Arts and Leisure:

The circuit at Kirkistown received £435,500 to assist with major upgrading works. Those included the erection of a new marshals' suite, a new scrutineering building and six pit-lane garages. A new tarmac run-off area and gravel trap were also constructed at the hairpin section of that track.

Mr K Robinson: I thank the Minister for his comments regarding motorsport in general and in particular his £2 million investment to help improve the health and safety aspect of that exciting sport. Can he tell me, in similar vein, how much he is spending on the promotion of motorsport and to help attract more tourists and visitors to watch and participate in it?

The Minister of Culture, Arts and Leisure: The Member touches on areas of responsibility. The marketing of the sport is an issue for DETI and the Tourist Board, and they recognise that as a priority. My Department's role is to support the sport to be effective, safe and successful on the ground.

Northern Ireland Environment Agency: Enforcement

3. **Mr Burns** asked the Minister of Culture, Arts and Leisure, given the recent fish kill in the Sixmilewater river, what steps his Department is taking to ensure that the Northern Ireland Environment Agency is pursuing enforcement. (AQO 1211/11)

The Minister of Culture, Arts and Leisure:

With regard to the incident on the Sixmilewater river on 23 January, DCAL fisheries officers responded immediately to a call from the Northern Ireland Environment Agency (NIEA) for assistance. Over the following days, they carried out a detailed count and classification of the dead fish at the scene of the incident. DCAL fisheries staff continue to work with NIEA staff on the ongoing investigation of this case. DCAL will assist NIEA in providing a specific fish mortality assessment indicating the abundance, age class and species as supplementary evidence to progress a possible prosecution.

The NIEA is an agency of the Department of the Environment, and it is therefore the

responsibility of the DOE to ensure that NIEA is pursuing enforcement.

Mr Burns: I thank the Minister for his detailed answer. I recognise that it is the Northern Ireland Environment Agency that will take the prosecution. However, I urge the Minister to put, and keep, tremendous pressure on it to come up with a result. This was a great river, full of fish, and it has been polluted twice. That is having an impact on all those anglers who regularly fish that river.

The Minister of Culture, Arts and Leisure: I agree that the recent incident on the Sixmilewater resulted in the death of significant numbers of fish. However, the matter is under investigation by the NIEA and, therefore, I cannot make any further comment on it at this time. I assure the Member that both I and the Minister of the Environment realise the importance of this matter. Fishing is a very popular sport in Northern Ireland and an important part of our tourism offer.

Mr Girvan: What support does DCAL provide to angling clubs that suffer fish kills in waters under their management?

The Minister of Culture, Arts and Leisure:

DCAL fisheries staff are happy to work closely with angling clubs that suffer fish kills in waters under their management. Fisheries staff are able to provide detailed technical advice and guidance on all aspects of the reinstatement of fisheries affected by pollution. Those include the monitoring of water quality, habitat improvement works and the restocking of native fish species.

Mr Kinahan: I, too, am very concerned about the Sixmilewater. Has the Minister looked at giving local fishermen or other people who know the river the power to take their own samples and help the environment into the future?

The Minister of Culture, Arts and Leisure: The implementation of the sort of work that the Member speaks about brings us into the area of responsibilities of the Environment Agency. That is, of course, a matter for DOE rather than DCAL.

Cultural Awareness Strategy

4. **Ms Lo** asked the Minister of Culture, Arts and Leisure on which groups the cultural awareness strategy will focus. (AQO 1212/11)

The Minister of Culture, Arts and Leisure:

Historically, there has been a lack of tolerance, understanding and respect for aspects of the indigenous cultural traditions in Northern Ireland. On occasion, that has led to tensions between the two main communities, which resulted in street unrest and criminal harm to people and properties linked to them. The aim of the cultural awareness strategy is to address those historical tensions in the context of a shared and better future to develop greater tolerance, understanding and respect for our indigenous cultural traditions. Therefore, it is proposed that the cultural awareness strategy will focus on the two main communities in Northern Ireland, supporting one significant project from each. Pre-consultation has taken place with several organisations, including the Grand Orange Lodge of Ireland and the GAA.

Ms Lo: I thank the Minister for his answer. I understand what he says, but, given the fact that we now have so many new cultures, which are lesser known to the general public, and the fact that we have the CSI document, which aims to promote cohesion, sharing and integration, why have we deliberately excluded those new cultures?

The Minister of Culture, Arts and Leisure: The primary objective of the strategy is to address the historical tensions that exist between the two main communities in Northern Ireland. The aim is to develop greater tolerance, understanding and respect for indigenous cultural traditions. I believe that that is a valid and laudable objective; one that will have to be addressed successfully if we are to create the society in Northern Ireland that is envisaged by the Executive and the Assembly. I appreciate that there are concerns about the proposals, and those are reflected in the responses that my Department received to the consultation. I take this opportunity to reassure Members that the Department will consider and address all the comments received during the public consultation before the strategy is finalised and implemented.

Mr McEliduff: Go raibh maith agat, a LeasCheann Comhairle. In support of comments made by Anna Lo, I ask the Minister whether “cultural awareness strategy” is not now an absolute misnomer in that it does, indeed, exclude ethnic minorities. Secondly, does the Minister accept that it is widely perceived that the criteria for funding associated with the strategy is so prescriptive and so specific that

people feel that the Minister wants to use it to direct funding to pet projects of his liking?

The Minister of Culture, Arts and Leisure:

I have already answered the first part of the Member's question. Again, I reject the suggestion made in the second part. The fact that I have had pre-consultation discussions with the Gaelic Athletic Association indicates that it is not a case of directing funding to projects that are particularly identified with my cultural background.

Lord Browne: Will the Minister tell the House how much funding his Department will allocate through this policy in future years?

3.15 pm

The Minister of Culture, Arts and Leisure:

The Member makes an important point. It is a small pot of money, and it is important that it is directed strategically. Based on the Department's current spending plans, it is estimated that the cultural awareness strategy budget will be £75,000 a year for the next four years of the current CSR period.

Football: Attendances

5. Mr Hilditch asked the Minister of Culture, Arts and Leisure for his assessment of the difficulties facing Irish League soccer clubs due to reduced attendances brought about by health and safety regulations. (AQO 1213/11)

The Minister of Culture, Arts and Leisure:

I understand the concerns that have been raised with me by some Irish League football clubs about the impact that the new health and safety regulations appear to be having on attendances at certain Irish League football club games. In response to those concerns, I have asked my officials, in conjunction with Sport Northern Ireland, to look at those concerns in order to see how they might be addressed in the absence, at the moment, of further funding opportunities. I will, of course, wish to be satisfied that any proposed changes will continue to make reasonable provision for the safety of spectators. In the meantime, I am continuing to look at ways of identifying where and how further support to clubs may be provided that would assist them in complying with the regulations.

Mr Hilditch: I thank the Minister for his answer and declare an interest as a stadium operator.

Does he agree that the new health and safety regulations have contributed significantly to reduced attendances at Irish League games and other sports in Northern Ireland?

The Minister of Culture, Arts and Leisure: I have listened to the concerns of the IFA and the Premier League football clubs and the GAA. The fact is that, since the councils started to issue safety certificates, concerns have been expressed by clubs across the different sports. It is also clear that issues remain to be resolved — safety first, certainly. However, we need to bear in mind that there may be some sort of managed risk. I recognise that the regulations have created difficulties at some games, and that is why I have asked my officials to look into the matter in conjunction with Sport NI. It was put to me by one individual that it looks as though we may have a Rolls-Royce model in Northern Ireland when, in fact, a Mondeo would be adequate and fit for purpose.

Mr Sheehan: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra. I thank the Minister for his answer. Will he comment on the viability of professional soccer in the Six Counties, as it is threatened at the moment because of falling attendances and other related factors? Is he aware that discussions over recent years have been aimed at securing the viability of professional soccer on this island?

Mr Deputy Speaker: Order. The Member's question has no relevance whatsoever to the question in hand. I call Mr Tom Elliott.

Mr Elliott: The Minister said that he has asked his officials and Sport NI to look at the issue of health and safety that has been raised by clubs. Will that include a financial assessment of the downturn in the market in that regard and what finance would be required to bring clubs up to spec?

The Minister of Culture, Arts and Leisure: I have had conversations with a number of clubs directly and have met with representatives of all the Premier League clubs in Northern Ireland. We have a verbal indication from them of the sort of impact that they feel the matter is having on gates. In some weeks, it has no impact at all, and in others, for some clubs in particular, it is definitely an issue. On the basis of the attendance figures, we can work out what the financial implications are for the clubs. In some cases it would be true to say that it

would require substantial work at a ground, but in other cases a very modest commitment is all that is required. For example, at one club, it was simply a matter of having the funding to acquire radios and put some training in place, amounting to a modest outlay of a few tens of thousands of pounds. For some clubs, a comparatively small amount of money makes a very large difference, but in others the cost would be more substantial.

Mr McDevitt: I am sure that the Minister will agree that the IFA has taken considerable steps to address some of the other barriers that existed towards good attendances at Irish Football Association games, particularly the Football for All programme, which has played a huge part.

Will the Minister continue to support improving the environment at football matches by supporting the banning of sectarian chanting at football games in Northern Ireland once and for all?

The Minister of Culture, Arts and Leisure: Again, I fail to see the connection between that question and health and safety regulations, which is what the original question was about. I believe very much in a shared and better future. I want to see an environment in which all sports are open and inclusive. Therefore, problems with things that people say, and rules that exclude people from a particular political tradition from being a member of a club and participating in those sports, all need to be addressed in a holistic way.

Sports Stadia

6. **Mr Butler** asked the Minister of Culture, Arts and Leisure for an update on the provision of new stadia for the Gaelic Athletic Association, Ulster Rugby and the Irish Football Association and when the associated funding will be made available. (AQO 1214/11)

7. **Mr A Maskey** asked the Minister of Culture, Arts and Leisure to outline the funding arrangements for the development of Casement Park, Ravenhill and Windsor Park. (AQO 1215/11)

The Minister of Culture, Arts and Leisure: With your permission, Mr Deputy Speaker, I will take questions and 6 and 7 together.

Providing fit-for-purpose stadiums for football, Gaelic games and rugby remains one of my key priorities. Funding to take forward stadium

development was always subject to normal budgetary processes. I am delighted that, in announcing the 2011-2015 draft Budget, the Executive have included £110 million for that purpose. That is a significant outcome given the present financial constraints. However, I will need to have regard to the Executive debate on the Budget.

I also advise that the outline business case, which was undertaken to examine the preferred option that the sports identified for their long-term regional stadium needs, including variations of those options and two sport options, has been completed, fully considered in my Department and is being assessed by the Department of Finance and Personnel. I anticipate that I will shortly be in a position to move forward confidently to resolve the long-standing issue of providing fit-for-purpose stadiums for the three main ball sports in Northern Ireland.

Mr Butler: I thank the Minister for his answer. The model for the three sports stadiums will now be undertaken over a six-year period, which will take it beyond even the life of the next Assembly. Does the Minister agree that it was a huge mistake and a missed opportunity to not go ahead with the original proposal to have a shared stadium on the Maze/Long Kesh site? That would probably have been completed at the end of this year, and people who are coming to these islands for the Olympic Games could have used those facilities. Does he agree that that was a huge missed opportunity?

The Minister of Culture, Arts and Leisure: The decision to move forward on a three-stadium model was taken before I came into office. My understanding — the Member may wish to correct me — is that that position was agreed by all the political parties in the Executive at that time.

Mr A Maskey: I was going to ask question 7. Thank you for inviting me in, a LeasCheann Comhairle. What does the Minister expect each of the three sports governing bodies to contribute, in percentage terms, to each of the major stadia?

The Minister of Culture, Arts and Leisure: That matter is being looked at in the business case as it is developed. Each sport is very different as regards the end result, ground capacity, and so on. When the business case is completed, I will be in a better position to respond to that

point. The work is ongoing and is yet to be fully finalised.

Mr Frew: Will funding be conditional on all three sporting bodies moving forward together, or will they be able to move forward at different speeds?

The Minister of Culture, Arts and Leisure: We need to look at how the money will be profiled over the years. We need to look at planning issues, because some projects will have more issues to address to get full planning permission for what they will then proceed to do. Rugby, for example, already has some planning permission in place. Each sport is at a different stage. I anticipate that it will be a matter of matching the funding profiles and the rates at which the sports can move forward.

Mrs D Kelly: Will the Minister acknowledge that all parties signed up to the working group and to the Maze as the site for the stadium many years ago? We are all still very disappointed that that never happened. Will the Minister assure the House that there will be no political interference in the timing or scheduling of the stadia?

The Minister of Culture, Arts and Leisure: As soon as I came into office, I met the three main sporting bodies, and made sure that I met them together, so that each of them got exactly the same message at exactly the same time and no one got preferential treatment. I said to the sporting bodies then, and have maintained ever since, that each of them would be treated fairly, equitably and appropriately. That has been the policy all along.

Film and Television Production

8. **Mrs M Bradley** asked the Minister of Culture, Arts and Leisure, in light of the recent successes in Belfast, whether he will work with his Executive colleagues to attract more television industry and film-makers to Londonderry. (AQO 1216/11)

The Minister of Culture, Arts and Leisure: DCAL is the sponsor Department for Northern Ireland Screen, which contributes to the television and film industry in Londonderry in several ways. Northern Ireland Screen works with a number of production companies based in Londonderry to support their production, and has just closed the finance on an independent feature film written by Lisa McGee from Londonderry. Northern Ireland Screen is strongly involved in securing television involvement

in the Londonderry UK City of Culture 2013. Northern Ireland Screen supported the production company 360 Production to set up in Londonderry, and that company has gone on to supply television content for the BBC and the Discovery Channel from its base in Londonderry. Northern Ireland Screen also delivers educational activities and provides funding for organisations such as the creative learning centres, including the Nerve Centre, which is based in Londonderry, and Cinemagic, which is concerned with inspiring young people to take up careers in film and television.

In addition, the Irish Language Broadcast Fund commissions projects from Londonderry, and it is expected that the Ulster-Scots Broadcast Fund will do the same.

Film post-production, in areas such as visual effects and sound editing, offers lucrative opportunities for companies across Northern Ireland.

Although DCAL is the sponsor Department for Northern Ireland Screen, support for film and television production is an activity that is funded by Invest NI. I will continue to work with the Minister of Enterprise, Trade and Investment to try to attract more television and film to the whole of Northern Ireland.

I welcome the Member's question. She identifies the issue of film production in Londonderry. However, I take this opportunity to suggest that Londonderry should not only be a place for production but a location and theme for film-making. I am sure that the Member will join me in identifying and highlighting the opportunity that there is to have Londonderry at the heart and as the theme of a major television production — no, film production — about one of the greatest events that ever took place there, which was, of course, the siege of Derry. What better theme could there be for a major film? As the old song says, which I am sure Mrs Bradley knows well:

*"With heart and hand and sword and shield, we'll
guard old Derry's walls."*

[Interruption.]

Mr Deputy Speaker: Order. Time is up. I am glad that you did not sing it, Minister.

Mrs M Bradley: I thank the Minister for referring to 'Derry's Walls'. Considering that the focus of the year of culture will be on the city in 2013,

what steps has the Department taken to make sure that everything is being done to promote our city, the city of Derry, as a base for creative industry?

The Minister of Culture, Arts and Leisure: I recently noted the high level of investment that my Department has made in the Maiden City of Londonderry, a city that has a wide range of first-class cultural locations and a fine cultural infrastructure. Members have only to look at the investment that there has been in the Verbal Arts Centre, the Playhouse and the Millennium Theatre. In those and other locations, not only has there been investment in the capital infrastructure, but there is ongoing investment in all those organisations through the Arts Council.

Mr Deputy Speaker: That concludes questions to the Minister of Culture, Arts and Leisure. The House should take its ease for a minute.

3.30 pm

Executive Committee Business

Justice Bill:

Further Consideration Stage

Mr Deputy Speaker: I call the Minister of Justice, Mr David Ford, to move the Further 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 provisional grouping of amendments selected list.

I inform Members that a valid petition of concern was presented on Friday 4 March on amendment Nos 5, 6, 8, 9, 10 and 11. I remind Members that the effect of the petition is that votes on those amendments will require cross-community support.

There are four groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1 to 3 and 16 to 31, which deal with policing and community safety partnerships. The second debate will be on amendment Nos 4 to 10, which deal with chanting at regulated sports matches and with banning orders. The third debate will be on amendment Nos 11, 12 and 32, which deal with sex offender licensing provisions and legal aid. The fourth debate will be on amendment Nos 13, 14 and 15, which deal with access to firearms and firearms certificates.

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. If that is clear, we shall proceed.

Clause 22 (Functions of DPCSP)

Mr Deputy Speaker: We now come to the first group of amendments for debate, which deal with the roles and duties of policing and community safety partnerships. With amendment No 1, it will be convenient to debate amendment Nos 2, 3 and 16 to 31.

Mr McCartney: I beg to move amendment No 1: In page 18, line 11, after “shall be” insert

“in effect that of a PCSP”.

The following amendments stood on the Marshalled List:

No 2: In page 19, line 7, leave out subsection (6) and insert

“(6) The principal PCSP shall have a role of co-ordinating functions and activities which pertain to the district of Belfast and with the agreement of the DPCSPs.” — [*Mr McCartney.*]

No 3: After clause 33, insert the following new clause:

“Duty on prescribed public bodies to consider crime and anti-social behaviour implications in exercising functions

33A.—(1) A prescribed public body must exercise its functions in relation to any locality with due regard to the likely effect of the exercise of those functions on crime and other anti-social behaviour in that locality.

(2) The Department must, with the approval of the Attorney General, issue guidance to prescribed public bodies as to their compliance with the duty in subsection (1).

(3) Legal proceedings calling into question the compliance by a public body with the duty in subsection (1) shall not be entertained by any court or tribunal unless the proceedings are initiated by, or with the consent of, the Attorney General.

(4) In any legal proceedings calling into question the compliance by a public body with the duty in subsection (1) in relation to any matter, it is a defence for the body to show that it had due regard to the guidance under subsection (2) in relation to that matter.

(5) In this section—

‘legal proceedings’ means proceedings in any court or tribunal whether for judicial review or otherwise;

‘prescribed’ means prescribed by regulations made by the Department;

‘public body’ means—

(a) a Northern Ireland department; and

(b) a body listed in Schedule 2 to the Commissioner for Complaints (Northern Ireland) Order 1996 (NI 7).

(6) The Department must consult the other Northern Ireland departments before it—

(a) issues any guidance under subsection (2); or

(b) makes any regulations under subsection (5).

(7) No regulations shall be made under subsection (5) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.” — [The Minister of Justice (Mr Ford).]

No 16: In clause 103, page 63, line 21, at beginning insert

“Except as provided by section (Duty on prescribed public bodies to consider crime and anti-social behaviour implications in exercising functions)(7),”
— [The Minister of Justice (Mr Ford).]

No 17: In clause 103, page 63, line 21, after “Regulations” insert “made by the Department”. — [The Minister of Justice (Mr Ford).]

No 18: In clause 103, page 63, line 25, at end insert

“, paragraph 7(3) of Schedule 1 or paragraph 7(3) of Schedule 2;”. — [The Minister of Justice (Mr Ford).]

No 19: In schedule 1, page 69, line 40, leave out from “a chair” to end of line 7 on page 70. — [The Minister of Justice (Mr Ford).]

No 20: In schedule 1, page 70, line 17, at end insert

“(5A) Subject to the following provisions of this paragraph, a person shall hold and vacate office as chair or vice-chair in accordance with such terms as the council may determine.” — [The Minister of Justice (Mr Ford).]

No 21: In schedule 1, page 70, leave out line 38 and insert

“(a) a chair who shall be the person who is for the time being chair of the PCSP; and”. — [The Minister of Justice (Mr Ford).]

No 22: In schedule 1, page 71, line 1, leave out sub-paragraph (3). — [The Minister of Justice (Mr Ford).]

No 23: In schedule 1, page 71, leave out line 12. — [The Minister of Justice (Mr Ford).]

No 24: In schedule 1, page 71, leave out line 21. — [The Minister of Justice (Mr Ford).]

No 25: In schedule 2, page 74, line 14, leave out “a DPCSP—” and insert

“the DPCSP in each police district of Belfast—”. — [Mr McCartney.]

No 26: In schedule 2, page 79, line 9, leave out from “a chair” to end of line 16. — [The Minister of Justice (Mr Ford).]

No 27: In schedule 2, page 79, line 26, at end insert

“(5A) Subject to the following provisions of this paragraph, a person shall hold and vacate office as chair or vice-chair in accordance with such terms as the council may determine.” — [The Minister of Justice (Mr Ford).]

No 28: In schedule 2, page 80, leave out line 6 and insert

“(a) a chair who shall be the person who is for the time being chair of the DPCSP; and”. — [The Minister of Justice (Mr Ford).]

No 29: In schedule 2, page 80, line 9, leave out sub-paragraph (3). — [The Minister of Justice (Mr Ford).]

No 30: In schedule 2, page 80, leave out line 20. — [The Minister of Justice (Mr Ford).]

No 31: In schedule 2, page 80, leave out line 29. — [The Minister of Justice (Mr Ford).]

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. Beidh mé ag labhairt ar leasuithe 20 agus 27.

As well as moving amendment No 1, I will speak to amendment No 2. I will also comment on amendment Nos 20 and 27. Those deal particularly with district policing and community safety partnerships (DPCSPs) in Belfast.

At Committee Stage, we raised concerns about the feeling in Belfast on district policing and community safety partnerships. People feel that those four partnerships do not have or are perceived not to have the same autonomy or functions as the 25 policing and community safety partnerships across the North. The amendments that we tabled mean to ensure that the legislation reads clearly and that the district policing and community safety partnerships have the same functions and operational status as the 25 policing and community safety partnerships.

Amendment No 2 deals with what is called the principal policing and community safety partnership as it pertains to Belfast. During the Long Gallery event that the Committee hosted, people from Belfast outlined to us the sense that the principal partnership is seen as a form of super-body and that the four district partnerships are somehow subsidiary or only part of or subgroups of the principal partnership. Our amendment is designed to

ensure that those who operate the policing and community safety partnerships in Belfast will know that their operational autonomy and constitution is exactly the same as those of the 25 that stretch across the North.

We have raised concerns about amendment Nos 20 and 27 and have spoken recently to officials about them. Amendment No 20 inserts new paragraph (5A):

“Subject to the following provisions of this paragraph, a person shall hold and vacate office as chair or vice-chair in accordance with such terms as the council may determine.”

That leaves some room for misinterpretation. In the past, the roles and functions of the district policing partnerships and the idea of removal from or vacating office were clearly linked to the Police Act. Amendment No 27 to schedule 2 is a repeat to cover the district policing partnerships in Belfast. We are not sure whether those provisions read as they should. They give rise to the possibility of a council in a different location having a different interpretation of how a chair or vice-chair can be asked to vacate office. We wish for that to be made clearer.

The Minister of Justice (Mr Ford): I am grateful to the Member for giving way. The issue of the precise detail of amendment Nos 20 and 27 was raised with me earlier today. Having consulted, I certainly accept that there is an issue that the phraseology may not be entirely appropriate. Therefore, if it is of any assistance to Mr McCartney and his colleagues, I do not propose to move the amendments.

Mr McCartney: I note and welcome the Minister's comments. They were in the spirit of the way in which the Bill has progressed. Now that the Minister has stated his intention not to move the amendments, I have nothing further to add.

The Chairperson of the Committee for Justice (Lord Morrow): I did not know that I was down to speak on this group of amendments. We understood that there was some confusion around what the Member mentioned. Having listened to the Minister say that it is not his intention to move his amendments, we are reasonably content. I do not want to add to anything that has been said at this stage.

Lord Empey: In view of what has just transpired, I will not comment at this stage.

Mr A Maginness: I will comment on amendment Nos 1 and 2, which have been tabled by Mr McCartney. He also proposes amendment No 25 to schedule 2. I accept the position of the Minister of Justice.

It seems that the Sinn Féin amendment, probably unintentionally, would weaken the principal policing and community safety partnership and devolve to the district partnerships some of the power of the central partnership. That is not helpful. I say that for two reasons, the first of which is that it weakens the backbone of the partnership in Belfast, namely its central functioning aspect. Secondly, when issues start to be devolved to local districts, that weakens the main thrust of the partnership. I understand what my friend is trying to get at, but it takes away from the centrality of the partnership.

As Mr McCartney correctly pointed out, Belfast is unique because of its rather elaborate structure and the fact that four districts will shadow, as it were, the present DPPs. That adds more elaboration to the architecture that we are discussing, which is not helpful as far as the partnership in Belfast is concerned. Therefore, if we want an effective and proper partnership in Belfast, rather than adding to the intricacy of the architecture, let us simplify it. The Sinn Féin amendments make it much more elaborate, and Sinn Féin Members should think carefully about that. The amendments do not really assist.

The Bill provides the power for the central partnership to ask district partnerships to deal with local matters, which is a better compromise. The Sinn Féin amendments do it back to front, and it is better to keep the provision as laid out by the Department and the Minister. We also need uniformity in partnerships across the North. The amendments take away from that uniformity, despite Belfast being unique and needing some flexibility of approach.

The origin of all this, of course, is in the DPPs established under Patten. The whole idea of DPPs was to bring policing closer to people and communities. However, a central body in Belfast was necessary to allow that to happen. Adoption of the Sinn Féin amendments in the present circumstances would damage that basic concept of Patten. Sufficient flexibility is established in the Bill to allow for local activities by the partnership, and that is the best way to go.

For those reasons, the amendments should not be supported. I say that with some regret because the amendments are well intended. However, ultimately, they would weaken the proper functioning of the policing and community safety partnership in Belfast, and it is important to preserve its strength.

3.45 pm

Dr Farry: I want to refer to two aspects of the first group of amendments. First, on the policing and community safety partnership arrangements pertaining to Belfast, I follow on largely from Mr Maginness. It is important that we recognise that a balance has to be found among the four subpartnerships to reflect the different parts of the city, which is big and diverse. Local circumstances must be properly reflected, alongside ensuring that there is a degree of cohesion to an overarching policing and community safety strategy for the whole city. I certainly think that the current balance in the legislation reflects both those objectives.

The other aspect that I wanted to comment on — I am somewhat surprised that it has not come up so far, because it has been such a contentious part of the process — is the new clause relating to the duty on public bodies to consider crime and antisocial behaviour implications when exercising their functions. I spoke at length on this at Consideration Stage, when I set out my personal view based on examples from elsewhere in these islands. In England and Wales, a strong duty has been viewed as central to the cohesion of what are, in effect, crime reduction partnerships. In addition, there has been strong support from the Police Service of Northern Ireland for such arrangements here, in part to reflect the need for other agencies to buy in to partnership working to the same degree as the police and to reflect the fact that dealing with community safety and crime is not solely a responsibility for the police but is a responsibility for all in society.

That having been said, I recognise that, particularly through the Committee, a lot of concern has been expressed about potential implications. Indeed, the Attorney General gave advice on potential implications. I think that those fears have been slightly exaggerated. On the basis of the example of cases taken in places with similar duties, those fears are not justified. However, bearing in mind that, at times, Northern Ireland can be a peculiar place and that things that apply elsewhere do not necessarily apply

here, I am certainly prepared, as, I know, the Minister is, to respect the concerns that have been raised.

Amendment No 3 is a well-reasoned way to navigate through those competing agendas and to ensure that, at the very least, we are able to commence the process of proper community planning in and around community safety issues. Indeed, in due course — hopefully in a few years — it may plug in to wider community planning aspects under the review of public administration. Although I would like us to go faster, if people think that we need to learn to walk before we run, I am happy to respect that approach. If we want to start slowly, this is the way to go. If the Assembly adopts the proposal that is before us but it is later seen to be insufficient, perhaps we can look at things again on the Floor of the Assembly. In the meantime, amendment No 3 reflects the importance of certain bodies engaging around the crime and antisocial behaviour agenda. Given that quite high bars are in place to protect those bodies from vexatious claims, it is probably the right way to go for now.

Mr Givan: I shall also speak about amendment No 3, relating to the duty on public bodies, which is something that we considered at length. Quite a number of changes have been proposed, so this is clearly not the Minister's preferred option for taking things forward. I am concerned about it on a number of fronts. First, the role and power that would be granted to the Attorney General would mean that any claims that public bodies are not carrying out their duty would have to come through the Attorney General. On the basis of other legislation on this type of issue that I have seen, that would be unique.

Also, public bodies have to be able to consider all issues within their remit. The placing in legislation of a specific duty in relation to one particular issue concerns me. The legal basis for one particular element means that they may not be able to take a comprehensive view of all matters. The consideration of crime is an important element and one that all public bodies will have to consider in the exercise of their work, but the placing of that duty on them causes me concern. Those who pushed most for this new clause work in the field of community safety and, quite rightly, want the legislation to be as tough as possible on antisocial behaviour. However, public bodies must be able to govern

and to take into consideration all matters, not just the one specified in legislation. Therefore, we will oppose amendment No 3.

Mr A Maginness: The consensus in the Committee was strongly against the clause. Does the Member agree that, although the rephrasing of that clause represents an advance, it is still not satisfactory? First, it imposes a further burden and duty on public bodies and, secondly, it is as though we are giving the Attorney General a blank cheque and asking him to provide the guidance. That guidance should be a matter for the House, and it should outline the issues that are important in carrying out that duty. Therefore, the legislation, as it is now reconfigured, is still unsatisfactory.

Mr Givan: The Member makes a valid point, and I thank him for that intervention. I made the point in Committee that the Attorney General's decision that a case should proceed to court would add a great deal of weight to its proceeding. Yes, it is intended as a filter, and, if the exercise of that filter were to ensure that vexatious proceedings did not happen, I would welcome the inclusion of the Attorney General —

Dr Farry: Will the Member give way?

Mr Givan: Yes, I will give way.

Dr Farry: I want the Member to clarify two points. First, he refers to the matter being pushed by people who work in the community safety sector. Does he also recognise that the Police Service of Northern Ireland is one of the organisations pushing most strongly for this? Secondly, both he and Mr Maginness expressed concerns about the implications of the clause. I ask Mr Givan to look to the future. Given his former role in the Department of the Environment, Mr Givan will be particularly well placed to look to the future responsibility for community planning and all that that entails for councils and other public bodies that work at a local level. If the Member foresees difficulties at this stage with a responsibility to co-operate on community safety, what problems does he foresee for the community planning duty that is supposed to follow in due course and is to be backed up by legislation in the House?

Mr Givan: I thank the Member for the intervention. Obviously, community planning will be based in legislation when it comes through the House, and we will decide what duties to put in place for that. However, community

planning involves much more than one issue; it involves a spectrum of issues. I agree that the prevention of crime and antisocial behaviour is a critical role for public bodies. However, basing that duty in legislation elevates it above all other issues that such bodies must consider, and that concerns me.

The Committee had a discussion about the Attorney General's role, which is referenced in the amendment. I am concerned about the phrasing used and about the extra bureaucracy and burden the duty will place on public bodies. The Member referred to my previous role. I can recall a planning policy statement and arguments being made that we needed to use material to help to prevent flooding. That argument was made with reference to the statement, but it was not given considerable weight when decisions were being taken. However, it is a very important issue, as is this one. Placing that as a legislative duty on public bodies causes me concern, and that is why we will oppose amendment No 3.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. My remarks will also be on amendment No 3. The principle of the proposed new clause is very good, in that, as legislators, we would bring forward a clause that would hold public bodies to account in designing out antisocial behaviour or and ensure that, in making decisions about citizens' lives, they take into account how that could have an impact on how crime and antisocial behaviour affect the quality of people's lives. However, I share the concerns that have been expressed around the Chamber on the quality of the clause. That is no indictment of the Minister or his officials, but it has proven to be a difficult clause to get right.

First, it has been difficult to ensure that it will be effective. There is no point passing Acts if citizens cannot use them. I fear that that is where the clause falls down. The draft legislation holds the Departments to account through a number of safety mechanisms, one of which is the Attorney General. Other such mechanisms are guidance and the agreement of Departments on that guidance. A convoluted process is involved, and, to get us where we want to be, I understand why that is the case.

My main concern is that we will put a citizen who wishes to bring a Department to the judiciary before the Attorney General first. That citizen will almost have to make a prima

facie case to the Attorney General to say that a Department has not lived up to its statutory obligations under the clause and that the Department's actions in the community have meant that there has been a rise in criminal activity or antisocial behaviour. If we are to legislate to protect citizens, we should do so. We should not place another barrier in front of them by saying that they have to go through the Attorney General before they exercise that right, simply because we do not want too many frivolous claims.

The reality is that anyone who wishes to bring a court action based on the clause will most likely have to go down the route of a judicial review. That is not cheap, and it will certainly turn off many individuals, community groups and community associations. Many aspects of our policy-making and policies could be held to account by judicial reviews, and the courts are not full of challenges by judicial review that have been brought by citizens or groups of citizens against government.

We have to get the balance right by ascertaining the duties that are placed on each Department. We also have to get it right by not overprotecting Departments to such a degree that no one can use the clause, which was designed to improve people's lives in the first place. In an earlier debate, comments were made that the Assembly sometimes has to take time to get legislation right. This is one of those pieces of legislation, and we need more time to get it right. The Department and the Committee made a genuine effort to introduce workable legislation, but we are not there yet. We need a bit more time to get it right.

Mr Cree: Amendment Nos 1, 2 and 25, tabled by Sinn Féin Members, have the intention of highlighting the independence of DPCSPs by taking away from the role and function of the principal PCSP in Belfast. I still believe that that is unacceptable, because it gives too much power to the DPCSPs at the expense of the principal PCSP. Those subgroups in Belfast must be subject to adequate scrutiny, and the current set up in the Justice Bill does that effectively. Therefore, the Ulster Unionist Party opposes the three amendments on that area that Sinn Féin tabled.

Amendment No 3 causes us most concern. I did not think that I would ever agree with John O'Dowd, and maybe that is why he has left

the House. He is right in what he said on that amendment.

The Minister has been trying to get this done too quickly, and there is not sufficient time in which to do it.

Amendment No 3 is a new clause, and it brings back the duty on public bodies to consider crime and antisocial behaviour implications in exercising their functions. The Ulster Unionist Party could not support that clause at Consideration Stage due to reasons relating to the wide scope of the clause and the potential for costly legal challenges that that brings. However, given that the rationale behind the clause is to be positive and that the police support the proposal to make other bodies, aside from themselves, more responsible when it comes to crime and antisocial behaviour, the Minister's latest amendment in that area is welcome. However, we still have some concerns with the amendment, particularly with respect to the role and power of the Attorney General. Therefore, we will not be supporting it.

4.00 pm

Amendment Nos 19 to 24 and 26 to 31, excluding amendment Nos 20 and 27, which I understand will not be moved, relate to the chairpersons and vice-chairpersons of PCSPs and DPCSPs. Those amendments seem to have the effect of tidying up the appointments of chairpersons and vice-chairpersons of the partnerships. They also ensure that chairpersons and vice-chairpersons hold office in accordance with the terms that councils may determine. The Ulster Unionist Party supports those amendments.

The Minister of Justice: I begin by speaking to the amendments that Mr McCartney and his colleagues brought forward regarding the specific arrangements for the principal PCSP and the four district policing and community safety partnerships for each area command in Belfast.

Two aspects of the amendments simply provide clarification. The clarification provided in clause 22(1) ensures that all DPCSPs have the same status as the PCSPs in other council areas, and the detail provided in schedule 2 highlights the facts that there will be a DPCSP for each police district in the city. I believe that that is already implicit in the legislation, and it does not require any further clarification. Therefore, I

do not view the proposed amendment of clause 22(6) as being necessary or desirable. The subsection, as introduced, aims to ensure that the principal PCSP can act on a city-wide basis where necessary. It recognises the likelihood of the existence of a number of issues in which co-ordination and co-operation across all areas of the city is vital, particularly in relation to the delivery of initiatives. At the same time, it preserves the roles of the subgroups — the DPCSPs — in identifying and responding to local problems in a way that is flexible and responsive to the needs of that particular district.

Although the amendment acknowledges the need for a co-ordinating role for the principal PCSP, I do not believe that it adds to the existing provision. In referring to the need for agreement from the DPCSPs in every action of the principal body, it will potentially prevent the principal PCSP from carrying out its role effectively. I believe that that will be a step backwards in respect of a vision for a city.

Much has already been outlined by Mr Maginness in the concerns that he expressed. I believe that the arrangements for the effective working of the PCSP and the four district partnerships will be set out in guidance, and it is my Department's intention to work closely with Belfast City Council and the Policing Board in drawing up that guidance. Therefore, I am confident that the most effective arrangements for Belfast are provided for in the existing clauses, and I will be opposing the amendments that Mr McCartney has put forward in that respect.

A large number of amendments tidy up arrangements for the chairperson and vice-chairperson of the partnerships. At Consideration Stage, the Justice Committee tabled amendments, which aimed to ensure that the chairperson of a PCSP or DPCSP is always an elected member, as is the chairperson and vice-chairperson of the Policing Committee. The amendment was made, but it had an impact on the workability of the clause. As Members know, I opposed that amendment but accepted that it was the will of the House. Therefore, I am bringing forward a number of amendments to rectify that, while ensuring that the Committee's intention is preserved. The amendments are largely technical.

I propose that the chairperson of the partnership should also be the chairperson of the Policing Committee, which I believe was the intention of the original Committee amendment.

It will enhance the Committee amendment and, ultimately, will provide for maximum consistency and unity in the partnership as a whole.

I have removed a requirement for the chairperson of the PCSP to be an elected member for the first 12 months of the partnership's existence, as an elected member will now always hold the position of chairperson.

I am also not making an amendment to reinsert the reference to the holding and vacating of the chairperson and vice-chairperson positions as being in accordance with the terms that are set out by the council, as I outlined to Mr McCartney during his speech. Therefore, I will not move amendment Nos 20 and 27.

Let me now turn to the proposed clause 33A, which deals with the duty on public bodies. That issue is fundamental to the promotion of full working of community safety partnerships. In putting forward the proposal, and in making the amendments that currently stand, my hope is that the Justice Bill will go forward with a real duty. It is an opportunity to make a difference, in which everyone plays their part to create and sustain communities and we work in a joined-up manner to achieve that.

It is testament to that careful consideration that we have, at least, produced an amendment, although I fear that it does not attract full support from around the House at this stage. Interestingly, the concerns that have been raised from different sides of the House appear to come from different directions as we look at how to ensure that there is a proper duty on public bodies and that those obligations can be delivered in a real way.

We need to ensure that we get a big picture and address the real issues, and that we do not get stuck in the minutiae. That is why, at Consideration Stage, I did not support the Question that clause 34 stand part. The clause was removed to allow for further fine-tuning. I am grateful that the Committee for Justice gave it considerable consideration and, indeed, that Executive colleagues who had previously expressed reservations had the opportunity to make their comments. In particular, when John O'Dowd says that we should not overprotect Departments, I say to him that in order to get Executive agreement to amendments, Departments' interests are taken on board.

Lord Empey: I am grateful to the Minister for giving way. He is actually going with the grain with regard to how most Members of the House and, indeed, the Committee feel about things. Nobody is arguing that there should not be a duty on public bodies. However, where I agree with John O'Dowd and others is that in all of these things, it is a question of balance: in other words, to give a push to public bodies to pay attention to those issues while, at the same time, to try to protect those bodies, which, probably, have limited experience and realisation of what their obligations are, from vexatious claimants and so on.

Consequently, in order to fix that particular hole in the bucket, we have come up with the model in which the Attorney General has to be the gate-keeper. Somehow or other, that grated against Members' sense that if an ordinary citizen had an issue, it could only be raised with the agreement of the Attorney General. There is a generally good idea in the middle of all of this. However, we have not quite got the balance right between, on one hand, putting pressure and obligation on public bodies and, on the other hand, opening the door to all sorts of vexatious claims.

The Minister has indicated that he proposes to bring further justice legislation forward in the new mandate. That would be the time to tidy this up. We have a generally good idea; I just do not think that the balance is right. That is why Members have expressed themselves in the way that they have; it is not hostility towards what the Minister is trying to achieve.

The Minister of Justice: I certainly thank Lord Empey for that contribution, which recognises that we are working in the same general grain. However, as ever — if it is not a dreadfully overused cliché — the devil is in the detail. It seems to me that different Members from different sides of the House are finding difficulties with certain aspects of the detail. I should make it clear that, as the Bill was originally proposed, there was no issue of a filtering mechanism from the Attorney General.

Members will know that I do not like to ape the legislation of England and Wales. However, we can, at least, learn from experience in other jurisdictions. Based on the experience of England and Wales, there is, I believe, little to fear from vexatious litigation. However, Executive colleagues, in consideration of the impact on their Departments, took a different view. That is

why the proposed new clause that stands before the House is that which was approved by the Executive.

The Chairperson of the Committee for Justice:

I thank the Minister for giving way. As has been said in the House today, that is a matter that exercised the minds of the Committee considerably, to the extent that I wrote to the Minister on the issue on 21 February. I would like the Minister to comment on that. In my correspondence to the Minister, I said:

"Given the importance of the guidance, the Committee also believes that it should be laid in draft form in the Assembly for approval."

That has not happened. I would like to hear the Minister comment on that during his discourse.

The Minister of Justice: I will respond to that in a moment, as I look at some of the proposals that we are putting forward as we stand.

Mr Givan said that this was not my preferred option. It is not. My preferred option would have been a simpler clause. It is an attempt to take on board the comments that were made from a number of quarters. The revised version of the clause that is before the House this afternoon aims to narrow the scope of the duty to those bodies where it is most relevant, because I hope that by focusing on those with a key role, a firm foundation for community safety will be laid.

The revised version aims to focus the duty on definable issues relating to crime and antisocial behaviour. It aims to ensure that legal action could be taken only by or with the consent of the Attorney General, because there was a concern about what Lord Empey has just described as "vexatious" litigation.

I want to respond to Lord Morrow and Alban Maginness's point about guidance being laid before the House. It would certainly be the case that any guidance would have to be drawn up in consultation with the Justice Committee, as with the Executive. That matter would, therefore, not involve the whole House, but it would involve the House's representatives in the Justice Committee. The agreement to ensure full consultation with Departments before guidance is issued has resulted in initial discussions to see how that might operate, because there is a need to ensure the fullest buy-in from across the range of government. The Executive requested that subsection 3 be included to

provide for the filtered detail in the comments that I have just made.

I want to respond to a point that was made by Stephen Farry. This legislation is largely seen as parallel to legislation that operates in England and Wales and a forerunner for what the House will be seeking to introduce in the way of community planning. If we cannot find a mechanism for ensuring that we deal with community safety as an overarching issue, I believe that we will have grave problems as we seek to move forward on the wider issues of community planning. That is why I believe that the Executive have agreed to this proposed amendment in the form in which the clause is now drafted. Although there are criticisms from one side and the other, it represents a proper balance between the needs of the citizen and ensuring that public bodies can proceed to act in a proper way, while encouraging the necessary engagement in community safety by other Departments and by a range of public agencies proportionate to their particular responsibilities. In doing so, and in acceding to the requests from the Justice Committee that the clause should be commenced by affirmative resolution procedure in the House, it is a matter on which the Department has taken on board a variety of competing concerns. It has produced a valid and workable compromise, and I believe that the amendment should stand.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. I have a number of points to make. Alban Maginness talked about the unintended consequence. The original idea of Patten was to ensure that policing was as accountable as possible and that the process would be as democratic as possible. We feel that this opportunity to make the DPCSPs stand alone is in line with that. We do not deny or negate the need for a principal PCSP for co-ordination, partnership and cohesion, but the issues that the district partnerships would be dealing with are similar to, if not the exact same as, those being dealt with by the other partnerships across the North. When we look at the volume of numbers, we see that the partnerships in Belfast would have more people and issues to deal with.

The Minister talked about the legislation being implicit in laying out the guidance. Stephen Farry referred to subgroups. Perhaps he did so inadvertently or unintentionally. However, that is one of the issues that people have

raised in the past. There is an idea that there is a principal body and subgroups, and that, sometimes, those in the principal body feel that the subgroups are subservient to them and the decisions that they make are, therefore, handed down and have to be implemented by the subgroups.

That is not the way that it should be. I accept that that is not the way the legislation is framed, but the reason why we have proposed the amendments is to ensure that it is implicit —

Mr McDevitt: Will the Member give way?

Mr McCartney: I will indeed.

4.15 pm

Mr McDevitt: I apologise that Mr Maginness had to leave to attend a meeting, but I am sure that he would have wanted to make this point. Those of us who live in Belfast would agree that a perception has grown up around the city that there was a two-tier system at play, that the principal body was the only show in town, and that the district partnerships were in fact subgroups.

Although we do not believe that a legislative amendment is needed to dispel the myth, I join Mr McCartney in putting it firmly on the record of the House that the new bodies must not grow up with the perception of a two-tier system, and it must be absolutely crystal clear that the legislative will of the House at this stage of the Bill is to create an accountable, devolved system of policing partnership that works for the citizens at the most local level possible. The only point of difference between us and Mr McCartney and his colleagues in Sinn Féin at this point is whether or not we need a legislative amendment to achieve that.

Mr McCartney: I accept the points that the Member made. He is nearly right, but our amendments will make it more right. Forgive me for saying that. When Leslie Cree made his observations, he referred to them as subgroups. Sometimes the perception is a bit more than that and, if we do not make it very clear, the reference point may go back to that perception of the principal group as the deciding body.

In relation to the observation that the Member made about scrutiny — that somehow the district partnerships would not be subject to the same scrutiny — if he reads the amendment and the Bill he will see that the

scrutiny mechanisms for the district policing and community safety partnerships will be the exact same as for the other 25. There will be no difference. If that is the fear, if he reads the Bill he will see that that is not the case.

The Minister addressed the idea of the principal partnership. Again, we know that it will have a role in co-ordination. There are activities that happen in the city of Belfast that require some partnership and need a degree of cohesion, but it should not be the case that the principal partnership is allowed to strike the priority for each of the four districts, because we know from practical experience that the needs of Belfast as a whole may not impact in the same way as the needs in east Belfast, south Belfast, north or west Belfast. There has to be some mechanism that allows the autonomy and stand-alone nature of the district partnerships to come through.

The way it has been spoken about today, it is as if the principal partnerships decide what the priority for Belfast will be and the other four district partnerships have to follow suit. I do not think that that should be the case; indeed, I do not think that the legislation says that. The idea is that agreement will come about when the principal partnership is performing its task in relation to cohesion, promoting partnership and getting agreement. When a priority for the city is required, getting the buy-in from the four district partnerships will obviously make it more effective.

Our amendments are designed to make it clear that although people sometimes unintentionally slip into the language of subgroups, and whatever the perception is, the district policing and community safety partnerships have the same rights, constitution and operational integrity as all the others. We just feel that the role of the principal partnership in that particular instance needs to be clear. I stand by the amendments.

Question put, That amendment No 1 be made.

The Assembly divided: Ayes 26; Noes 69.

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, Ms J McCann, Mr McCartney, Mr McElduff, Mrs McGill, Mr M McGuinness,

Mr McKay, Mr McLaughlin, Mr Molloy, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Ms S Ramsey, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mr McLaughlin and Ms Ní Chuilín.

NOES

Mr S Anderson, Mr Beggs, Mr Bell, Mr D Bradley, Mrs M Bradley, Mr PJ Bradley, Mr Bresland, Lord Browne, Mr Buchanan, Mr Burns, Mr Callaghan, Mr Campbell, Mr T Clarke, Mr Cobain, 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 Girvan, 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 McCausland, Mr B McCrea, Mr I McCrea, Mr McDevitt, Dr McDonnell, Mr McFarland, Mr McGlone, Miss McIlveen, Mr McNarry, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Neeson, Mr Newton, Mr O'Loan, Mr Poots, Ms Purvis, Mr P Ramsey, 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: Dr Farry and Mr McCarthy.

Question accordingly negated.

Amendment No 2 proposed: In page 19, line 7, leave out subsection (6) and insert

“(6) The principal PCSP shall have a role of co-ordinating functions and activities which pertain to the district of Belfast and with the agreement of the DPCSPs.” — [Mr McCartney.]

Question put and negated.

New Clause

Amendment No 3 proposed: After clause 33, insert the following new clause:

“Duty on prescribed public bodies to consider crime and anti-social behaviour implications in exercising functions

33A.—(1) A prescribed public body must exercise its functions in relation to any locality with due regard to the likely effect of the exercise of those functions on crime and other anti-social behaviour in that locality.

(2) The Department must, with the approval of the Attorney General, issue guidance to prescribed

public bodies as to their compliance with the duty in subsection (1).

(3) Legal proceedings calling into question the compliance by a public body with the duty in subsection (1) shall not be entertained by any court or tribunal unless the proceedings are initiated by, or with the consent of, the Attorney General.

(4) In any legal proceedings calling into question the compliance by a public body with the duty in subsection (1) in relation to any matter, it is a defence for the body to show that it had due regard to the guidance under subsection (2) in relation to that matter.

(5) In this section—

‘legal proceedings’ means proceedings in any court or tribunal whether for judicial review or otherwise;

‘prescribed’ means prescribed by regulations made by the Department;

‘public body’ means—

(a) a Northern Ireland department; and

(b) a body listed in Schedule 2 to the Commissioner for Complaints (Northern Ireland) Order 1996 (NI 7).

(6) The Department must consult the other Northern Ireland departments before it—

(a) issues any guidance under subsection (2); or

(b) makes any regulations under subsection (5).

(7) No regulations shall be made under subsection (5) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.” — [The Minister of Justice (Mr Ford).]

Question put and negatived.

Clause 37 (Chanting)

Mr Deputy Speaker: We now come to the second group of amendments, which deal with the offence of chanting at a regulated match. With amendment No 4, it will be convenient to debate amendments Nos 5 to 10. Amendment No 7 is consequential to amendment No 6, and amendment No 8 is mutually exclusive with amendment No 7.

I remind Members that, as I have received a valid petition of concern on amendment Nos 5, 6, 8, 9, 10 and 11, the votes on those amendments will be on a cross-community basis.

Mr McDevitt: I beg to move amendment No 4: In page 26, line 10, at end insert

“(aa) it is of an indecent nature; or”.

The following amendments stood on the Marshalled List:

No 5: In page 26, line 10, at end insert

“(ab) 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, political opinion, sexual orientation or disability; or”. — [Mr McDevitt.]

No 6: In page 26, line 11, leave out “or indecent nature; or” and insert

“nature and 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, political opinion, sexual orientation or disability.” — [Mr McDevitt.]

No 7: In page 26, line 12, leave out subparagraph (3)(b). — [Mr McDevitt.]

No 8: In page 26, line 14, after “religious belief,” insert “political opinion,”. — [The Minister of Justice (Mr Ford).]

No 9: In page 26, line 15, 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.

(3B) Nothing in this section shall be used to curtail legitimate or recognised political expression or debate.” — [Mr McCartney.]

No 10: In clause 44, page 30, line 37, after “religious belief,” insert “political opinion,”. — [The Minister of Justice (Mr Ford).]

Mr McDevitt: I also wish to address amendments Nos 4, 5, 6, 7, 8, 9 and 10 in my remarks. During the debate at Consideration Stage, there was a protracted and, at times, heated debate on the issue of sectarian chanting at regulated matches. The consequence of that debate is that clause 37(3) now reads:

“Chanting falls within this subsection if—

(a) it is of a sectarian or indecent nature;”.

That is great, and I think that we all welcome that. We have put in the Bill the fact that we,

as legislators, believe that it is unacceptable to engage in chanting that is of a “sectarian or indecent nature” at regulated matches in Northern Ireland. However, we did not define what we mean by “sectarian,” and that presents a specific problem for the House and the region, because sectarian chanting has never been defined in law in the region. If we were to leave the Bill as it stands, we would simply surrender to a judge the discretionary power to define “sectarian chanting”. The only way in which someone could be found guilty of an offence, under what would be section 37(3)(a) of the future Justice Act, would be if a judge, at his or her discretion, took the view that the chanting was of a sectarian nature. That is problematic for me personally, and I think that it is also problematic for others in the House, given that many Members on many occasions have argued passionately that the making of laws in this region should rest with us in the Chamber and should not, directly or indirectly, lie with the judiciary. However, if we do nothing today, we will be surrendering or handing over the discretion on the definition of the term “sectarian chanting” to the judiciary.

(Mr Speaker in the Chair)

I am aware and respectful of the remarks that colleagues on the Benches opposite in particular made at Consideration Stage. I understand that it may be difficult, in the relatively short time that we have available to us before the Bill must become law, to agree a fundamental definition of “sectarian chanting”. However, what we can do, and what we have a duty to do, is take as many steps as possible to provide the courts in the months, years or even decades ahead with the maximum guidance as to what was in the minds of this legislature when it chose to put the term “sectarian” in the Justice Bill.

The amendments in mine and Alban Maginness’s names, and one also in that of the Minister, attempt to do just that. With the House’s patience, I will explain exactly what we are attempting to do through amendment Nos 4, 5, 6, 7 and 8. First, we are trying to reaffirm the Bill by stating that chanting falls within the subsection if:

“it is of an indecent nature; or”.

Paragraph (ab) follows, which explains the sort of things that would make it unacceptable. For example, if it:

“includes matter which is threatening, abusive or insulting to a person by reason of that person’s colour, race, nationality”,

and it goes on.

Mr B McCrea: The Member might help with a point of clarification. Is it his intention to define “of an indecent nature”? Surely, there is an issue about defining sectarianism as well.

Mr McDevitt: I appreciate Mr McCrea’s important question. That question exercised me and, I think, the Committee, although I could be wrong. “Indecent nature” is clearly defined in law. We know what that means. There is ample precedent in the body of law at regional level, UK level and beyond that a judge could draw on in order to understand that. There is not the same —

Mr B McCrea: I am grateful to the Member for giving way a second time, and I will not detain him. If we took his point about clarity and trying to give direction to the judiciary, instead of relying on case law, it might be better for a definition to be included in the Bill, which would be consistent with the argument in other parts of the amendments.

Mr McDevitt: It is defined in law already. We know what indecent behaviour is, and it is clearly spelt out in other Acts. The problem that we have with sectarian chanting is that no other Act has defined sectarian chanting. We do not have a single piece of legislation on the statute books of this region or these islands — or, that I am aware of, in the European Union — that tells us exactly what sectarian chanting is. Although Mr McCrea’s question is valid, the answer, unfortunately, is quite different in that there are plenty of instances in statute where we get a clear definition of indecency, indecent behaviour, indecent chanting and indecent acts.

The amendments attempt to create one paragraph that talks about indecent behaviour, and then leave the Bill as it was intended, telling us the type of things around indecent behaviour that would be unacceptable. We are trying to introduce a second line that states “sectarian”. Therefore, the Bill, as amended, would read, “of a sectarian nature”, and then it would state, “and”. That is not a definition of “sectarian”, but it is as far as we could go without falling into the trap of having a political argument that we would be unable to square about what, specifically, sectarian chanting is. To the extent

that we can, the amendments qualify the type of activity that is likely to fall within what we would all feel to be general sectarian behaviour.

Mr Campbell: I thank the Member for giving way. He is outlining at considerable length the definition of sectarian behaviour and associated reference to the types of behaviour that might be similar to that. Will he outline how many Irish League matches he has been to in recent years to ensure that we understand that he knows exactly what he is talking about with regard to sectarian chanting at such games?

Mr McDevitt: The Member will be very glad to hear that I have attended an Irish League game.

Mr Campbell: A senior game?

Mr McDevitt: I have attended an Irish League game.

Mr Campbell will be glad to hear that that applies to “regulated matches”. That term covers Irish League games, all regulated GAA games, rugby games, and so forth. My experience of the Irish League was a positive one.

4.45 pm

As I have remarked during previous contributions on this topic, I am one of those who believe that many more people from my community should be attending Irish League games. I am firmly of the view that football and, in fact, all sports should be for everyone. I am one of those who find any sporting organisation, body or sport that seeks to exclude people, for whatever reason, abhorrent. That is not who I am.

Mr Bell: Will the Member give way?

Mr McDevitt: I will give way in a second, if that is OK.

That is not something that I would want to be associated with, nor do I think that the House should be associated with it.

I come back to the second point that Mr Campbell made in his intervention. I want to make it absolutely clear that the amendment does not try to define “sectarian chanting”. I accept that that would not achieve consensus. Rather, it tries to build and take us a bit beyond where we are today. At present, the Bill includes the term but no reference whatsoever to what it means. The intention, therefore, is to introduce a sub-paragraph, after what will now read:

“is of a sectarian nature and”.

As outlined on the Marshalled List, that will comprise what we in the House have grown to know as “the section 75 list”. I think that that is a meritorious approach because we cannot, certainly from an SDLP perspective, go as far as we would like. However, we have a duty to go as far as we possibly can, not just as legislators from our partisan perspectives, but to give the maximum guidance to those whose job it will be to interpret and rule on the Bill when it becomes an Act.

Mr Bell: There will be considerable support for what the Member for South Belfast said. As a season ticket holder of Linfield Football Club, I can tell him that on the back of the season ticket is UEFA's 10-point plan against racism and sectarianism.

Dr Farry: What is wrong with Ards?

Mr Bell: Absolutely nothing. We are trying to get the team a stadium within Ards.

Let me go back to the serious point of the promotion already under way to make sport available to all. The Member said that he did not want any sports ground to alienate any particular person of any persuasion. Will he tell us what the SDLP's position is on those GAA grounds named after or associated with republican terrorists?

Mr Speaker: Order. Let us be careful. Members should, as far as possible, relate their comments to the amendments on the Floor. Let us not widen the debate.

Mr McDevitt: I appreciate your guidance, and I will resist the temptation of opening up an entirely separate debate about an entirely separate issue. *[Laughter.]*

The important point is that we are trying to make law that sends out a strong signal to everyone. If we accept the amendments before us, we will do so in a slightly stronger way than if we rejected them. The signal is that there is no place for indecent or sectarian chanting at sporting grounds in our region. We would send out a message that we want this region to be a place where families enjoy sporting spectacles and where, increasingly, no one feels unable to attend any sporting spectacle because of a perception that he or she may not be welcome.

We are talking about a tiny minority of people in every code. I must be honest: I have heard things that I found indecent and unacceptable at games in every code. That may not be a popular thing to say, particularly not in my constituency, but it is true. In the heat of the moment, I have heard grown men say unacceptable things.

I am in favour of legislating not because I want the cops to arrive, scoop grown men off the terraces and take them down to the police station for whatever penalty can be disposed of under the new legislation. I want the law to be in place to set a standard of behaviour below which, as a society, we refuse to drop.

Mr McFarland: I thank the Member for giving way. Forgive me, but I sat through 10 hours of this some weeks back. The Member has said that his aim in bringing forward the amendments is to bring to the attention of judges the mind of the Assembly — I think that that is the way he put it. Is he in any doubt, after the last 10-hour debate, what the mind of the Assembly is? This is *déjà vu*. We had a lengthy discussion about political opinion. The Member is crafting his argument well: he wants to deal with the first little bit and then will introduce the second little bit. We are heading for a three-hour speech if the Member takes each little bit in turn. My recollection is that we had this debate in enormous detail over a number of hours and that the mind of the Assembly at that time was that political opinion was not acceptable in the Bill. I am confused about what has changed with bringing forward what are effectively the same amendments and hoping that the Assembly's decision will somehow be different this time.

Mr McDevitt: I thank the Member for his intervention. There is one substantial point to be made. At Consideration Stage, the amendment was a clear attempt at defining the term “sectarian chanting”. It was an attempt to define that term as being, as I remember it, chanting that was offensive to someone because of their religion and/or political beliefs. This does not attempt to define it. This will not read, “is of a sectarian nature that is”. It will read, “is of a sectarian nature and”. It is different — it does not define it. We are very clear about that. All that it does is state that it is sectarian, which we are not entirely defining because we cannot do that. Unfortunately, we are not yet at that point politically. It states, “is of a sectarian nature and”. “And” is something else, which means that it is offensive because

of ethnicity, religion, sexuality or political opinion. That is an addition.

Mr McFarland: Forgive me, but as I understand it, the bit that is being included is political opinion. Amendment Nos 5 and 6 enter political opinion into the fray. We had a very lengthy discussion and a vote at the end of it, which showed that the will of the Assembly — a majority in the Assembly — was that political opinion should not be included in the clause. They are reintroducing exactly the same thing and hoping for a different outcome. I thank the Member for giving way.

Mr McDevitt: It is always a pleasure. My understanding of the will of the Assembly is that it rejected sectarian chanting being defined as chanting that was offensive to someone because of their religious belief and/or political opinion. My understanding of that debate — I read the Hansard report of the debate before I gave thought to these amendments — was that the House decided that the problem was with an attempt to define sectarian chanting. Colleagues may, of course, in their contributions or through interventions clarify this matter for me, but, as I picked it up, it was not a problem that we thought that it should be illegal.

Mr McCartney: I know that the debate was 10 hours long, but part of that debate was that Members felt that there was no definition of political opinion and that perhaps we should take time out and come back with such a definition at Further Consideration Stage. If Members read our amendment, they will see that we attempt to do that.

Mr McDevitt: I appreciate Mr McCartney's intervention. What I am trying to achieve is that we acknowledge and are honest with ourselves that stuff is said at sporting grounds that is of a political nature. It is not facile comment, nor is it good fun. It is not legitimate comment; it is insulting and offensive comment of a political nature.

Our problem during the Bill's Consideration Stage, as I understood it, was that we did not want comments to be defined as sectarian just because they were of a political nature. However, that does not mean that comments of a political nature in a sports ground are not out of order. In fact, I think that, as a matter of principle, comments of a political nature at a sports ground are out of order. You do your talking on the pitch. Whatever politics people

may or may not have is absolutely, utterly and totally irrelevant.

We are trying to progress what we perceive, or what we would wish to be seen as acceptable in this society, and, by definition, also make it clear what we believe to be unacceptable in this society, without falling into the trap of having a rerun of the previous debate. I take the Member's point, but that debate was a specific debate about the definition of sectarian chanting. We are proposing that we do two things. First, we should leave the word "sectarian" in the Bill and send it out as a strong signal. Secondly, as legislators, we should have the courage to include in the general list of things that we feel to be unacceptable the term "political opinion". Why? First, because section 75 of the Northern Ireland Act 1998 includes that category as one under which it is unacceptable to discriminate against people, and, secondly, it will help judges in future without directly giving them the answer.

I do not want to delay the Assembly much more, except to say that we are in the dying days of the first mandate to have enjoyed a full term. It has been 12 years since the Good Friday Agreement, and unprecedented steps have been taken by all our major sporting associations to address intolerance, tackle bigotry and make sports in our region for all. Is it not the least we could do to formalise in legislation what we know to be true, which is that, once you walk through the turnstile, you should, in the great words of Nick Hornby, be walking into an altogether different place, a theatre of dreams, a place where the story is about the skill, athleticism, tactics and beauty of a game, not the history of the past, the politics of the present, the prejudices of the future, the ethnicity of the players or anything else, which, we all know, is corrosive, damaging and unacceptable?

This is about making a statement on one small area of our society and how we behave inside the ground at a regulated match. It is about nothing else. Let us have the courage to do that. Let us allow this vote to take place; let us not present petitions of concern where concern is not needed. Let us send out a statement in the dying days of this mandate that this Assembly, with all its faults and flaws, is united on one thing: that we love sport, we hate bigotry and unacceptable behaviour, and we want to make that absolutely crystal clear to everyone.

Lord Browne: I oppose amendment Nos 5, 6, 8, 9 and 10. I have listened attentively to Mr McDevitt's attempt to clarify the references to sectarianism in the Bill. Having read the SDLP's amendments, I believe that they appear to bring anything but clarity to the issue. Instead, they add a great deal more complexity to the Bill.

I want to address the manner in which the amendments have defined, or not defined, sectarianism. The definition provided by the SDLP amendments is so broad and all-encompassing that it becomes difficult to determine whether a chant or statement could not reasonably be considered sectarian under that definition. Indeed, the definition provided in the amendments seems to mash together racism, xenophobia, disability discrimination and various other prejudices under the umbrella of sectarianism.

That makes very little sense and only muddies the issue of what sectarianism is.

5.00 pm

Mr McDevitt: This point is unlikely to change Lord Browne's mind, but, as I know him to be a very fair man, I will make it. The amendment does not define the word "sectarian". If we pass the amendment, clause 37 will read: "is of a sectarian nature and 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, political opinion, sexual orientation or disability". I really must stress to colleagues that this is not a definition. If anything, it could be described as a qualification. It makes clear a lot of stuff that it is not, but it does not define it. We thought about it carefully for that reason.

Lord Browne: That may be what the Member is trying to provide through the amendments, but it is so broad that it is utterly useless. It would be particularly useless to the courts in applying or interpreting this law.

Secondly, the amendment brings with it the issue of political opinion. That was discussed at length during Consideration Stage, and it was pointed out clearly that that is a dangerous and difficult road to go down. There is literally no statement that could not be considered, in some way, to be a form of insult to a person's political opinion or sensibility. If the position is that we need not be concerned with this

issue because the courts will make reasonable judgements on which chants are seriously insulting to political opinion, then I fail to see the reason for the amendments. I am sure that learned courts would be able to judge what counts as sectarian chanting in the first place.

Thirdly, sports clubs are undertaking great projects to curb sectarianism in sport, which, in general, are succeeding. If the amendment were to pass with such a vague legal definition, or non-definition, of sectarianism in a sporting context, it would place a severe strain on the efforts of those clubs, particularly as they are succeeding in tackling the most serious forms of sectarianism. The somewhat cumbersome description and clauses would do little to help those clubs.

Mr McCartney: I agree with the Member that many clubs are making great strides in ending sectarianism, but would the legislation not add to that? If someone asked one of those clubs whether a sectarian chant is against the law, the answer they would get is that there is no law banning it.

Lord Browne: The difficulty is in defining sectarianism. Do we want to cut out chanting altogether? That could be the logical outcome of such legislation.

Finally, I draw attention to the construction of the language in the amendments. The amendments refer to behaviour that includes a matter that is:

“threatening, abusive or insulting to a person by reason of that person’s colour”

and so on. Consider the construction of those parts of amendment Nos 5, 6 and 9. I ask Members to place themselves in a court’s position when it considers the meaning of that clause, how it should be applied and where the burden of proof should lie.

The Minister of Justice: Lord Browne criticises the precise wording of some of the SDLP amendments. It seems that he has not taken account of the fact that the current reading of subsection 3(b) of clause 37 includes much the same wording in respect of matters that have to be taken into account with regard to threatening, abusive or insulting chanting. It seems that the point that he is making was already addressed by the House. At Consideration Stage, those words were accepted and put in the Bill.

He may have concerns — I accept that he does — about the manner in which the SDLP amendments would change and further refine it, but he cannot object to those words, because those words have been accepted by the House as a whole.

Lord Browne: It is clear from the construction of the clauses that there is no burden of proof to be found. If a court were considering and applying the clause, the only evidence required to convict a person of sectarian chanting would be a plaintiff alleging that he was offended by that chanting. Looking at the SDLP amendments, I see that that would be in one of the 10 ways listed.

We all remember Mr McCrea’s example of chanting “No Tory cuts”. I wish that he had said that 12 months ago. However, I am sure that there are other examples. A court would have no discretion to consider the merit of a claim or to examine the words that were actually chanted. I know that great difficulties have been experienced with similarly constructed legislation in the past. We must not fall into the same trap again.

Mr McCartney: Will the Member give way?

Lord Browne: No, I am coming to an end now.

I do not know why the SDLP is so keen to bring such clauses and such language back into the Bill. That would not in any way enhance the effectiveness of the Bill. In fact, it would serve only to make it impossible to have certainty over what conduct would cause a breach of these clauses and what conduct would not. That certainty is essential for compliance with European conventions. It is for those reasons that I oppose those amendments in this group.

Mr O’Dowd: Go raibh maith agat, a Cheann Comhairle. I speak in favour of the amendments in this group, in particular amendment No 9, which was tabled in my name and those of Carál Ní Chuilín and Raymond McCartney.

You could have left the previous debate on the Bill and decided that, despite the claims that everyone in the Chamber was opposed to sectarianism, in reality, they were not. Members did not want sectarianism defined in law, because, if it was, it would be open to challenge, and the people who go into our sporting grounds — contrary to what Mr Campbell believes, it is regulated matches in the sporting grounds of

all three major codes — and involve themselves in sectarian chanting as defined under the law would be prosecuted. This Chamber did not want that to happen. However, you could also have left that debate, having heard the perhaps genuine concerns raised by Members who talked about the right to freedom of expression and freedom of political discourse, and thought that those rights had to be protected at all costs.

My colleagues and I went away and looked at the debate again. We went through the Hansard report and listened to the debate. We have tabled an amendment that, in our view, meets the concerns of anyone in the Chamber who was genuinely concerned during the previous debate about the right to freedom of speech and freedom of political expression.

Amendment No 9 clearly states:

“(3B) Nothing in this section shall be used to curtail legitimate or recognised political expression or debate.”

Why, then, do we have a petition of concern? If all the Members who spoke in the previous debate are opposed to sectarianism and are concerned that the previous clause went too far and inadvertently included the right to political freedom of speech, amendment No 9 addresses those concerns.

Mr McFarland: The Member talks about legitimate and recognised political expression. For clarification and to help the House, if the sorts of things that we bandy about across the Chamber are legitimate, normal political expression and, therefore, acceptable, can the Member give us an example of what a political opinion that he is seeking to outlaw might consist of, as opposed to the sort of political expression that he considers legitimate and recognised?

Mr O'Dowd: I am not looking to outlaw any political opinion. People are perfectly entitled to their political opinion. I challenge political opinions that I and my party are opposed to, and we allow the public to decide the legitimacy of each of those arguments.

Mr A Maginness: Will the Member give way?

Mr O'Dowd: Just give me one second.

The clauses have to be read in the context of people going into a venue and involving themselves in chanting that is offensive or

abusive. Maybe there is an argument, as Mr McDevitt said, that you should leave politics outside the sports ground. I would not argue against that point of view. However, if someone was to go into a sports ground and the chant “No Tory cuts” or “No Tory/UUP cuts” was to go up, whatever way you want to put it —

Mr McDevitt: Or “No Sinn Féin/DUP cuts”.

Mr O'Dowd: Indeed. I emphasise: whatever way you want to put it, it is still put across in a way that is not insulting or abusive. On a regular basis, the Speaker and the Deputy Speakers have to intervene when Members in this Chamber — a political debating Chamber — overstep the mark. We occasionally overstep the mark: a Member will go too far, the Speaker will intervene and say so, and he will make a ruling. Our amendment would allow for legitimate political expression. It certainly would not curtail political expression, and I think Members should consider it.

Mr A Maginness: I wanted to emphasise the point that this has to be judged in the context of “threatening, abusive or insulting” behaviour. That is the context in which we are judging all this. If you just say something political — “Up the Labour Party” or whatever — that in itself cannot be seen as abusive, insulting or threatening. If the phraseology is as innocuous as that and it is done in a manner that is not threatening, how can it be seen as offensive? It has to be done in the context of causing offence to somebody. The point that Mr O'Dowd is making is a legitimate one, and I concur with him.

Mr O'Dowd: Thank you for that intervention.

The other concern raised in the previous debate was that, if we established a definition of sectarianism in this legislation for use at regulated matches, it would be quite simple for that definition to be moved across somewhere else at a later date for unintentional use. There will be a strong argument that, if that definition is valid in one section of legislation, it should be moved to another section. I accept that argument, but I do not agree that, when something is defined in one piece of legislation in a particular clause to be used in particular circumstances, it is automatically transferred across into other legislation. The important guardianship against that is this House: it makes the legislation. If Members are not satisfied with a definition in any

clause, regardless of whether it is being used elsewhere, they can stop it being moved across.

The Chairperson of the Committee for Justice:

There was some discussion around this point in Committee. In the absence of definitions of sectarianism, religious belief or political opinion, it was said that the next best thing should be looked at. I suspect that the next best thing in the minds of those who are looking for this would be, for instance, the equality legislation. Someone — I am not sure who — said that that would be right in this case and it would simply be a matter of lifting that piece of legislation, seeing a definition of a term there and deciding to apply it here.

Does the Member accept that, once we go into the definition of sectarianism — I want to make it clear that I am totally opposed to it, whether in a sporting arena or anywhere else — we need to get it right? Does he accept that, if we go for a definition of sectarianism here, it will be the monitor for every other piece of legislation? When we come to the definition in the future, I suspect that one definition will be used, which will be whatever is used in the Justice Bill.

5.15 pm

Mr O'Dowd: I thank the Member for that intervention. Let us look at it in another way. As regards the definition of sectarianism and the concern that it may be transferred elsewhere, does any Member want to protect anyone who, in any scenario, is involved in abusive or insulting activity that is based on someone's colour, race, nationality, ethnic or national origins, religious belief, political opinion, sexual orientation or disability? Do we want to protect anyone in any scenario that will allow someone to abuse and insult a person on the basis of those categories? If we have all said that we are opposed to sectarianism, it follows that we do not want anybody to have the right to abuse someone on the basis of those categories. Sectarianism is not simply being opposed to someone simply because of their religious belief; it is being opposed to someone because of the sect that you perceive them to be from. In legislation, under section 75, we have the rough definition that I have read out.

The inclusion of "political opinion" with chanting brought about concerns that it might stifle legitimate political debate. What if we transfer that to trade union rallies, political demonstrations and student protests? Surely,

then, we are into a whole different field. However, it does not necessarily read across. Subsection (3B), set out in our amendment, states that the section cannot be used against someone when they are pursuing legitimate political debate. If Members are satisfied that they are opposed to sectarianism, there is no reason to vote against any of these amendments. They have the caveat of voting against them later. If they are satisfied that they would not protect anyone, in any circumstances, who is abusive or insulting to someone on the basis of their nationality, colour, race, ethnic origin, religious belief, political opinion, sexual orientation or disability, they can vote for the amendments.

Mr McFarland: Will the Member give way?

Mr O'Dowd: Let me finish this point.

If they were genuinely concerned, at the last debate, that the amendment would have restricted legitimate political discourse, the answer to that is contained in the amendment tabled by my colleagues and me.

Mr McFarland: I thank the Member for giving way. Everyone in the Chamber agreed the last time that the definition included all the things that you have read out, except for political opinion. The Minister drew attention to the fact that the Bill contains all those things, except for political opinion. The discussion and the argument were around political opinion.

We have all been to events and seen events on television where political discussions or rallies get very vociferous and could easily be viewed as offensive. If, for example, there is a particular republican rally where people are fired up over the hunger strikes or whatever and are chanting, that is clearly not offensive to a nationalist or republican community. However, someone from the loyalist/unionist community may find it offensive. Whether they should find it offensive is a different issue, but they might. They also might find it abusive. Equally, if there was a loyalist or unionist demonstration of some description that got fired up and things were being chanted, that could offend someone from the nationalist/republican community.

Those chants are based, by and large, on political opinion and have been going on for hundreds of years. The question is how, if they are based on political opinion, we outlaw them. You can legitimately object to chants if they are

made on religious grounds or for various other reasons. However, I think that — we debated the issue at length at the Bill's previous stage — the moment that political opinion is brought into this, it becomes an extremely dodgy area on which to legislate. It is easy for people to be offended by or to find abusive something that disagrees with their political opinion. I just worry about that. All the other types of chanting are in here. No one is objecting to their inclusion, but, if we were to add political opinion, we would be in a bit of a minefield. I thank the Member for giving way.

Mr O'Dowd: I thank the Member for his intervention. Again, the Member may be involving himself in a debate that may or may not arise in the next mandate. He referred to parades and political activities. The Bill refers to regulated matches. The clauses preceding clause 37 are as important as clause 37 because they set the scenario in which clause 37 will operate. I again emphasise that the concerns that the Member raised around the expression of political opinion are covered in proposed new subsection (3B) in our amendment No 9. We have to accept that to be insulting or abusive to someone on the basis of their political opinion is to be sectarian. The conflict that raged in this society was not based on sectarianism over religious hatred — some will no doubt argue with me on that point — but over political belief.

The Chairperson of the Committee for Justice: I thank the Member for giving way, and he has been quite tolerant. However, on that point, does the Member accept that, in our society, there are people who will rise early in the morning, sit up late at night and travel long distances to be offended? If he needs any proof of that, he should consult the list of those appearing in court for the Ardoyne riots. He will discover that some came all the distance from Glasgow to ensure that they were offended. I ask him to take that point on board and to address it in the light of what he said. Surely the Member has to accept that there are those with the ingenuity to ensure that they are offended even if they live far from where a particular event takes place.

Mr O'Dowd: I thank the Chairperson for his intervention. I am conscious that there are ongoing court cases connected to the Ardoyne riots, so I will not overindulge that comment.

Mr McDevitt: Will the Member give way?

Mr O'Dowd: OK, very quickly, because I wish to —

Mr McDevitt: I appreciate that. Mr Speaker, I thank Mr O'Dowd for giving way.

Mr Speaker: Before the Member comments further, I am keen that Members, as far as possible, stick to discussing the amendments in the group without widening the debate too much.

Mr McDevitt: I am grateful for that guidance, Mr Speaker. The point that I was going to make in my intervention was that Lord Morrow made an important general point about our society. We are legislating for behaviour at regulated matches. We are legislating just for how we wish our society to behave when it walks through the turnstiles into a game of association football, Gaelic football, hurling or rugby. That is all that we are doing. I hear what Lord Morrow is saying — there is a lot of truth in many of his remarks — but that should not discourage us from legislating for what goes on at regulated matches. Surely that would be the one place and the one time in our week when we would be happy to create no room for anyone to think that they might get away with certain types of behaviour.

Mr O'Dowd: I thank the Member for his intervention. The debate around and about why and what people take offence over at parades or anything else has gone on at length. Lord Morrow has his opinion, and I have mine. We disagree, and we are perfectly entitled to disagree.

The Chairperson of the Committee for Justice: I do not rise early in the morning to be offended.

Mr O'Dowd: Perhaps the Member will agree that there are people who are prepared to rise early in the morning not to go on a parade to celebrate a historical occasion but simply to have the chance to march through a Catholic area. There are certainly people who rise quite early in the morning to do that, but that is a different debate for a different day.

I will end on this point. I believe that, in this instance, amendment No 9 allows for a definition of sectarianism to be included in the legislation and deals with genuine concerns about freedom of political expression. The Bill states clearly that it cannot be used to stifle expression. Therefore, I ask Members to support amendment No 9.

Mr B McCrea: The issue before us appears to comprise three — perhaps four — key points. The first — Mr McFarland's point about whether political opinion plays any part in our thinking — has been debated and reintroduced. Secondly, we have to consider the definition of sectarianism because the argument is that we have included the word "sectarianism" without defining it and, therefore, we will leave it up to the courts to do so. Thirdly, we have to consider Mr O'Dowd's concluding point about read-across. His argument seemed to be that amendment No 9 clearly states that it would only apply in the case of sectarian chanting at sports grounds.

I would add a fourth point, which has not been brought forward at this stage but was part of the Consideration Stage debate: the reason why there is a problem with political opinion is that there are competing rights, including those relating to free speech, which is at the centre of all democracies. Although it is right that we should regulate and legislate to ensure that that right is not abused, we must also ensure that, wherever possible, it is defended. Therefore, as John O'Dowd pointed out in his earlier contribution on the first group of amendments — I hope that I have this right, although, of course, Hansard will tell the tale — the amendments were well intentioned but rushed. We almost got there but did not. We now find ourselves in the same position.

Mr McDevitt: Mr McCrea raised three concerns. The first is that we should include "political opinion" in the Bill. The second is that we should directly or indirectly define "sectarian", and the third is a concern about read-across. Setting aside his first concern, which we definitely need to debate because the amendments would introduce a novel term in a different context, his second concern would not apply with the SDLP amendments. They do not attempt to define "sectarian" and, therefore, there would be no opportunity for read-across. That is a fact. I see Mr Cree shaking his head, but no court in this land would consider what is in the SDLP amendments to be a definition of "sectarian". They do not do that. Therefore, there would be no opportunity for read-across.

There is a debate to be had today about whether it would be meritorious to consider including in the Bill reference to chanting at regulated games that:

"includes matter which is threatening, abusive or insulting to a person by reason of that person's ... political opinion".

That, with the greatest respect, is the only point at issue. There is no issue of definition and, therefore, no issue of potential read-across.

Mr B McCrea: I am grateful for the Member's intervention, and I understand some of the points that he was trying to make; however, I refer him to his earlier comments, when I asked him to define indecent behaviour.

I asked him whether there was any need to define indecent behaviour in this Bill because it is a term that we were going to use. His response was that there is no need and that it is already defined elsewhere in other legislation and in case law. In other words, the clear implication of that contribution was that we could take a definition from an article in another piece of legislation and bring it into this Bill. That is precisely my concern in the opposite direction: that we will get read across.

5.30 pm

The key point that I want to make to Mr McDevitt is that it is right that we should have a debate and should confront the issue. All of us feel quite passionate about it and, from what I can detect in the contributions, all of us are opposed to sectarianism. That is a welcome statement for us to bring across. The issue is that — I think Mr McDevitt used words about the time available to us before the end of this mandate — there simply is not enough time to do justice to what is a very difficult issue. Mr McDevitt, in his contribution —

Dr Farry: Will the Member give way?

Mr B McCrea: I will if you let me finish the point, Mr Farry. Mr McDevitt, in his contribution, pointed out that, as far as he is aware, nowhere else on these isles had managed to define sectarianism and that this would be a first. That is why we should not rush into this. The matter deserves proper and full debate, and I hope that the Minister of Justice will bring it back for us to debate in a substantial way at a future time.

Dr Farry: We note that Mr McCrea has stated that all in this House are opposed to sectarianism. That probably is the case. However, there is a clear difference of opinion as to what people understand sectarianism to be, particularly bearing in mind the concept of

political opinion. While I respect that Mr McCrea thinks that this is a long-term process that needs to be shaped, is he willing to start the process rolling by giving us his interpretation of what sectarianism is in Northern Ireland and its scope? We will not hold him to it, but it would help the debate if he were to at least share his view and that of his party in that respect.

Mr B McCrea: I am tempted to respond to that, but I will not, Mr Speaker, because you have previously given direction that we should deal with the amendments here present. *[Interruption.]* That debate is worth having but perhaps not now, in the middle of the debate on the Bill.

However, I will observe some issues that I think are directly relevant. I do not know whether Mr Farry was at the recent presentation to the three codes — the IFA, the rugby union authorities and the GAA — where photographs were taken and where we presented prizes. The Chief Constable was with us, as was Mr McDevitt. I am not sure whether Mr Farry was at that event. Maybe that does not concern him, because it was only to do with sporting bodies and how they might deal with sectarianism. However, Mr Farry will, perhaps, manage to make it to such an event at another date. For my part, I feel that I have made a contribution in whatever modest way I can, because I do not support sectarianism. I have a sense of what it means to me, and I am quite happy to share that at another time.

Mr A Maginness: I appreciate that the Member has been very tolerant of and good about giving way. He said earlier that he has concerns about freedom of expression, particularly freedom of speech. However, is the Member aware that the Northern Ireland Human Rights Commission commented on that aspect of the Bill and is happy to support restrictions in relation to sectarianism or, indeed, racism, with sectarianism being a species of racism?

Will the Member take on board the fact that the Northern Ireland Human Rights Commission does not see any problem with legitimate restrictions that would not attract the normal protections of article 10 of the European Convention on Human Rights? On the basis of that authoritative opinion, will the Member be minded to take the view that that is a right and proper approach?

Mr B McCrea: I read in the Hansard report of Tuesday 22 February that, just before 7.15 pm,

Mr O'Dowd drew attention to the Human Rights Commission's opinion. However, I think that it is a role for legislators and for legislation. No matter how authoritative the opinion from other bodies, the important thing is that the Assembly considers all information available, debates the matter at length, and understands the implications, taking on board, of course, the issues that have been put forward. My real objection to this —

Mr A Maginness: Will the Member give way?

Mr B McCrea: I have given way, and, if I allow too many interventions, the Speaker will turn churlish on me.

This is, of course, the legitimate debate to have; this is the right thing to consider. However, although it is our good intent to do many things with the Bill, maybe this issue requires closer attention.

Mr McCartney: Will the Member give way?

Mr B McCrea: I will, after I finish this point.

The Member Mr Maginness raised the issue of racism. In my role on the Northern Ireland Policing Board, of which I previously declared an interest, I deal with how to define racism. The issue is how to define a racist crime. We on the Policing Board, and the police, define it as follows: if the person who has been attacked feels that it is racist, it is a racist crime. Lord Morrow has mentioned the fact that there are people who will take offence at issues that other people do not find offensive.

The Member opposite gently and rhetorically asked whether it would be racist or offensive to chant "No Tory cuts". It depends on the way in which it is said. It depends on whether it is threatening, abusive or insulting. It would be unacceptable to me if I were to feel threatened because of an opinion held by someone else. There are times when I think that debate borders on being inappropriate. At other times, it is a bit of fun. I did not take offence at Lord Browne's rapier-like attack on us about the Tory cuts a year ago, although I point out that that was before the election and before people turned up at Hatfield. I will take the slings and arrows from people in the manner in which they were intended. They are fair comment.

The issue is this: what is the intent? When I first raised the matter on the Floor of the House, some people derided me for it and asked

me what I was thinking about. There was an exchange. I have not sought to fire that back at people, but I hoped to win by force of argument. I put the case across, and I spoke specifically to the Whips. I asked them whether they were really sure that there was not some danger in the legislation as proposed. I had forgotten that I said I would give way to Mr McCartney, so I will let him intervene in a moment.

Mr O'Dowd was talking about what it is that we are defining. The Hansard report of our meeting on 22 February states that 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].

That is the interpretation. That is what you said. That is a problem, and I do not think that we are ready to define sectarianism yet. We accepted the amendment to insert sectarianism in discussions on the past, as to do otherwise would have suggested that we supported sectarianism. How can you not say that you do not want the word "sectarianism" inserted? I am aware that that leaves us in the lap of the gods — or should I say the judiciary? Perhaps it is the same thing.

Lord Empey: It is the same difference.

Mr B McCrea: Yes; perhaps it is the same thing. However, I hope that the Minister of Justice has been encouraged by the debate and will address the issue as soon as practical so that we can have a proper and full debate and can come up with a definition of sectarianism in all its guises in a way that we feel is appropriate. I assure Dr Farry that, at that stage, I will be more than happy to participate in a debate in a helpful, well-constructed and legislatively sound basis. I apologise to Mr McCartney for the delay.

Mr McCartney: In many ways, the point may have passed, but it is still relevant. Everyone welcomes legitimate debate. However, including political opinion in the amendment never seemed to be an issue during the Committee's 16 meetings on the Bill; only when it came to the Floor of the House did it become an issue. I want the Member to recognise the fact that it did not seem to raise any concerns, even though we discussed the issue over 16 meetings. Therefore, it is surprising that it has

arisen nearly at the end of the process. People might feel that including political opinion in the amendment had not been discussed when, in fact, it had.

Mr B McCrea: I thank the Member for his contribution, but I am sure that he will agree that that is why we have a legislative process. It is not just for a Committee to look at issues; it is for the entire Assembly. I in no way denigrate the excellent work of the Committee and its members; they looked at many important issues. However, sometimes if you focus on an issue from one particular angle you do not see it from the other side, and issues come back up. The fact that we have had the debate illustrates that perhaps we missed something and that we should have had more time to talk about it. However, that is part of the legislative process. That is not to put down the Committee's excellent work in many areas.

I do not wish to labour the point, but there is a serious problem in leaving sectarianism undefined. However, going forward with a rushed, hashed piece of legislation will cause us more problems than it will solve. The right and proper course of action for the Assembly is to reject the amendments that, sadly, have been brought forward by the SDLP and Sinn Féin, because they insist on going back on points that we have already discussed.

The vote has been taken. The Assembly has had its say, and it does not accept that the generalised inclusion of political opinion is safe. I think that it is inappropriate. It may be a right, but it is not right to reintroduce something that has —

Mr McDevitt: Will the Member give way?

Mr B McCrea: I am sorry, Mr McDevitt, although I have the greatest of respect for you, the amendments appear to do just that.

Mr McDevitt: I do not want to repeat myself, but, first, the amendments do not define anything; therefore, it is not a valid argument to say that we are debating a definition of sectarianism. Secondly, I reread the Hansard report and was particularly drawn to Lord Empey's remarks that we would accidentally end up defining sectarianism as that dangerous cocktail of political and/or religious opinion.

It is my personal opinion that that is sectarian. That may be the opinion of the vast majority

of academics, learned people and others who have thought about the issue in this part of the world during the past 40 years. However, that is not what we are debating today. We are debating two separate things, the first of which is whether or not we want to include political opinion in a general list. If someone can give me a good reason why it is OK to go to a game of football, rugby or Gaelic football and insult someone because of his or her political opinion, I would like to hear it. However, we are not defining “sectarian”. We are just not.

5.45 pm

Mr B McCrea: Let me see whether I can get this right. The point that I was addressing is that amendment No 5 introduces political opinion. So too does amendment No 6. Amendment No 8 states:

“After ‘religious belief,’ insert ‘political opinion,’”.

Amendment No 9, from Sinn Féin, refers to “religious belief or political opinion”. Amendment No 10 refers to “political opinion”. The point that I have just made and the reason why I reject those amendments is that the Assembly has had that debate. The vote has been taken. We made it quite clear —

The Minister of Justice: On a point of order, Mr Speaker. I know that Basil McCrea is only about the fourth Member to do so in the debate, but surely he does not suggest that you have gone back on the House’s decision at Consideration Stage in allowing a matter to be reopened.

Mr Speaker: We need to be careful. Although the debate is the same, amendments that were tabled at Consideration Stage are different from those that have been tabled at Further Consideration Stage. I agree with Members. Certainly, the debate is the same. That is a matter for Members to try to address and is certainly not for the Speaker.

Mr B McCrea: Thank you, Mr Speaker. I am grateful for that. I have tried to make my contribution constructively and positively by taking points and outlining issues. To have a proper debate requires people to reciprocate. I hope that the Minister of Justice will do just that.

The point that I raised with Mr McDevitt is about why there is an issue and why we have concerns. When comes to the definition of “sectarian”, it seems that amendment No 5

certainly goes some way towards that in its reference to:

“colour, race, nationality (including citizenship), ethnic or national origins, religious belief, political opinion, sexual orientation or disability”.

Amendment No 6 is similar. I note that in the record —

Mr A Maginness: Will the Member give way?

Mr B McCrea: I am trying to come to a close on the point.

Mr A Maginness: The Speaker, whom I do not wish to involve in the debate, in his response to the point of order that was raised by the Minister, indicated that the amendments cannot be the same as those that were tabled at Consideration Stage. The Member suggests that a definition of “sectarian” is contained in those amendments. It is not. That is not possible under the rules.

Mr B McCrea: Moving to a conclusion, I have tried to outline why my party has concerns with the issue. I have to say that those concerns are genuine; they were not brought forward easily. It is fair to say that I received some contradictory input from Members when we first discussed issues that were similar in nature to those particular points. Therefore, the debate is still to happen. I am sorry, but my party cannot support those amendments, for all the right reasons. As a party, we are more than happy to play our part to discuss issues at the appropriate time and in the appropriate place.

This is not the appropriate time; not now, not at the end of a long legislative session. Come to it fresh again, do it properly, get it right — and you will do our community a service.

I will conclude by saying that when we listen to the contributions that have been made, it is obvious that there has been a toing and froing of things. I do not think that these issues are particularly helpful to members of the judiciary or to anybody else. That is why I urge rejection of the amendments, as outlined.

Dr Farry: I support the amendments in this group, some of which have been tabled by my party colleague the Minister of Justice. At the outset, it is important to stress that we are talking about a very discrete issue. We are not talking about reforming society or about how we regulate behaviour in society. We are

talking about conduct at regulated sporting events. In fact, when we talk about football, rugby and Gaelic Athletic Association events, we are talking about only a certain level of those contests.

The purpose of the approach that has been advocated by the existing clauses and the amendments is not so much about interfering with free expression and free speech as about trying to maintain public order in a situation where, if certain remarks were made, there would be a risk to public order and everything that flows from that and/or a threat to the maintenance of a neutral and welcoming non-hostile environment where people can enjoy sporting events in safety and to which they can bring their families to enjoy sporting events in safety. That is the context of the legislation and the context in which the amendments have been moved, to my mind.

I fear that a much broader issue has been dragged into the debate. That was reflected, in part, during the Consideration Stage, when spurious references, to my mind, were made to the discussions in the House of Lords around equality legislation going through in England and Wales. It has also been reflected in the remarks that have been made today about whether this will interfere with people's rights to express opinions in the Chamber or with anyone's ability to have a rally expressing a political opinion. It will do none of those things, because freedom of speech, expression and assembly is a broader issue for all of us to consider. As a genuine liberal, I firmly believe in that freedom. The bar to any qualification on that freedom needs to be extremely high.

Outside the context of sporting events, we are talking about a situation in which there is an incitement to violence or actual violence associated with those events. No matter how distasteful an opinion may be to me or to anyone inside or outside the Chamber, it is a fundamental tenet of a liberal society that someone has a right to hold that opinion. The problem that we have, and where a legislature has to intervene, is when the opinion that someone holds freely crosses over a boundary into creating a tension, risk or danger to others in society. We should be talking about that today and referring the broader point back to the issue in terms of sporting events.

I appreciate that, to an extent, we are dancing on eggshells with regard to what we are seeking to do in the legislation and whether there is a definition of "sectarianism" or whether, as the SDLP has reminded us, we are not technically defining sectarianism today. Nevertheless, that is the broad theme that we are examining. It is worth stressing at the outset that, as it stands, the legislation covers sectarian chanting. As things stand, and in the absence of whether it is a definition, an elaboration, a qualification, an expansion, or whatever you want to call it, the courts will be making a judgement as to what they understand sectarianism to be. The issue at hand for the Assembly is whether we are content to leave that as it stands or whether we want to have an expansion or an elaboration to give further guidance.

Mr A Maginness: On that point, we frequently hear in the House that we do not want the courts determining issues of policy. Now, as a result of this, we will have the courts making determinations on sectarianism and sectarian chanting. As legislators, we are saying that we cannot handle that issue because it is too hot and we cannot get to grips with it — despite the fact that the Northern Ireland Human Rights Commission says that it is not complex — and that we will leave it up to the courts, something which we have previously been told to try to avoid.

Dr Farry: I am grateful for the Member's intervention, and I tend to agree with what he says, but it leads neatly to a broader point that I wish to make. It came across, particularly from the last Member who spoke, that there is an acceptance of the need to define sectarianism, but the argument is that we are not at the point at which the House can define it and that we need to have a discussion about it. That feeds into the wider theme that there is a whole host of —

Mr O'Dowd: Will the Member give way?

Dr Farry: Yes.

Mr O'Dowd: We have reached an interesting point: it is too early or we are not ready to give a definition of sectarianism. However, if we are opposed to sectarianism, surely we should be able to define what we oppose and put that definition into legislation. That seems to me to be the A, B, C of legislation.

Dr Farry: That common theme, about which we hear particularly from a certain party, is

that there are difficult issues out there that we have to discuss. The reality is here and now, and we need to get on with it. Are we saying that, as legislators, we are not mature enough at this stage to make those definitions, but that we expect and accept that judges are mature enough to make those interpretations? That seems a rather bizarre statement to make. Everyone in the Chamber is aware that sectarianism has been a live issue in Northern Ireland for the past 40 years, the past 100 years, or whatever. Most regrettably, it is part and parcel of our society, so I think that everyone is conscious of what sectarianism is.

Mr B McCrea: Will the Member give way?

Dr Farry: I will in a second. It seems to be simply an issue of finding it difficult to put into words and on paper what we know and can readily identify in everyday actions.

Mr B McCrea: I just have a simple question. Does the Member accept that sectarianism is not exclusively the domain of people from Northern Ireland but affects other parts of the United Kingdom and the British Isles? Will he indicate why sectarianism has not been defined in those other legislatures?

Dr Farry: Absolutely. I am glad that Mr McCrea asked me to go in the direction that I was about to take. Sectarianism is certainly not particular to Northern Ireland. It is, sadly, a reflection of many other societies around the world. One needs only look at what is happening in Iraq, for example, where there is a sectarian dimension to society and at many other conflict situations around the world.

From my point of view, and I beg the indulgence of the Speaker, sectarianism is quite clear as a concept. It is about drawing arbitrary distinctions between people based on presumed characteristics. Those may well relate to religion, race, colour, nationality, disability, sexual orientation or, indeed, political opinion. It is about drawing those arbitrary distinctions between people and the different consequences that flow from that.

Mr McFarland: Will the Member accept that all those categories that are set out by the Minister in the Bill — colour, race, nationality, ethnic origin, religious belief, sexual orientation, disability — are currently protected in law? Does he agree that people are currently not allowed to discriminate against someone for any of those

reasons? The only category not there is that of political opinion, which Mr McCrea brought up, and there is probably a very good reason for that, as it is almost impossible to legislate on.

That has been left out in other countries, and it has been left out here. That is because, unlike the other issues that have been described as illegal, it is almost impossible to say that it is illegal to discriminate on the grounds of political opinion.

6.00 pm

Dr Farry: I thank Mr McFarland for his intervention. In response, I will say that political opinion is mentioned very clearly in section 75 of the Northern Ireland Act 1998. Therefore, the notion that political opinion is being introduced for the first time by this Bill is a complete and utter red herring. Political opinion has been part and parcel of the law in this society for almost 13 years. The word “sectarianism” may not be actively used whenever we refer to religion and to political opinion in the context of section 75. However, that is in essence and practice what that element of section 75 refers to.

There are further difficulties with what Mr McFarland said. First, he said that all the categories listed in amendment Nos 5 and 6 are covered by section 75. Secondly, if I may go off on a slight tangent, in its infinite wisdom, the House has not sought to follow suit with equality legislation that is similar to the UK Equality Act 2010. That means that the definition of the term “racism” in Northern Ireland is now behind that in the rest of the UK. Two of those categories — colour and nationality — have not been included for Northern Ireland circumstances. Therefore, we are out of step, as all those categories have not been covered.

Finally, if we use section 75 as our starting point for saying that protection exists already, the problem is that it does not extend itself to what we are saying about chanting at regulated sporting events or about the impact that that could have on public order and the neutral environment. Therefore, I disagree with Mr McFarland on those categories.

For me, sectarianism is about drawing arbitrary distinctions, and prejudice is about prejudging people. The clue is in the term. It is about drawing assumptions about people based on presumed characteristics. For example, someone could be told that, because they are

a Protestant, the assumption is made that they have x, y and z beliefs, or that, if they are a Catholic, they have x, y and z beliefs. That is what prejudice is about. It is not about treating people with respect as individuals who have their own complex identity, opinions and relationships.

Mr B McCrea: Will the Member give way?

Dr Farry: I will give way in a second. Prejudice is about putting people into boxes and everything that flows from that.

Mr B McCrea: Does it not show some sort of prejudice when you define people as unionist and refer to them as “sectarian parties”?

Dr Farry: That perhaps goes to the heart of what we are talking about in a Northern Ireland context. I think that Mr O’Dowd made that point earlier. In common parlance, a lot of people refer to what happened in Northern Ireland as a conflict between those from a Protestant background and those from a Catholic background. Those simplistic terms may imply that the conflict in Northern Ireland was fundamentally about religion, and there may have been a small religious dimension to it. However, it was not a battle over theology. It was a situation where the terms “Protestant” and “Catholic” were used as code words to refer to what was, essentially, a political —

Mr Speaker: I am trying to confine Members to the amendments. I am slightly worried that we are going outside the amendments and that we are possibly straying into an area that is almost a different area. I remind the whole House that we should try, as far as possible, to debate the amendments that are before us.

Dr Farry: I am grateful for your guidance, Mr Speaker. I am trying to head back to the notion of what is understood by the term “political opinion” in the context of sectarianism.

Mr Speaker: I know that the Member is quite good at that.

Dr Farry: Thank you very much. I will get there as quickly as I can.

Whenever we talk about division in Northern Ireland, the division that causes the tensions in this society is essentially a difference of political opinion. When that is not purely an issue of unionism versus nationalism on the issue of the border or on Northern Ireland’s constitutional

status, it is about when political opinion has essentially become the organising principle. I reject that, but, in common parlance, people talk about the two communities in Northern Ireland. In essence, political opinion is right at the heart of what we understand sectarianism to be. It is certainly at the heart of what I understand it to be, and it is what the law, under section 75, understands it to be. For me, extending this to include “political opinion” is not bizarre, is not a major extension of the current law under section 75 and is consistent with common practice in the day-to-day interpretation of sectarianism.

I stress that, in talking about political opinion, we are going straight back to the notion of chanting at regulated sporting events. We are not talking about the free expression of opinion. People have every right to talk about unionism and nationalism, have different aspirations and be critical of the thinking and expressions of others in the context of freedom of assembly and outside the context of certain regulated areas, which obviously include sporting events.

The other point —

Mr B McCrea: I am sorry to labour this point, but it is at the nub of the thing. You talk about political opinion, but, in the past, I have heard people talk about “unionist parties”, which is presumably a political opinion, and “sectarian parties”, which presumably is not a term of endearment, as we all say that we are against sectarianism. Surely that is inappropriate. If it is all so straightforward, why was it not included in the Bill in the first place? I do find some of the things offensive.

Dr Farry: I am happy to give way to Mr McCrea if he wishes to elaborate on what he finds offensive.

Mr B McCrea: In the past, I have said that I object to being called sectarian just because I am a unionist; that is on record in Hansard. In fact, I object to being called sectarian — full stop. That is a point going back in, and it is inappropriate and offensive language. We are trying to fix that.

The Member asked me to elaborate, but I will not go on, Mr Speaker. I see you rising from your Chair.

Mr Speaker: Once again, I say to Members that interventions must, as far as possible, relate to the amendments. I am slightly worried that we

are entering into a different debate. Let us all be careful.

Dr Farry: I am so tempted to get into this debate. However, it is a temptation that I will have to resist for another day. I will happily have that conversation with Mr McCrea outside — in a gentlemanly manner, of course. Mr Speaker, at this stage, I think that you probably want me to sit down and move on.

We do not seem to have the same difficulties in applying a common-sense approach to racist issues. Racism and sectarianism could be called two sides of the same coin, but, for me, they are essentially the same thing. In Northern Ireland terms, when we talk about religion and politics, sectarianism is a subset of racism. In essence, when you talk about racism, you are being sectarian at the same time.

Members do not seem to have a difficulty in embracing the notion that tackling racism is not a problem and that defining racism would not necessarily pose a particular problem. There is also a political aspect to racism. People could stand up at a football match and voice what might be regarded as a political opinion by stating that people of a certain background or colour should not be here and should relocate themselves elsewhere, even though many of them may have been born here. Some people might argue that that was a political opinion, but I defy anyone to suggest that that would be viewed as an acceptable form of behaviour. Indeed, it would be disruptive and out of keeping with the notion of a neutral and welcoming environment. We have this particular hang-up when it comes to talking about something that cuts close to the bone and what characterises this society as opposed to a more general issue.

We are simply trying to replicate what has happened in other legislatures in the UK, where there have been no problems in addressing racism. Obviously, there is political consensus that it needs to be tackled. Perhaps the reason why England and Wales have not gone as far as mentioning the word “sectarianism” is that what is commonly regarded as racism is at the core of their problems.

We have a much wider and more diverse range of issues here that we need to be conscious of when legislating. It is appropriate that we seek to expand or elaborate — however those who tabled the amendment wish to define it — and

that we have as comprehensive and as clear a piece of legislation as possible.

Lord Empey: As you said, Mr Speaker, at this point, we are in danger of moving into a completely different debate, although it is one that I think needs to be held because of the whole question of sectarianism. Anybody who has been watching their television in recent days, particularly around the sporting arena, will realise there are clearly issues that need to be addressed. We also have to remember that nobody in the Chamber is lily-white on these issues. Some people and politicians make their political living by portraying other people as sectarian. None of us has kept a completely clean pair of hands over the years around all those issues, which are significant.

A few minutes ago, my colleague Basil McCrea made the point that, when the Bill was introduced, it did not contain definitions of sectarianism in respect of chanting. Normally, a Bill introduced by a Minister would have the key components in it at that stage. However, we have spent more time on this issue, which was not in the Bill at that stage, than on the things that were. I suspect that the Minister has personal feelings about this issue and that he may have been advised how difficult it would be to include it in the initial process but then discovered that there was an appetite for it in the House and therefore proposed further amendments after discussions and so on.

The syndrome that we are witnessing now is very similar to that witnessed when we discussed the amendments at an earlier stage. In other words, everybody believes fundamentally that we have a problem that needs to be addressed. The proof of the pudding is in the eating. Two weeks ago, we passed amendment No 18, and it has been frequently pointed out, including in the Justice Committee, that we passed that amendment but did not define it. To have not included it and voted against it at that stage would have led to people accusing us of being sectarian etc, so we understood that there was an issue.

I have some difficulty in understanding this because there seems to be a contradiction. We have amendments before us, and there has just been an exchange between Mr Farry, Mr Maginness and others to the effect that we do not want the courts to define things for us and we want our legislature to do so. Then, in

the next breath, people are saying that those amendments are clearly not the same as the ones that were debated previously, yet they are cited as actually giving directions so that a judge, in future, would not be in a position to make up his or her mind because we will have taken the decision. That is a fundamental contradiction that I do not think has been addressed.

I want to make a couple of points about today's debate and the one that took place on 22 February. Without wanting to get into a political wrangle, I am bound to say that some colleagues to my left gave those of us at this end of the Chamber — my colleague Basil McCrea in particular — a pretty hard time during the previous debate, which is fine. I want to draw the House's attention to a comment made by Mr Poots, who is not in his place, during an intervention. He said that my 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". — [Official Report, Bound Volume 62, p183, col 1].

I said at the time that I found Mr Poots's intervention to be slightly less agreeable than, perhaps, some of my colleagues did. The debate proceeded, and the House divided, and, when I turned around in the Lobby, who did I see beside me but Mr Poots?

6.15 pm

What is happening here is that people are beginning to twig that this is a big issue. Although I do not like to talk about Mr Poots when he is not here, it is noticeable that his name is on today's petition of concern. Yet, we were hammered for daring to make these points two weeks ago, when he was giving us a hard time. People are beginning to realise the implications of what we are doing here.

In my first intervention on 23 February, I said that I had a feeling in the back of my mind and that I hoped we were not passing legislation that was not completely sorted out and thought through. Lots of things are coming in at a rush. The irony is that we have spent hours, days, months and, indeed, years in this Chamber talking about everything under the sun except legislation. You name it, we have debated it. Yet, here we are, at the end of this session with

a pile of legislation being forced through at the last minute.

Greater minds than ours, in dealing with this type of amendment, would find that defining such things is the most difficult thing to do. We are dealing with the collision of the right to free speech with that of people not to feel threatened. It is the point at which the actions of an individual in a stand in a football stadium become a threat to somebody else that is the issue for me. I am trying to define in my own mind, as Dr Farry asked some of my colleagues to do, what it is. It is impossible to pass through life without being insulted for a variety of reasons. Perhaps a lot of the insults are to do with class, although people can be insulted for all sorts of things. In this politically correct world, I wonder whether there is a danger that we overreact.

It is very difficult to defend free speech. We had examples of it in Europe, with the Austrian politician who holds what I consider to be vile views, and there are other such individuals. If we say that what a guy says is abhorrent and, in the next stage, say that he has a right to say it and be heard, the riposte is that we are sympathisers and our secret motive, the dog whistle, is that we actually secretly support what he is saying. That is the collision of ideas that we have here.

My party accepted amendment No 18. We fully understand that, had we rejected it, 90% of today's argument would not be taking place. However, what would be taking place would be the cry that we were defending the bastions of sectarianism. Had we not accepted amendment No 18, all the arguments about the courts and about definitions would be gone, because there would be nothing there. We have laid down a marker. I think that the Minister can say, subsequent to the amendments being passed, "Perhaps we did not get all of it, but we have laid down a marker". That marker has been accepted across the House.

Perhaps when the new Justice Committee is formed, the Minister should come back and, working with the Committee and his officials and maybe getting outside help if necessary, work something up on that issue to see whether it is achievable. There is no opposition in principle to trying to prevent somebody being pilloried, abused and threatened because of their religion or because of any other issue listed

in the Bill. I suggest that he should do that if he wants to move the issue forward. However, there is an abiding concern that, if we accept the amendments as they are, we will not have exhausted an examination of the implications of the different circumstances that can arise.

A police constable in the ground on the day will be the key person in deciding what evidence is brought to court. That person has got to know and to hear what happened, and that is sometimes very difficult in the melee. Somebody holding an offensive placard is fairly straightforward: there is CCTV and the person with the placard with the offensive material on it. However, in a shouting or chanting situation, one has to identify an individual and that individual has to be in the court. The police constable will have to stand in the witness box and say to the court, “Bloggs was there. I heard him do that. That is what he said and did”. All of that has to be whittled down to the actual position in the court on the day.

Dr Farry: I understand the points that Lord Empey is making. Would he also agree that, in many other situations, the police are asked to make similar judgements on whether it is right to intervene, whether they can intervene in a proportional manner and whether intervening will make a situation worse? The police wrestle with that sort of situation all the time when it comes to public order, and the same applies to the standard of proof regarding any individual. The police have to address such considerations daily in dealing with other policing situations such as public order. That is not new territory for police officers but simply the application of good, professional policing techniques to a new situation.

Lord Empey: I do not dispute any of that. I am just making the point that the more complicated things become, the harder it is and the greater the burden we place on the police officer on the day. That is all I am saying. I accept that there are parallels, and the Member has drawn attention to some of them.

I come back to the point that my colleague Basil McCrea made. If that was a fundamental objective of the Bill, why was it not in the Bill? If it was a cornerstone of the Bill, surely with the resources of the Department and the access to legal opinion — we have an Attorney General and plenty of people whom we could get access to — I would have expected to see that issue

dealt with at that stage. It was not dealt with at that stage. Therefore, that has led us into the position —

Mr McCartney: When the Member says that it was not in the Bill, which part was not in the Bill? Could he let us know?

Lord Empey: I am saying the very opposite. Maybe I misheard what Mr McCartney said. I am talking about the proposal to define sectarianism. I am saying that “sectarianism” itself was not in the original Bill. A definition of “sectarian” was not in the Bill. We have been dealing with amendments, and it was the amendments that sparked the major debate on 22 February 2011.

We had an original proposal that referred to threatening and abusive behaviour, and we tried to amend that. We are perfectly entitled to do that; that is what the Chamber is for. I am not objecting to the fact that that has been done. I am just saying that, given the fundamental nature of the issue, perhaps it would have been better coming through with the original proposals after substantial work had been done, legal advice had been taken and opinion had been canvassed.

That is something that we will come back to; I have absolutely no doubt about that. The Minister can take comfort from the fact that the House has put the issue of sectarianism in the Bill. He can take comfort from the fact that the argument will centre on whether it is possible for us to get acceptable consensus on a definition that works legally. That can be done, but I feel strongly — others have said the same — that, if we proceed down the road that is proposed, the definition is not sufficiently mature to stand us in good stead in the years ahead.

Mr A Maginness: I will try to be as succinct as possible.

The inclusion of sectarian chanting as an offence in the Bill was raised initially in Committee because it was felt by the SDLP members of the Committee — my colleague Conall McDevitt and I — that there was a gap that should be remedied. My recollection of the discussions on that and the subsequent Committee meetings is that there was no objection to the inclusion of sectarian chanting as an issue and an offence that should be taken into consideration. We went through the

whole Committee Stage without that being a live issue. I make that point for the record so that it is a matter of history how we have dealt with sectarian chanting. I do not recall any opposition to that, and I want to make that clear.

Other issues have been raised. Mr Basil McCrea, in particular, raised the issue of whether including sectarian chanting as an offence might affect the rights of people to free speech and, in particular, impinge on article 10 of the European Convention on Human Rights. It has been made clear by the Northern Ireland Human Rights Commission, which has a particular duty to assist and guide the House, that it does not see sectarian chanting as something that should be protected under the law or under article 10 of the European Convention on Human Rights, which is now part of our domestic law. So, there is no issue there for an authoritative body with a legal duty to advise the House. That is important for us to take into consideration. Furthermore, in its submission, the commission went on to say that it does not regard defining sectarianism in Northern Ireland as a complex matter, and it drew attention to the well-developed body of international standards from which a definition can be drawn. The commission has called for the explicit recognition of sectarianism in Northern Ireland as a particular form of racism, as defined by international standards. I referred to sectarianism as a species of racism, and colleagues would support that view.

Dr Farry: And vice versa.

Mr A Maginness: And vice versa.

In the House, we have no problem condemning racism, and we have no problem with seeing racism defined in law. So, I do not understand why, when we come to our indigenous form of racism, which is really sectarianism, we have all this difficulty.

6.30 pm

Although this aspect of the Bill will not go any further in the House because of the petition of concern, I appeal to colleagues, particularly unionists, to rethink the matter and how we deal with sectarianism. The issue will not now be dealt with in the Bill. However, I exhort Members to address the issue at the earlier possible opportunity and as expeditiously as possible in the next mandate.

The problems associated with defining sectarianism have been grossly exaggerated in the House. Sectarianism is the single most problematic issue in our society, and we must recognise it as a cancer that eats at the very heart of society here. If we do not recognise and start to tackle that in a direct, open and honest fashion, we will fail our people badly. Our amendments are intended to be of assistance to the House and are not contrived to trip up or trick Members in some way. However, we are now in danger of allowing the issue of sectarianism simply to be determined by the courts. As I said previously in an intervention, colleagues in the House have not previously regarded that as a satisfactory way in which to determine policy issues.

Lord Empey: We understand the Member's final point, but the problem is fixable. There is no reason why the issue cannot be addressed in the new mandate. There is flexibility to do so because the Minister already told us that he will introduce a further Bill to address other issues. It is, therefore, perfectly reasonable and possible to include a clause in that Bill to deal with this issue after a consensus has been reached.

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

We all accept that we do not want to leave the courts completely free. That said, the Member knows better than most of us, given the perspective gained from his career, that it is very hard at times to keep the courts or particular members of the judiciary, who may have their own views and opinions, out of issues and that sometimes situations evolve no matter what Members of Parliament or anybody else has written down. I am sure that the Member could easily stand in court and make the case eloquently and persuasively that things have perhaps moved on and that the court must take a view on the issue. However, a remedy is not that far away because the Minister has indicated that he will introduce another Bill. Perhaps that will happen next year, although I do not know what his timetable is. I, therefore, have no doubt that the matter can be resolved.

Mr A Maginness: I will conclude by responding to that intervention. What Lord Empey just said highlights the danger of us as legislators not legislating on the issue. He reinforced in real terms the very point that I was making: if we leave it to the courts to determine the issue,

they may, of course, take a position that the House does not desire. It is, therefore, better for us to determine the issue as quickly as possible. I take some reassurance from the Member's point that progress will be made. That should happen very early in the next mandate.

The Minister of Justice: The debate on this group of amendments has been remarkably good-natured. However, it also covered some fundamental issues for this society that go way beyond the issue of the amendments that we are officially debating. It has been a good-natured debate despite the length and, dare I say it already, the lateness of the hour and the petition of concern, which means that whatever reasoned debate there is in the Chamber will shortly be superseded with a sectional headcount.

I want to speak about the amendments and, in particular, the two amendments that stand in my name, although jointly with Mr Maginness and Mr McDevitt — amendment Nos 8 and 10. Amendment No 8 to clause 37 and amendment No 10 to clause 44 both simply, as opposed to some of the more complex amendments, seek to add the term “political opinion” to those issues where there is qualification of what is constituted to be threatening, abusive or insulting chanting. In that sense, it is entirely in line with section 75 of the Northern Ireland Act 1998 to consider that that should be a simple amendment, which, although it does not seek to define sectarianism, includes a key feature of what would generally be recognised as sectarianism. I have considerable sympathy with the aims, although not entirely with the wording, of the other amendments that were tabled by Members from Sinn Féin and the SDLP.

With the agreement of the Executive, I sought to and put “sectarian” chanting into the Bill during its Consideration Stage. That followed extensive discussion, and it had the support of the Committee for Justice, as Lord Empey just highlighted. However, as we all know, in that debate, Members raised concerns about defining sectarianism and argued that any definition could set a precedent. As a result, although clause 37 as it stands has a reference to chanting of a sectarian nature, we have no definition of what “sectarian” is, and the same applies to clause 44.

The concerns that arose about the definition of sectarianism have been rehearsed again

at considerable length, and I shall not try the patience of the House excessively in debating those wider issues, as the patience of the Speaker was tried earlier. The two simple amendments that stand in my name do not disturb the position with the Bill as drafted, do not disturb the position set at Consideration Stage, do not interpret the word sectarianism and do not attempt to define sectarian chanting. What they do is simply add political opinion, which is the nub of sectarianism in this society, to the list of factors that must be taken into account with threatening, abusive or sectarian chanting.

As other contributors to the debate said, the reference to sectarianism remains in the Bill in the same way as Jonathan Bell — several hours ago, it seems — highlighted the wording on the back of his Linfield season ticket, which refers to the fact that good behaviour is expected. That is a key issue. We are seeking to recognise the good work that is being done across the three sports and to underpin and support the good work that is being done in tackling problems in sport. Nothing in my proposals would undo that. Others have tabled amendments, and, as I said, I have considerable sympathy with the aims of those amendments, and I will support a number of them. However, it seems to me that if the House could agree about anything, it should be able to agree on the simple issue of adding the words “political opinion” to clause 37(3)(b). Concerns have been expressed about some of the other more detailed amendments, but there is no reason why Members should have any concerns about that.

The common point between Members from Sinn Féin, the SDLP and me is a desire for threatening, abusive or insulting chanting to be banned, including with regard to political opinion. I believe that the amendments that stand in my name maintain the integrity of the House's position at the end of the Bill's Consideration Stage, while allowing for that further amplification.

If I could try the patience of the Deputy Speaker ever so slightly, I must address the issue that began with Basil McCrea and was followed up by others, notably Lord Empey, when they encouraged me to initiate a debate on sectarianism. After the debate at Consideration Stage and the debate that we have had so far today, addressing a definition of sectarianism is not my first priority. However, it is an issue that

must be addressed by the entire House, and it is not something that is solely for a justice Bill.

I noticed that Lord Empey made kind references to what the Minister was planning for the next Bill. Of course, there is an issue as to who will be the next Minister and what the composition of the House will be in the next mandate. However, that is an issue that will have to be addressed, and the issue of sectarianism will have to be addressed by the House in a variety of ways, not simply the issue of sectarian motivation behind chanting at regulated sports matches, which is all that the Bill deals with in that respect.

Members had concerns that the definition could be applied wider. There is no definition. My amendments and, largely, the amendments proposed by Mr McDevitt and spoken to by Mr Maginness, specifically do not define sectarianism. We are seeking to qualify and explain in the context of sporting matches. That is an entirely reasonable position to be in, and it is an entirely appropriate place to be in the context of the Justice Bill and its sporting provisions. To suggest that we must wait until we reach wider consensus about sectarianism in this society is wrong. I fear that we could be in the same position as we are with regard to defining victims. I dare say that we could even be in the same position as we were in an hour or two ago on the issue of the proposed clause 33A, which deals with obligations on public bodies, when the views that were expressed around the House were broadly in line but, because there was no agreement on the precise wording, we were not able to move forward.

On that basis, it is entirely reasonable to have a modest proposal — a modest amendment — to add “political opinion” to clauses 37 and 44 to make it clear that that is covered. It is not a definition of sectarian, but it is a way of addressing the concerns that have been expressed in different ways. I believe that the House has to acknowledge that political opinion is at the heart of sectarianism in this society. I am not going to rehearse the arguments that Stephen Farry made about the nature of that, because I suspect, Mr Deputy Speaker, that you would cut me off. However, I noticed that Alban Maginness has just referred to the fact that sectarianism is, I think he said, a species of racism, and he highlighted the Human Rights Commission’s concerns on those matters.

My amendments would not ban legitimate political expression. They draw on discussions with the Justice Committee, and they have the support of that Committee, the Executive and the Attorney General — in response to a point that was made by Lord Empey earlier. They simply say that threatening, abusive or insulting chanting during the period of a regulated match is as unacceptable if it is about someone’s political opinion as it would be if it was about their nationality, race, disability or sexual orientation. Those of us who work with the concept of section 75 and its reference to political opinion should have no difficulty accepting that as part of the amendment to this clause of this Bill covering this small area of sporting legislation.

The amendments recognise the right to hold a political opinion; they do not qualify that and they do not make any threat to that. Whatever concerns people might have about some of the wording of some of the other amendments, although I believe that the sentiment behind those amendments is entirely correct, there should be no reason whatsoever why the House should not support amendment Nos 8 and 10, and I ask the House to do so.

Mr McDevitt: We brought forward amendments that sought not to define, and yet we had a debate about definition. What are the scholars to interpret from that when they read the Hansard report of today’s proceedings? Will they interpret that we are very bad at explaining ourselves, that our command and the Bill Office’s command of language and its ability to draft is so poor that amendments are incomprehensible, or will they interpret that there is still an inclination, when it is convenient on all sides of the House, to ignore rather than engage, to avoid rather than address, and to delay rather than act? There is nothing threatening before us today.

6.45 pm

Mr McFarland: People may say: if it walks like a duck and quacks like a duck, it is a duck.
[Laughter.]

Mr McDevitt: I remember that Mr McFarland was a supporter of the Good Friday Agreement, and I trust that he still supports it. There is nothing before him today that was not in that agreement. There is nothing in amendment Nos 5 to 8 that was not enacted as a consequence of the Good Friday Agreement.

Do we honestly believe that it is OK to go into a sporting ground and be a bigot, be a racist or behave in a way that is prejudicial towards someone because of their political opinion? No, we do not. The only thing on which we divide in the House is whether we have the courage to legislate for it.

I do not understand people who say that the time is not right when it comes to matters of prejudice, because the time was never right. If one looks back through the social and political history of the western world in the twentieth century one sees that those who sought to resist never had the courage to say they were against, but all too often said: just not now, just not yet, soon.

Mr B McCrea: I realise that the Member is in full flow and I do not intend to take the time for an intervention that he will have. Many accusations have been put to me, but lack of political courage is not one of them.

I say to the Member: when I stood up and pointed out the flaws, and my concerns and worries, they were genuinely held. They are put forward by someone who believes in the Human Rights Act 1998, freedom of speech and in building a better society. That is why I am here. It was done with good intent.

The argument that I put to the Member is this: neither he nor the Minister have convinced the House in the time available to support the amendments. That is the issue about timing; it is not whether we do it now, or whenever. The time was not sufficient, the argument was not won. You have heard, and it is a positive that the Member and the Minister should take, that we recognise this as being an issue. Lord Empey himself came forward and said that we will deal with it.

I say to Mr McDevitt that there is no lack of political courage on this issue, no willingness to put it on the Back Benches and not deal with it. We will deal with the issue, and we will deal with it properly, and when there is time to do it right.

As Mr McDevitt himself mentioned, this issue has not yet been defined in any legislation in the British Isles. There are fundamental issues to address. Do not put us in the position of naysayers, for we are not. We fully support the democratic freedoms of this country.

Mr McDevitt: If Mr McCrea supports the Good Friday Agreement, the Human Rights Act 1998 and freedom of speech, he has nothing to fear from the amendments before us because they do not define. They will never be able to be taken as definitions. All they do is set a standard. They say what is right and what is wrong.

We are a region known the world over for our bigotry: it is not popular to say that, but it is true. Our region exported that bigotry to other places. When colleagues spoke earlier about the atrocious events at sporting occasions in our neighbouring nation of Scotland 10 days ago, they spoke of a problem that came from here and traces its roots back to the conflicts and divisions in this part of the island which we own and which, dare I say, we created.

I am not someone who came into the House to look back into history to seek an excuse for not doing something. I came here because I believe that this is the first generation in the history of this island that genuinely has the chance to put reconciliation at the heart of everything we do. Irrespective of our national identities or our constitutional aspirations, we have that chance.

Lord Empey: I am sorry to interrupt again, Mr Deputy Speaker, but I am not prepared to accept the argument that people here exported bigotry. People here, in fact, have a record that is second to none in bringing forward to other parts of the world freedoms and the whole concept of a parliamentary democracy. It was largely people from here who constructed the constitution of the United States and, indeed, other countries. Every part of the world has its downsides, but to label us and people from here in that way is extremely disturbing, and I certainly do not accept it. That is not to say that we cannot point to individuals who fit that label; of course, there are such individuals. It is the old story: from what point do you start? When we see what happens in other parts of the world where people are not even allowed to express a view without getting their arm cut off, it is entirely wrong to say that somehow or other we should be taking that guilt upon ourselves.

Mr Deputy Speaker: Order. At this stage, it is appropriate for me to remind Members that we have had a very long debate and must now focus on the amendments. As I am on my feet, I also ask Members to put away their BlackBerrys, please.

Mr McDevitt: I thank you for your intervention. It is worth noting that those individuals who left here did so because they were being persecuted.

It is just a sad reality of who we are that we have some great light in our history — I believe that we are all proud of that light; we like to point our children towards it; we celebrate it and should continue to do so — but we also have terrible darkness. The point tonight is a simple one. Do we simply do what is right? Do we do what is necessary and long overdue, which is to acknowledge that the divisions in our region are political as well as religious and sectional and that when they combine they are toxic? On a Saturday or Sunday afternoon, or mid-week if we are lucky to get out of here in time, we walk through the turnstiles of a sports ground to do what all of us who are sporting fans love to do — escape into another place. That is a place where the day-to-day affairs and the divisions should not exist and where a new form of tribalism emerges; one that centres simply on an allegiance to club or county. When we walk through those turnstiles, surely we should do so in the certainty that the rules we expect everyone in that special place to adhere to are the highest and best we could expect of our society.

We may be incapable, just yet, of tackling the bigger issues. It is indictment of us, for I do not believe that our society and people are as divided as the politics in our minds here. I put my own politics in that category. However, if not to the 108 of us here, surely we owe it to the almost 1.6 million people out there to create in sporting grounds an example to the world and to send a message that sport is for all; that you can go to any game from any code and expect not to be treated with disrespect and not to hear unacceptable chanting; and that you can expect to witness only a celebration of sport. It is for those reasons that these amendments were tabled, and it is for those reasons that they will be moved.

I believe that we should tackle the wider issue. I will happily introduce a private Member's Bill in the next mandate to start the debate on the wider issue.

Mr McLaughlin: How do you know that you will be here?

Mr McDevitt: As Mr McLaughlin points out, if I make it back, or make it here, for that matter.

I will be honest. Does anyone here have the slightest degree of confidence in our ability to tackle the issue in the wider societal context, with all the other political and cultural consequences, when we cannot tackle it on the far side of a turnstile?

Mr Deputy Speaker: Amendment No 4 is a paving amendment for amendment No 6.

Question, That amendment No 4 be made, put and agreed to.

Amendment No 5 proposed: In page 26, line 10, at end insert

“(ab) 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, political opinion, sexual orientation or disability; or” — [Mr McDevitt.]

Question put.

The Assembly divided: Ayes 47; Noes 41.

AYES

Nationalist:

Ms M Anderson, Mr Attwood, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr PJ Bradley, Mr Brady, Mr Burns, Mr Butler, Mr Callaghan, Mr W Clarke, Mr Doherty, Mr Gallagher, Ms Gildernew, Mrs D Kelly, Mr G Kelly, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCartney, Mr McDevitt, Dr McDonnell, Mr McElduff, Mrs McGill, Mr McGlone, Mr M McGuinness, Mr McKay, Mr McLaughlin, Mr Molloy, Mr Murphy, Ms Ní Chuilín, Mr O’Dowd, Mr O’Loan, Mrs O’Neill, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Ms Ruane, Mr Sheehan.

Other:

Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr McCarthy, Mr B Wilson.

Tellers for the Ayes: Mr P J Bradley and Mr Callaghan.

NOES

Unionist:

Mr S Anderson, Mr Beggs, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr T Clarke, Mr Craig, Mr Cree, Mr Easton, Mr Elliott, Lord Empey, Mrs Foster, Mr Frew, Mr Gibson, Mr Girvan, Mr Givan, Mr Hilditch, Mr Humphrey,

Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr B McCrea, Mr I McCrea, Mr McFarland, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson, Mr K Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.

Tellers for the Noes: Mr Buchanan and Mr B McCrea.

Total votes	88	Total Ayes	47	[53.4%]
Nationalist Votes	41	Nationalist Ayes	41	[100.0%]
Unionist Votes	41	Unionist Ayes	0	[0.0%]
Other Votes	6	Other Ayes	6	[100.0%]

Question accordingly negated (cross-community vote).

7.15 pm

Mr Deputy Speaker: I remind Members that, as I have received a valid petition of concern on amendment No 6, the vote will be on a cross-community basis.

Amendment No 6 proposed: In page 26, line 11, leave out “or indecent nature; or” and insert

“nature and 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, political opinion, sexual orientation or disability.” — [Mr McDevitt.]

Question put.

The Assembly divided: Ayes 46; Noes 41.

AYES

Nationalist:

Ms M Anderson, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr PJ Bradley, Mr Brady, Mr Burns, Mr Butler, Mr Callaghan, Mr W Clarke, Mr Doherty, Mr Gallagher, Ms Gildernew, Mrs D Kelly, Mr G Kelly, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCartney, Mr McDevitt, Dr McDonnell, Mr McElduff, Mrs McGill, Mr McGlone, Mr M McGuinness, Mr McKay, Mr McLaughlin, Mr Molloy, Mr Murphy, Ms Ní Chuilín, Mr O’Dowd, Mr O’Loan, Mrs O’Neill, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Ms Ruane, Mr Sheehan.

Other:

Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr McCarthy, Mr B Wilson.

Tellers for the Ayes: Mr P J Bradley and Mr Burns.

NOES

Unionist:

Mr S Anderson, Mr Beggs, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr T Clarke, Mr Craig, Mr Cree, Mr Easton, Mr Elliott, Lord Empey, Mrs Foster, Mr Frew, Mr Gibson, Mr Girvan, Mr Givan, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr B McCrea, Mr I McCrea, Mr McFarland, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson, Mr K Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.

Tellers for the Noes: Mr Buchanan and Mr B McCrea.

Total votes	87	Total Ayes	46	[52.9%]
Nationalist Votes	40	Nationalist Ayes	40	[100.0%]
Unionist Votes	41	Unionist Ayes	0	[0.0%]
Other Votes	6	Other Ayes	6	[100.0%]

Question accordingly negated (cross-community vote).

7.30 pm

Mr Deputy Speaker: I will not call amendment No 7, as it is consequential to amendment No 6, which was not made.

I remind Members that, as I have received a valid petition concern to amendment No 8, the vote will be on a cross-community basis.

Amendment No 8 proposed: In page 26, line 14, after “religious belief,” insert “political opinion,” — [The Minister of Justice (Mr Ford).]

Question put.

The Assembly divided: Ayes 46; Noes 38.

AYES

Nationalist:

Ms M Anderson, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Brady, Mr Burns, Mr Butler, Mr Callaghan, Mr W Clarke, Mr Doherty, Mr Gallagher, Ms Gildernew, Mrs D Kelly, Mr G Kelly, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCartney, Mr McDevitt, Dr McDonnell, Mr McElduff, Mrs McGill, Mr McGlone, Mr M McGuinness, Mr McKay, Mr McLaughlin,

Mr Molloy, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd,
Mr O'Loan, Mrs O'Neill, Mr P Ramsey,
Ms S Ramsey, Ms Ritchie, Ms Ruane, Mr Sheehan.

Other:

Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr McCarthy,
Mr B Wilson.

Tellers for the Ayes: Mr D Bradley and Mr McCarthy.

NOES

Unionist:

Mr S Anderson, Mr Beggs, Mr Bell, Mr Bresland,
Lord Browne, Mr Buchanan, Mr T Clarke, Mr Craig,
Mr Cree, Mr Easton, Mr Elliott, Lord Empey,
Mrs Foster, Mr Frew, Mr Gibson, Mr Girvan,
Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy,
Mr Kinahan, Mr McCallister, Mr B McCrea,
Mr I McCrea, Mr McFarland, Miss McIlveen,
Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton,
Mr Poots, Mr G Robinson, Mr K Robinson,
Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr S Wilson.

Tellers for the Noes: Mr Buchanan and
Mr B McCrea.

Total votes	84	Total Ayes	46	[54.8%]
Nationalist Votes	40	Nationalist Ayes	40	[100.0%]
Unionist Votes	38	Unionist Ayes	0	[0.0%]
Other Votes	6	Other Ayes	6	[100.0%]

Question accordingly negated (cross-community vote).

Mr Deputy Speaker: I remind Members that, as I have received a valid petition of concern on amendment No 9, the vote will be on a cross-community basis.

Amendment No 9 proposed: In page 26, line 15, 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.

(3B) Nothing in this section shall be used to curtail legitimate or recognised political expression or debate.” — [Mr McCartney.]

Question put.

The Assembly divided: Ayes 46; Noes 39.

AYES

Nationalist:

Ms M Anderson, Mr Attwood, Mr Boylan,
Mr D Bradley, Mrs M Bradley, Mr P J Bradley,
Mr Brady, Mr Burns, Mr Butler, Mr Callaghan,
Mr W Clarke, Mr Doherty, Mr Gallagher,
Ms Gildernew, Mrs D Kelly, Mr G Kelly,
Mr A Maginness, Mr A Maskey, Mr P Maskey,
Mr F McCann, Ms J McCann, Mr McCartney,
Mr McDevitt, Dr McDonnell, Mr McElduff,
Mrs McGill, Mr McGlone, Mr McKay, Mr McLaughlin,
Mr Molloy, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd,
Mr O'Loan, Mrs O'Neill, Mr P Ramsey,
Ms S Ramsey, Ms Ritchie, Ms Ruane, Mr Sheehan.

Other:

Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr McCarthy,
Mr B Wilson.

Tellers for the Ayes: Mr Boylan and Mr McCartney.

NOES

Unionist:

Mr S Anderson, Mr Beggs, Mr Bell, Mr Bresland,
Lord Browne, Mr Buchanan, Mr T Clarke,
Mr Craig, Mr Cree, Mr Easton, Mr Elliott,
Lord Empey, Mrs Foster, Mr Frew, Mr Gibson,
Mr Girvan, Mr Givan, Mr Hilditch, Mr Humphrey,
Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCallister,
Mr B McCrea, Mr I McCrea, Mr McFarland,
Miss McIlveen, Mr McQuillan, Lord Morrow,
Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson,
Mr K Robinson, Mr Ross, Mr Spratt,
Mr Storey, Mr Weir, Mr S Wilson.

Tellers for the Noes: Mr Buchanan and
Mr B McCrea.

Total votes	85	Total Ayes	46	[54.1%]
Nationalist Votes	40	Nationalist Ayes	40	[100.0%]
Unionist Votes	39	Unionist Ayes	0	[0.0%]
Other Votes	6	Other Ayes	6	[100.0%]

Question accordingly negated (cross-community vote).

Clause 44 (Banning orders: “violence” and “disorder”)

Mr Deputy Speaker: I remind Members that, as I have received a valid petition of concern in relation to amendment No 10, the vote will be on a cross-community basis. Amendment No 10 has already been debated.

Amendment No 10 proposed: In page 30, line 37, after “religious belief,” insert “political opinion.” — [*The Minister of Justice (Mr Ford).*]

Question put.

The Minister of Justice: Based on the similarity to amendment No 8 and the voices that I heard around the Chamber, I am prepared to accept that amendment No 10 is lost. It might be in the interests of Members’ families, if nothing else.

Mr Deputy Speaker: As this is a cross-community vote, and I did not hear clearly, I must put the Question.

Question put.

The Assembly divided: Ayes 45; Noes 40.

AYES

Nationalist:

Ms M Anderson, Mr Attwood, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr PJ Bradley, Mr Brady, Mr Burns, Mr Butler, Mr Callaghan, Mr W Clarke, Mr Doherty, Mr Gallagher, Mrs D Kelly, Mr G Kelly, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCartney, Mr McDevitt, Dr McDonnell, Mr McElduff, Mrs McGill, Mr McGlone, Mr McKay, Mr McLaughlin, Mr Molloy, Mr Murphy, Ms Ní Chuilín, Mr O’Dowd, Mr O’Loan, Mrs O’Neill, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Ms Ruane, Mr Sheehan.

Other:

Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr McCarthy, Mr B Wilson.

Tellers for the Ayes: Ms Lo and Mr O’Loan.

NOES

Unionist:

Mr S Anderson, Mr Beggs, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr T Clarke, Mr Craig, Mr Cree, Mr Easton, Mr Elliott, Lord Empey, Mrs Foster, Mr Frew, Mr Gibson, Mr Girvan, Mr Givan, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr B McCrea, Mr I McCrea, Mr McFarland, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson, Mr K Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr B McCrea and Mr G Robinson.

Total votes	85	Total Ayes	45	[52.9%]
Nationalist Votes	39	Nationalist Ayes	39	[100.0%]
Unionist Votes	40	Unionist Ayes	0	[0.0%]
Other Votes	6	Other Ayes	6	[100.0%]

Question accordingly negated (cross-community vote).

New Clause

Mr Deputy Speaker: We now come to the third group of amendments, which deals with the notification requirements of sex offenders. The group also deals with a proposed new schedule that would allow enhanced legal fees to be paid to certain solicitors. With amendment No 11, it will be convenient to debate amendment Nos 12 and 32.

I remind Members that, as I have received a valid petition of concern on amendment No 11, the vote on that amendment will be on a cross-community basis.

The Minister of Justice: I beg to move amendment No 11: After clause 54, insert the following new clause:

“Sexual offences: review of indefinite notification requirements

54A.—(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 3A

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 such body or person as 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,

and 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 notice 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 in relation to an application under this paragraph as they apply in relation 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 Minister of Justice (Mr Ford).]

The following amendments stood on the Marshalled List:

No 12: After clause 86, insert the following new clause:

“Enhanced legal aid fees for certain solicitors

86A. Schedule 4A (which makes provision for enhanced legal aid fees for certain solicitors) has effect.” — [The Minister of Justice (Mr Ford).]

No 32: After schedule 4, insert the following new schedule:

“SCHEDULE 4A

ENHANCED LEGAL AID FEES FOR CERTAIN SOLICITORS

Power to provide for enhanced fee

1.—(1) Regulations under Article 22 or 36 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (NI 8) or an order under Schedule 2 to that Order may provide for the payment of an enhanced fee to a solicitor who—

(a) exercises a right of audience in a court or tribunal to which this Schedule applies;

(b) has been accredited by the Law Society under paragraph 2 in relation to that court or tribunal; and

(c) complied with the duties in paragraph 3.

(2) This Schedule applies to—

(a) the Crown Court;

(b) a county court;

(c) a magistrates’ court; and

(d) a tribunal to which sub-paragraph (3) applies.

(3) This sub-paragraph applies to a tribunal if—

(a) it is a tribunal mentioned in Part 1 of Schedule 1 to the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981; or

(b) assistance by way of representation may be approved under Article 5 of that Order in respect of proceedings before the tribunal.

Accreditation of solicitors

2.—(1) The Law Society shall make regulations with respect to the education, training and experience to be undergone by solicitors seeking accreditation for the purposes of this paragraph in relation to a court or tribunal to which this Schedule applies.

(2) A person who is qualified to act as a solicitor may apply to the Law Society for accreditation under this paragraph in relation to a court or tribunal to which this Schedule applies.

(3) An application under sub-paragraph (2)—

(a) shall be made in such manner as may be prescribed;

(b) shall be accompanied by such information as the Law 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.

(4) At any time after receiving the application and before determining it the Law Society may require the applicant to provide it with further information.

(5) The Law Society shall grant accreditation under this paragraph in relation to a court or tribunal if it appears to the Law 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 the applicant in relation to that court or tribunal by virtue of regulations under sub-paragraph (1).

(6) Accreditation granted to a person under this paragraph ceases to have effect if, and for so long as, that person is not qualified to act as a solicitor.

(7) The Law 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 be accredited under this paragraph in relation to a prescribed court or tribunal.

(8) Every entry in the register kept under Article 10 of the Solicitors (Northern Ireland) Order 1976 (NI 12) shall include details of any accreditation granted under this paragraph to the solicitor to whom the entry relates.

Duties of solicitor

3.—(1) Sub-paragraph (2) applies where—

(a) either—

(i) a criminal aid certificate or civil aid certificate is granted under the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 to a person in any proceedings in a court or tribunal to which this Schedule applies; or

(ii) assistance by way of representation is approved in respect of a person under Article 5 of that Order in relation to proceedings in such a court or tribunal;

(b) that certificate or approval entitles that person ('the client') to be represented by counsel or by a solicitor accredited under paragraph 2 in relation to that court or tribunal; and

(c) either—

(i) the client's solicitor is minded to arrange for another solicitor who is accredited in relation to that court or tribunal to provide that representation; or

(ii) the client's solicitor is accredited in relation to that court or tribunal and is minded to provide that representation.

(2) The client's solicitor must advise the client in writing—

(a) of the advantages and disadvantages of representation by an accredited solicitor and by counsel, respectively; and

(b) that the decision as to whether an accredited solicitor or counsel is to represent the client is entirely that of the client.

(3) The Law Society shall make regulations with respect to the giving of advice under sub-paragraph (2).

(4) A solicitor shall—

(a) in advising a client under sub-paragraph (2), act in the best interest of the client; and

(b) give effect to any decision of the client referred to in sub-paragraph (2)(b).

(5) Where—

(a) a solicitor has complied with sub-paragraph (2) in relation to the representation of a client in any proceedings in a court or tribunal, and

(b) that client is to be represented in those proceedings by an accredited solicitor,

the solicitor shall inform the court or tribunal of the fact mentioned in sub-paragraph (a) in such manner and before such time as the relevant rules may require.

(6) For the purposes of this paragraph compliance with sub-paragraph (2) or (5) in relation to any proceedings in a court or tribunal in any cause or matter is to be taken to be compliance with that sub-paragraph in relation to any other proceedings in that court in the same cause or matter.

(7) If a solicitor contravenes this paragraph, any person may make a complaint in respect of the contravention to the Solicitors Disciplinary Tribunal.

Regulations

4.—(1) Regulations under this Schedule require the concurrence of—

(a) the Lord Chief Justice; and

(b) the Department, given after consultation with the Attorney General.

(2) The Department shall not grant its concurrence to any regulations under paragraph 2(1) or 2(7) unless regulations have been made under paragraph 3(3) and are in operation.

Consequential amendments

5. The Department may by order make such amendments to—

(a) the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981; or

(b) Schedule 3 to the Access to Justice (Northern Ireland) Order 2003 (NI 10),

as appear to the Department to be necessary or expedient in consequence of, or for giving full effect to, the provisions of this Schedule.

Interpretation

6. In this Schedule—

‘accredited solicitor’, in relation to any court or tribunal, means a solicitor who is accredited under paragraph 2 in relation to that court or tribunal;

‘the client’ has the meaning given in paragraph 3(1)(b);

‘the Law Society’ means the Incorporated Law Society of Northern Ireland;

‘prescribed’ means prescribed by regulations made by the Law Society;

‘relevant rules’ means—

(a) in relation to the Crown Court, Crown Court rules,

(b) in relation to a county court, county court rules or family proceedings rules,

(c) in relation to a magistrates’ court, magistrates’ courts rules,

(d) in relation to a tribunal, the rules regulating the practice and procedure of the tribunal.” — [The Minister of Justice (Mr Ford).]

The Minister of Justice: The amendment, which brings a change to the law on sex offender notification as a result of a ruling of the Supreme Court, was debated during the Consideration Stage of the Bill. However, due to a request from the Chairperson of the Justice Committee following concerns expressed by some Members over the proposed review process, I agreed to withdraw the amendment to allow the Justice Committee to revisit the issue before the Further Consideration Stage today.

My officials attended the Committee on Thursday 24 February to provide further information required by members and to offer clarification on matters of detail. The law on this subject is complex. Many people are unsure of what notification means and of its effects. Put simply, it is a system that requires offenders who have been convicted and sentenced for a sexual

offence to give the police certain personal information and to keep that up to date.

Neither the court nor the police decide who should be subject to notification or for how long. The notification is a statutory requirement based on offence and sentence, but it is not part of the sentence, nor is it a punitive measure. The motive behind the law is to assist the police in the prevention and detection of crime. However, to fail to comply is a criminal offence.

I understand that the Committee looked again at the issue of a review mechanism on Monday of last week but did not reach a position. I had hoped, however, that that further opportunity to discuss the issues of concern would have allowed us to progress the proposals today. Unfortunately, that now looks unlikely due to the petition of concern that you referred to.

Despite that, there seems to be broad consensus that a legislative provision is required to remedy the incompatibility issue. However, the remarks made recently in Westminster by the Home Secretary and the Prime Minister obviously sparked anxiety on the part of some Members that the Northern Ireland response was somehow soft on sex offenders and offered more than was necessary to meet the Supreme Court ruling.

That was argued on three grounds: that the initial review period that the offender would need to complete before making an application for a review was too short; that the burden of proof determining discharge should not fall on the Chief Constable; and that allowing an applicant to ask the Crown Court to review the case after the police had turned it down was permitting a second bite at the cherry.

Some Members were anxious that we were exceeding the bare minimum response to the judgement, as lauded by David Cameron, and felt that we should wait for Home Office Ministers to bring forward their proposals to Parliament before legislating here. We have already dealt with those concerns at Committee and during the debate at Consideration Stage, but let me rehearse the major points.

First, we are not being soft on sex offenders. Fifteen years before a review can take place represents the period chosen by all three UK jurisdictions. Both here and in England and Wales, the review is not automatic; the offender must make an application, which will only

be considered if 15 years has passed since release from prison.

Secondly, the legislation does not impose a burden of proof on the Chief Constable. The Chief Constable decides from the information available, including any risk assessments carried out under the public protection arrangements, whether an offender continues to pose a risk of harm to the public, which is the same standard as in the rest of the UK. If the Chief Constable concludes that the offender poses a risk, he will not discharge the requirements. The Crown Court will be given the opportunity to decide applications on the same basis. In addition, the provisions specifically exclude applications from offenders who have been awarded a sexual offences prevention order by the courts because of their behaviour since conviction. That is a bar over and above the Scottish system. Those are offenders whose behaviour is causing the most concern and who will, therefore, not be able to apply for discharge.

Thirdly, without a court process of some sort, the legal advice is clear: we risk a further legal challenge if our law is incompatible with article 6 of the ECHR, which is the right to a fair and public hearing before an independent and impartial tribunal.

All three jurisdictions recognise the risk and deal with it on the basis of their legal advice. I understand that in England and Wales the exact way in which that it will be dealt with has yet to be decided. However, in Scotland, there is already a statutory route to the Sheriff Court. On the basis of legal advice, I consider that the Crown Court route is an appropriate and practical response here and is not an opportunity for an easy way out. Nevertheless, there is likely to be a robust debate on some of those points. The judge must reach a decision on the same basis as the Chief Constable, and we continue to support that provision over the judicial review option that is likely to be used in England and Wales. The police have been fully consulted in the development of the provisions and are not viewing the outcome as a process that is designed to be soft on sex offenders. They are confident that the review process, as outlined in the amendment, offers a way to make appropriate decisions about the best use of resources to maximise public protection.

In response to those who wish to delay the legislation until after the elections and pass

it to the next mandate, I remind them that what we have here are proposals based on detailed consultation with the police, other key stakeholders and jurisdictions. The proposals are based on careful policy development and on measured decisions about how best to meet the judgment and continue to protect the public. Delay by the Assembly is unlikely to change any of the conclusions reached but will be delay for delay's sake. The right thing to do is to get the legislation passed and allow for future opportunities to concentrate on strengthening the notification requirements in meaningful ways for those offenders who pose a risk.

Let me summarise and be absolutely clear: the Supreme Court has ruled that the current law leaving offenders indefinitely on the register cannot continue. The three jurisdictions across the UK agree on a minimum of 15 years before review, which is 50% more than the maximum determinant time on the sex offenders register. Offenders will have to apply for review and will have to satisfy the Chief Constable that they no longer pose a risk to the public or else they will stay on the register. Offenders can then appeal to the Crown Court. Legal advice is that this is much a more robust option than the judicial route.

If the Assembly does not legislate, there are two possible outcomes: offenders could end up being removed from the register without proper consideration of all relevant factors; or they could end up receiving compensation for being retained on the register. I do not believe that those are desirable outcomes, because they would not protect vulnerable people in Northern Ireland, and people would want them. I accept that this is a difficult issue for Members. However, the House is here to address difficult issues on behalf of the people of Northern Ireland and to establish robust means of protecting the public from, in particular, sexual offenders. I believe that what is currently proposed, to which no substantive alternatives have been produced despite two weeks' further consultation and despite the fact that it has been previously discussed at Committee, should stand.

I turn to amendment Nos 12 and 32, which give the Department of Justice the power to provide enhanced legal aid fees to certain solicitors providing advocacy services in the lower courts. During Consideration Stage, I moved amendments to give my Department an Order-making power to make technical amendments to primary legal aid legislation that would pay

enhanced remuneration to solicitors who had exercised the new extended rights of audience in the High Court and the Court of Appeal.

I now want to move those amendments to introduce a clause and a schedule that will properly remunerate solicitors who are exercising their existing rights of audience in Magistrate's Courts, County Courts, Crown Courts and tribunals. They will facilitate the enhanced remuneration of solicitors who undertake advocacy work in place of counsel. In line with the duties and responsibilities that are placed on solicitors exercising their proposed new rights of audience in the High Court and the Court of Appeal, similar requirements will be placed on solicitors carrying out advocacy work in the lower courts.

8.15 pm

The amendments will require the Law Society to make regulations that set out the education, training or experience requirements that a solicitor must possess before accreditation can be granted at each court tier. Those regulations will require the concurrence of my Department.

The measures will include the creation of a duty for a solicitor to advise the assisted person in writing of the options available for representation; a duty to act in the best interest of the assisted person when providing that advice, and to give effect to the decision of the assisted person; and a duty to inform the court that they complied with those requirements, and that the assisted person had been advised accordingly. Provision is also made to ensure that a complaint can be made to the Solicitors Disciplinary Tribunal in situations in which there was an alleged breach of those requirements. The clauses will also give the Department an order-making power to make technical amendments to certain legal aid primary legislation to enable enhanced fees to be paid to solicitors performing that role.

Implementing the clauses will have no cost implications for the legal aid fund, as the new enhanced fee will be paid in place of fees that are paid to counsel. I seek the agreement of Members to introduce those changes, which follow from the proposals that were accepted at Consideration Stage.

The Chairperson of the Committee for Justice: I have listened carefully to what the Minister said, and he is right to say that I was the one who

asked for the matter not to be pushed when the Committee last debated it. As a Committee, we thought that the issue should be looked at again. However, I emphasise that I am not speaking as the Chairperson of the Committee for Justice, but as an MLA.

When the issue was discussed by the Committee, one member said that in times like these one would rather not be a legislator. It is difficult task and great responsibilities are placed on one's shoulders to deal with issues such as this.

In his amendment, the Minister has more or less, and certainly in the term of years, followed the Scottish model. However, there is a difference when one looks more closely, because the Scottish model gives an offender the right to have his case looked at after 15 years, whereas the Minister is not advocating that here.

We must consider what others have said, and the Minister was right when he quoted the Home Secretary, Theresa May. However, what the Prime Minister said may also be worthy of notice, because, to some degree, he contradicted what Theresa May said.

We must be very sure and certain about what we are about here today. Those of us who will oppose what the Minister is proposing to introduce will do so in the best interests of the general public. We will not oppose the amendments simply to score cheap political points, because the nature of the matter that we are debating is much too serious, and it could have far-reaching implications if the Assembly does not get it right. Therefore, it is imperative that we apply our minds as best as we can to getting it right.

It is important that we hear exactly what the Home Secretary said. She said:

"The Government are disappointed and appalled by that ruling."

The ruling that she referred to was the ruling by the Supreme Court that a person had the right to apply to be removed from the sex offenders register.

She went on to say:

"It places the rights of sex offenders above the right of the public to be protected from the risk of their reoffending, but there is no possibility of further appeal. The Government are determined to do everything we can to protect the public from predatory sexual offenders, so we will make the

minimum possible changes to the law in order to comply with the ruling. I want to make it clear that the Court's ruling does not mean that paedophiles and rapists will automatically come off the sex offenders register. The Court found only that they must be given the right to seek a review."

She goes on directly or indirectly to criticise or make light of the Scottish Government's decision. She said:

"The Scottish Government have already implemented a scheme to give offenders an automatic right of appeal for removal from the register after 15 years."

This is the important bit. She said:

"We will implement a much tougher scheme."

Regrettably, she did not say what that much tougher scheme might be. It would not be prudent for the Assembly to push ahead with legislation unless and until we see what the Home Secretary's tougher regime will be. Is she saying that instead of 15 years, it will be 20 or 30 years? We do not know, because she did not say.

Furthermore, it might be interesting to look at what someone else said on the matter. The chief executive of the NSPCC said:

"Adults who sexually abuse children should stay on the offenders' register for life, as we can never be sure their behaviour will change."

He goes on to say:

"It is unbelievable that the rights of sex offenders, paedophiles and rapists are to take priority over the protection of the public. The ruling"

— by the Supreme Court —

"means that thousands of sex offenders are now free to apply to have their names removed from the register."

I hope that the Minister realises, as I am sure he does, that it might be possible for this part of the United Kingdom to have legislation that is contrary to the rest of the United Kingdom. Therefore, he can imagine how those who would have a mind to could slip across from one part of the United Kingdom to another where there is a difference in the legislation, and the confusion that that could cause. When the Minister is summing up, I hope that he will reassure the House that those issues have been looked at in a very definite way, because those are the issues that concern us. There would be a potential loophole if we do not have legislation

that is at least as tight and as stringent as that in England and Wales. If we do not, we will be vulnerable here, and we will leave members of the public vulnerable.

It is on those grounds that we will be opposing the Minister's amendment. It is not for a cheap political shot or to score a few political points — there will be plenty of opportunity to do that in a couple of weeks. We take the matter very seriously, and we are telling the Minister that we believe that what he proposes is hasty, that it must be more stringent, and that he should have waited until the Home Secretary decided what her tougher measure will be.

The Minister mentioned his concerns that if there were no legislation in place, there could be a problem. Are there not facilities to bring in legislation by accelerated passage? Would there not be provision for any Justice Minister, whether the present one or a future one, to do that? I ask the Minister to consider that. I intend to stop there. I am interested to hear what others have to say about the issue.

Ms Ní Chuilín: Go raibh maith agat, a LeasCheann Comhairle. I want to put on record the help and support that we got from officials. This part of the legislation has not been easy for anybody.

We genuinely disagree with Lord Morrow's position. We could not reach a consensus on the Committee and so that was agreed. The fact that the current situation is not compatible with article 8 of the European Convention on Human Rights leaves us vulnerable to judicial review. Does that mean to say that what we are going to get is strong enough or tough enough? We read Lord Morrow's evidence in the Hansard report of the debate at Westminster. He made some legal points but a lot of political points, too. We tried to sift through those in order to try to come to a decision.

As the Minister mentioned in his introduction, no member of the Committee wants to be seen as being soft on the perpetrators of sex crimes, sex offences and so on. I want to put that on record.

The Committee was briefed again by the Department's officials on 24 February, and we asked questions, particularly in relation to the review of the period of notification. The period is 15 years after release or, if the offender was under the age of 18 at the time of the conviction, eight years after release. One of the

concerns that I had was that, somehow, the arrangements that we use to manage the risk posed by sex offenders would be diluted as part of this process. We were told categorically that they would not be, that robust checks and balances would be imposed on a risk-assessment basis and that clear guidelines would be produced to bring this forward.

If the Chief Constable or a superintendent decides that, even after 15 years, an offender needs to stay on the sex offenders register, the mechanism exists whereby the offender can appeal to the Crown Court. However, the court can only use the same assessment criteria that the Chief Constable of the PSNI used. The judge cannot go outside of those criteria. If the decision goes against the offender, he can take his case to the Court of Appeal. However, I imagine that it is the same path and he will be unable to come back. The decision may be that the offender may have to stay on the sex offenders register until the Chief Constable is content that he no longer poses a risk.

It is one of those pieces of legislation that no member of the Justice Committee wanted to deal with. One of my colleagues said that this was the one time when he wished he was not a legislator. However, if we do not make law on this, the matter will be left to the courts and left open to judicial review, and I fear that it will be abused. I would much prefer to bring forward legislation with robust guidelines that can be used to ensure that we are not putting at further risk vulnerable people who have been victimised and who are survivors.

That is where we part company with Lord Morrow's party. On the rest, we can all agree. We read the Hansard report, and John O'Dowd, anorak that he is, went through all the European legislation and all the comments on it. We have taken this position after a lot of consideration. I was assured by the officials at the Committee. We asked them tough questions, hoping that there would be some sort of gap, so that we could say, "Ah, but". That is where the differences may lie.

We are still nervous about this, to be totally honest. At the same time, our position is that to do nothing is not an option. We understand that the petition of concern takes this out of our hands, and that is democracy. Like it or not, that is what people use, and that is fair enough. However, we must have due regard for those who come after us. Unless we strengthen this

provision and close any legal loopholes — there are legal loopholes, as the European Court of Human Rights has shown — by default, and not by any sinister or malign reason, we will be leaving it open for whoever comes after us in the next mandate.

8.30 pm

The other aspect of this, which we did not see a lot of, is how will we close the loophole? I am not making party political points when I say that we need to make sure that people cannot take refuge in the 26 counties in the South, just as they cannot take refuge in Scotland, England or Wales. We need to see how those guidelines will be implemented across borders and across different jurisdictions. However, given the advice and assurance that we received from officials about the need to make sure that we are compliant with the article from the European Court of Human Rights, we are "content" enough to support the Minister's amendment.

Mr B McCrea: As someone who was alarmed about this proposed legislation some time ago and voiced that alarm in number of places, I want to address some of the issues raised by the two Members who have just spoken. I declare an interest as a member of the Northern Ireland Policing Board and as chairman of that body's human rights and professional standards committee. As chairman of that committee, I have come across a number of human rights issues. We talked earlier about political courage and making decisions. The more I got into it, the more I understood why it is important that we have a Human Rights Act.

I also understand that the words Human Rights Act cause a knee-jerk reaction in the general public. They think that it is not an Act that protects them, because it always seems to be used to invoke the privileges and protections of others. That is a serious issue. I explained earlier in the debate why I believe in the Act. If we consider that the Act emerged after the travesties and injustices of the Second World War and ask ourselves whether there are certain rights that we should protect, such as the right to life, the answer is that, of course, we should protect the right to life.

I understand more and more about the issues that come up, such as whether prisoners should be allowed to vote, to which there is a knee-jerk reaction. The issue is misunderstood because, when such rulings are made, they state not that

every prisoner should be allowed to vote, but that it should be considered. However, it is a hard argument to sell, and the public say that it is outrageous.

I approach this particular issue from a background that has given me some time to study the implications. I have some cognisance of the legal arguments that apply to everything from stop and search to the publishing of images of children under the age of 18 and the use of force. My stance on the ruling from the Supreme Court on this issue is contrary to that put forward by the previous Member who spoke. I want to try to explain why I think that it is important — I am talking in a non-party political way — and why I hope to change people's minds. I hope that I can put across arguments that will do that. It is sometimes difficult for people to change their mind because they have to consult colleagues, and so on, but I want to put some points to Members on why I think that proceeding with this particular legislation is unsafe.

Members talked about being soft on sex offenders. I suspect that no one in the Chamber wants to be soft on sex offenders. I also suspect that there is no one who is not completely horrified by the rape of a young woman in front of her children in Newry. People feel absolute revulsion at such crimes. I hope that the perpetrator of that crime will be caught and brought to justice.

I am prepared for Members to tell me that there is a bit more for me to understand, but one of the pieces of information that worried me when I looked at the evidence that was put to the Committee in support of the legislation was that 75% of offenders do not reoffend. That means, of course, that 25% do reoffend. It is that 25% that are the problem, and most of them reoffend in the most serious and heinous of ways. I must say that, when we try to convince the public to have confidence in our criminal justice system, our Chief Constable, our Police Service and this legislative body, it is important that we win this argument. If we were to talk to any woman, and, I suspect, most men, about what we are trying to do here, they would react by saying that we cannot be serious.

I do not suppose that it needs protecting, but here I am, trying to protect the Supreme Court over its decision. That decision was neither soft nor broad. It was a very narrowly focused decision that said that the situation had to be

looked at again, because there could not be a blanket ban. However, none of the Supreme Court justices argued in the actual judgement that anyone had any real expectation of being let out, although there were specific instances in which that might be considered. I am critical of the Scottish position on automatic renewal, but that was what not what the Supreme Court ruled. It ruled that there is an entitlement to a review. I am sure that the barristers among us will be able to confirm this, but the Supreme Court even brought up the fact that people were talking about using the word “indefinite” in legislation. That would mean that a person would never get off the register, even if they died. So, there are issues in the Bill that we need to get right.

In particular, the Supreme Court talked about the need for a tribunal to look at the issue. That is important. At this point, I will talk about some quite sensitive matters, that are, nevertheless, germane to the point. According to some representations, the Chief Constable has, apparently, said that he could make the decision. In fact, at the Policing Board last week, one of the ACCs was talking to me about this issue and told me that they could take the decision. Of course, the Chief Constable could take the decision. Many of us could take the decision. However, is it right for the Chief Constable to take that decision?

We can invoke articles 2, 8 and 10 of the European Convention on Human Rights on another issue — parading. The Chief Constable could make a determination on a parade and about whether it goes up and down a particular road. Those of us who are members of the Policing Board will understand that we have had discussions with the Chief Constable about why he does not take that decision. If he does, one side of the community will say that it does not like it, and the other side will say that it does like it. The Chief Constable will therefore be embroiled in making decisions on conflicting human rights issues. That undermines the Chief Constable and the police, and it gives us a problem.

How did we fix the legislation on that issue? We introduced the Parades Commission. I understand that Members will have problems in that the Parades Commission is not constituted in the way that they want, or it does not do the right thing. The point is, however, that to avoid the Chief Constable having to make those

types of decisions, we have another body, a tribunal, that engages on those issues. Those are fraught and difficult issues, but I contend they are no more fraught and difficult than sex offending of the type that happened in Newry. Just recently, we had issues with the report on the investigation into the McGurk's Bar bombing. That is a very sensitive issue that will be dealt with in another place.

However, the issue is whether the Chief Constable made the determination. The answer is no. We have an ombudsman who makes those decisions. We have another body called the Policing Board, which was set up precisely to ensure that difficult issues are dealt with in a tribunal format.

The Minister of Justice: The Member produces an interesting set of analogies in other areas where there are particularly contentious issues on which the Chief Constable may not be the right person to make a determination. However, given the role that the Police Service already has in public protection arrangements, and their liaison with bodies such as the Probation Board, will he not accept that they are, in fact, uniquely well placed to be the first determinant? The proposal is to back that up with the Crown Court, which will provide that legal tribunal to ensure that matters are dealt with correctly. Although the Member has produced some interesting analogies across the field, they are not germane to the issue that we are seeking to discuss.

Mr B McCrea: Although I have had a discussion with the Minister on the issue, I have to say that I think that they are germane. They deal with conflicting articles of the Human Rights Act — articles 2, 8 and 10 — which the Supreme Court covered.

The way in which we have a relationship with the Chief Constable of the Police Service of Northern Ireland is different to the way that relationships with the Chief Constable of forces in England and Wales or Scotland are conducted because there is no contentious space in those places. We are in a process of reassuring the public of Northern Ireland — all sections of our community — that the police are for everybody. We want to get the police dealing with issues that they are particularly responsible for.

My concern is that, if a sex offender is brought to the Chief Constable, who reviews the issue and decides to let that person out — forgive

the shorthand — there will be a hue and cry that undermines the Chief Constable. It does not matter whether the legal position is right or wrong; the public will ask how he can do that, because they have very fixed ideas on this issue. Conversely, if the Chief Constable does not let the sex offender out, there may well be a process of judicial review in which there will be yet more conflict between what the Chief Constable decides and what the law decides. If I understood Alban Maginness's intervention correctly, I am right in saying that is why it is safer to follow what the Supreme Court decided and say that a tribunal should be set up to deal with those issues. This is not a matter for the Chief Constable to deal with. It is a matter for experts who are founded in the law and able to deal these issues without burdening the Chief Constable, even though the Chief Constable may be able to make decisions because he will have the information.

I want to address other issues in closing. The Supreme Court ruling makes no determination on whether 15 years is the right or wrong length of time. I absolutely agree with Lord Morrow that, if the Prime Minister and the Home Secretary are going to produce tougher regimes, we should wait and see what those are. The whole issue is to do what is required under the law and no more. The essence of human rights legislation is the need to protect everybody. The general public need to be protected as well.

Ms Ní Chuilín: I am still not clear, and I am being genuine. First, is the Member saying that part of his concern is that we should wait to see what comes over from Britain before making a decision? That is one clear point. Secondly, is the Member saying that there should be a tribunal but that the Chief Constable should not make the decision? To be fair, Basil, that is not clear. If the Member agrees that there should be a tribunal, should it be the system that we are using at the minute to assess the risk of sexual offenders and something else? If so, what is that something else?

8.45 pm

Mr B McCrea: I am grateful to the Member for her intervention. I appreciate the call for clarity. I will deal with the points in the way that I remember them.

I am saying that I do not think that this is a position in which we want to put the Chief Constable, even though he may be technically

competent to make such decisions. I think that we should be looking for an alternative way to do it; some form of tribunal. That is what the Supreme Court ruling said. Perhaps we could have a body similar to the Life Sentence Review Commissioners or the Parole Commissioners. That would invoke the procedures that the Member has outlined about appeals and so on. I think that another body should do it. I hope the Member is clear that that is what I am suggesting we look at again.

Dr Farry: The Member is making a point about the possible establishment of tribunals. However, the Life Sentence Review Commissioners already cost several million pounds to run. Given the spirit of the times, and given that we are trying to rationalise government, does he think that setting up a tribunal process for 20 cases a year would be a good use of money, as opposed to running it through an existing body such as the PSNI?

Mr B McCrea: There are a number of answers to that question, and I am trying to get back to the point raised by Carál Ní Chuilín. My real point is that this legislation has been taken off the shelf and is being rushed. The proper place to debate all the issues is in Committee —

The Minister of Justice: The Member says that the legislation is being rushed. With respect, this issue has been under discussion across the three UK jurisdictions since the Supreme Court ruling. It is an issue on which the Department wrote to the Committee back in December 2010. It is an issue that was discussed in at least one meeting in each of January and February 2011. It is an issue on which, as I said, we went back and allowed further opportunity for discussion over the two weeks since Consideration Stage. It is fine to talk about issues being rushed. However, if opportunities are not taken to engage with the issues, and given that those issues follow consideration across the three jurisdictions as to how best to engage and show a broadly similar pattern — for example, waiting 15 years before an application can be made is identical in England, Wales, Scotland and here — I find it difficult to accept the suggestion that this is being rushed.

Mr B McCrea: Obviously, the Minister and I have different time frames in mind. When I read the Hansard report of the two Committee meetings — one of which was during the last week in

February, the other of which was during the first week in March — I saw that, unfortunately, the amount of detail provided to the Committee was relatively modest, as was, in my opinion, the amount of debate that took place. An issue of this import requires further scrutiny and discussion.

The point that I am trying to make is that Northern Ireland has particularly different circumstances from other parts of the United Kingdom. That is why we have devolution. It is not correct to say that what works in Scotland, England and Wales is correct. That is why we have a difference. To simply shoehorn in legislation that has been considered by other places is unsafe. *[Interruption.]*

I hear people to my right people saying that they did not do that. However, that is not apparent to me. I have looked at the information and have read the reports. Members who were present at the Committee meeting can indicate whether this is an accurate record of what they said. Mr Givan said:

"I agree to its inclusion although I probably do not support it. However, we have no choice".

The Chairperson of the Committee said:

"It is Hobson's choice."

Ms Ní Chuilín said:

"Just because it is in our report does not mean that we like it."

Nobody liked it. Nobody wanted it.

What I am telling you is that the Supreme Court judgement does not insist that we do it this way. This is not the right way to do it. You should go back and look at it properly, in a timescale in which you think that you can do it. You may think that telling the Chamber that Lord Morrow, Mr Givan and Mr Maginness asked for the issue to be taken back and reconsidered is a debate. I have not had the exact detail, but simply saying, in essence, that you have had a look at it in Committee and that here it is back again is not a debate. That is not —

Mr Deputy Speaker: Order. I have been very lenient with the Member, but he has now used the term "you" several times. I remind him that the only "you" in the Chamber is me.

Mr B McCrea: I stand corrected, Mr Deputy Speaker.

I will bring some structure back to the commentary that I have to make. When the Prime Minister and the Home Secretary say that there are some concerns about the issue, that rings alarm bells with me. I do not accept that the term of 15 years is agreed by anybody and everybody, or that that is appropriate. I think that there are special circumstances —

The Minister of Justice: Will the Member give way?

Mr B McCrea: I am sorry, Minister, but I want to get to an end. I would normally give way, but I am getting a steely eye from the Deputy Speaker.

It is not a question of being critical of either the Minister or the Committee, because I understand full well what the implications of the Supreme Court judgement are, but the real issue for this legislative Assembly is that these are difficult issues to deal with that will have implications in other areas. The most fundamental issue as far as I am concerned is that we convince the people of Northern Ireland that we are able to legislate on their behalf and that we can do the right thing for them. That requires mature debate and proper scrutiny. If people have an issue, it should be dealt with in a calm and collected way. We should be able to go back and get more information.

I realise that a petition of concern was presented on this amendment, and I support that, but it is worth having the debate, because nobody is ducking the issue. We are just saying that we need to have a proper debate and that it is not necessary to do things just because everybody else is doing them. That is a fundamental flaw. It demeans the Assembly, it demeans the people here, and I accordingly ask for Members to vote against the amendment.

Mr Deputy Speaker: At this stage, it would be useful if Members could focus on the amendment. The analogies, and so on, were very interesting, but, at this hour, we should focus on what we should be debating.

I call Mr Alban Maginness.

Mr A Maginness: Thank you, Mr Deputy Speaker; I will attempt to do as you have directed.

The central issue here is how we best protect the public in Northern Ireland in the light of the Supreme Court judgement. We have to evaluate the amendments that the Minister has presented against that background. In my view, the best way to protect the public is to

take the Minister's route and to support the amendments. I have reasons for that belief and will try to be succinct in explaining them.

It is best to be timely, and I think that this is an opportune moment to act. I cannot see how what the Minister has presented to the House can be substantially improved on, but if we do not act in a timely fashion, we risk some applicants going to the courts, seeking and being granted relief on the basis of the Supreme Court judgement and thereby being removed from the sex offender register.

That is a risk. I do not know how high it is and I am not saying that it is immediate or imminent, but it is a risk. We should be very conscious of the fact that there is such a risk.

Given the changes in Scotland and the proposed changes in England and Wales, there is the risk of offenders here going to Scotland, Wales or England and taking advantage of provisions that are contrary to our position. That is a difficulty that we have to address as well, and we have to do so now. The desirable thing is to have a uniform system throughout these islands and among the three jurisdictions in the UK, because that would provide the maximum protection to society, particularly to women and children. The Minister's approach is the best that is available. We will not produce any better legislation by delaying the implementation. There is no advantage to the public, and there is certainly not an advantage for public protection. We should support what the Minister has introduced.

I understand the arguments that Lord Morrow put forward. I understand that people do not find the legislation palatable. There is no doubt that it is unpalatable. Most of us would instinctively react by saying that there should not be a review of those people, because they have offended grievously in society. However, the fact is that the Supreme Court has found that their rights under article 8 have been adversely affected. It is a fact that there are review mechanisms in other jurisdictions, including the Republic of Ireland, France and Canada. We have to accept that as a matter of fact in law. We have to act within the spirit and the letter of the Supreme Court ruling, and it is timely and opportune for us to do so now.

Mr McCrea put forward the idea of a tribunal. In some respects, it is an attractive proposition. However, it is important to remember that being

on the sex offenders' register is not part of a sentence; it is a consequence of a sentence. The fact is that article 6 rights do not seem to be infringed in relation to registration or —

Mr B McCrea: To make it clear, it was the Supreme Court, in its judgement, that indicated that a tribunal would be the best way forward.

Mr A Maginness: Yes. Of course, as other Members have pointed out, one is not obliged to carry out every aspect of what the Supreme Court judgement discussed and concluded on. However, the essence of that judgement is reflected in the Minister's amendments. It is to be preferred that we move on those amendments now, because that will give the greatest possible protection to people now rather than later.

The police are best placed to deal with the review. The article 6 rights of people on the register are not affected.

9.00 pm

Ms Ní Chuilín: I thank the Member for giving way. Basil McCrea referred to a tribunal, using the Life Sentence Review Commission as an example, but it is worth pointing out that the Chief Constable already has responsibility for sex offenders. Whether called a tribunal or a panel, it would use the same criteria to assess risk. So, with respect, that undermines the argument that you used. I wanted to clarify that.

Mr A Maginness: I agree with the Member. There is no advantage to a tribunal, which, in essence is what I think the Member is saying. In any event, most people would regard the police as best placed to deal with matters of fact involved in this review. Of course, if that is unsatisfactory, going to the Crown Court is another mechanism by which to deal with those matters. In that sense, article 6 rights would be protected.

I referred to the points that Lord Morrow made, in particular about the remarks by Home Secretary, Theresa May, to the House of Commons. I do not believe that that is a good basis on which to make a political decision, the reason being that I do not believe that those were particularly appropriate remarks in the circumstances. It is not sufficient for us to rely on the Home Secretary's remarks, which were not particularly well informed in relation to the total consequences of that decision. We should

maintain our own position here, act quickly and act strongly, and I think that we are acting strongly.

There is no automatic right of appeal under these provisions; 15 years after a person has been released from prison is a fairly long time. A positive review, in the sense of a person being deregistered, is not necessarily the conclusion of that review. Therefore, in all of the circumstances, and given the provisions in the amendments put forward by the Minister, although all of us in some way question the decision of the Supreme Court and are concerned about the consequences of people being deregistered, which we regard as unpalatable, nonetheless, I believe that the Minister has got the right balance. His is the right way forward, and I go back to my original point: what is the best way of protecting the public here in Northern Ireland? In all the circumstances, the best way of doing that is to adopt the Minister's position.

(Mr Speaker in the Chair)

Unfortunately, because of the petition of concern, that will not become a reality. We do a disservice by not making it a reality and I hope that we, as an Assembly, can deal with this matter as quickly as possible after the end of this mandate.

Dr Farry: Welcome back to the Chair, Mr Speaker.

I support the amendment and tend to concur with a lot of Mr Maginness's comments, which I will try not to repeat. It is important to recognise that the House has a responsibility to act in this regard and, in some respects, this is a test of the maturity of the Assembly. In life, there are often things that we do not want to do but have to because of the responsibility that is placed upon our shoulders, and this is clearly an example of that.

I am certainly concerned that we will potentially shirk our responsibilities and leave the Northern Ireland system exposed to risk. The risk is twofold. In addition to what Mr Maginness said about the risk of the courts intervening and removing certain individuals from the sex offenders register, there is a risk that the courts may intervene and, through legal precedent, set a time frame that is lower than the 15 years that the House might introduce today. Therefore, by not acting, there is a danger that we will leave things to the courts and end up with legislation by the courts, whereby the threshold is not set at 15 years but at a lesser time.

The 15-year threshold has been a source of concern, particularly for Mr McCrea, and it is worth pointing out that it is perhaps the one thing that should be agreed in common across all three UK jurisdictions. Although there seem to be differences over the mechanisms to be invoked, there are none about the 15-year threshold, which is realistic, because reducing it to a lower figure would greatly enhance risk. Conversely, by extending the time frame much beyond 15 years, we would be in danger of not following the spirit of the Supreme Court ruling and of making the time frame virtually meaningless, which would also cause problems. Therefore, 15 years is a realistic figure that would keep us in line with the ruling but would also set the bar quite high. It is worth stressing again that people may apply to the Chief Constable for removal after 15 years: removal will not be automatic, and the test for removal will be extremely high, so by no stretch of the imagination will the floodgates be opened for people to come off the register after 15 years.

The point about devolution being an opportunity for us to do things differently has been made. We can look at issues such as time frames, and there are certainly many examples of the House having had the luxury to reflect on things for quite a while. Indeed, a theme is coming across, particularly from the Benches to my immediate left, of not rushing Members to make decisions, especially when we have had proper time to scrutinise and consider and when there has been a responsibility on us to act. Some Members seem determined to take their time in coming to decisions. However, prevarication often leaves people fairly exposed.

I certainly support devolution, which is about the House deciding how to allocate resources and offering policies that reflect particular circumstances. However, this is not one of those cases. In this situation, we must reflect a decision of the UK-wide Supreme Court. It is also a matter of interpreting human rights that bind us all. The only reason why we are discussing this subject is because policing and justice is a devolved matter, and, therefore, we have to follow suit on what is, in essence, a national ruling that applies equally to all parts of the UK.

It is worth bearing in mind that there is also a constitutional difference here on Supreme Court rulings. Again, that is a factor of devolution. The UK Parliament has a greater degree of

latitude than us with what it does, because it is a sovereign Parliament. Although, under the Human Rights Act 1998, the UK Parliament is required to take account of Supreme Court decisions, if it chooses and the case is well made, it can resolve to do differently. As a devolved Parliament, the Assembly is in a secondary position, so it is obliged to follow Supreme Court rulings and the 1998 Act. We do not have the option to decide, on reflection and if we want to, that we are determined to go ahead and do things differently.

As other Members identified, it is a difficult issue; however, difficult as it may be, we have a duty, obligation and responsibility to take that decision, which may head off a worse decision, from the perspective of many Members, being taken by the courts. Therefore, moving the legislation forward tonight may be the least worst thing that we can do.

Mr Givan: I recognise that this is a very sensitive matter, and it is important that we debate it in a calm fashion and with cool heads because it can be very emotive. It certainly touches the public, who have strong views on the issue.

Obviously, action is required as a result of the Supreme Court ruling, and the Home Secretary has indicated that she will comply. I note that the Member who spoke previously highlighted how Parliament is sovereign and may choose to do something else because the Human Rights Act 1998 allows it to do that. However, the Home Secretary has said that the Government will comply. The Home Office has said that it will be the bare minimum legal response, and the Prime Minister has said likewise. Therefore, it would be premature of this House to take a decision on the matter until we see exactly what the Home Office produces in its response to the ruling and the type of scheme that it will operate. Members have highlighted the fact that the Home Secretary's statement may have had a lot of political connotations. However, in the response and in responses to questions, she said that they will comply with the Supreme Court ruling. Therefore, we should wait for that ruling.

Obviously, there is an issue with the ruling itself. The Supreme Court ruling quite rightly caused outrage, and, ultimately, when the UK Government challenged that and lost their challenge, the Prime Minister was, quite rightly, outraged as well. In taking that decision, the

Supreme Court usurped the role of legislators. It has taken on the role of those who are elected by the public to create legislation. It is always very dangerous for the judiciary to take it upon itself to act in a way that I believe only elected Members should ever be able to.

It is an abuse of human rights for the court to base its decision on article 8 of the European Convention on Human Rights, and it does a disservice to those who champion human rights. It crystallises in my mind one reason why I am not an integrationist when it comes to Europe. I think that Europe has offered very little through the legislation and the directives that it passes. It undermines the sovereignty of national Governments, and this is a case in point, where article 8 of the European Convention on Human Rights has been used to afford rights to individuals who, in my view, should never be granted those rights. As my colleague from Lagan Valley intimated, it does a disservice to those who believe in true and genuine human rights. Article 8 says that the right of privacy is not absolute where provision is made in law by democratic society in the interests of public safety and protection. The UK Government put in place legislation to safeguard the public's right to protection and safety, which the Supreme Court has now decided to overturn. Therefore, I think that the Supreme Court has abused article 8 of the European Convention on Human Rights.

Members have touched on the Scottish model. Our model is quite similar to the Scottish model, but it differs in that the automatic right of review has to be requested by the individual who is on the register. I welcome that; it is appropriate and correct. We come close to the Scottish model in that the Chief Constable will take the initial decision. I have no particular problem with that. I hear comments that have been made about it. We will look at that matter, and I am willing to do so. At present, I do not have a particular problem with the Chief Constable taking the decision. However, I have an issue with the fact that, if the Chief Constable decides that a person must stay on the register, that individual has the automatic right to challenge that decision in court. It begs the question: why not just go straight to court anyway? I suspect that if a person makes the effort to ask the Chief Constable to review their being on a register and he decides that they should stay on it, I would have thought that that individual will take advantage of the fact that the law allows them to pursue the matter on another level.

So the point could be made as to why it does not go straight to the judiciary. I have concerns about that, and that is one of the reasons why we oppose it.

9.15 pm

The point has been made that it is not the court's decision that a person who has been convicted has to notify the police and sign on the sex offenders' register. That is automatic, because it has been put in statute. Politicians have made that decision, so a judge does not further punish an individual by telling them that they must sign on. They have to do it once they have been sentenced for a period of time. That calls into question why the judiciary should decide whether someone should stay on the register, because it is not a judicial decision. I think that, in England, the Home Secretary will allow for the potential of a judicial review of the police's decision. That will be on the process that the police have followed, not on the ultimate decision. It will be on whether the process outlined in the legislation has been carried out. That is the correct measure that should be followed.

My colleague Lord Morrow outlined some of what the Home Secretary said. Her statement came on 16 February, which followed the Committee's consideration of the matter. She said that she would be tougher than Scotland, and that immediately set alarm bells ringing with the Committee about the type of scheme that she was going to introduce. Therefore, we should take more time to consider this to ensure that we get it right. Earlier, we talked about the duty on public bodies, and Members from across the House said that that needed to be given greater thought. If Members feel that we should give greater thought to make sure that we are doing the right things on the duty of public bodies, Members should take the view that we need to make sure that what we do on this issue is the right thing. In light of what the Home Secretary and the Prime Minister said, we are not in a position to jump before they move. We need to be careful in the approach that we take.

Some Members pointed out that there is an element of risk with this. As I have said already, the Supreme Court has usurped the role of legislators. The Northern Ireland Assembly has not acted now because we have not had the necessary time to consider the issue, so it would be wholly inappropriate for any judge —

wherever they sit, including Northern Ireland — to decide to release someone from the register or to provide someone with compensation, as some Members alluded to. If the judiciary were to carry out that type of function and undermine further the role of elected Members, that would be a very poor reflection on it. I do not think that the judiciary will take that course of action. It has been pointed out already that another justice Bill will be introduced in the next mandate. It is important that we consider the matter properly and take a considered view on it.

Mr A Maginness: A court will not say that the Northern Ireland Assembly has not bothered to introduce legislation. It will look at the law as it stands currently in the light of the Supreme Court judgement and come to a decision. It will not be deliberately perverse in the sense that it will decide to spite the Assembly for not introducing the legislation. It will look at it in the context that the legislation here has not been amended in any way. That is the point, and that is where the risk lies.

Mr Givan: I thank the Member for that intervention. The problem for some of us is the nature of the review and how it will be carried out. The time period that must be served before the review can be asked for has not been spelled out by any institution. The Supreme Court has not specified how the review should be conducted, the nature of it and the time that people should wait. The Home Office has not responded to the review, and no European institutions have provided detail about the type of review that is to be conducted. Therefore, no member of the judiciary will be in a position to say what the European Court or the Home Office have decided should be applied. The Scottish Government are the only body that has done anything on the issue. Therefore, it would be premature for us to move on it until we can be certain that what we do in Northern Ireland is what the Prime Minister and the Home Secretary have indicated, which will be the absolute bare legal minimum to comply with the Supreme Court. As we speak today, we are not in a position to put our hands up for that. Therefore, we oppose the amendment.

The Minister of Justice: I am grateful to Members for the points that were raised, and, as nearly every Member said, the issue has been addressed tonight in a serious way, for which I am also grateful. Every Member who spoke referred to either the difficulties or to the quotation that

Lord Morrow started with that said that this was one of those occasions when people wished that they were not legislators. However, let me re-emphasise that my primary concern and that of the Department of Justice is, and always has been, to ensure the continued protection of the public from the risk that is posed by sex offenders in the community.

The proposals that we have brought forward represent a considered response to the Supreme Court judgement. They do not mean that the Department is going soft on sex offenders, and they do not mean that we are asking the Assembly to go soft on sex offenders. We have a proposed review process that is in line with those that are being applied in the other two UK jurisdictions. That process will be as rigorous as necessary to ensure the continued protection of the public. It is not the case that offenders will be discharged after 15 years. Offenders who continue to pose a risk will remain on the sex offenders register. The issue is purely the right to apply for discharge, not the right to be discharged. I find it extremely unfortunate that, despite the way that Members have addressed the issue, it has not been possible to reach any consensus on it.

I will now turn to some points that were made during the debate. A number of Members, starting with Lord Morrow, referred to the Scottish model. Indeed, Lord Morrow suggested that, to some extent, we were following that model. We are proposing elements of the Scottish proposal for Northern Ireland, because Scotland has already legislated on it. There are common elements that will be applied across the three jurisdictions. For example, the 15-year time limit has been agreed across the three jurisdictions as one of those measures that we need to have in common, so that people do not travel from one jurisdiction to another to gain any particular benefit from that.

The 15-year limit was not derived because the Supreme Court gave a particular ruling, which I acknowledge. Rather, the limit was derived on the simple basis that the maximum determinate basis is 10 years, and 15 years is seen as a reasonable additional length on top of that before, which I will repeat again, an offender is obliged to apply if they wish to be discharged and not, as is the case in Scotland, where police automatically consider issues.

Lord Morrow raised issues to do with our position in comparison with our colleagues in England and Wales. However, as Stephen Farry said, the reality is that we are subordinate as a legislature. We are not the United Kingdom Parliament. We do not have the luxury that resides in Whitehall and Westminster of being able to take a slightly different line. Therefore, the legislation that may be introduced in England and Wales may be treated in a different way from that that we would be obliged to have and that the Scots have already been obliged to have. We need to be realistic on that. However, to suggest, as the Home Secretary said, that we are somehow putting the rights of the offender above the rights of the public is absolutely not what the proposals were about. We have an arrangement that is tougher than that in Scotland. It is as robust as it can be, and we believe that it is in line with what will eventually be produced in England and Wales.

In that context, let me turn to Paul Givan's remark about the timescale in which we may have to work and wait for progress at Westminster. Unlike England and Wales, we do not have the luxury of waiting. We have a minor disruption to our business, which will be caused by an election in a couple of months' time. We ought to take action to ensure that we comply with the Supreme Court ruling within a realistic timescale. If legislation goes through for England and Wales in the autumn, it is most unlikely that a renewed Assembly could comply, regardless of who the Minister of Justice and Committee for Justice will be. There could be potential problems.

We have sought to produce our legislation in parallel with that of England, Wales and Scotland, though that is not to suggest that we automatically and slavishly follow suit. However, on the 15-year issue, there is a key need to ensure that the same timescale applies as that within which offenders have the right to apply to be removed from the register. I repeat the point I made earlier. Our advice is that the right of appeal to the Crown Court is more robust than simply leaving it open to individuals to apply for judicial review; it is likely to be significantly cheaper, and it will avoid some of the difficulties that could arise from a series of expensive judicial reviews, each to be fought on its individual merits, rather than the Crown Court reconsidering cases on the same basis on which the Chief Constable and his senior colleagues determined individual applications.

I was surprised when Lord Morrow suggested that it would be possible to introduce a Bill by accelerated passage. In some senses, that allows even less consideration than what we had sought to do — even acknowledging for the fact that the issue was not raised when the Bill was first produced and, due to having to try to co-ordinate with the timescales of the other two jurisdictions, had to be introduced later. I am surprised that the Committee Chairperson is recommending a mechanism to the Minister that I do not like, which I thought that the Committee did not like, and which would subvert proper Committee consideration.

The Chairperson of the Committee for Justice:

The Minister has taken what I said out of context. I accept that everyone else who has spoken on the issue, whether they agree with my position or not, was quite sincere in what they said. I am beginning to wonder whether the Minister is now trying to be trivial. What I said was that there have been dire warnings that if we do not do something, a worse fate will come down the road and that we had, therefore, better get on with it. In that context, and if that were the case, I asked whether the Minister or any future Minister — and I made the point that it may not be the current Minister — had to take emergency steps, he or she had the potential to do that. Unfortunately, the Minister did not say it that way. I hope that that clarifies the matter.

The Minister of Justice: I apologise to the Chairperson if I took him up wrongly in that respect. However, the point remains that accelerated passage is a less than ideal way in which to manage these issues.

Similar points were made by Basil McCrea when he expressed his concerns about how we deal with these matters. I noted the point he made when he referred to the fact that statistics show that 75% of sex offenders do not reoffend. He highlighted, quite rightly and reasonably, that that means that 25% do reoffend. However, it raises issues about whether the 75% need to be kept on the register indefinitely or whether there are alternative ways to ensure that sex offenders are managed and that effort is concentrated on those who do need to be managed, rather than on those who do not. He also talked at considerable length about the recommendation in the Supreme Court, the need for a tribunal. It is my advice that the basis of the system that we have represents a legally robust tribunal in that terminology, would have

the Crown Court review of the process which was under way, and would ensure that that was carried through.

I am grateful for support from Carál Ní Chuilín, Alban Maginness and Stephen Farry, none of whom gave me the impression that they find the issue palatable or that they are dying to legislate in that way. All of them have recognised the difficult position that we are in and the necessity to look to ensure that there is compliance with the Supreme Court judgment in a way that is robust and which we can stand over.

9.30 pm

Mr Callaghan: I appreciate the Minister's sentiment that this is an unpalatable topic to have to legislate on, but we recognise the Minister's attempt not to shirk the imperatives that stem from the Supreme Court decision. The Minister mentioned some of the considerations, which include wider public policy and offender management. Does the Minister agree that there is another dimension, which is not only community confidence in its broadest sense but the confidence of victims of past sexual offences and people who will become victims of such heinous crimes in the future? Given that it appears that the measure will not make progress today and may come back to this place at another time, does the Minister feel that it would be helpful to give further consideration to a mechanism in the statute book to enable a different type of notification requirement? Such notifications could include either a notification to victims of offenders that an offender has applied to the Chief Constable, or whatever is deemed the appropriate tribunal or person in any future measure, or a notification of any decision taken by the Chief Constable or another tribunal that would affect them or their loved one, in the event that the victim of a sex offence may have passed on.

The Minister of Justice: I thank Mr Callaghan for that intervention. It is clear that there are significant issues about the way in which the criminal justice system treats victims in general, and he highlighted the ramifications of offender notification provisions for those who have been victims of sex crime. Those are the sorts of issues that will have to be considered as we continue to look at enhancing the rights of victims and other aspects of the Bill, regardless of how we address this legislation. I will ensure that my officials continue to work on that. Work

is already being done on how to ensure that the needs of victims are met. We must recognise our responsibilities not only to individual victims but to the protection of wider society. I take that point entirely.

Carál Ní Chuilín said that, despite a couple of what I understand to have been fairly detailed Committee sessions, the Committee did not find any gap in the evidence put forward by departmental officials. That is the reality. A number of Members are asking us to look at different ways to do it, but, on the occasions when opportunities for suggestions were given to the Committee, no alternative suggestions were made. We are left with a situation in which we are saying that nobody likes this, and, therefore, some Members are saying that they cannot take this decision. However, at some point the Assembly will have to take difficult decisions to ensure that it complies with the Supreme Court decision in a way that protects the public and has a robust system in place to make sure that that is done. Alban Maginness made that type of point strongly when he talked about the protection of the public being the important need. I welcome his statement that he supports the Minister's route because he sees that as the best way forward. That is the reality of what we have to do. As Stephen Farry said, we have to meet the test of maturity. We have a duty to act, and at some point we will have to act to ensure that we comply with those requirements.

Paul Givan said that the Supreme Court had taken on the role of legislators. That may or may not be the case, but that is a verdict of the Supreme Court, and, as a subordinate legislature, we have to take account of that verdict. Regardless of whether or not we like court decisions — in many cases, people do not like them — there is no option.

I will go back over some of the points. The similarities between the three jurisdictions mean that the 15-year limit would apply in all three jurisdictions before any consideration would be given to someone being removed from the sex offenders register. In all three jurisdictions, the police would make the initial decision, with different methods for how it would be resolved. If we do not move forward, the element of risk needs to be addressed.

In light of the petition of concern, it is clear that we will not be able to take this matter through

the House today. That is a disappointment to me, given that there was no opposition voiced by the Committee when the proposals were provided in December and officials attended in January and February.

I had hoped that by not moving the proposals at Consideration Stage the two-week period since then would have allowed for progress today, but it is clear that a sufficient number of Members, aided by a petition of concern, are unwilling to move forward because they are not yet satisfied that this is the right way. However, the Assembly should decide matters on the basis of what protects the public of Northern Ireland and not simply rehash simple sound bites, even if they do come from the Home Secretary and the Prime Minister.

As a result of the concerns expressed today, there is little choice for me but to take the matter away. It is certain that something similar will have to be brought back by whomever is the Justice Minister after the elections in May, and Members who are present then will have to consider the matter in detail. At this point, noting that there was not a single comment on the other two amendments in this group and therefore assuming that they are accepted, I have no option but to beg to ask leave to withdraw amendment No 11.

Amendment No 11, by leave, withdrawn.

New Clause

Amendment No 12 made: After clause 86, insert the following new clause:

“Enhanced legal aid fees for certain solicitors

86A. Schedule 4A (which makes provision for enhanced legal aid fees for certain solicitors) has effect.” — [The Minister of Justice (Mr Ford).]

New clause ordered to stand part of the Bill.

Mr Speaker: We now come to the fourth group of amendments for debate, which will deal with the variation of firearms certificates and young people’s access to firearms. With amendment No 13, it will be convenient to debate amendment Nos 14 and 15.

New Clause

Lord Morrow: I beg to move amendment No 13: After clause 101, insert the following new clause:

“Variation of firearms certificate

101A. In Article 11 of the Firearms (Northern Ireland) Order 2004 (NI 3) after paragraph (3) (substitution of shotguns) insert—

‘(4) If a person—

(a) sells a relevant firearm (“the first firearm”) to the holder of a firearms dealer’s certificate (“the dealer”); and

(b) as part of the same transaction purchases from the dealer another relevant firearm of the same type and calibre (“the second firearm”),

the dealer may vary that person’s firearm certificate by substituting the second firearm for the first firearm.

(5) In paragraph (4) “relevant firearm” means a firearm other than—

(a) a shotgun; or

(b) a prohibited weapon.’” — [Lord Morrow.]

The following amendments stood on the Marshalled List:

No 14: After clause 101, insert the following new clause:

“Removal of restrictions on sporting shooting for young persons

101B.—(1) Schedule 1 of the Firearms (Northern Ireland) Order 2004 (NI 3) paragraph (11) (shotguns) shall be amended as follows.

(2) For sub-paragraph (3) substitute—

‘(3) Sub-paragraphs (1) and (2) do not apply in relation to a person who is under the age of 18 unless he is under the supervision of a firearm certificate holder who is authorised to possess such a shotgun.’” — [Lord Morrow.]

No 15: After clause 101, insert the following new clause:

“Air guns and ammunition

101C.—(1) Schedule 1 to the Firearms (Northern Ireland) Order 2004 (NI 3) paragraph (9) (air guns and ammunition) shall be amended as follows.

(2) For sub-paragraph 3(a) substitute—

‘(a) have an air gun in his possession without a firearm certificate unless he is under the supervision of a firearm certificate holder who is authorised to possess such an air gun.’” — [Lord Morrow.]

Lord Morrow: Members will recall that at Consideration Stage I had tabled three amendments, but none of them was moved at that point. I will put the House out of its anxiety and assure it that all three will be moved this evening. However, I can also bring some relief by stating that I do not intend to speak to all three amendments because, as Members will recall, I spoke at some length on amendment No 13 at Consideration Stage, so I do not wish to reiterate what was said on that occasion.

Suffice to say that, as best I could, I tried to lay out the objectives of what is a one-on, one-off transaction and the proposal itself. I tried to deal with the economics of it, the practicalities of it and the public safety around it, and then I sought to summarise it. Therefore, to save the House time — the hour is fairly late — I do not intend to say anything more on it, other than to refer Members to what I said then.

I will move to the other amendments in my name. As I said, at the appropriate time, when you ask for them to be moved, I will go ahead and move them.

Mr McFarland: For clarification and because one would need the Firearms Act to understand it, can I confirm that shotguns are already taken care of, which is presumably why they are excluded from this?

Lord Morrow: The Member has it spot on; that is absolutely right. Shotguns are already included, so it is others that we are dealing with.

I want to speak about the other two amendments. I will be as brief as I can, but hopefully I will give the amendments the respect that they deserve. I commend them to the House this evening and trust that they find universal support. I got an indication of some hesitation from the Minister at that stage, and, because I was trying to facilitate him — I got a quick shift this evening for facilitating him — I did not then move the amendments, but I will take a chance here tonight and see if he is in better form. In moving the amendments, I recognise that other organisations carried out work on them, and I trust that my amendments will assist them. I am referring to organisations such as the Northern Ireland firearms control liaison committee, which consists of the Countryside Alliance, the British Association for Shooting and Conservation, the Northern Ireland Gun Trade Guild, the Ulster Clay Pigeon Shooting Association, the Ulster Farmers' Union, the Ulster Rifle Association and

the Scottish Association for Country Sports. I also commend those organisations for their work in this field.

The combined objective of amendment Nos 14 and 15 is to remove a significant barrier to sporting achievement in shooting sports disciplines at Olympic, Commonwealth, world and European games by facilitating the training of young people in the safe and responsible use of certain sporting firearms while under the strict supervision of an experienced firearms certificate holder. Amendment Nos 14 and 15 would allow young people to receive supervised coaching in shotgun and airgun shooting sports only. Such supervised coaching and training could take place only at approved shooting ranges or on private property with the consent of the owner/occupier. Clay pigeon target shooting using shotguns and air rifle shooting are Olympic sports. Competitions are also held at the Youth Olympic Games and at world and European levels.

The Firearms (Northern Ireland) Order 2004 requires that a person must be over 18 years old before he or she can be granted a firearms certificate, which enables the holder to purchase a particular firearm and associated ammunition and to use them under strict conditions. Additionally, the Firearms (Amendment) Regulations 2010 require EU member states to ensure that only those over 18 years old can purchase firearms and ammunition. Significantly, however, the legislation permits young people to participate in supervised shooting. Similar legislation in England, Scotland and Wales permits young people also to possess shotguns and airguns under supervision. That has enabled shooting organisations to run highly successful training and coaching courses for young people aimed at improving sporting achievement and, of course, encouraging safe shooting practices.

Amendment Nos 14 and 15 would bring our laws on supervised shooting into line with the Firearms (Amendment) Regulations 2010 and practices in many other countries, including those in England, Scotland and Wales. That would mean that only those aged 18 or above could purchase a shotgun or airgun but an exemption would be introduced to facilitate the training of those under 18 years of age by an experienced firearms certificate holder. In many instances, he or she would be a qualified shooting coach.

The principal benefit of those amendments is the removal of a significant barrier to sporting achievement. If someone is to achieve success at Olympic or world level, coaching in shooting, as in any other sport, must start at a relatively young age and progress as the young person develops and matures. The amendments would also facilitate much better training in the safe and responsible use of sporting firearms, particularly for newcomers to the sport. At present, only those aged 18 and above may use a shotgun under supervision, and that is widely regarded as a major obstacle to training.

At 18 years old, a person may acquire a shotgun on their own firearms certificate without the need to undertake training. The amendments would allow responsible parents and trained shotgun coaches to determine the appropriate age for young people to be introduced to shooting sports in a safe and controlled manner. The expansion of training would be economically beneficial to shooting grounds in Northern Ireland and open up the possibility of hosting future Olympic, world and European youth games. Furthermore, shooting sports are extremely disciplined by their nature. Coaching and training also help young people to develop their personal discipline. All applicants for a firearms certificate are subject to stringent checks. For example, in order to acquire a firearms certificate, an applicant must have good reason to possess a particular firearm, have access to appropriate lands in which to use it, demonstrate that they can be trusted to possess it without endangering the safety of the public, provide two references and grant the PSNI access to their medical records.

In summary, introducing a mechanism to allow the training of young people in the safe and responsible use of sporting firearms, under the strict supervision of a firearms certificate holder, would improve sporting achievements by local athletes at Olympic and world games, further improve safe shooting practices and present new opportunities for income generation, often in isolated rural areas where such opportunities are limited. Shooting sports are worth some £50 million annually in Northern Ireland and are responsible for some 2,100 full-time jobs. I thoroughly commend the amendments to the House.

9.45 pm

Lord Empey: I support the amendments. As he did in the debate two weeks ago, Lord Morrow has put forward strong, coherent reasons why the amendments should be passed. Obviously, whenever anything about firearms is mentioned in this country, it is perfectly natural that there is reluctance and concern, which the Department and the Minister expressed. However, we must remember that we are talking about specific amendments that deal with matters that, quite frankly, are not really problematic.

The Chairperson made a powerful case for the amendments. Not only is there an economic dimension, but — it evokes laughter in certain places when it is mentioned — we have some excellent sportspeople who shoot. At Bisley and other places, those people have distinguished themselves for many years. We should do everything that we can to promote that in a properly controlled manner.

In the amendments, I do not detect any sense that Lord Morrow anticipates any watering-down of processes that would protect members of the public. Public protection is always a concern and is why we have firearms control in the first place. We have the most rigorous firearms control laws of pretty much anywhere. It is a balanced series of amendments, which take care of any concerns that any reasonable person should have. I appreciate that some people say that we should perhaps consult further on the amendments, but we are dealing with a very limited number of people. We are dealing with a sport that, as has just been said, has its roots in rural areas. We have a policy in the Programme for Government of trying to promote economic activity in rural areas, and this is one example of where that could happen. So, on balance, the amendments are positive and are worthy of support in the House.

I beg your indulgence, Mr Speaker, to raise a matter that I was associated with in the debate on 23 February. At that time, you may recall that there was a clause in the Bill — clause 93A, now clause 93 — that provoked considerable debate. That clause is about the power of the Department to make payments in respect of the prevention of crime. You will remember the exchange well, Mr Speaker.

Mr Speaker, I want to draw your attention to my main concern about the power of the Department to make payments in relation to

the prevention of crime. I think that this was expressed by at least some other Members. I supported and continue to support payments from criminal assets recovery because that is a positive development. However, at Consideration Stage, I made the point that the clause did not confine payments to those from criminal assets money. Nevertheless, the Minister suggested that it would be good if we did not oppose the clause at that stage, and he undertook to make every effort to address the issues that I and others had raised. Unfortunately, no proposals came forward from the Minister, and, when I became aware of that, it was too late for me to table an amendment. Mr Speaker, I then attempted to bring a table amendment after a meeting with you, but that also was not possible. So, you have allowed me the privilege of making some comments this evening, for which I am grateful.

When I spoke to an official in the Department, my concern became even greater. The clause is not solely about making arrangements for the Department to make payments from criminal assets recovery, which I support. The official made it absolutely clear to me that that power was needed for other reasons. I do not know what those reasons are. That individual also made the point that the Department already gave money to community safety partnerships and other groups, but it appears that there is some other reason why that power is needed. However, I cannot believe that it is beyond the ability of the Department and the Minister to bring forward proposals to put in place some constraints or criteria to ensure that there is not a complete blanket power. All that the clause says is:

"The Department may ... make such payments to such persons as the Department considers appropriate in connection with measures intended to —

(a) prevent crime or reduce fear of crime".

That is a blunt instrument, and I am very concerned about it.

I did not want any heavy duty reporting proposals that would place added undue burdens on the Department, but I am sure that some constraints and criteria could have been put in place. I do not think that the power relates to criminal assets recovery, and I believe that it is very open-ended and could be open to abuse in the long term. I am, therefore, disappointed that

the Minister did not bring forward any proposals. It would have been perfectly possible for him to do so given the circumstances. Mr Speaker, thank you very much for giving me the latitude to make those comments.

Mr A Maginness: I was a bit surprised when the amendments were tabled. In fact, I said to one colleague that I felt ambushed. I had this vision of newspapers with a headline that went something like this: "Gunmen ambush the Justice Committee in the Assembly".

I understand what Lord Morrow is trying to introduce, but this is not the most appropriate way to deal with the legislation. I listened carefully to his cogent arguments about the provisions. He talked in a straightforward fashion about the safe and responsible use of firearms. He said that young people would be supervised by qualified coaches at shooting ranges or on private property and that similar practices are used in England, Scotland and Wales. He also mentioned the importance of the sector, given that it provides over 2,000 jobs in Northern Ireland. However admirable those facts may be — I cannot question whether those are facts or not — the reason why I raised concerns is that we have not gone through what I would regard as the due process of scrutiny of the amendments. It would have been right and proper for that scrutiny to take place. I feel uneasy about legislation of this type being effectively brought at the last minute to the Assembly and the Committee. The Committee has not had a proper opportunity to scrutinise the amendments.

I am also uneasy about guns and the use of firearms. They should be strictly regulated. In particular, when young people have access to firearms, they should be very strictly supervised. I accept Lord Morrow's assurances that there will be that type of supervision and that it will be strict and so forth, but, at the same time, there was a need for the House and the Committee to look at the amendments in a thorough manner and to perform suitable scrutiny. I do not believe that there has been that scrutiny, and, in the absence of it, it is difficult for the SDLP as a party and for my colleague and me, as members of the Committee for Justice, to support the provisions.

Mr B McCrea: Will the Member give way?

Mr A Maginness: Just hear me out, and then I will take your intervention.

That is not to say that the amendments are not meritorious. They may well be, and, at the end of a scrutiny process, I may well have been completely happy with them. I can see that they are, of course, limited. Nonetheless, we should have gone through that proper process, particularly with a subject as sensitive and as important as this.

Mr B McCrea: I have two points. First, I would have a little more sympathy for the Member's position if he had agreed with what I said about the amendments in the earlier group. Like him, I agreed that the amendments may be good and right, but I was concerned that we had not had a real chance to debate them. That is not intended as a criticism, but we have had to deal with an awful lot of work.

Secondly, the Member's comments about his concerns about guns in general do not specifically affect the points that Lord Morrow raised. However, he will no doubt join me in being shocked at the news of two people being shot dead in Craigavon tonight, which shows the difficulty with firearms. That is why it is right and proper that we regulate as well as possible to ensure that guns are used only in the appropriate manner that Lord Morrow outlined.

Mr A Maginness: I am unaware of the incident that the Member referred to because I have been in the Chamber most of the evening. Whatever happened in Craigavon is a matter of deep regret and sadness, and it highlights the problems with firearms and my uneasiness with any firearm. We ought to have strict regulation of any firearms, whether they are shotguns as covered by amendment No 14 or air guns as covered by amendment No 15.

The point that Mr McCrea made about the previous debate is not on all fours with this issue, because the Committee had no opportunity to examine these amendments.

We had considerable discussion in the previous debate about sex offender provisions, although perhaps not as much as people wanted, and other matters were discussed in Committee.

10.00 pm

In conclusion, the SDLP will support amendment No 13, but not amendment Nos 14 and 15. We are satisfied that we have made our point, and we will not push the House to a Division.

Nevertheless, I would like the House to note the SDLP's concerns on the latter two amendments.

Mr Buchanan: I support the amendments proposed by Lord Morrow. Amendment No 13 is good common sense. A one-on, one-off facility for the same type of calibre of weapon, where the firearm dealer has the authority to vary or amend the —

Mr B McCrea: On a point of order, Mr Speaker. I am sure that it is not Mr Buchanan's fault, but I am having difficulty in hearing him. Maybe the microphone is not on or he is not beside a microphone.

Mr P Robinson: Come on up here.

Mr B McCrea: It is too late for that now, Peter. *[Laughter.]*

Mr Speaker: Let us see if we can resolve the issue.

Mr Buchanan: I apologise for that, Mr Speaker. Perhaps Mr McCrea needs a hearing aid. *[Laughter.]* It is common sense for the firearm dealer to have the authority to vary or amend a firearms certificate, because it reduces the unnecessary burden from the firearms and explosives branch when something like this is fairly straightforward.

With regard to amendment Nos 14 and 15, the training of young people under strict supervision in a properly controlled and safe manner can only add to the calibre of those young people in all aspects of the sport. Many of us in Northern Ireland are proud of the achievements of those in the shooting fraternity at sporting arenas across the world, and we remember those who brought back gold medals to Northern Ireland. I cannot understand why the SDLP is so concerned. When young people reach 18 years of age, they can apply for a firearm under the proper regulations. Therefore, I would have thought that the amendment, which gives those young people supervised training in the use of their firearm and training in all aspects of safety when using a firearm, is a positive move, instead of the negative attitude taken by the SDLP.

Mr A Maginness: They may be meritorious amendments; the SDLP is not disputing that. However, they have been introduced late in the day, although there may be legitimate reasons for that. Therefore we cannot make a judgement on them, and that is why we have concerns about the two amendments.

Mr Buchanan: I hear what the Member says. Lord Morrow has outlined the economic aspect for the shooting fraternity across Northern Ireland. The amendments are timely and appropriate, and we give them our full support.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Sinn Féin supports amendment No 13, the one-on, one-off aspect, and we supported it in the last debate. With regard to amendment Nos 14 and 15, the Chairperson of the Committee outlined the supervision that will be involved, and, in that sense, we are satisfied with the amendments. However, we understand and support Alban Maginness's reservations with regard to consultation and scrutiny. This may not be the best way of legislating those amendments.

In future we would have more serious reservations, if it was not around these particular issues and the guarantees outlined by the Chairperson in relation to supervision. We accept that this is not the best way to legislate.

The Minister of Justice: Mr Speaker, let me first refer to the point which you allowed Lord Empey to raise: the issue of what is now in clause 93. At Consideration Stage, I gave an undertaking to review the contents of that clause and examine whether it was appropriate to strengthen it. I said that it might or might not require an additional clause or subsection. Although Lord Empey is disappointed, I want to inform the House that I looked in detail at clause 93 with my officials and I concluded that the addition of further text was unnecessary.

The clause already contains two requirements — that expenditure must be approved by DFP, for example — analogous to what applies to any other aspect of expenditure and my experience, even in my 10 and a half months so far, is that DFP carries out its duties extremely thoroughly. The Minister is not here yet.

In addition to that, the Justice Minister, whoever he is, is accountable to this House and the Justice Committee, so we have a reasonable range of checks and balances. I am prepared to give the House an assurance of my commitment to publish how the Department allocates any of those receipts from criminal assets, the amounts given and the organisations or persons involved, to ensure that the funding is fully transparent and open to public and Assembly scrutiny. I place that on the record, and I trust that Members find that acceptable. Though Lord

Empey had hoped for a specific form of words in the Bill, it was not deemed to be appropriate when we examined the issue.

Mr McFarland: Lord Empey pointed out that he had had discussions with an official of the Minister's Department. That official seemed to indicate that there were other issues that had not been brought to the attention of the House last week by the Minister. I am slightly worried. Perhaps the Minister could answer Lord Empey's request for clarification as to what the official may have meant by saying that there are other things that are not clear yet.

The Minister of Justice: If I knew who was supposed to have said exactly what, I might be in a position to provide clarification. Since I do not, I am afraid that I cannot help Mr McFarland on that matter.

Lord Empey: I can make it clear. The official indicated to me that, in addition to needing the power to distribute the money from criminal assets recovery, the power was needed for distribution for other reasons other than that particular jam jar full of money; it was needed for disbursement purposes from a wider position than the criminal assets disbursements.

The Minister of Justice: I am not sure of the detail, and I will write to Lord Empey about it. It is my understanding that it is entirely analogous to the existing powers which apply to the expenditure of other money. I must say that Lord Empey clearly has bigger jam jars than I do, because we are hoping for something in excess of £1 million out of that particular jam jar this year.

Let me turn to Lord Morrow's amendments on the firearm issues. First, amendment No 13 was debated largely at Consideration Stage. When I indicated that the one-for-one policy for firearms exchanges, other than shotguns, was already under active consideration, it was clear that there was a significant mood in the House to support that. On that basis, Lord Morrow agreed to withdraw his amendment in order to table another which was sound and compatible. The amendment that he has brought back is sound, legally compatible and clearly in line with what was the expressed view of the House a fortnight ago. Although there is no Executive position on amendment No 13, it is clear that there is a significant body of support for it in the House.

However, I cannot be so positive about the other two amendments. They were tabled at a very

late stage. The first allows anyone under 18 to possess a shotgun under the supervision of a holder of a firearms certificate authorised to possess such a shotgun. That is a fundamental change to the law as it affects young people.

I indicated to the House at Consideration Stage that my officials are working on the policy for young people shooting and are doing so with a range of interested parties, including shooting organisations and the PSNI. That review has the support and engagement of shooting organisations and is determined to ensure that we strike the right balance between allowing access to firearms and maintaining public safety.

I believe, as has already been said by Mr Maginness, in particular, that the public have a right to be consulted on such a significant and fundamental change to firearms legislation, as indeed do the Police Service. I do not see any point in rushing through a sensitive change at this stage in the Bill's progress. Although it is clearly desirable for some people, it is not essential. As such, I believe that, given the normal procedures of the House, it should be subject to full consideration and consultation. Given the amount of consultation, limited though it perhaps was, around the proposed clauses 33A and 54A, I find it a certain irony that the argument is being reversed across the Chamber from what it was an hour ago.

There are real dangers in amending a couple of articles in an Order without considering the impact on the Order as a whole. I do not believe that it is the best way to proceed. I fully recognise that shooting is a legitimate sport, and other Members have highlighted the benefits. I have no wish to restrict unnecessarily appropriate activities, but, as Minister of Justice, I have a responsibility to the whole community, and I want to get it right.

I have real concerns about amendment No 14 as proposed. Similarly, amendment No 15 seeks to remove restrictions on young people, albeit in relation to air guns and ammunition. Regardless of the distinction in the types of guns in the two amendments, I have the same concerns about the lack of consultation for this important area of public policy. Let me repeat: firearms legislation is important to allow legitimate use of firearms for purposes such as livestock management, pest control and sport. Sport shooting also produces many benefits for the economy.

I support the shooting community in its desire to have access to firearms for agreed and appropriate purposes and for its interest in promoting public safety. The current legislation is not set in stone, and I have indicated that I am sympathetic to change where it can be justified, and a policy review is already under way in respect of possible changes, including the law as it applies to young people shooting. The interests of the shooting community are important, but so are the interests of the wider public, the Police Service and the Chief Constable, who is responsible for maintaining the firearms licensing regime. Certainly, in my time as Minister, I have seen the diligence with which the PSNI carries out its application of firearms legislation.

The Firearms Order 2004 is a coherent piece of legislation, which was subject to full consultation, and many of the articles are interlinked. Under the current legislation, the minimum age for possession of an air rifle with a kinetic energy of one joule or less without supervision is 14. Those under 14 years of age may possess such an air gun but only under the supervision of someone who is at least 21 years old. There is no current requirement to have a firearms certificate for those low-powered air guns.

Lord Morrow's amendment seeks to remove the age requirement for the possession of those low-powered air guns, to lower the age limit for supervision from 21 to 18 and to add that the person who is supervising should possess a firearms certificate. No one has lobbied me on the issue prior to the amendment being produced, but the amendment would mean that anyone under 18 could possess such a firearm under the supervision of someone who is just 18 years of age. It would also mean the introduction of firearms certificates for low-powered air guns. The supervisory age of 21 was inserted to provide greater maturity and experience, and I am uncomfortable with a reduction to 18.

As I mentioned before, the Firearms Order is a coherent set of articles and minor changes to one part would have consequences for other parts. Amending schedule 1 to the Order as suggested by this amendment would create anomalies in other parts of the Order that are not addressed by the amendment. One such consequence would be to amend the Order to require firearms certificates to be applied for and granted to those over 18 wishing to use a

low-powered air rifle. Another consequence is that the age of those who supervise recreational facilities, such as miniature rifle ranges or shooting galleries at fairgrounds, would reduce from 21 to 18. Again, that would require some thought and proper consultation. I wonder whether such consequences are what Members really want. There may be other consequences from what may appear to be an innocuous amendment.

As I said before, the policy relating to young people shooting is already under consideration in consultation with the Police Service and shooting organisations. Any new proposals should be proportionate and should have the benefit of the same full public consultation as was afforded the original Order. I do not support the piecemeal amendment of the Firearms Order outwith the context of a proper policy review and consultation.

I hope that Members agree with that, but I will ensure, in the near future, that we will carry out a proper consultation to ensure that we get firearms legislation right, seven years on from the coming into operation of the Firearms (Northern Ireland) Order 2004.

10.15 pm

The issue of the one-for-one replacement is clearly a modest extension of what already applies in relation to shotguns. I fear that the other two amendments open the doors without necessarily ensuring that all the relevant issues are covered. Therefore, I cannot accept them.

Lord Morrow: I thank all those Members who participated in the debate, some more enthusiastically than others. Lord Empey has intimated that he and his party will support my amendments, for which I am very grateful. We are making strides when we can get those who represent urban constituencies to support what might be deemed rural sports.

Alban Maginness has had some reservations about my amendments, although he has intimated that he is not prepared to divide the House. However, his reservations are unfounded and when he takes a look at what has been said this evening he may want to rethink his position. It does not surprise me that Tom Buchanan, coming from a rural constituency, spoke enthusiastically about what my amendments were trying to achieve. I think that Mr McCartney supports them, in part anyway, although I am not 100%

sure, because at one stage I thought he was supporting me, and then he seemed to dive off.

The Minister did not say anything that surprised me. More or less, I got the response from him that I expected. That, of course, disappoints me greatly. I ask the Minister to look at the situation again. In my estimation, none of the reservations that he has tried to clamour or the reasons that he has put forward stand up to scrutiny. I remind him that there are 61,000 firearms licence holders in Northern Ireland. It is not the holders of firearms licences that have been the cause of problems in Northern Ireland over the years, but rather the unlicensed owners of firearms. If the Minister carries out an exercise, he will be pleasantly surprised by how few legally held guns have been involved in any illegal activities.

It would also be interesting for him and his Department to carry out an exercise to determine how many firearms licences have had to be rescinded over the years for misuse in particular. The firearms licence test is quite stringent, and no one is asking for a relaxation of that test. I recognise that, as one who has been involved in field sports all my adult life, and, under supervision, before that, there is a safety aspect to this issue. I am the last person to want to interfere with that or make it easier for persons who were going to act in an irresponsible way to acquire firearms. I do not think that my amendments do that.

There is an inference that Members are being asked to take a quantum leap. They are not being asked to do any such thing. There is no leap in the dark here; it is quite clear what the amendments say, what the objectives are and what the end goal is. Is it not much better to have supervised training under those who are experts and to build up experience? As Mr Buchanan and others said, individuals go from these shores to represent us in Olympic and world championship shooting competitions, and when they come back, we are all full of praise for them and are grateful to them because they have had great success. If we want to continue that, we have to put the infrastructure and facilities in place for young shooters to get going early, under supervision. Not only will that help their expertise, it will instil in them the importance of the safety aspect.

I will say little more. I rest my case and commend my amendments to the House. We will see which way the House votes on them.

Question, That amendment No 13 be made, put and agreed to.

New clause ordered to stand part of the Bill.

New Clause

Amendment No 14 made: After clause 101, insert the following new clause:

“Removal of restrictions on sporting shooting for young persons

101B.—(1) Schedule 1 of the Firearms (Northern Ireland) Order 2004 (NI 3) paragraph (11) (shotguns) shall be amended as follows.

(2) For sub-paragraph (3) substitute—

‘(3) Sub-paragraphs (1) and (2) do not apply in relation to a person who is under the age of 18 unless he is under the supervision of a firearm certificate holder who is authorised to possess such a shotgun.’ — [Lord Morrow.]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 15 made: After clause 101, insert the following new clause:

“Air guns and ammunition

101C.—(1) Schedule 1 to the Firearms (Northern Ireland) Order 2004 (NI 3) paragraph (9) (air guns and ammunition) shall be amended as follows.

(2) For sub-paragraph 3(a) substitute—

‘(a) have an air gun in his possession without a firearm certificate unless he is under the supervision of a firearm certificate holder who is authorised to possess such an air gun.’ — [Lord Morrow.]

New clause ordered to stand part of the Bill.

Clause 103 (Regulations and orders)

Amendment No 16 not moved.

Amendment No 17 made: In page 63, line 21, after “Regulations” insert “made by the Department”. — [The Minister of Justice (Mr Ford).]

Amendment No 18 made: In page 63, line 25, at end insert

“, paragraph 7(3) of Schedule 1 or paragraph 7(3) of Schedule 2;”. — [The Minister of Justice (Mr Ford).]

Schedule 1 (Policing and community safety partnerships)

Amendment No 19 made: In page 69, line 40, leave out from “a chair” to end of line 7 on page 70. — [The Minister of Justice (Mr Ford).]

Amendment No 20 not moved.

Amendment No 21 made: In page 70, leave out line 38 and insert

“(a) a chair who shall be the person who is for the time being chair of the PCSP; and”. — [The Minister of Justice (Mr Ford).]

Amendment No 22 made: In page 71, line 1, leave out sub-paragraph (3). — [The Minister of Justice (Mr Ford).]

Amendment No 23 made: In page 71, leave out line 12. — [The Minister of Justice (Mr Ford).]

Amendment No 24 made: In page 71, leave out line 21. — [The Minister of Justice (Mr Ford).]

Schedule 2 (District policing and community safety partnerships)

Amendment No 25 proposed: In page 74, line 14, leave out “a DPCSP—” and insert

“the DPCSP in each police district of Belfast—”. — [Mr McCartney.]

Question put and negatived.

Amendment No 26 made: In page 79, line 9, leave out from “a chair” to end of line 16. — [The Minister of Justice (Mr Ford).]

Amendment No 27 not moved.

Amendment No 28 made: In page 80, leave out line 6 and insert

“(a) a chair who shall be the person who is for the time being chair of the DPCSP; and”. — [The Minister of Justice (Mr Ford).]

Amendment No 29 made: In page 80, line 9, leave out sub-paragraph (3). — [The Minister of Justice (Mr Ford).]

Amendment No 30 made: In page 80, leave out line 20. — [The Minister of Justice (Mr Ford).]

Amendment No 31 made: In page 80, leave out line 29. — [The Minister of Justice (Mr Ford).]

New Schedule

Amendment No 32 made: After schedule 4, insert the following new schedule:

“SCHEDULE 4A**ENHANCED LEGAL AID FEES FOR CERTAIN SOLICITORS****Power to provide for enhanced fee**

1.—(1) Regulations under Article 22 or 36 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (NI 8) or an order under Schedule 2 to that Order may provide for the payment of an enhanced fee to a solicitor who—

(a) exercises a right of audience in a court or tribunal to which this Schedule applies;

(b) has been accredited by the Law Society under paragraph 2 in relation to that court or tribunal; and

(c) complied with the duties in paragraph 3.

(2) This Schedule applies to—

(a) the Crown Court;

(b) a county court;

(c) a magistrates' court; and

(d) a tribunal to which sub-paragraph (3) applies.

(3) This sub-paragraph applies to a tribunal if—

(a) it is a tribunal mentioned in Part 1 of Schedule 1 to the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981; or

(b) assistance by way of representation may be approved under Article 5 of that Order in respect of proceedings before the tribunal.

Accreditation of solicitors

2.—(1) The Law Society shall make regulations with respect to the education, training and experience to be undergone by solicitors seeking accreditation for the purposes of this paragraph in relation to a court or tribunal to which this Schedule applies.

(2) A person who is qualified to act as a solicitor may apply to the Law Society for accreditation under this paragraph in relation to a court or tribunal to which this Schedule applies.

(3) An application under sub-paragraph (2)—

(a) shall be made in such manner as may be prescribed;

(b) shall be accompanied by such information as the Law 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.

(4) At any time after receiving the application and before determining it the Law Society may require the applicant to provide it with further information.

(5) The Law Society shall grant accreditation under this paragraph in relation to a court or tribunal if it appears to the Law 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 the applicant in relation to that court or tribunal by virtue of regulations under sub-paragraph (1).

(6) Accreditation granted to a person under this paragraph ceases to have effect if, and for so long as, that person is not qualified to act as a solicitor.

(7) The Law 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 be accredited under this paragraph in relation to a prescribed court or tribunal.

(8) Every entry in the register kept under Article 10 of the Solicitors (Northern Ireland) Order 1976 (NI 12) shall include details of any accreditation granted under this paragraph to the solicitor to whom the entry relates.

Duties of solicitor

3.—(1) Sub-paragraph (2) applies where—

(a) either—

(i) a criminal aid certificate or civil aid certificate is granted under the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 to a person in any proceedings in a court or tribunal to which this Schedule applies; or

(ii) assistance by way of representation is approved in respect of a person under Article 5 of that Order in relation to proceedings in such a court or tribunal;

(b) that certificate or approval entitles that person ('the client') to be represented by counsel or by a solicitor accredited under paragraph 2 in relation to that court or tribunal; and

(c) either—

(i) the client's solicitor is minded to arrange for another solicitor who is accredited in relation to that court or tribunal to provide that representation; or

(ii) the client's solicitor is accredited in relation to that court or tribunal and is minded to provide that representation.

(2) The client's solicitor must advise the client in writing—

(a) of the advantages and disadvantages of representation by an accredited solicitor and by counsel, respectively; and

(b) that the decision as to whether an accredited solicitor or counsel is to represent the client is entirely that of the client.

(3) The Law Society shall make regulations with respect to the giving of advice under sub-paragraph (2).

(4) A solicitor shall—

(a) in advising a client under sub-paragraph (2), act in the best interest of the client; and

(b) give effect to any decision of the client referred to in sub-paragraph (2)(b).

(5) Where—

(a) a solicitor has complied with sub-paragraph (2) in relation to the representation of a client in any proceedings in a court or tribunal, and

(b) that client is to be represented in those proceedings by an accredited solicitor,

the solicitor shall inform the court or tribunal of the fact mentioned in sub-paragraph (a) in such manner and before such time as the relevant rules may require.

(6) For the purposes of this paragraph compliance with sub-paragraph (2) or (5) in relation to any proceedings in a court or tribunal in any cause or matter is to be taken to be compliance with that sub-paragraph in relation to any other proceedings in that court in the same cause or matter.

(7) If a solicitor contravenes this paragraph, any person may make a complaint in respect of the contravention to the Solicitors Disciplinary Tribunal.

Regulations

4.—(1) Regulations under this Schedule require the concurrence of—

(a) the Lord Chief Justice; and

(b) the Department, given after consultation with the Attorney General.

(2) The Department shall not grant its concurrence to any regulations under paragraph 2(1) or 2(7) unless regulations have been made under paragraph 3(3) and are in operation.

Consequential amendments

5. The Department may by order make such amendments to—

(a) the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981; or

(b) Schedule 3 to the Access to Justice (Northern Ireland) Order 2003 (NI 10),

as appear to the Department to be necessary or expedient in consequence of, or for giving full effect to, the provisions of this Schedule.

Interpretation

6. In this Schedule—

'accredited solicitor', in relation to any court or tribunal, means a solicitor who is accredited under paragraph 2 in relation to that court or tribunal;

'the client' has the meaning given in paragraph 3(1)(b);

'the Law Society' means the Incorporated Law Society of Northern Ireland;

'prescribed' means prescribed by regulations made by the Law Society;

'relevant rules' means—

(a) in relation to the Crown Court, Crown Court rules,

(b) in relation to a county court, county court rules or family proceedings rules,

(c) in relation to a magistrates' court, magistrates' courts rules,

(d) in relation to a tribunal, the rules regulating the practice and procedure of the tribunal." — [The Minister of Justice (Mr Ford).]

New schedule agreed to.

Mr Speaker: That concludes the Further Consideration Stage of the Justice Bill. The Bill stands referred to the Speaker.

10.30 pm

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

Public Bodies Bill: Legislative Consent Motion

Resolved:

That this Assembly endorses the principle of the extension of the Public Bodies Bill to Northern Ireland. — [The junior Minister (Office of the First Minister and deputy First Minister) (Mr Newton).]

Committee Business

European Issues: Committee for OFMDFM Report

Mr Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 15 minutes in which to propose and 15 minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister (Mr Elliott): I beg to move

That this Assembly takes note of the report of the Committee for the Office of the First Minister and deputy First Minister on Statutory Committee activity on European issues.

At this time of the evening, I will try to be as brief as possible and not take up the 15 minutes that you have allocated to me, Mr Deputy Speaker.

Northern Ireland is still recognised as a newly devolved European region interested in developments at European level. Many laws and policies of the European Union have a direct effect on the people of Northern Ireland. The European Union has contributed greatly to economic development in Northern Ireland and to the reconciliation process through Peace funding.

The Office of the First Minister and deputy First Minister (OFMDFM) has overall responsibility for the development of Northern Ireland's strategic approach to Europe; therefore, my Committee has responsibility for scrutinising the work of the Department in relation to Europe. It takes great interest in European issues and the Executive's strategic approach to ensure that Northern Ireland improves its interaction and engagement with various institutions.

The Committee concluded its inquiry into the consideration of European issues in January 2010. In the motion before the House on 26 January 2010 the Committee called for enhanced engagement and improved interaction with the European institutions to raise the profile of Northern Ireland in Europe. The Committee brought forward 12 actions for Assembly Committees and 17 recommendations for the Speaker, the Assembly Commission and

the First Minister and the deputy First Minister. Those actions and recommendations seek to improve the scrutiny of European legislation, enhance engagement with European institutions and promote Northern Ireland as an active region of Europe.

Action 2 of the Committee's report stated that:

"The Assembly's statutory committees will be responsible for the scrutiny of all European issues of relevance to the committee. In the autumn of each year statutory committees will be requested to provide a report of activity on European issues to the Committee for the Office of the First Minister and deputy First Minister. The Committee for the Office of the First Minister and deputy First Minister will formulate all contributions into one report to the Assembly which will be submitted to the Business Committee for Plenary debate."

The Committee's report details the work that my Committee has carried out in its engagement. It also provides an overview of Statutory Committees' engagement in Europe and the consideration of European policy and legislation.

At its meeting of 17 November 2010, the Committee agreed to write to all Statutory Committees to request information on their engagement on European issues. I will briefly outline the work of the Committee in Europe. The Committee continued its engagement with the Northern Ireland representatives in Europe and was briefed in February, March and April 2010 by members of the European Economic and Social Committee, members of the Committee of the Regions and by the MEPs. The Committee was also briefed by the head of the European Commission's office in Northern Ireland in February 2010. In April 2010, the Committee considered the Commission's legislative and work programme and the Europe 2020 strategy. The Committee forwarded those to all the Statutory Committees for their information and wrote to Northern Ireland's representatives in Europe to request their views on the work programme and strategy.

The Committee was briefed by the Assembly's Research and Library Service on the European Commission's legislative and work programme. The Assembly's Research and Library Service provides support to Statutory Committees by screening the Commission's work programme, producing a prioritised list of scrutiny topics that are relevant to each Committee and monitoring the development of European policy. The

Committee considered a number of priorities, the development of which it was agreed the research team would monitor. The Committee was also briefed by the research service on the Commission's 2011 work programme.

The Committee undertook a joint visit with the Assembly Commission to the European institutions from 8 June to 10 June 2010, during which it met regional Governments, including the delegation of the Basque region to the European Union and the representation of the free state of Bavaria to the European Union. The Committee also held a formal meeting in the Committee of the Region's offices at which it took evidence from the Spanish, Belgian and Hungarian Governments on their priorities for the presidency of the Council of the European Union. The Committee heard about their priorities specifically on poverty and social inclusion.

During the visit, the Committee also met officials from the Scottish Parliament, the Welsh Assembly Government, the House of Commons, the House of Lords and the Oireachtas to consider how the Assembly can improve its engagement in Europe. The Committee commenced its second round of regular briefings in October 2010 and was briefed by the Department on its work in Europe and the work of the office of the Northern Ireland Executive in Brussels. The Committee was briefed on the terms of reference for the review of the Department's European division, which is recommendation 16 of the Committee's report.

The Department briefed the Committee at its meeting of 16 February 2011 at which it provided the Committee with an update on the review of the European division and on the Executive's draft priorities for European engagement. The Committee issued the draft priorities to all Statutory Committees for comment.

Between November 2010 and February 2011, the Committee was briefed by members of the European Economic and Social Committee, members of the Committee of the Regions and by MEPs Bairbre de Brún, Diane Dodds and Jim Nicholson. The Committee was also briefed by the head of the European Commission's office in Northern Ireland.

At its meeting last week, the Committee was briefed by Assembly officials on the Assembly Commission's draft European engagement strategy. I take this opportunity to thank the Commission for consulting the Committee on

that. The Committee is keen for the strategy to be developed and implemented as soon as possible, thereby ensuring that the Assembly is fully engaged in Europe and that it improves the information and intelligence that it gleans from the various European institutions.

To that end, the Committee recommended to the Commission that together they facilitate a round-table meeting to be attended by Northern Ireland's representatives in Europe and other interested parties. Such a meeting would consider what can be done to improve co-ordination and provide a better joined-up approach to dealing with European matters.

The Committee also agreed to recommend that the Commission appoint a European officer as soon as possible. The Committee regards the appointment of that officer as key to providing a co-ordinated approach to European matters and to the Assembly playing an integral part in providing better opportunities and outcomes for Northern Ireland.

The Committee looks forward to the Assembly and its Committees enhancing their engagement with European institutions and to Northern Ireland as a region becoming fully involved in the relevant legislation and policy. I look forward to hearing Members' contributions.

Mr Spratt: Mr Deputy Speaker, I assure you that I, like the Chairman, will be brief and will not speak for my full five minutes. The Chairperson covered all of the points, which is why none of my colleagues will speak in the debate, and I will just re-emphasise one or two points.

The Chair said that much could still be done in Northern Ireland in relation to the laws and policies that come out of the EU. One area of concern to the Committee was the amount of support that you, Mr Deputy Speaker and Mr Bell, who are on the Committee of the Regions, receive on EU issues. The Assembly and the Commission could do much more to make sure that you have some sort of support when going out there to do the work that needs to be done.

When Commission representatives were before the Committee on Wednesday past, the clear message to them from all parties, about which they may not be happy, was that more needed to be done. That does not mean sending somebody out to sit in Europe. There are enough staff in the Assembly who could do more work. For instance, the bringing together of all of the key

players — the MEPs, Assembly Members on the Committee of the Regions and all of the other folks involved in Europe — into one room would be a major first step forward. That would be a good starting point.

The Committee has been liaising regularly with MEPs. However, given some of the important issues and laws coming out of Europe, the Assembly could liaise much more. After all, four years have passed, and little has been done in that regard by the Assembly. We need to start to move forward. I have said that we spent the past four years doing nothing while the city burned. The Commission now needs to take a serious look at the whole area and make sure that more work is done. However, given the lateness of the evening, I will not say anything else because the Chairperson covered all of the main points.

Ms M Anderson: Go raibh maith agat. The fact that an estimated 75% of legislation here originated in Europe was one of many reasons that the Committee decided to carry out its inquiry. Throughout 2009, Committee members heard from many groups, organisations and bodies. They gave us information confirming the views of all Committee members that we needed to engage better with Europe and that an engagement strategy was required.

10.45 pm

In producing its report, the Committee established how the Assembly and the Executive could improve interaction with Europe and European institutions and how we could raise our profile. As Jimmy Spratt said, a number of people in the North are working in or associated with Europe. Jimmy mentioned a few of them: our three MEPs; members of the European Economic and Social Committee; the head of the Executive's office in the European Commission, Maurice Maxwell, who gave evidence to the Committee; civil servants in OFMDFM's EU unit; you, Deputy Speaker Molloy, and Jonathan Bell, both of whom are our representatives to the Committee for the Regions. They deserve more support. I absolutely endorse everything that Jimmy Spratt said.

When one links all those people, and there are many more, with President Barroso's unique offer to put the European Commission at the North's disposal, identifying European officials to be our first point of contact, one would imagine that we would be firing on all cylinders.

Unfortunately, as Mr Spratt and others said, that is not so, and that point is stated in the report, which covers the evidence taken by and the recommendations of the Committee for the Office of the First Minister and deputy First Minister. I must thank Committee staff, who assisted us throughout the inquiry and who are still with us, even though it is very late.

The Committee report and its recommendations demonstrate that there is an onus on us all to respond to and take full advantage of the opportunities and benefits that Europe offers. For example, there is a massive budget — I know that it is very late, but there are some things that we cannot ignore — of €36 million waiting to be exploited under research and development, and, at one stage or another, every member of the Committee touched on it. None of that money is earmarked for any particular member state.

Today, I spoke briefly to the Chairperson of the Committee for Employment and Learning, which is looking at how well the Department for Employment and Learning (DEL) is publicising what funds are dispensed by the European Union. MLAs who read the report may, like me, want to probe the Committee's comments further, because it states that a number of funds relate to areas in DEL's remit. The Committee has worked hard to ascertain what the Department is doing to ensure good uptake of the programme. I wonder whether the Minister is applying himself in the same way as the Committee. I fear not.

I am extremely concerned that groups such as Action Mental Health, which we would all agree provides a much needed, valuable service to those who struggle with mental health challenges, are having their EU social fund cut by 25% by the Department. Yet DEL does not seem to be working with the organisation's new horizons programme in Derry, Newry and across the North to assist it to fulfil its mission of enhancing the quality of life and employability of people with mental health needs or with a learning disability by promoting social inclusion through the provision of training and support services. Those are the people who are affected by Departments not tapping into opportunities in Europe.

Time does not permit me to go into more issues, but we all need to do much more to secure Peace IV. As Mr Spratt said, Assembly Commission officials came to the Committee

last week to discuss the draft strategy. The best I can say is that I agree with Jimmy: we told them that it was not good enough. In truth, we felt that they should get the finger out —

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

Ms M Anderson: And they really should get to work on developing the robust European engagement strategy that the Assembly requires and which the people deserve.

The Chairperson of the Committee for Enterprise, Trade and Investment (Mr A Maginness): The report is timely, and I agree with Mr Spratt that we must seize the opportunity for European engagement.

I also agree with Mr Elliott's opening remarks about the importance of dealing with the European Union through systematic and constructive engagement. If we neglect engagement with Europe, we do so at our own peril. It is very important that we up our game on European engagement. President Barroso has given us an entrée into Europe. He has also given us many opportunities, but I do not think that we have exploited them properly or constructively. They remain, but there is a time frame, and we have to act quickly.

The Committee for Enterprise, Trade and Investment stressed to the Department of Enterprise, Trade and Investment on several occasions the need to place greater emphasis on innovation and research and development so that Northern Ireland can take full advantage of the opportunities that are available under the seventh EU framework programme and, of course, the subsequent eighth programme. The Committee is concerned that opportunities have been missed, and it has been working to ensure that the Department focuses on future opportunities under the programme. There is €50 billion available for research and development in the European Union. That is the biggest R&D fund in the world. It is up to us to be innovative and energetic in accessing that funding.

Mr Humphrey: Members of the Committee will be aware that I raised that point previously in the Committee. At a recent event that was held in Belfast City Council, a staff member of the European Commission Office in Belfast said that this region could expect to draw down €25 million in the next financial year, whereas our

nearest neighbour in the Republic would be able to draw down somewhere in the region of €600 million. That is the level of work that needs to be done, and it is why there needs to be a clear purpose and a joined-up strategy towards delivering for Northern Ireland.

Mr Deputy Speaker: The Member has an extra minute.

The Chairperson of the Committee for Enterprise, Trade and Investment: I thank the Member for his intervention; he highlighted a very important point. There is a tremendous gap, and we must exploit the opportunities to fill it.

The Committee believes that the Department of Enterprise, Trade and Investment must take the necessary steps to maximise the participation of Northern Ireland organisations under the seventh framework programme and that post-2013, it must ensure that we take full advantage of the opportunities for innovation and research and development that will arise under the eighth framework programme. The Committee believes firmly that the Assembly is currently disconnected from much of what is happening at a European level, and members agree that much more engagement with Europe is required from the Assembly and that it needs to be fully involved with the European Union.

Mr P Ramsey: I went on the trip to Brussels with the Assembly Commission, and I saw that it is clear and obvious that we need to give a much stronger commitment to a base in the Brussels bureaucracy. As the Committee Chairperson outlined, when we look at staff from the other member states who are there, including the Irish Government, and at the staff from the Welsh National Assembly and the Scottish Parliament, we can see the true value for money that they get from it. However, does the Member agree that we need the capacity in all the Committee structures here and in the membership to be able to scrutinise effectively the legislation that is coming through Europe? At the present time, we do not have it, and, more importantly, due to the budgetary constraints this year and the effect that the comprehensive spending review (CSR) has had on the Assembly Commission, the likelihood of our having that base is becoming much less likely.

The Chairperson of the Committee for Enterprise, Trade and Investment: I agree entirely with both the Member's timely intervention and his remarks. I believe that the Assembly's capacity must

be enhanced to deal with European legislation at a very early stage. The time to deal with legislation is at a pre-legislative point, and it is very important that the Assembly is represented in the European Union.

Our members believe that it is appropriate for parliamentary bodies to have representation in the EU. As such, the Assembly should maintain a presence in Brussels over and above that of the Executive office. Such a move would assist greatly in keeping Assembly Members informed of developments at a European level, would increase awareness of European matters and would increase connectivity to assist the Assembly in understanding the impact of the European Union on the lives of people in Northern Ireland.

In conclusion, the Committee believes that there is a need for EU legislation that impacts on devolved matters to come before the relevant Statutory Committee in the Assembly at the earliest possible opportunity.

The Chairperson of the Committee for Culture, Arts and Leisure (Mr McElduff): Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to speak to the debate on behalf of the Committee for Culture, Arts and Leisure. I am also a member of the Committee for the Office of the First Minister and deputy First Minister, so I have a strong interest in this area.

The Committee for Culture, Arts and Leisure has been monitoring regularly EU policies in respect of the Department of Culture, Arts and Leisure (DCAL) and its arm's-length bodies. That work has been informed by briefings from Assembly Research and Library Service on the European Commission's legislative and work programme, which Tom Elliott spoke about earlier in the debate. In December 2010, the Committee commissioned a research paper on aspects of the EU culture programme and how it relates to the objectives of the Programme for Government's cohesion, sharing and integration strategy. That culture programme is designed to provide member states with mutual co-operation on cultural matters.

The Committee was concerned that DCAL and its arm's-length bodies had not availed themselves of any opportunities under the current EU culture programme. Given that the aim of the programme is to exploit the cultural sector's potential to contribute to the Europe 2020 strategy for smart, sustainable and inclusive

growth, the Committee raised its concerns with the Minister of Culture, Arts and Leisure last December. Although the Committee was disappointed at the lack of engagement to date, it noted that the Arts Council had submitted a consultation response to the European Commission on the revised culture programme post-2014 and that a number of arm's-length bodies were seeking funding opportunities under the new EU culture programme. That is an important EU programme, and, undoubtedly, the incoming Committee for Culture, Arts and Leisure will want to monitor it.

The Committee for Culture, Arts and Leisure has also been monitoring DCAL's uptake of other EU funding programmes. Given the severity of cuts to the DCAL budget, funding opportunities at EU level must not be overlooked. That, among other things, was discussed with officials on 3 February during a briefing on DCAL's engagement on EU issues. The Committee was encouraged to hear of the reinvigoration of the Barroso task force working group, which is working on new priorities for EU initiatives and programmes in the North to improve competitiveness and create sustainable employment. Although the Department is not the managing authority, officials provided an update on the direct links with Europe on fisheries and the North Atlantic Salmon Conservation Organization. Members learned of the regular engagement of officials with Europe about the north Atlantic salmon stocks.

The Committee learned that DCAL's creative industries team has assisted the Department of Finance and Personnel in encouraging new projects on to the northern periphery programme area, which is under INTERREG, and to engage with the Special EU Programmes Body's (SEUPB) economists to develop the new INTERREG creative industries programmes.

The Committee also received a briefing from the Assembly's Research and Library Service on European issues.

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister: The Member mentioned the European culture programme on a number of occasions. There was no indication of what level of funding, if any, had been accessed from that European cultural organisation for Northern Ireland. Can the Member give any detail on what has been achieved so far?

Mr Deputy Speaker: The Member will have an extra minute.

The Chairperson of the Committee for Culture, Arts and Leisure: My understanding is that the level of funding is extremely limited, perhaps negligible. The Department has been guilty of absolute and utter inattention to that fund, and that is why the Committee for Culture, Arts and Leisure decided to signpost the Department towards the next round of opportunities in 2014. It will be macro-organisations that will be well placed to avail themselves of such funding, but, so far, the impression of the Committee for Culture, Arts and Leisure is that there has been complete inattention and neglect in that area. I understand that the Arts Council has a dedicated person trying to track funding opportunities in Europe, but, to date, the take-up has been extremely negligible. That is our Committee's strong impression on that matter.

11.00 pm

More recently, the Committee received a research briefing on European issues relating to culture, arts and leisure. We discussed the paper with DCAL officials, and members sought assurances that the Department is contributing to relevant policy debates at EU level. The Committee embraced the spirit of what the Committee for the Office of the First Minister and deputy First Minister was doing, which was to prompt the other Committees to take a strong interest in EU scrutiny in their remit.

Members welcomed the Department's appraisal of its work and that of its arm's-length bodies in progressing EU issues. The Committee also welcomed the ongoing progress arising from the OFMDFM Committee's inquiry into European issues and ongoing efforts to improve the Assembly's engagement with Europe.

The Committee also considered the Council of Europe's report on the application of the European Charter for Regional or Minority Languages, and it included a report of the committee of experts (COMEX) on the recommendations on how the charter should be implemented here. We also engaged the Finnish authorities in our Committee inquiry into adult participation in sport and physical activity. That was also a useful exercise.

In conclusion, I agree with the Chairperson of the Committee for Enterprise, Trade and Investment that we neglect EU institutions and

their potential at our peril. I agree with Alban Maginness on that point. Recently, I participated in a visit with the Assembly and Business Trust, and it reinforced the notion that we are not exploiting the potential from European institutions.

The Deputy Chairperson of the Committee for the Office of the First Minister and deputy First Minister (Dr Farry):

First, I thank all Members who contributed to tonight's debate on the Committee's report. I also thank the Statutory Committees for their responses on their engagement on European issues. The debate was brief, although slightly longer than it might have seemed. I do not think that that reflects a lack of interest or appreciation of the seriousness of the issues that we are discussing; it is simply a desire to ensure that we keep the business of the House moving at this particular time in our session.

I also want to place on record the Committee's thanks to Northern Ireland's representatives in Europe, namely the MEPs, the members of the European Economic and Social Committee and the members of the Committee of the Regions. I also thank the head of the European Commission's office in Belfast and OFMDFM's European division for their continuing engagement on European issues. The Committee hopes to take forward and enhance that engagement during the next mandate.

Before turning to the individual remarks of Members, I will say that two main themes have come out of the debate. The first relates to the twin challenges of how we go about influencing the development of European policy, and the second lies in maximising access to European funding.

Irrespective of one's view of Europe, what happens in Europe, without question, has a major impact on a host of aspects of life in Northern Ireland, whether it is economic, social, environmental, cultural or agricultural. It is important that we use the levers at our disposal, whether through the formal mechanisms of the national delegation in Brussels or through any other avenues open to us, to try to shape the nature of European policy. It is important that Departments and, more importantly in this context, Assembly Committees are aware of what is happening in respect of legislation and that we have the opportunity to make our

points known and can filter through the various reporting processes that exist.

The second theme that has come across clearly from Members is the need and challenge to ensure that we maximise access to European funding. It is clear that Northern Ireland has benefited enormously from a host of European funding over the past decades and at present, whether it is through economic funds, competitive funds, the European social fund, the common agricultural policy and the various Peace programmes. I am sure that I have missed some others. However, there is still real concern that, as things stand, we do not maximise the opportunities available to us. In that respect, the presence and ongoing work of the Barroso task force is critical. The sense from Committee members is that we need to do a lot more.

The Committee Chairperson, my colleague Tom Elliott, set out the background to the work that the Committee has been doing and illustrated to Members the care that has been taken to engage with a host of stakeholders, whether they are our representatives or those of other regions in Europe. Even the fact that we have been able to engage with other regions should benchmark what the Assembly should be doing to engage directly with Europe. It is worth stressing that, in some respects, we are behind the curve. We talk about having some type of Assembly representation, based in Brussels or Belfast, and engaging with Brussels, but others already do that. We are in danger of falling even further behind through not following through on that. Jimmy Spratt focused on the point that more can be done to engage and to co-ordinate all the different opportunities and representation that we have. It came across that a lot of good work is done by different people in Brussels. However, they do not necessarily talk to one another or push in a similar direction.

Mr Spratt: I want to take up the Member's point on what Mr Ramsey said about the Commission. We understand that money will be tight. However, the view right around the Committee was that a good starting point would be to have a dedicated person in the Assembly to deal with European issues — that does not mean somebody going out to Europe regularly — as a first priority, so that we can get the ball rolling and stop the drift on issues that we need to be on top of day and daily.

The Deputy Chairperson of the Committee for the Office of the First Minister and deputy First Minister:

Mr Spratt's comments reflect the collective view of the Committee at its most recent meeting on Wednesday 2 March 2011. We want to get the ball rolling to create a presence. Perhaps, a presence in Belfast is the best way to start. Its effectiveness could be reviewed within, perhaps, a year of its establishment. There is a direction of travel that we are keen to take. Mr Spratt expressed frustration that Assembly engagement in Europe has been long talked about but has not really been followed through to a formal conclusion.

Mr P Ramsey: I will try to respond to the Deputy Chairperson not on the Commission's behalf but as a member of the Commission. We have been exercised by having a strategic presence in Brussels to make that difference. However, I reiterate my point that we have, for example, discussed with the Executive the shared use of their office accommodation in Brussels. We have looked at that issue seriously. The nominated member of Assembly staff who looks at those issues has carried out a major consultation with MEPs and other interested parties. It is the desire of the Assembly Commission to set up that operation. We are going through the CSR period, as Mr Spratt said. The SDLP's position is to pursue that operation vigorously to create the capacity to work effectively on behalf of the Commission and all Committees. I have to say that the presence should be not in an office in Belfast but in Brussels.

The Deputy Chairperson of the Committee for the Office of the First Minister and deputy First Minister:

I am encouraged by Mr Ramsey's remarks on behalf of the Commission. No doubt the Commission will, in due course, if it has not done so already, reflect on the views expressed through the Committee for the Office of the First Minister and deputy First Minister. I have every confidence that, in the near future, there will be a meeting of minds on the best way forward. Perhaps, tonight, we are crystallising that debate in a constructive way.

Mr Humphrey: Does the Deputy Chairperson agree that, given the financial constraints that now apply in the United Kingdom due to Tory cuts, if we can extract more money from Europe as a region, that money can offset the cuts made by the national Government and help

to develop and progress the Northern Ireland economy in a much more rapid and focused way?

The Deputy Chairperson of the Committee for the Office of the First Minister and deputy First Minister:

I am half conscious that I am responding on behalf of the Committee, and I will probably let Mr Humphrey's comments stand in their own right. I may have my own view on that, but Mr Humphrey has made his point, and, no doubt, it is a theme that will recur over the coming days in the Chamber.

Martina Anderson stressed the importance of an overall engagement strategy with Europe. That very much feeds into the approach that has been taken. Examples have been given of areas in which we can do things better and where we can better take the opportunities that are available to us.

Alban Maginness and Barry McElduff reflected the perspective of at least two of the Committees that are engaging with European issues. Alban Maginness spoke about the Committee for Enterprise, Trade and Investment, and Barry McElduff spoke about the Committee for Culture, Arts and Leisure. Both spelt out examples of concerns at the lack of take-up of the major opportunities that are there. That points to the importance of the Committee system here. That Committee system has, potentially, more clout relative to the Executive than that of many of our sister Assemblies and Parliaments on these islands. It is important that Committees put pressure on their Department to ensure that all opportunities are taken but also that the Committees have access to that support to know to ask the searching questions of Departments, where they feel that there is a deficit in what is being taken forward.

The fact that at least two Committee Chairpersons, in addition to members from my Committee, have made comments shows that Europe is very much a cross-cutting issue that touches the functions of virtually every Department in Northern Ireland. This is not something that simply sits in a silo for OFMDFM, even though the Committee and the Department have lead responsibility in the area.

I am conscious that I have 15 minutes to make a winding-up speech, but, in the spirit of the debate and given the way in which other Members approached the debate, I do not think that it is appropriate to use the full time.

I assure the House that the Committee will continue to work and co-ordinate with the Assembly Commission and the Office of the First Minister and deputy First Minister to ensure that there is enhanced engagement and improved interaction with Europe. Europe is a cross-cutting issue that covers many areas, from agriculture to territorial cohesion. We will, therefore, also continue to seek the support and assistance of other Statutory Committees in scrutinising Departments' work in Europe, and we encourage Statutory Committees to get further involved in the development of relevant European legislation and policy.

The Committee wishes to help to promote Northern Ireland as an active region of the European community, where it not only receives European funding but becomes fully involved in the development of legislation and policy and shares its valuable experiences with other regions of Europe. I commend the report to the House.

Question put and agreed to.

Resolved:

That this Assembly takes note of the report of the Committee for the Office of the First Minister and deputy First Minister on Statutory Committee activity on European issues.

Private Members' Business

Autism Bill: Further Consideration Stage

Mr Deputy Speaker: The debate on the Further Consideration Stage of the Autism Bill will be short, but it is important that the quorum remains. I call the sponsor, Mr Dominic Bradley, to move the Further 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 only one group of amendments. The debate will be on amendment Nos 1 and 2, which are technical amendments, removing the reference to Orders and moving the provisions contained in clause 5 into clause 3. I remind members that, under Standing Order 37(2), the Further Consideration Stage of a Bill is restricted to debating any further amendments tabled to the Bill.

Once the debate on the group is completed, the Question on amendment No 1 will be put. The second amendment will be moved formally, and the Question on it will be put without further debate. If that is clear, we shall proceed.

Clause 3 (Content of the autism strategy)

Mr Deputy Speaker: We now come to the amendments for debate. With amendment No 1, it will be convenient to debate amendment No 2. Both amendments are technical in nature. I call Mr Dominic Bradley to move amendment No 1 and address the other amendments in the group.

Mr D Bradley: I beg to move amendment No 1: In page 2, line 27, at end insert

“(6) No regulation may be made under this section unless a draft of the regulation has been laid before, and approved by resolution of, the Assembly.

(7) Before making a regulation under this section the Department must consult the Northern Ireland departments and such other persons as the Department thinks appropriate.”

The following amendment stood on the Marshalled List:

No 2: In clause 5, page 3, line 10, leave out clause 5. — [*Mr D Bradley.*]

11.15 pm

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. The amendments are interrelated and have been brought before the House on the advice of the Examiner of Statutory Rules by way of simply tidying up some technical loose ends. As you said, Mr Deputy Speaker, amendment No 1 will remove the reference to Orders from clause 5. That reference is now redundant due to other changes that were made earlier during the passage of the Bill. The amendment will also move the other provisions contained in clause 5 of the Bill to clause 3.

Amendment No 2 will simply remove clause 5, which, as a result of amendment No 1, is no longer necessary.

Mr P Ramsey: Will the Member give way?

Mr D Bradley: I will.

Mr P Ramsey: I thank and commend the sponsor of the Autism Bill. We have to commend him on his determination, compassion and grit throughout the process. Can he assure the 30,000 people who have autism across Northern Ireland, their families and their carers that there is no dilution of the Bill in relation to equality or access to provision of services as a result of the amendments?

Mr D Bradley: I thank the Member for his intervention and kind words. I can give him the assurance that he has asked for. As I said, amendment No 2 will simply remove clause 5, which is no longer necessary. The Health Committee has been made aware of the amendments and has no issues with them. The Member will be happy to hear that the amendments will have no effect on the provisions of the Bill and are merely a matter of good legislative practice. On that basis, I am pleased to commend them to the House.

Mr I McCrea: As a member of the all-party autism group, I support the amendments. Technical in nature though they may be, they are important in moving the legislation forward. I do not wish to go into detail, because Mr Bradley has already dealt with the amendments, but I want to make it clear that I unapologetically support the Bill and look forward to it moving to the next stage.

Mr McCallister: I join others in congratulating the sponsor of the Bill on reaching this stage. As he rightly said, the amendments are technical in nature and are a tidying-up exercise, as this is the last opportunity to table amendments. We support the amendments.

Mr McCarthy: I fully support both amendments, and I declare an interest as a member of the all-party group on autism. I also pay tribute to our chairman for his leadership and to all the organisations and groups that have been involved in getting us to where we are. I also pay tribute to the families and carers for their dedication and work in the community. We all know the hardships that they have to go through.

I declare a commitment to ensuring that all people in Northern Ireland with autism, young and not so young, are fully supported in every aspect of life, the same as every other person in Northern Ireland. The Alliance Party fully supports the Autism Act (Northern Ireland) 2011 and looks forward to the final passage of this important Bill.

Mr Callaghan: Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom mo chara an tUasal Ó Brollacháin a mholadh as an fhóir-iarracht agus an fhóir-obair atá déanta aige le grúpaí, le daoine agus le saincheisteanna atá ceangailte leis an Bhille an-tábhachtach seo.

I acknowledge the efforts of my colleague Mr Bradley in working with groups on matters relating to the Bill to bring it to this stage. Although these are technical amendments, they show the efforts of everybody involved with the Bill to ensure that it is fit for purpose and meets the challenges that it will face after its enactment. I commend the Bill to the House and look forward to its enactment before the end of the mandate.

Mr D Bradley: Go raibh míle maith agat, a LeasCheann Comhairle. It remains for me only to thank the Members who contributed to the debate. Some mentioned the all-party group on autism, which was instrumental in bringing the Bill to Further Consideration Stage. As chairperson of that group, I appreciate very much the co-operation and hard work of all its members, representing all parties in the House.

I also express my appreciation to the autism charities and advocacy groups that supported the Bill: the National Autistic Society, Parents' Education as Autism Therapists (PEAT) and, last

but by no means least, Autism Northern Ireland, which provided us with tremendous support. I pay particular tribute to the chief executive of that organisation, Mrs Arlene Cassidy, and wish her a speedy recovery after her spell in hospital. I should also mention Mrs Eileen Bell, a former occupant of the Speaker's Chair, who has been extremely supportive, as has Mr David Heatley. The efforts of all those people together ensured that the Bill got to this stage.

After it is referred to the Speaker, hopefully this evening, I look forward to its successful Final Stage.

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

Clause 5 (Regulations and orders made under this Act)

Amendment No 2 made: In page 3, line 10, leave out clause 5. — [Mr D Bradley.]

Mr Deputy Speaker: That concludes the Further Consideration Stage of the Autism Bill. The Bill stands referred to the Speaker.

Adjourned at 11.23 pm.

Northern Ireland Assembly

Tuesday 8 March 2011

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

Members observed two minutes' silence.

Assembly Business

Mr P J Bradley: On a point of order, Mr Speaker. On Monday 14 February 2011, a Member made and repeated a falsehood about my declarations of interest at Committee meetings during evidence sessions on the Welfare of Animals Bill. My accuser stated that at no time did I declare my honorary membership of the Northern Ireland veterinary association during meetings of the Committee. You will recall, Mr Speaker, that, at the end of the debate on 14 February, I brought the wrongful allegations to your attention.

Will you confirm to the House that you have received a copy of correspondence from the Agriculture and Rural Development Committee office that states categorically that I declared my interests at the appropriate times during the taking of evidence on the Welfare of Animals Bill?

Mr Speaker: I thank the Member for his point of order. As the House knows, I do not normally get involved in Committee business. However, the Member has spoken to me about the issue outside the House, and, as he said, he raised it previously in a point of order. I know that the Member feels very strongly about the matter, and he has shown me correspondence to confirm what he said in the House about properly declaring his interests at meetings of that Committee. I am content with that evidence. The Member clearly has that on the record, and I now consider the matter to be closed. Once again, I thank the Member for his point of order.

Mr Campbell: On a point of order, Mr Speaker. On 1 February, I raised a very important issue with the Minister of Health, Social Services and Public Safety through an urgent question for written answer. My understanding is that such questions should be responded to within two working days. My question, without elaborating

on it, was about an inactivity and lack of response from the Minister. That was the issue that I raised, and 25 working days later I have still not had a response. I seek your guidance about what Members should do if they raise the issue of inactivity from Ministers and get inactivity by way of response.

Mr Speaker: I thank the Member for his point of order. If Members have exhausted all other channels and find that they still cannot get an answer from a Minister to a particular question, I am happy for them to raise that as a point of order in the House and get it on the record. After that, I will write to the Minister to see how we can get an answer to the particular question. I will do that on this occasion.

Order. Before we begin, I wish to advise the House that a valid petition of concern was presented on Monday 7 March 2011 in relation to two amendments published for today's Consideration Stage of the Planning Bill. Amendment Nos 20 and 102, which are in group 3, deal with planning control. The votes on those matters will be on a cross-community basis and may take place today.

Ministerial Statement

Water Services: Freeze-Thaw December 2010

The Minister for Regional Development

(Mr Murphy): Go raibh maith agat, a Cheann Comhairle. I welcome this opportunity to update the Assembly on the conclusions of the review into the major interruption to water supplies over Christmas and the new year.

The composite report, which was published last week, gives us a comprehensive account of the events during the emergency. I thank the Utility Regulator and the two reviewers appointed by the Office of the First Minister and deputy First Minister (OFMDFM) — Heather Moorhead and Phil Holder — for their hard work. Both strands of the review were completed within a very challenging timescale. The report contains a number of detailed conclusions. NIW (Northern Ireland Water) and stakeholders will need to absorb those and respond to them in a vigorous and positive way. The interim chief executive of NIW has already accepted the report's findings. A great deal of work will be involved in taking the necessary actions forward, and it would not be sensible for me to try to deal in detail with the 60-odd recommendations today. However, the publication of the report gives us an opportunity to reflect on, and acknowledge, some realities.

Turning to the emergency itself, the regulator said that the winter weather was an exceptional once-in-a-100-year event. The record-breaking period of sub-zero temperatures over two weeks was followed by an equally dramatic thaw on Sunday 26 December. The report states that:

"temperatures jumped up by 20°C in a few hours right across Northern Ireland. As a result, up to 40,000 bursts on customers' pipes which had occurred during the cold weather all started to leak, more or less at the same time. Consequently on Monday 27 leakage was at a level not previously experienced and over the following days parts of NIW's water network drained down and thousands of customers lost their water supplies. As reservoir capacity dwindled, some areas went without any supply and in other areas, NIW instituted rota cuts to maintain supplies to hospitals and other essential facilities; a situation unknown in Northern Ireland in a decade. It took NIW just over a week to refill its system and restore water supplies to all its customers."

The regulator recognises that NIW's:

"Front line operational teams worked effectively in very challenging weather conditions."

I reiterate my thanks to all those in NIW, and in many other organisations, who helped to deal with the emergency. I am grateful for the co-operation that was so willingly offered and given.

Nonetheless, despite the efforts of NIW staff and contractors, the overall response fell far short of customer expectations. As the report says:

"The consequences of the incident were exacerbated by the fact that the emergency response led by NIW was wholly inadequate. There was ineffective communication with customers and no comprehensive arrangements for alternative supplies of water. The communications failure meant that in the days immediately following the thaw, many customers were losing their water without any warning or explanation."

As was said at the time, exceptional conditions require an exceptional response. The emergency resulted in a significant failure to deliver the most basic services to people, and NIW has to learn lessons from that, especially about communication with customers during such incidents.

The regulator warns that such extreme conditions:

"with a changing climate could recur in the near future."

NIW needs to meet the challenge of dealing with similar weather conditions in the future. Ensuring the continuance of supplies and services for customers is the priority. As I said, the regulator has completed a thorough investigation and produced conclusions that are detailed in the report and which give a clear way forward on how NIW can improve its emergency response. I will work with NIW and stakeholders to ensure that the appropriate actions are taken. As the report says, to mitigate future emergencies, we need to acknowledge that:

"This would require community wide action."

The regulator's analysis indicates that:

"at least 80 of the increased demand resulted from usage or bursts on consumers' properties. Commercial properties were closed during the holiday period and bursts went unnoticed and ran for longer. Survey evidence estimates that there were bursts on more than 40,000 customers' properties (domestic and non-domestic)."

Action to inform people how they can support the public supply is needed, and the review includes recommendations in that area.

Turning to the infrastructure, the regulator concludes that NI Water's mains performed as well as could be expected under the harsh conditions in comparison with other water mains in the UK. That confirms that the investment we have made, nearly £1 billion over the last four years, is helping to improve the service and reverse the lack of investment in earlier decades. Obviously, we still have some way to go. Leakage is not yet at economic, let alone sustainable, levels and there are many areas where infrastructure needs to be renewed. Despite the reduction in funding available to the Executive, I have managed to increase investment in water significantly from within my Department's budget to partly meet any shortfalls. At over £660 million, I have delivered funding for a substantial programme, and it will allow me to provide NIW with the water mains investment levels recommended by the regulator in its final determination.

In relation to my role and that of my Department, the report concluded that I:

"acted in a manner consistent with the governance requirements".

It says that I was fully engaged for the entire period in seeking to deal with the situation and performed all of my roles and responsibilities effectively. It adds that:

"Departmental officials also provided timely support and assistance in the crisis."

I am content that the report recognises what I said at the time, that this was an operational matter and that responsibility lay with NIW. That may not suit some commentators, but it is the reality. I accept that calls for me to be held personally responsible are part and parcel of politics, but it is time to move on from the deliberate misunderstanding and convenient ignorance to deal with the reality of the relationship we have with NIW.

The external reviewers identified the unique hybrid governance arrangements which currently exist. We need to face up to the fact that these arrangements, which I inherited from direct rule Ministers, are at odds with what the Executive have chosen to do. I have said that we need to examine the relationship and clarify the situation as we do so. Others have opposed

this, unfortunately including the majority on the Committee for Regional Development, but we will need to do deal with this in the future.

Those who do not want to accept these conclusions will attack the process. They will say that the report was biased or a whitewash. We have already seen this line, and we saw it pedalled by some almost before the review began and during the review. Stories about Facebook friends and candidate lists were exaggerated to suggest potential conflicts of interest, even when those involved were not aware of the links. Allegations of conflict over potential NIW board appointments and the regulator's existing role in NIW's governance were raised by others, when, logically, I should have been the one concerned about them. I was prepared to set aside any reservations and support the review. It is time for others to accept that this review was properly and professionally conducted.

There are huge challenges ahead for our water and sewerage services, and everyone needs to support NIW in meeting them.

The Chairperson of the Committee for Regional Development (Mr Cobain): The Regional Development Committee did not oppose the:

"need to examine the relationship and clarify the situation",

to quote the Minister. It made no comment on the policy merits of the proposed water and sewerage Bill. The Committee, by majority vote, was not happy to rush through, without Committee Stage, a Bill on the governance of Northern Ireland Water. It is not clear to me how it is possible to:

"examine the relationship and clarify the situation",

if there is no time to do any examination or to seek any clarification.

However, does the Minister accept the report's finding that the external reviewers have included that, while the governance arrangements are complex, they were clear to the stakeholders and they, therefore, had no material impact on the crisis?

The Minister for Regional Development: I accept what the Chairperson has said. I went before the Committee and argued that there was an opportunity in the remainder of this mandate to address some of the governance

arrangements, which have left the organisation NIW operating, on the one hand, as a company under company law but, on the other hand, answerable to the public purse under the accountancy arrangements that we have. We had an opportunity to deal with that and a number of other issues.

There was time in this mandate to do that. The Committee is entitled to its own view on the issue of accelerated passage for the Bill. Nonetheless, at every opportunity, where people have been critical of NIW and said that it needs to change, a lot of parties here have talked the talk; very few of them have walked the walk.

Miss McIlveen: I concur with the comments made by the Chairperson in relation to the request for accelerated passage. Will the Minister tell the House whether the large scale failure of supply in Northern Ireland Water features as a risk on the Department's risk register? If it does, who has responsibility for it? How is it tested, and how frequently?

The Minister for Regional Development: The Department's risk register looks at the areas over which the Department exercises control. The Department does not exercise control over the risk management of NIW. It has its own risk register. The regulator looked at that issue, as did the NIW report. At every meeting that is held, the Department is represented. Obviously, those people make a professional assessment of the areas of risk in their own area of operation. Immediately after the crisis, we tried to restore some degree of public confidence by asking for that to be externally validated by a professional from outside NIW. The report that came back to the Department said that they were satisfied that NIW was managing those risks. However, they recognised the need for improvements in response to the emergency and for a longer-term resilience plan to be worked through. That concurs with some of the findings of this review.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. Cuirim fáilte roimh ráiteas an Aire. I welcome the Minister's statement. The party to our left, the SDLP, says that the report is a whitewash and that those appointed to look at the leadership, management and governance aspects of the Minister's Department and role were conflicted. What his view of that allegation?

The Minister for Regional Development: Can I say that — *[Interruption.]*

Mr Speaker: Order. Allow the Minister to continue.

The Minister for Regional Development:

Questions were raised around that. Ironically, if those people were conflicted, I should have been the person most concerned about that, because that would have gone against rather than for me. The appointments for the independent part of the review were made by OFMDFM. It was satisfied that the people whom it had appointed were not conflicted in any way, and I was happy to accept that assurance. Indeed, questions were also raised around the regulator. However, I think that it is quite clear from his report that the issue was approached in a very thorough and professional way, because it does not pull any punches about where improvements are needed. I think that that is a very useful service for this Assembly, in terms of the immediate response of NIW to any further emergency weather situation, and for the incoming Assembly and Executive in the new mandate, in terms of the future of NIW as an organisation.

Mr McDavitt: Mr Speaker, had I been allowed the opportunity to make a point of order, I would have made it clear that knowingly misleading the House is not a good reflection on any of us, and the previous comment did just that.

Many consumers will be shocked to read this report and to see that it spends a lot of time justifying the actions of a few and says very little about where the hundreds of thousands of people affected by the freeze-thaw incident will see some improvement to their service in the years ahead. The Minister suggested that we should talk the talk and walk the walk, so why did he write to me 10 days ago refusing an offer to sit down around the table with colleagues from the other parties to discuss the long-term future of Northern Ireland Water? Why is the Minister uninterested in having a debate on a cross-party basis about the future of Northern Ireland Water?

10.45 am

The Minister for Regional Development: I am not sure what exact terminology the Member used about the report. However, when the report was published, he said that it was discredited. I do not know whether or not he used the term "whitewash", but it was reported in the media that he did. I think that that moved, in a very serious way, from suggesting that the people responsible for conducting the report

were perceived to be in some way conflicted to actually alleging that they conspired in some way to cover up what he believes to be the truth of the situation.

As regards measures for consumers, the report makes a very significant number of recommendations for improvement. That was the focus of this report and of the Executive's action from the moment that the crisis happened. Very quickly after that, we held meetings with NIW about short-term resilience, improvement and lessons learnt. All of that was focused on consumers and on ensuring that we did not have a repeat of the lack of service that was provided to consumers over the Christmas period. That was the Executive's entire focus. Therefore, to say that consumers were somehow ignored in all of this is a very loose interpretation, if not a misrepresentation, of the report altogether.

His suggestion is almost like the 'Belfast Telegraph'-inspired suggestion for academic selection: let us create another process for something to happen. There is already a Regional Development Committee, which has responsibility for scrutinising all of the Department's work, and I have engaged with it on issues around NIW for four years. I have undertaken to take a paper on the future of NIW to the Executive.

I am not sure whether Mr McDevitt thinks that the regional development spokespersons in every party have more authority than his colleague who sits on the Executive. However, the actual decisions on recommendations that are to be brought to the Assembly will be made at the Executive table in an open and transparent process, not in some committee meeting that is not minuted, regulated or part of any function of the Executive. If the Member is interested in openness and transparency, it is through the structures of the Assembly, such as the Committee for Regional Development, which he sits on, the Executive Committee or the Assembly itself, that discussions and debates can be had in a very open and transparent way.

The Member needs to be consistent. I understand that he has a difficulty with consistency, given that he opposed water charges but now supports a mutualised company that would involve such charges. He wants the — *[Interruption.]*

Mr Speaker: Order.

The Minister for Regional Development:

Throughout the crisis, the SDLP mantra was that I should take responsibility. It is now proposing a mutualised company that is further removed from government. That would mean that government would have less authority and control over the provision of water and sewerage services. The only thing consistent about his — *[Interruption.]*

Mr Speaker: Order.

The Minister for Regional Development: The only thing consistent about his propositions thus far is their inconsistency.

Ms Lo: I thank the Minister for his statement. It is very important that the report came out so quickly.

I understand that the report says that the front line operational teams worked effectively in what were, no doubt, very challenging weather conditions. However, I have talked to staff and union representatives from Northern Ireland Water who are quite critical of the fact that many of the staff who were on standby during the crisis were not called in. Have the Minister and the regulator met the union to talk about its criticism of staffing at that time?

The Minister for Regional Development: I spoke to the unions, and I encouraged them to make representations to make their views known to the regulator, who conducted the report. I believe that they did so. Unions continuously make representations on working arrangements. They are quite entitled to do that, and they can have valid points to make. It is my understanding that the regulator took evidence from the unions, assessed that response and came to the conclusions that are in his report.

Mr G Robinson: Does the Minister feel that the recommendations will help to prevent a reoccurrence of this winter's chaos? How does he define the term "community wide action"? Further, does the Minister believe that he is the right person to oversee the future of Northern Ireland Water?

The Minister for Regional Development: In answer to the last question, the electorate will determine that in about eight or nine weeks. My party will then determine whether I get back into a ministerial role. It will be the luck of the draw, or non-luck of the draw, if that role is in the Department for Regional Development (DRD),

depending on how things play out. There are a lot of hurdles to be jumped before that question is concluded.

There are recommendations in the report, and, I think that the regulator's line on this is that NIW was prepared for the expected but unprepared for the unexpected. Although NIW felt that it had an incident plan in place that was able to cope, it certainly was not able to cope with the weather situation that was thrown at us over the Christmas period. There are very serious recommendations in the report, but not just for NIW. Some of those issues stray into the civil contingencies group, which will have learned lessons from the approach that was taken over the Christmas period.

To be fair, during the freeze period, I heard staff from NIW on the radio advising people that the thaw would cause pipes to burst and that people, particularly those in outlying areas or farmers with outlying farms or drinking troughs, should check and turn off their supply if possible to ensure that we tried to maintain a water supply. I am not sure that the community acted on that advice in the way that I think it should have, because repeated requests were made. During the emergency, several large industrial customers were found to have had leaking supplies for a number of days. The volume of those leaks would have been equivalent to the supply of a small town. Obviously, there are lessons to learn from the NIW response. Lessons have been learnt already. The severe criticism of the response is valid.

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

However, there is also a need to better inform the community, on both the domestic and non-domestic sides, about their responsibilities if a similar weather pattern were to occur again. People need to be more informed about what they can do to contribute to a reduction in water supply and how they can play their part in ensuring that we do not reach crisis levels, as we did over the winter period. There are recommendations on how to inform the community of its role, which are very useful. Some 80% of the leakage was on the private side. Therefore, if even half the customers had taken steps to try to reduce it themselves, there would have been a significant improvement in the water supply to other areas, which had to be cut off purposely through rotation to try to restore the levels in the reservoirs.

Mr F McCann: Go raibh míle maith agat, a LeasCheann Comhairle. I, too, welcome the Minister's statement. As a matter of interest, I note that Mr McDevitt did not call on all the housing spokespeople to come together to talk about the crisis that occurred in the Housing Executive and housing associations over Christmas. As the Minister is aware, other parties, including the SDLP, have proposed that NI Water become a mutualised company. What would be the implications of that down the road?

The Minister for Regional Development: There would be a number of implications. People who advocated a mutualised company pointed to the Welsh Water model. We have to understand that Welsh Water is a self-financing company and charges households an average of, I think, £411 a year for water. It is further removed from government and, therefore, further removed from the responsibility of the Minister who is in charge of that area in Wales.

I will want to put a paper to the Executive, and it will be for an incoming Executive and mandate to decide what to do about NIW in the longer term. I have brought the argument for the need for change to NIW to the attention of the Executive many times over the past four years. I have met resistance from other political parties around the Executive table every time that I have brought propositions. Indeed, Mr McDevitt described my propositions as unaffordable and unworkable. He then claimed that they did not exist, and then he voted against the proposition for some short-term measures for change that I brought to the Regional Development Committee.

Those who advocate the mutual model should be clear with the public about what the full consequences of that would be, because I have seen some — *[Interruption.]*

Mr Deputy Speaker: Order. Please allow the Minister to answer the question.

The Minister for Regional Development: Some Members have a difficulty with manners as a basic requirement in the House.

I have heard some people say in the media that the Executive cannot afford to continue to pay for NIW, that that would bankrupt the public purse and that there is a better way of doing this, as if there is a magical crock of gold at the end of a rainbow somewhere that will pay for it. Those people advocate the mutualisation

model. As I said, the mutualisation model, as it works in Wales, is further removed from government. It is a move towards privatisation and charges domestic customers for their water supplies. Those who argue that point of view are entitled to do so, even though it may conflict with their other public position of being opposed to water charging. However, if they are going to argue that position, they should argue the full position so that, in advance of the election, the public can make their judgements about who they want to support.

Mr Bresland: I thank the Minister for his statement. As the Minister will know, I am very concerned about the impact of a shortage of local plumbing inspectors who have local knowledge of the system. Has that issue been dealt with?

The Minister for Regional Development: The regulator looked at that. As part of its crisis response, NIW effectively moved back into the local area. I was on the ground and met some of the local engineers who were dealing with the situation. The Member is quite right that, at local level, there is very beneficial knowledge of the historical water supply, of where people are located and even of details of customers. That is important. There is certainly a lesson there for NIW. It was incumbent on NIW to try to improve its management system and to go through that kind of tough-book system of issuing instruction, and that has improved the service overall.

Nonetheless, given the geography of the region that we live in and the importance of local knowledge, it is vital to get that balance. There was a reference to how, in an emergency situation, the company relied on the local knowledge that was available. The need to retain local knowledge is an important lesson for the company, as is the need to improve the efficiency of the service.

11.00 am

Mr Armstrong: I thank the Minister for his statement. Does he acknowledge that, since the moment it was revealed that those who were meant to lead the review were previously considered for roles in Northern Ireland Water, the review has been undermined? Will he give us his assessment of the comments of the Commissioner for Public Appointments that were made public last week? Is he aware of her concerns regarding the review?

The Minister for Regional Development:

The Commissioner for Public Appointments is entitled to make whatever comments she wishes. The question for the people who conducted the review was for those who appointed them — the First Minister and the deputy First Minister — to assess. The Member knows that this is a very small place and there are few people who do not know other people. Tenuous links were being made to suggest that people had a conflict of interest. Indeed, Heather Moorhead was not even aware that she had been on a list for consideration. She accepted the proposition that she be involved in the review in good faith, until, halfway through, it was pointed out by someone who knew that she had been on a list.

The question of being satisfied as to whether a person has a conflict of interest is for those who appoint that person. They did that, and I was prepared to accept those assurances from them. The outcome and the product of the review show that it was clearly a professional piece of work that did not pull any punches in its response. From my perspective, if I had rejected the people involved, I would have had more to worry about in relation to the conduct of the review than most.

Mr O'Loan: If the same kind of freeze incident happened again and the Minister were looking ahead to the thaw and considering the great effects on consumers that we saw in the latest instance, would he do anything different from what he did on the previous occasion?

The Minister for Regional Development: The report is clear about my role and about the governance issues for which I am responsible. It says that I acted effectively in dealing with the matter. I am sure that everyone can improve on “effectively”, and I would try to do that. The Member is a former teacher, so, had he marked a person's work as “effective”, he would have thought that they had done quite well.

Nonetheless, there are lessons to be learned. One of the responses in the review to the sort of question that George Robinson asked was that there was a need for greater community involvement in dealing with the issues. As we can see in this instance, despite forewarnings to people that the thaw would result in pipe bursts and they needed to take some responsibility for checking their own arrangements, 80% of the water loss happened in private properties. That

can be improved through greater communication with the public about their responsibilities in advance of an incident such as the recent one. That could have saved a situation in which NIW was forced to rotate water supplies.

The review amounts to a substantial volume of work, containing 60 recommendations by the Utility Regulator for improvements. The civil contingencies group will have looked at the incident and its response to it and will have seen areas in which it feels it can improve. There are lessons for us all from the incident, and people who think that they have nothing to learn are in a dangerous place.

Mr P Maskey: Go raibh maith agat, a LeasCheann Comhairle. First, I welcome all the women who are attending the Assembly and different events throughout the place to mark the 100th anniversary of International Women's Day. Maith sibh.

On 13 September 2010, the Minister stated that he would bring forward short-term legislative proposals to improve the governance of water services. Where does that sit at the moment?

The Minister for Regional Development:

I described that in my exchange with the Chairperson of the Committee for Regional Development. There is still an opportunity, which, probably, runs out today, to bring forward those short-term measures. I appreciate that Members are reluctant to use the accelerated passage procedure, but, nonetheless, it has been used quite regularly in other instances. There is a risk of NIW staying as it is, as a hybrid model. That is identified in the overall report as part of the difficulties that NIW faces. There is still an opportunity — a limited window — to do something about that, but, nonetheless, I do not feel that there is sufficient support to bring that forward.

I will bring longer-term proposals to the Executive before the end of this mandate. The Assembly has been prompted and probed on this over the past four years, and the suggestion is that the arrangements we have are not fit for the purpose of devolved government. We really need to grasp this nettle and make substantial changes in the new mandate.

Mr I McCrea: The Minister will be more than aware of my criticism of how information was passed out to the community, the failures of the website and, on some occasions, the

misinformation about whether water was being turned on. As part of the recommendations from the regulator, will the Minister outline how Northern Ireland Water has moved on the short-term measures that it can take to ensure that nothing like what happened over this period happens again?

The Minister for Regional Development: Even before the review, I met NIW and, on behalf of the Executive, pressed it to put in place short-term resilience measures immediately. Thankfully, we now seem to be moving out of the cold weather and into the spring, but, at that time, in January, there was an indication that we faced further severe weather in February. That did not materialise, and I suppose that that makes a point about weather predictions and how we manage them.

The recognition across the board was that communication was the key and central failure in the response, in both the call centre capacity and the facility for dealing with incoming measures and answering queries and in the website and other methods of communication with customers. In the immediate aftermath, we were given assurances about a much enhanced and technologically improved call centre facility so that people could get accurate information. NI Direct stepped in to support that because NIW's website was separate from that of NI Direct, which has much greater capacity.

The information that was put on the NIW website was such that engineers could read and understand it but members of the public could not. There was immediate recognition that that was not suitable. Immediate steps were taken to improve the website's capacity and the information that was on it.

Other areas being explored and developed are issues such as the use of other broadcasters to get regular messages out, an emergency broadcast service, possibly through radio. That is being considered to such an extent that NIW is examining putting up a radio itself for a limited period if there was an emergency again or making better use of services such as the BBC to get accurate information, warnings and advice out to people.

As I said, part of this is about forewarning people about what to expect so that they can take their own measures. If such an incident were to arise again — hopefully not of the same severity, although we cannot predict what the

weather will do — then people need to be much better informed and able to communicate more directly with NIW as an organisation.

Ms J McCann: Go raibh maith agat, a LeasCheann Comhairle. I, too, thank the Minister for his statement. Despite all the criticism of the Minister and the party politicking around that, a lot of people appreciated the efforts that he made to get the bottled water, particularly for elderly people, that community activists gave out. Does he believe that the interim NIW board fulfilled its responsibilities over Christmas and the new year?

The Minister for Regional Development: The Member is correct in that the board is an interim one. A new chairperson will be appointed by the end of this month, and the process of filling the vacancies for non-executive directors on a longer-term basis has already begun. The report singled out the interim chairman and acknowledged the leadership role that he played.

Performance was benchmarked against the boards of other water companies, and it was acknowledged that the board had the requisite skill, competence and ability across a wide range. The Member will know that, on these boards, you do not simply appoint six, seven or eight people from a water utilities background. A broad range of skills and experience is needed in that board in order that they complement each other. The report found that the board had a sufficiently broad range of skills, which was commensurate with that of other water company boards.

Mr Buchanan: The Minister stated that leakage in the infrastructure is not yet at economic levels let alone sustainable levels, and many areas of the infrastructure still need to be renewed. I appreciate that the Department has invested money to meet the shortfalls. However, will the Minister give the House an indication of the percentage of the deficient network that that will replace? Does he have a time frame for the completion of the work?

The Minister for Regional Development: As I said, the review found and accepts as a historical legacy that the leakage figures are not at economic or sustainable levels. Much more work needs to be done. The regulator's review found that much work has been done. As the Member knows, the Executive have invested £1 billion of capital investment over the past four years. That is part of playing a very substantial

catch-up exercise due to lack of investment over previous decades.

Despite the reduction in the capital budget, which particularly affects my Department, I have managed to identify funds in addition to those initially allocated to me to bring it up to £660 million worth of investment over the next four years. That will meet what the regulator recommends for mains rehabilitation. I do not have the percentage figures, but I will supply them to the Member. What we have invested to date and what we propose to invest over the next four years matches what the regulator recommends for mains rehabilitation investment, but we still have the outstanding legacy to deal with, and catch-up is required. It will bring us to a stage at which leakage is sustainable and economic, but the question is how far we go beyond that and whether it becomes uneconomic to continue to invest after that. We are not at that point yet, but we have identified very substantial investment that is in line with what the regulator recommends.

Mr Kinahan: I thank the Minister for his statement. I congratulate the members of the public who helped and worked together when the crisis happened. The Minister said that the response was wholly inadequate. As we know, the public see the Assembly, councils and all of us in government as being responsible. What has been put in place, probably in discussions with other Ministers, to ensure that we have a good 24-hour responsibility so that, whether it is Christmas or the weekend, somebody can make decisions and get people in so that the public get the response that they want immediately?

The Minister for Regional Development: There was a sense in the regulator's report and the recommendations that the executive team in the NIW did not respond as a corporate unit. There was no clear line of who was responsible for what area, which is a lesson that the NIW is obliged to learn. The regulator's report has 60 recommendations, and the regulator will check to see how those are implemented. Indeed, the Department will use its oversight mechanism to ensure that those proposals are implemented. The corporate team response was non-existent; people did not have specific roles. The emergency response of most organisations is to pool their entire corporate team and make sure that there is oversight in all areas of responsibility. That did not happen in the NIW; it was not part of its emergency plan. In hindsight,

it certainly was a deficiency. The regulator has clearly identified that that needs to change in any future response.

Mr Dallat: The Minister told us that this was an operational matter and was the responsibility of NIW. Given that there is just an interim chief executive at the moment and a board that is top-heavy with people who have no experience in the water industry, does the Minister accept that he has in the past stood four-square behind the former chief executive, Laurence MacKenzie, and that the image that the 40,000 people who were deprived of water have is of our Minister standing with Mr MacKenzie, who has now gone? Does he accept that many people will see this morning's statement as a Pontius Pilate exercise — a washing of the hands, so to speak — with no responsibility for what might happen in the future?

11.15 am

The Minister for Regional Development: I am not sure how the Member can come to that view. The report is very clear. I am not misrepresenting or misinterpreting it in any way; it is very clear about where responsibility lay.

The Member remarked that the board is not top-heavy with people experienced in the water industry. The only person with water utility experience to leave the previous board was the chairman, Chris Mellor. Therefore, there is little difference in capabilities. Incidentally, the Member has never changed his position that that chairman needs to be reinstated, even though Mr Mellor argued that tens of millions of pounds' worth of contracts being wrongly procured was simply a matter of getting the paperwork right. The Member is still of the view that a person who holds that view of public finances is fit to be the chairperson of a public organisation here. I have never heard Mr Dallat change that view.

In respect of my responsibility, I was confident at the time and remain confident — I think that the report reflects it — that I acted on my responsibility for NIW. In its oversight role, the Department will continue to ensure that NIW lives up to the report's clear, consistent and evidence-based recommendations on where responsibility lay and where improvements must be made. There is no hand-washing effort about that at all. At my request, I came to the Assembly's first sitting after Christmas to make a statement on the issue. Other Ministers had

to be dragged to the Assembly to make statements related to their area of responsibility. I brought terms for recommendations to the Executive. Although the Member shakes his head, I asked my Executive colleagues for their support for the review and its terms of reference, again unlike other Ministers.

Reviews are being conducted across a broad range of areas of responsibility. As a Minister in the Executive, I do not know who set the terms of reference for those reviews. I do not know who is conducting them. I do not know when they will report. They have never been discussed around the Executive table. I have never seen any of the other Ministers asked to come to the Assembly to answer, as they should, questions about those reviews. That is in stark contrast to my approach. I asked to come to the Assembly with the first item of business after Christmas to answer questions from my Assembly colleagues on this. I asked the Executive to conduct a review. I brought terms of reference to the Executive for their approval, and the report went back to the Executive. Mark that against reports on other areas of government here. Scrutiny committees cannot get access to those reports. They do not know who is conducting them or what the outcomes may be. Some SDLP Members may shake their head, but that is the reality. This report was open and transparent. I have been upfront, never washed my hands and never shirked responsibility in dealing with the Assembly and making myself available to it and asking to come to answer questions on these matters. That is in marked contrast to, perhaps, the Member's colleague and some other Ministers.

Mr McDevitt: That is outrageous.

Mr Deputy Speaker: Order.

Mr Sheehan: Go raibh maith agat, a LeasCheann Comhairle. The Minister mentioned the former chairperson of NIW, Mr Chris Mellor, who stated publicly, on television, that he would have done a better job than the interim non-executive directors appointed by the Minister. What is the Minister's view on that?

The Minister for Regional Development: I commented on his fitness for public office in terms of his approach and commentary around the wrongful procurement of tens of millions of pounds in contracts. He said that that was simply a matter of getting the paperwork right. I do not think that that is the standard that

the Assembly should apply to meet its desire to have open, transparent, accountable and properly scrutinised public spending. As for his doing any better, the plan that the NIW board operated to was developed and devised under Chris Mellor's leadership.

Mr Lyttle: I join my colleagues in commending front line staff and all the community groups on the ground who responded to the freeze-thaw over Christmas. I recognise that exceptional weather was at play. I also share the report's concern about the "failure" of Northern Ireland Water's executive leadership during the incident. Given that the Public Accounts Committee report on procurement and governance in Northern Ireland Water found departmental oversight of the company to be "clearly deficient" and that the Utility Regulator's report finds that there was a failure to address lessons identified from the 2009-2010 freeze-thaw incident, why does the Minister feel that departmental governance is so fit for purpose and dismiss mutualisation as an option to be considered to improve governance of our water supply?

The Minister for Regional Development:

The Member strayed into an area of the PAC report, which is yet to be responded to by the Department. Although I am happy to get into those issues, it is not normal protocol for me to answer questions on a report that the Department has not responded to.

On the arrangements for managing NIW's operational response on the ground and its implementation plan for emergency responses, the regulator and the review found that the governance arrangements were adequate. The Department asked questions, it was given assurances, and the governance arrangements were adequate.

As for mutualisation, at least the Member's party is upfront in arguing that domestic customers should pay for water. Other parties have argued that that should not be the case. People may feel that, in the first instance, there should be a stronger connection and more responsibility between the Department and whoever happens to be the Minister and NIW, which provides our water and sewerage services. I am simply making the point that mutualisation would loosen those arrangements, bringing the organisation further from government. If Members feel that water and sewerage services, in which the

Executive and the public whom we represent have invested billions of pounds, are vital, I am advising them that, under mutualisation, we would have a looser and less authoritative arrangement.

In addition, mutualisation involves self-financing. Therefore, people proposing that arrangement should explain it in its totality. It would mean that domestic customers would pay, as is the case with Welsh Water, an average of £411 per household each year. If that is the proposition, I am happy to debate it, but let us not try to offer a solution where we are saying that the Executive cannot afford to pay for NIW and the people should not pay for it, but, somewhere at the end of a rainbow, there is a crock of gold that will sort it all out for us.

Mr Elliott: First, I put on record my thanks and praise to all front line Northern Ireland Water staff who were out during those difficult times. At that stage, contractors were brought in as well. Is the Minister aware that some of those contractors have yet to receive payment? I am not even sure whether their payments have been processed, and that may have a significant effect on future work that they might be required to do for Northern Ireland Water.

The Minister for Regional Development: I was not aware that that may be the case. None of the contractors involved has brought the matter to my attention. I will certainly take note of the Member's question and take the issue up with NIW to ensure that the Executive's policy of prompt payment for services, which was initiated through the Department of Finance and Personnel, is observed. The Executive set a standard of prompt payment for people who do work for government services. Particularly at this time, people are working with very tight margins and are struggling to keep organisations open and companies afloat, so I will raise the issue with NIW and ensure that people who did work are properly paid in sufficient time.

Mr Callaghan: The report deals with events from and beyond 27 December. As we all know and as Roy Keane has said on many occasions, "Fail to prepare; prepare to fail". Does the Minister accept that the report should have dealt with matters before 27 December, because, no matter what was done after the event, given the lack of emergency planning by Northern Ireland Water before then, it was fairly obvious that

a disaster was going to happen? How can he argue credibly for more powers over Northern Ireland Water now, when everything that he said today and over the past number of weeks was about evading responsibility?

The Minister for Regional Development:

Perhaps the Member has not read the report. It goes into issues prior to 27 December. It makes an assessment of NIW's preparation, saying clearly that NIW was prepared for the expected. You should have read it. The report is a matter of record. Although the Member and the SDLP might dispute that, it says clearly:

"NIW was ... prepared for the expected ... but ... unprepared for the unexpected."

Therefore, the report does assess NIW's state of preparedness before Christmas; the fact that the company put the emergency planning operation in place in early December and stood it down again; how effective that plan was during the freeze in early December; and what lessons were learnt following the regulator's view of the freeze incident in the earlier part of last year. So, the Member clearly has not read —

Mr Callaghan: *[Interruption.]*

The Minister for Regional Development: I am sorry; I cannot answer questions asked from a sedentary position. If the Member has other questions to ask, perhaps he should have asked them.

The Member clearly has not read the report. It assesses the situation prior to December 2010 and NIW's state of preparedness, and it makes criticisms of that. Where recommendations flow from those criticisms, NIW needs to address them.

I listened intently to two or three days of Budget debate in which, on the one hand, the SDLP made propositions and then, on the other, made arguments that completely contradicted them. The Member is doing that again. He argues that I am trying to avoid responsibility and that I should take responsibility. That was the SDLP mantra throughout the whole freeze-thaw incident. The party has come up with proposals that move NIW further from the responsibility of government. So, as I said, the only thing consistent about the SDLP over the past period has been its inconsistency. It may fool some of the people some of the time, but SDLP Members cannot stand here and argue that more authority is needed and that the Minister in charge of the DRD needs to be more

in control of NIW, while advancing propositions that will move the organisations that deliver water and sewerage services further away from government and further away from responsibility so that —

Mr McDevitt: *[Interruption.]*

The Minister for Regional Development: I am sorry; I am getting hectored by the bad-mannered Mr McDevitt. I have answered his question about discussion. He wants to set up some sidetrack process that involves him and I am not sure who else when we already have open, transparent opportunities in these political arrangements for discussion through the Committee of which he is a member. Why he wants to sidestep the Chairperson, the Deputy Chairperson and the rest of his Committee colleagues —

Mr McDevitt: *[Interruption.]*

The Minister for Regional Development: I am sorry, Mr Deputy Speaker, it is difficult to answer questions when I am being continuously interrupted. Manners are very easily carried. My mother used to say, "Manners maketh the man". Obviously, they have not made much of a man over there.

Last September, I outlined to the Assembly that I would bring proposals to the Executive for discussion and to inform an incoming Executive. I am not sure what parallel process Mr McDevitt wants to become involved in, but it does not involve transparency or openness.

Mr McDevitt: *[Interruption.]*

Mr Deputy Speaker: Order.

The Minister for Regional Development: Such a process does not involve the established institutions of the Assembly. Mr McDevitt appears to want to sidestep his own Committee, his Committee colleagues, the Executive and his colleague on the Executive, which is where those discussions and decisions rightly take place. That is the forum for debate, and, ultimately, that debate comes back to the Floor of the Assembly.

Ms M Anderson: Go raibh míle maith agat. The Minister will not have been surprised by the SDLP proposal to mutualise the water service, which will, as he said — I agree with him — lead inevitably to water taxes. It was first mooted by

the previous leader of the SDLP, Mark Durkan, and was called a Durkan tax.

I will pick up on the question that Tom Buchanan asked. Have the Executive allocated the required capital funding to the DRD over the Budget period to allow the necessary investment to continue?

The Minister for Regional Development: There is no doubt that, as a consequence of the reduction in our Budget delivered from Westminster, where the Tory cuts were unsuccessfully challenged, if challenged at all, we have a substantial reduction in the capital budget. The initial allocation that I received as part of that capital budget would have left a substantial shortfall, particularly in years 2 and 3, in the allocation for NIW. Through reallocating the Department's resources and through further allocations that we received as a consequence of the final Budget proposition, I have been able to bring that up to a substantial level of £660 million over the next four years, which meets the regulator's recommendations for investment in NIW.

Mr Deputy Speaker: That concludes questions to the Minister for Regional Development on his statement. We now move to the next item of business, which is —

11.30 am

Mr Boylan: On a point of order, Mr Deputy Speaker. A Member indicated that I was misleading the House in the question that I asked. Let me say that I was referring to a statement that Mr McDevitt himself released.

Mr McDevitt: Further to that point of order, Mr Deputy Speaker, what was said earlier was misleading. It is not the case that the SDLP ever suggested that any report was a whitewash. I strongly counsel Members to pay due respect to what was and was not said. I will ask you, Mr Deputy Speaker, whether it is in order to knowingly misrepresent another party's position in the House.

Mr Deputy Speaker: Could I please respond to the two points of order? Both Members made their points. They are now on record, so I wish to move on.

Mr Boylan: On a further point of order, Mr Deputy Speaker. Can I hand the statement in to the Speaker's Office? If you will indulge me, I will read out exactly what it says.

Mr Deputy Speaker: Order. It is not in order to read out the statement. If the Member wishes to hand it to the Speaker, he is quite at liberty to do so. I wish to move on.

Executive Committee Business

Health and Social Care Bill: Legislative Consent Motion

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

That this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Health and Social Care Bill dealing with the abolition of the Health Protection Agency; functions in relation to biological substances; radiation protection functions; revocation of the AIDS (Control) (Northern Ireland) Order 1987; co-operation with bodies exercising functions in relation to public health; the regulation of health and social care workers; arrangements between the National Health Service Commissioning Board and Northern Ireland Ministers; and relationships between the health services.

In July 2010, the UK Government announced their intentions to carry out a radical reform of the NHS. One of the key elements of that reform is streamlining the number of existing arm's-length bodies. Most of the changes to those bodies will be given effect by the UK Health and Social Care Bill, which was introduced at Westminster on 19 January 2011.

At the outset, it is important to say that the vast majority of the Bill's provisions apply to England only. Members will be aware that any proposed changes to a Westminster Bill that relate to a devolved matter or that require a specific amendment or reference to legislation that applies in Northern Ireland must be agreed by the Assembly by means of a legislative consent motion. It is primarily those provisions to which I will now draw Members' attention.

All healthcare regulatory bodies, including the Pharmaceutical Society of Northern Ireland, will be given new powers to establish voluntary registers. That may affect the future delivery of regulation for some healthcare professionals on a UK-wide basis. The Bill will abolish the General Social Care Council and will transfer the role of regulating social workers in England to the Health Professional Council (HPC). Given the close working relationships that have been established between social care regulators in each country of the UK, the Northern Ireland Social Care Council is taking steps to develop a working relationship with the HPC. In future, the HPC will be known as the Health and Care

Professional Council, and it will utilise its expertise to provide administrative, technical or advisory services to any body or individual that is involved in maintaining registers of health or social work professionals and social care workers.

The Council for Healthcare Regulatory Excellence (CHRE), which scrutinises and oversees the work of the nine healthcare regulatory bodies, will become the Professional Standards Authority for Health and Social Care, and it will be otherwise known as the authority. It will become self-funding through a compulsory levy on the healthcare regulators, and ministerial requests for advice from the authority will be subject to a fee. The authority will be given the power to provide advice or auditing services to the regulatory bodies and to charge for that advice. Accountability to the four UK Parliaments and Assemblies will be achieved by placing a duty on the authority to lay its strategic reports before those bodies.

My Department will continue to appoint one non-executive member to the council of the authority. The authority will have responsibility for accrediting the voluntary registers mentioned earlier. The Bill will abolish the Office of the Health Professions Adjudicator (OHPA), which was established under the Health and Social Care Act 2008 to undertake fully independent adjudication of fitness-to-practise cases. The issue, as highlighted in the Shipman inquiry, was to separate the functions of investigation and adjudication in fitness-to-practise matters. The General Medical Council (GMC) has enhanced the independence of adjudication and modernised existing processes, so it is considered that similar benefits to the setting-up of the OHPA can be achieved through reforms to the GMC's legislation. The OHPA is still in shadow form and would not have been operational until April 2011. Therefore, it has no impact on Northern Ireland.

The Secretary of State for Health wishes to take a more direct role in health protection in England, with the result that the Health Protection Agency (HPA) is to be abolished in its current form and will become part of the new public health service (PHS) for England. The HPA was established under the Health Protection Agency Act 2004. The Act gives a number of functions to the HPA, including health and radiation protection functions. The Health and Social Care Bill will abolish the HPA as a

statutory organisation and will repeal the 2004 Act. Health protection functions that are not devolved to the Department of Health, Social Services and Public Safety will be transferred to the Secretary of State for Health as part of the new public health service.

Non-devolved functions that the HPA currently undertakes for Northern Ireland, such as aspects of radiation protection and other UK-wide functions will continue to be provided for Northern Ireland by the public health service. My Department, along with the Public Health Agency and the health and social care sector in Northern Ireland have sought assurances that we will continue to receive the range of expert advice and support currently being provided and will also be able to participate actively in health protection matters on a UK-wide basis.

I also wish to assure Members that our own Public Health Agency will remain as a freestanding body and will continue to carry out its public health functions across Northern Ireland. The Bill also seeks to make changes to the National Institute for Health and Clinical Excellence (NICE), which is responsible for producing guidance on good clinical practice and the cost-effectiveness of NHS resources in England. It also examines new interventional procedures developed throughout the UK to check that they are safe and effective.

The Department of Health, Social Services and Public Safety (DHSSPS) has links with NICE, whereby all guidance published by the institute is reviewed locally to test its applicability to Northern Ireland and, where appropriate, endorsed for implementation here. Part of that endorsement process is to provide information to allow the guidance to be interpreted in the Northern Ireland context and to identify any important differences in service provision here.

My Department's arrangement with NICE ensures that Northern Ireland can access the same safety checks as England and can get timely advice from NICE staff on guidance issues. NICE will be re-established as a non-departmental public body (NDPB) and will be known as the National Institute for Health and Care Excellence to reflect its extended remit, which will incorporate elements of social care. For example, it will assume responsibility for producing quality standards for adult social care. For my Department to continue its existing arrangements with the

newly established National Institute for Health and Care Excellence, it will be necessary to amend article 8 of the Health and Personal Social Services (Northern Ireland) Order 1991. Article 8 enables the Department of Health, Social Services and Public Safety to enter into arrangements with special health authorities. However, it does not allow arrangements with non-departmental public bodies. For the Department to continue arrangements with the National Institute for Health and Care Excellence, which will become an NDPB, the 1991 Order needs to be amended. That amendment will be effected through the Health and Social Care Bill. Therefore, it will require the consent of the Northern Ireland Assembly. The legislative consent motion seeks to put in place a mechanism that will allow us to continue our current relationships with those organisations and to access the information and expertise that we need. On that basis, I ask Members to support the motion.

The Deputy Chairperson of the Committee for Health, Social Services and Public Safety (Mrs O'Neill):

Go raibh maith agat, a LeasCheann Comhairle. I speak on behalf of the Committee. On 3 February 2011, the Committee took evidence from departmental officials on the need for a legislative consent motion on the Health and Social Care Bill. I want to say at the outset that, after hearing evidence and exploring issues with officials, the Committee was content for the legislative consent motion to proceed.

As Members will know, the British coalition Government have put in process various reforms of the NHS in England, which include streamlining the number of arm's-length bodies or "quangos", as they are often called. The Bill is relevant to here because it will make changes to arm's-length bodies that are already established or will be newly established by the Department of Health in England. As some of those bodies provide or will provide expertise and services, some consequential amendments are required to our legislation. In a nutshell, that is why legislative consent is required of the Assembly and why the Minister tabled the motion that is before the House.

Many of the arm's-length bodies in question play a vital role in legal, ethical, quality and safety issues associated with the service's access and research. They also provide advice and guidance, regulation, inspection and monitoring, and a measure of uniformity and public

assurance across a wide spectrum of services. One such body, to which the Minister referred, is the National Institute for Health and Clinical Excellence, which produces best-practice guidance that is designed for the Health Service in England, but is also appropriate for us in many instances. Indeed, many other countries, such as New Zealand and Canada, use its services.

The simple reason for that buy-in of NICE services is that they cost £90 million a year to run. As we all know, we do not have a spare £90 million in the current Budget process with which to set up a similar service for our own use. Therefore, it is important that we are able to tap into that function and share that expertise. For that reason, legislation is needed to create a mechanism by which to enter into a contractual relationship with NICE and other bodies when their status changes as a result of the Bill.

In conclusion, I reiterate that the Committee is content for the Department to proceed with the legislative consent motion. I commend the motion to the House.

Mr McCallister: I agree with the Minister and the Deputy Chairperson of the Committee that it is important that we build and work on our relationships with NICE and its successor organisation. It is encouraging that the coalition Government are moving to streamline the public Health Service. I wonder whether the Minister will want to comment on where they might have got such an idea. It is important that streamlining takes place, that relationships with groups such as NICE are maintained and that we continue to buy into that expertise, because there are issues of quality and safety. It is important that we have had the debate and that the Committee took evidence to move that forward. I support the motion.

Mr Gallagher: The SDLP supports the legislative consent motion, which asks the Assembly to consent to the provisions of the new Health and Social Care Bill at Westminster. We accept the importance of the role of, for example, the National Institute for Health and Clinical Excellence, which will, as the Minister said, be under a new name and that we are able to avail ourselves of its services. The SDLP is, however, of the view, as we stated previously here, that we will have a better Health Service not only through working more closely with the rest of the UK, but by taking the tremendous opportunities that exist to work with the

Republic on an all-Ireland context. It is important to understand that.

The motion has been before the Executive and agreed by all Ministers. Like I said, the SDLP has no difficulty with that.

11.45 am

Mr Callaghan: I concur with what the Member said about the potential for better outcomes and better value for money in developing North/South joint procurement and joint services, among other things. Does the Member share my sense of frustration, and that of many families, about the fact that although on the one hand we are striving to keep up to the standards or developments of the National Institute for Clinical Excellence and its successor, the National Institute for Health and Clinical Excellence in London, we are at the same time still in a position in which many standards set by NICE, including the offer of fertility treatment, are not being fulfilled here for various reasons? We should strive towards that, and hopefully that will be reflected in the Budget settlement.

Mr Gallagher: The Member has made the point well. On that note, Mr Deputy Speaker, I conclude.

Mr McCarthy: In recent times, much comment has been made about the funding of our National Health Service. Any reasonable proposal to make efficiencies throughout the Health Service, thus saving money, is welcome, and the money should be put back into front line services. The Bill seeks to reduce bureaucracy by cutting down the Department's NHS functions and abolishing quangos that do not need to exist and streamlining the functions of those that do. The Health and Social Care Bill will rationalise a number of public bodies. Let us hope that by so doing our community will not be disadvantaged.

I pay tribute to the work of the Health Protection Agency. Our constituents' expectation is that the Northern Ireland Health Department will continue to provide a first-class Health Service. Every man, woman and child in Northern Ireland expects to receive nothing but the best. It is our hope that the Health and Social Care Bill will come up to expectations. The Alliance Party supports the motion.

Mr Callaghan: I am happy to forgo this opportunity to speak, Mr Deputy Speaker.

The Minister of Health, Social Services and Public Safety:

I thank the Members who contributed to the debate and the Health Committee. I already said that a number of the bodies provide advice, guidance, regulation, inspection and monitoring, as well as a measure of uniformity and public assurance across not only a wide spectrum of services but the UK as a whole.

My officials liaised closely with Department of Health colleagues to ensure that we maintain the expertise or service currently provided by the bodies affected. The main focus of our engagement has been to make sure that Northern Ireland continues to receive services or expertise under the new arrangements that will come about as a result of the proposed changes to bodies.

Members will appreciate that an arrangement whereby a body provides services and expertise on a UK-wide basis not only reduces unnecessary duplication but makes good economic sense. It is also clear that Northern Ireland could never hope to replicate the range of experience and expertise that a UK-wide body can provide. It is important that Northern Ireland continues to have access to that experience and expertise. I therefore commend the motion to the House.

Question put and agreed to.

Resolved:

That this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Health and Social Care Bill dealing with the abolition of the Health Protection Agency; functions in relation to biological substances; radiation protection functions; revocation of the AIDS (Control) (Northern Ireland) Order 1987; co-operation with bodies exercising functions in relation to public health; the regulation of health and social care workers; arrangements between the National Health Service Commissioning Board and Northern Ireland Ministers; and relationships between the health services.

Civil Registration Bill: Further Consideration Stage

Mr Deputy Speaker: I call on the Minister of Finance and Personnel to move the Further Consideration Stage of the Civil Registration Bill.

The Minister of Finance and Personnel

(Mr S Wilson): Thank you, Mr Deputy Speaker. I move that the Further Consideration Stage of the Damages (Asbestos-related Conditions) Bill is now taken.

Mr Deputy Speaker: Minister, it is the Civil Registration Bill, not the Damages (Asbestos-related Conditions) Bill.

The Minister of Finance and Personnel: I move that one as well, Mr Deputy Speaker. You have got two for the price of one this morning. *[Laughter.]*

Moved. — [The Minister of Finance and Personnel (Mr S Wilson).]

Mr Deputy Speaker: The Minister is obviously switched on today.

As no amendments have been tabled, and there is no opportunity to discuss the Civil Registration Bill today, Members will be able to have a full debate at Final Stage. The Further Consideration Stage of the Bill is, therefore, concluded. The Bill stands referred to the Speaker.

Damages (Asbestos-related Conditions) Bill: Further Consideration Stage

Mr Deputy Speaker: I call the Minister of Finance and Personnel to move the Further Consideration Stage of the Damages (Asbestos-related Conditions) Bill.

The Minister of Finance and Personnel: I just had them in the wrong order there, Mr Deputy Speaker.

Moved. — [The Minister of Finance and Personnel (Mr S Wilson).]

Mr Deputy Speaker: No amendments have been tabled, so there is no opportunity to discuss the Damages (Asbestos-related Conditions) 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.

Planning Bill: Consideration Stage

Mr Deputy Speaker: I call the Minister of the Environment, Mr Edwin Poots, to move the Consideration Stage of the Planning 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.

I inform members that a valid petition of concern was presented on Monday 7 March on amendment Nos 20 and 102. I remind Members that the effect of the petition is that votes on those amendments will require cross-community support.

There are four groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on the functions of the Department and local development plans. The second debate will be on the amendments dealing with enforcement and penalties, including time limits. The third debate will be on planning control. The amendments deal with third-party appeals, commencement, the Planning Appeals Commission and the protection of trees. The fourth debate will be on the 64 technical amendments to the Bill. Those include Assembly controls on subordinate legislation.

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 (General functions of Department with respect to development of land)

Mr Deputy Speaker: We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 16, 78 to 80 and 86. The amendments deal with the functions of the Department and local development plans. Amendment No 16 is consequential to amendment No 15, and amendment No 79 is consequential to amendment No 78.

The Chairperson of the Committee for the Environment (Mr Boylan): I beg to move amendment No 1: In page 1, line 11, leave out “contributing to the achievement of” and insert “furthering”.

The following amendments stood on the Marshalled List:

No 2: In page 1, line 11, after “development” insert “and promoting or improving well-being”. — [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 3: In page 1, line 12, leave out “have regard to” and insert “take account of”. — [The Minister of the Environment (Mr Poots).]

No 4: In clause 2, page 2, line 7, after “prepare” insert “and publish”. — [The Minister of the Environment (Mr Poots).]

No 5: In clause 2, page 2, line 11, at end insert

“(3) The Department must prepare and publish a statement of community involvement within the period of one year from the day appointed for the coming into operation of this section.” — [The Minister of the Environment (Mr Poots).]

No 6: In clause 3, page 2, line 27, at end insert

‘() the potential impact of climate change;’. — [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 7: In clause 5, page 3, line 25, leave out “contributing to the achievement of” and insert “furthering”. — [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 8: In clause 5, page 3, line 27, leave out “have regard to” and insert “take account of”. — [The Minister of the Environment (Mr Poots).]

No 9: In clause 6, page 3, line 36, after “Act” insert

“and in any other statutory provision relating to planning”. — [The Minister of the Environment (Mr Poots).]

No 10: In clause 6, page 3, line 37, leave out “local”. — [The Minister of the Environment (Mr Poots).]

No 11: In clause 6, page 3, line 37, leave out “other”. — [The Minister of the Environment (Mr Poots).]

No 12: In clause 6, page 4, line 5, leave out “the local development” and insert “that”. — [The Minister of the Environment (Mr Poots).]

No 13: In clause 8, page 5, line 11, at end insert

“(7) A plan strategy is a plan strategy only if it is—

(a) adopted by resolution of the council; or

(b) approved by the Department in accordance with section 16(6).” — [The Minister of the Environment (Mr Poots).]

No 14: In clause 9, page 5, line 36, at end insert

“(8) A local policies plan is a local policies plan only if it is—

(a) adopted by resolution of the council; or

(b) approved by the Department in accordance with section 16(6).” — [The Minister of the Environment (Mr Poots).]

No 15: In clause 10, page 6, line 10, at end insert

“(4A) The Department must not appoint a person under subsection (4)(b) unless, having regard to the timetable prepared by the council under section 7(1), the Department considers it expedient to do so.” — [The Minister of the Environment (Mr Poots).]

No 16: In clause 16, page 8, line 5, leave out “(5)” and insert “(4A)”. — *[The Minister of the Environment (Mr Poots).]*

No 78: In clause 221, page 142, line 41, after “understanding” insert “of planning policy proposals and”. — *[The Minister of the Environment (Mr Poots).]*

No 79: In clause 221, page 142, line 41, at end insert “other”. — *[The Minister of the Environment (Mr Poots).]*

No 80: In clause 221, page 143, line 8, leave out from “, with” to “Personnel,” in line 9. — *[The Minister of the Environment (Mr Poots).]*

No 86: Before clause 224, insert the following new clause:

“Review of Planning Act

223A.—(1) *The Department must—*

(a) not later than 3 years after the commencement of this Act, and

(b) at least once in every period of 5 years thereafter,

review and publish a report on the implementation of this Act.

(2) Regulations under this section shall set out the terms of the review.” — [Mr Boylan./Mr W Clarke.]

The Chairperson of the Committee for the Environment: Go raibh maith agat, a

LeasCheann Comhairle. Ar son an Choiste Comhshaoil cuirim fáilte roimh Chéim an Bhreithnithe den Bhille Pleanála. On behalf of the Committee for the Environment, I welcome the Consideration Stage of the Planning Bill.

The Bill was referred to the Committee on 14 December 2010. Although it was the largest Bill ever to come before the Assembly, the Committee was determined to conduct the best possible scrutiny in the short time available. The Committee sought a brief two-week extension but managed to produce its report a week in advance of that, thereby enabling the Department to bring the Bill back for consideration today. That required the Committee to meet all day twice a week throughout February, and I wish to put on record my thanks to the members and staff for accommodating that heavy workload.

There were 61 written submissions to the Committee's call for evidence, and the Committee took oral evidence from 11 organisations, including NILGA, the NI Housing Executive and the Consumer Council. The Committee also held a very well-attended stakeholder event, at which organisations and individuals were encouraged to give their comments on four specific areas of the Bill. Departmental officials were in attendance to respond to the issues raised, and it proved to be a very useful way of gathering a lot of views in the short space of time available to the Committee.

The Committee's scrutiny of the Bill led to it making 25 recommendations. Most have been addressed by the Department tabling its own amendments today, and some by commitments from the Department to future work or legislation. I thank the Minister for that. However, a few outstanding recommendations required the Committee to table its own amendments. Disappointingly, there are a couple of recommendations that the Minister originally indicated he would make amendments to address, going as far as to provide draft amendments for the Committee to see. However, between then and now, he declined to table them, without explanation.

Where that has happened, the Committee has gone ahead with its own amendments. However, I, and, I imagine, other members, find it very unsatisfactory. Where amendments could not resolve members' concerns, the Committee

sought commitments from the Minister to make sure that those concerns would be addressed. To some, he responded in writing; to others, he or his officials gave verbal commitments. I welcome confirmation of those commitments again today.

Resources were a key concern. Councils are worried about being handed responsibility for planning without sufficient resources to deliver it effectively and efficiently. The Committee was adamant that it wants to see full transfer of resources from Departments to councils for the planning functions that they are taking on and that will not be covered by planning fees.

The Committee also recognised that the introduction of the new planning system will result in a sea change of responsibility and behaviour for councillors and council staff. The Committee welcomed the proposed pilot projects that will help to inform the change process but also wants to see comprehensive capacity building and training. Token gestures and lip service to training will not suffice.

Another key Committee recommendation was for local development plans to have a statutory link to community plans. The Department told the Committee that community planning was being developed through local government reform proposals and that legislation for that process had still to be developed. The Committee therefore welcomed the Minister's written commitment that a statutory link between community plans and local government development plans will be provided in future local government legislation.

With regard to amendment Nos 1 and 2, most respondents to the Committee's call for evidence felt that the function of the Department under clause 1 should be expanded to reflect the desired outcome of the new planning system. They felt that it was no longer satisfactory that the Department's sole aim should be:

"the orderly and consistent development of land".

They wanted to see a much greater aspiration, going beyond governing the development of land to promoting sustainable development and tackling disadvantage and poverty. Organisations also sought recognition of environmental limits, well-being and other social factors such as disadvantage and good relations.

The Department insisted that duties to the environment were covered by its obligations to local, national and European legislation and that the social factors were already requirements for the public sector. It also maintained that well-being as a concept was still being consulted on as part of the local government reform consultation.

Despite that response, the Committee agreed with the concerns of stakeholders and sought amendments to improve the Department's commitment to sustainable development and well-being as a way to recognise the full aspiration of the new approach to planning in the North. As I alluded to earlier, the Department initially agreed to an amendment in relation to sustainable development but again I note my disappointment that the Minister will not now bring that amendment forward. I hope that he will explain to the House why he will not do so.

Regardless of the Minister's decision, the Committee was clear and unanimous: sustainable development should be at the heart of planning, underpinning decisions. Although members accepted that it was unrealistic to expect the Department or councils to secure sustainable development, it was perfectly reasonable and right to require them to further sustainable development. There should be a clear direction to do so in clauses 1 and 5, and I support amendment Nos 1 and 7 on behalf of the Committee.

The Department refused the Committee's request for an amendment on well-being. Although it may be true that the concept is still being consulted on as part of the local government reform consultation, that should not rule out its inclusion in the Bill. We were assured that the local government reform legislation will be implemented in tandem with the Bill. If that is truly the case, there should be no nervousness about introducing a concept now that will eventually fall into place, and I urge the House to support amendment No 2.

12.00 noon

On amendment Nos 3 and 8, the Committee recommended that the Department remove any risk of misinterpretation regarding the obligations of the Department and of councils to policies and guidance issued by the Department for Regional Development. The wording of clauses 1 and 5 is inconsistent with that of

clause 8, and the Committee supports the Department's amendments to address that.

On amendment Nos 4 and 5, the Committee was concerned that, although there had been an obligation on the Department to produce a statement of community involvement since the Planning Reform Order was published in 2006, one had never been produced. To avoid repetition of that situation, the Committee recommended that a time limit be placed on the production and publication of the Department's statement of community involvement. The Committee welcomed the Department's commitment to do that through amendment Nos 4 and 5.

On amendment No 6, the Committee was keen to place a requirement on local authorities to take the potential impact of climate change into consideration when conducting surveys of districts, and the Committee asked the Department to consider amending clause 3 accordingly. However, in its response, the Department indicated that it did not believe that it would be possible for councils to collate the necessary information from the sectors that produced emissions in their region to enable them to meet such a requirement. The Committee maintained that that was not its intention and that it wanted councils to look at best practice and guidance on taking the potential impact of climate change into consideration and to factor those into their district surveys accordingly. In the absence of such an amendment from the Department, the Committee agreed to table its own amendment at Consideration Stage.

Having conducted an inquiry into climate change for the best part of a year, Committee members are aware of its importance and of the impact that planning has and could have on it in future. There is huge potential through the Bill to tackle climate change at a local level and to ensure that all councils are actively working to introduce climate change measures through local plans.

The Committee felt that councils should be required through the legislation to take the implications of mitigating and adapting to climate change into account in their surveys. That would not necessarily require councils to collect and collate detailed local emission information, but it should necessitate the consideration of long-term flooding predictions and an observance of best practice in reducing carbon emissions etc. On behalf of the

Committee, I support amendment No 6, and I urge the House to recognise its importance and to support it too.

I cannot comment on amendment Nos 9 to 14 on behalf of the Committee, because, during Committee Stage, Committee members were content with the relevant clauses. However, the amendments do not appear to alter the policy principles established in the relevant clauses.

On amendment No 15, there was considerable concern among the stakeholders who responded to the Committee about the proposal in clause 10 to enable the Department to appoint an independent examiner. Some stakeholders felt that it would give the Department inappropriate control. Others suggested that, if the Planning Appeals Commission could not meet its requirements, it should be tasked with appointing an independent examiner, thereby ensuring that the independence of the PAC is extended to the independent examiner.

The Committee was concerned about the allocation of costs for the process. Members were concerned that, although the cost for the PAC to carry out its duties is covered by OFMDFM, there is no indication of how an independent examiner would be paid. The Department later confirmed that it would pay for independent examinations conducted by an independent person that it appointed. That clarity was welcomed, as was the fact that the costs would fall to the Department rather than to individual councils.

On the appointment of an independent examiner, the Department stressed that the PAC would be the first choice to conduct independent examinations. However, if it was unable to do so within the appropriate timescale, clause 10 would give sufficient flexibility to appoint an alternative examiner. The Department insisted that it was important to retain the option, but it agreed, through amendment No 15, to strengthen its position that the appointment of an independent examiner would be done only in exceptional circumstances and only when necessary to meet a council's timetable. On behalf of the Committee, I welcome amendment No 15 and encourage support for it and for amendment No 16, which is consequential to it.

I move to amendment Nos 78 to 80. A respondent to the Committee's call for evidence suggested that clause 221 should be

strengthened by the inclusion of a requirement for bodies in receipt of planning grants to further the understanding of planning policy proposals. The Committee asked the Department to consider such an amendment and was content with amendment Nos 78 and 79 accordingly.

Amendment No 80 removes the requirement for the Department of Finance and Personnel to be consulted before grants can be awarded. That was another suggestion made by the Committee on the grounds that the requirement was no longer necessary and was out of keeping with similar grant-awarding processes. I support amendment No 80 accordingly.

The final amendment in the group is amendment No 86. As a result of its scrutiny, the Committee expressed concern about how the process will roll out, and it asked the Department to consider the possibility of introducing a review period following the implementation of the Act. The Department did not agree to that on the grounds that reviews can be instigated at any stage, and the Committee agreed not to pursue the matter.

Having spoken at length on behalf of the Environment Committee, I will now say a few words on this amendment as a representative for Newry and Armagh. I am disappointed that the Minister has not taken on board the point about carrying out a review. Yesterday in the House, we talked about maturity and common sense, and the Minister was willing to take forward a review in respect of the matters debated then. Yet, when we ask for a review in respect of planning policies being transferred to local government, he has refused to take that request on board. I want to make some points about a review.

At present, the e-PIC system has not reached its potential but is vital to the future of the Planning Service and how it rolls out. There are teething problems with the system. As the Minister is well aware, we asked for a rural design guide, and there has been no sight of that. Also, professional and technical members of staff from the Planning Service are being redeployed. Although it is recognised that planning receipts are down and the number of applications is not as high as in previous years, it is understood that the workloads are being transferred to those in the Planning Service at this time. It would not be appropriate, having not brought forward a workload programme, to

transfer this policy in its current state without a mechanism to review how that planning process will operate and be implemented on the ground. The Minister should take that on board seriously and look at exactly what we are going to transfer to local government.

If the Minister is minded to support a review, we could look at the amendment's reference to five years and the requirement to publish a report. If planning policy were to be split and if we could look at what will be delivered through development planning and development management at local level, we could get the Department to come back with a suggestion about exactly what we would need to review. I do not think that it would be an overall review. I think that there are ways of keeping an eye on it and checking it. This issue could be considered at Further Consideration Stage, if the Minister is willing to bring it forward and if the Members across the Floor are concerned about the type of review we are suggesting.

We asked for a review of PPS 21, which the Minister agreed to previously. If we properly define the type of review that we want to have, it would not be difficult to ensure that proper planning policy is rolled out, that proper resources have been given to local councils and that accountability exists. Many Members still sit on councils and are well versed in the planning process. If we are going to lift this policy from the Department and set it down in local government, we need to have a review. This is also relevant to other clauses. Also, as part of the review, maybe we could look at a third-party appeal process, if the Minister was keen to bring that forward.

With that in mind, I support a number of the amendments. My party colleague Willie Clarke will give the Sinn Féin view on the amendments.

Mr Kinahan: I very much welcome the chance to speak at Consideration Stage. Before I start, I thank the staff from the Committee and the Department for the long hours that they put into the Bill. Without all their hard work, we would not be able to make any of the comments that we make today. I am sure that they worked long hours and well past midnight many times. I thank them for all the hard work.

When I first spoke about the Bill, I was concerned that we were dealing with it too quickly. I shall be brief, before I get on to the amendments, but I am still concerned that we

are doing this too quickly. Only time will tell. We know that there are 17 or more sets of guidance to come through and that this is really an enabling Bill. I want to ensure, both today and at Further Consideration Stage, that we get the right checks and balances into the Bill to make sure that the next Assembly has some control but, at the same time, is able to hurry it all through. We do not want the Bill to be sitting for ages without being implemented. We know that there are regulations to follow, we know that we have to get RPA in, and we know that RPA failed to get there the last time. There is a great deal that we need to get in place.

I am also concerned that, with such a large Bill with so many clauses, however human any of us are, we can start off for the first 25 or 50 clauses with full concentration, but, after two or three hours, concentration has lapsed and things are getting more complicated. Without the help of the Department and Committee staff, we would never have got through it, and I congratulate everyone on all of their hard work.

We need to change our planning system, and the Bill is absolutely vital to that. Therefore, the Ulster Unionist Party will support most of the amendments. The group 1 amendments deal with the functions of the Department and local development plans. I hope that Members do not go through each amendment one by one. I will go through, as quickly as I can, the few that I think are necessary.

We very much welcome amendment No 1, which replaces “contributing to the achievement of” with “furthering” in relation to sustainable development. I hope that the legal side that is advising us and will be advising councils makes sure that we find a nice, comfortable way through that that councils can afford.

We welcome amendment No 2. It means that we are taking well-being into account, and I welcome the fact that it will allow us to plan our walkways and our use of parks, forests, rivers and all sorts of things. It will be a challenge for councils to find a way of interpreting it, and we will need good guidance from the Department on that.

Mr Weir: I appreciate the sentiments behind amendment No 2. However, does the Member not envisage a bit of a problem? Well-being is not defined in legislation, so there is a danger that, if it is contained in this legislation, we will be affording a duty but people will not know

what they are supposed to be doing. Is there not a technical problem with that?

Mr Kinahan: I thank the Member for that comment. I agree that there is a problem with defining well-being, but given that the legislation is going to be there —

Mr McGlone: On that very point, surely, if the sequence of events is that we have reform of local government first and the legislation to enable that is first, those powers of well-being and the definition of well-being should be included? The Planning Bill and the transition of those powers should follow that reform of local government. Therefore, a definition should be in there by the time any transition of powers for planning takes place.

Mr Kinahan: Again, I see the Member's point. We need good guidance on the definition of well-being. However, the review system proposed in the last amendment in this group is one way of looking at how we define well-being and take it forward.

It is absolutely right that we put the onus on councils and the Department so that well-being is part of the future. We have to find a way of defining well-being. We want walking routes and pavements in the local development plan in order to encourage people to walk, enjoy the countryside and get fresh air. There is a whole lot more to it, and it is, therefore, right that well-being is put in the Bill. However, we must find a way of defining it in the future, and we all need to work on that.

12.15 pm

Amendment No 3 proposes that the Department “take account of” policies and guidance. Amendment Nos 3, 4 and 5 are technical and ensure that the Bill is tidied up, so I will not to go into them in great detail.

Amendment No 6 proposes that councils take account of the “potential impact of climate change”. It is rather like the amendment that deals with well-being. It is absolutely meet and right that that is in the Bill. We know that climate change is happening, whether we believe that we are responsible for some of it or that it is natural. I am very concerned about the possible massive costs to councils. We will need good guidance from the Department and good discussions — particularly in the review,

if we have it — of what we mean by climate change.

We can pinpoint the easy issues, such as flooding and not building on flood plains, but there are the other impacts, such as the grit from road gritting going into gullies and poisoning the ditches or sheughs and the impact of snow, if we continue to have longer cold spells. Another easy point is transport and trying to get people out of their cars and lorries. Northern Ireland relies very much on its transport system, and that puts an onus on the Department and councils to keep an eye on climate change.

Amendment Nos 9 to 14 are technical. I agree with them, so I will move on.

With regard to amendment Nos 15 and 16, I welcome the ability to bring in an independent examiner. I particularly welcome it as it will help councils to timetable. I see this as a learning process. As councils produce their surveys and pull their local plans together, they will need as much help as possible. It is absolutely right to have an independent examiner to help things to move quickly, as long as the Department is not too heavy-handed, and I have faith that it will not be. There will be backlogs, and we must find our way through. The more people we have helping councils, the better.

Amendment Nos 78 and 79 will allow the Department to give grants, and that is another good idea. However, I am slightly concerned about giving grants to bodies that are not-for-profit, as most bodies are there for profit in some way. I am not sure how that can be defined, and maybe the Minister will clarify that. I also welcome amendment No 80, as it removes the oversight role of DFP.

Amendment No 86 is extremely important. As Members heard, we had much discussion about that in Committee. We need a review mechanism in place, and we have heard all along that a lot of the legislation is based on legislation in England and Wales and that they, too, are constantly learning. It is absolutely right that we have something in place so that we can constantly look and see how well we are doing. If there is to be a review once in the first three years, will that be done with a body that is there all the time collecting information and advising us how to do better, or will a new body be brought in in the third year? My feeling is that it should be the first option, because it is probably

more cost-effective. I like the amendment because it forces us to have a review, no matter who is Minister and no matter what Assembly we have. It is absolutely right to do that. I hope that the Minister will look at the amendment and that, if he does not support it, he will find a way of putting something in to act as a check and balance in the future. The Ulster Unionist Party supports all the amendments in group 1.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Today, I am reminded of why we are discussing the transition of powers to local authorities. After the Macrory report and the 1973 reform of local government, those powers were taken away from local authorities because they had been abused. In any normal society, it is accepted as the norm that local councils — parish councils, district councils or whatever they are in other western democracies — deal with planning and have various other powers. As we well know, however, the North is not the norm.

The challenge for us as politicians is to move to a society in which local politicians reflect the community and perform their duties and functions in a role of absolute commitment to equality, transparency and to the removal of the barriers to exclusion. As the Committee scrutinised the Bill, usually in the Senate Chamber, it became increasingly apparent that the Bill had been rushed through and was out of sequence. The document on the reform of local government is merely out for consultation at the moment. That reform must be in place before the Bill in order that —

Mr Deputy Speaker: Order. I thank the Member for setting the context for the debate. I would like you now to address the amendments in this group, please.

The Deputy Chairperson of the Committee for the Environment: I appreciate your guidance, Mr Deputy Speaker and, indeed, your forbearance. However, without one reform setting the context, we will get the other reform absolutely wrong. If the Planning Bill is dealt with outside the context of the reform of local government, the issues to which I referred — the lack of transparency, openness and equality and the failure to protect against discrimination — will be repeated. Those were pivotal to the errors of the past, and that is why I set the context.

The SDLP broadly supports the first group of amendments. I have no intention of going through each amendment individually. Mr

Kinahan highlighted the issue of well-being in amendment No 2. It is important for that term to be defined. I hope that, as part of local government reform, it will be defined.

I, like the Chairperson of the Environment Committee, sat through an important inquiry by that Committee into climate change. Therefore, I welcome amendment No 6, which requires councils to take into account the “potential impact of climate change” when conducting surveys of their district.

Amendment No 15 provides for the independent examiner to be appointed by the Department. I welcome the recognition by the Department that the independence of that examiner is pivotal and must be beyond reproach. Therefore, the Department was asked by the Committee to tighten up the conditions under which that independent examiner might be appointed, and the amendment is welcomed accordingly.

Moving quickly though the amendments, I welcome amendment No 86 and thank Committee Members for tabling it. It is important because, as I outlined earlier, the progress of the Bill, local government and reform should be monitored. It is an important amendment that allows us to keep a close watch on whether progress is made.

It would be wrong and remiss of me not to reflect the fact that local government welcomes progress. It also welcomes the powers and the oversight role that it is so necessary to deliver equality. Likewise, it wants to make sure that it is not sold a pup by having to bear the costs of the transition and the handover of those powers and that the process will, in effect, be cost-neutral, not because the Department bumps up prices but because a smooth transition is made. The Department must ensure that there is compatibility when planning powers move from central government to local government and that ratepayers are not lumbered with excessive rates bills as a consequence. I know that the Minister has spoken about that issue before, but the Environment Committee got mixed messages about it.

Mr Deputy Speaker, I thank you for your forbearance. However, before I forget, I would like to pay tribute to the Committee staff who punched in very long hours and to the departmental staff who put pedal to the metal virtually every day to make sure that all of the information was brought before us as efficiently

as possible. I would like to pay tribute to and thank them because, quite often, that goes unrecognised.

Ms Lo: I welcome the Bill's Consideration Stage. We support the first group of amendments except for amendment Nos 1 and 7. Clause 5 says that the Department must carry out its functions with the objective of contributing to the achievement of sustainable development. However, those two amendments would change the wording to say that the Department must carry out its functions with the objective of “furthering” sustainable development. We believe that the amendments dilute the Department's commitment to sustainable development and water down the legislation to achieve that. We, therefore, oppose amendment Nos 1 and 7.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. Amendment Nos 1, 2 and 7 put sustainable development at the heart of the planning system and link that to the well-being of people in the North of Ireland. At Committee Stage, I felt that the Planning Bill needed to be more robust in promoting sustainable development and well-being. Sinn Féin believes that there is a huge opportunity to move away from a land-based planning system to one based on spatial planning, with people and communities at its core.

The Member who spoke previously said that the amendments on furthering sustainable development will dilute the Department's responsibility. However, Sinn Féin's opinion is that the amendments will actually strengthen that responsibility, because they ask local authorities to go further than they normally do. That is what we are trying to get at with “furthering”.

Other Members touched on the definition of well-being. I think that it is widely known what is meant by “well-being”. It has already been pointed out that that is out for consultation as part of the local government reform process, of which well-being is a major plank. The Planning Bill, which deals with well-being and sustainable development, is a driver for real change by lifting people out of poverty, affording them better mental health and ensuring that they have a better quality of life, all of which will have great significance for Departments' budgets. By putting planning at the heart of people's lives, we will make greater savings in the long run. We

have heard the debates about the health budget not having enough resources. If Members think about this strategically, they will realise that we are looking to front-load the system in order to make savings in the long run. As I said, by giving communities a greater sense of well-being, people will have better mental health and self-esteem and will make a contribution through their taxes to this establishment.

12.30 pm

The Department rejected the inclusion in the Bill of the concept of well-being, because it said that there was no precedent for it. I reject that. If there is a will, there is a way. The Department is being very dogmatic about the issue. As I said, the local government consultation refers to well-being, and it should be in the Bill. The majority of responses to the Committee supported having sustainable development and well-being in the Bill. We have a duty to ensure that, when the people speak, we listen. There is no point in putting things out to consultation and people asking for major change if we then decide not to implement those changes.

Sinn Féin supports amendment Nos 4 and 5, which strengthen the requirement for statements of community involvement. We also support amendment No 3.

Amendment No 6, which Sinn Féin also supports, makes the link between the planning system and the need to tackle and respond to the impact of climate change. The amendment would make it a requirement for councils to consider the impact of climate change when carrying out surveys of their district. There is a need for local authorities to factor in best practice. That is what we are talking about. We are talking about using the best practice from around the world that helps to mitigate the impact of climate change. We are not asking local authorities to carry out emission surveys on a global level. We are asking that they gather the evidence and let that formulate their views on implementing or designing local plans. We are talking about using best practice to reduce our carbon footprint and emissions and to combat flooding, which has a major impact on the island of Ireland.

Sinn Féin supports amendment No 15. The Department gave clarification on the appointment of an independent examiner, saying that he or she would be appointed only in exceptional circumstances and that

the PAC would always be the first choice in an examination. I welcome the clarification that OFMDFM would cover the cost of the independent examiner.

Amendment No 86, proposed by my colleague and me, calls for the Department to carry out a review within three years of the implementation of the Bill. It is Sinn Féin's opinion that that is a sensible thing to do, so that any problems that may arise can be addressed and greater comfort can be given to local authorities.

At this point, I declare an interest as a councillor on Down District Council. Local authorities are nervous about the number of powers that are coming down from the Assembly, and they feel that resources will be a problem, no matter what the legislation is, be it the High Hedges Bill, the Welfare of Animals Bill or the Planning Bill. We need to give comfort to local authorities and their umbrella support groups, such as NILGA, which were very supportive of a review. As the Chairperson outlined, we are willing for the review to be flexible, if there is a willingness in the Department for that. That would be sensible, as it would help the Department, communities and local authorities. If things are not working or need to be tweaked, there would be an opportunity to do that.

Also outlined was the opportunity to look at third-party rights of appeal. That is the subject of an amendment that does not have a snowball's chance in hell of going through because of the petition of concern. Tabling a petition of concern is an abuse of power, because it was not designed for this type of legislation. Planning impacts on everybody, not just people on one side of the community or the other. This petition of concern is a total abuse of power. We should be mature enough to debate what we want in a Planning Bill. I hope that we get that maturity, and I hope that, if and when there is a review, we can look at that again.

Obviously, there are problems. There is front-loading of the system, a lot of community involvement and a lot of community planning. I accept that. However, if there are still problems with ordinary citizens having their rights heard, there is an onus on us to ensure that their voice is heard.

I will finish by speaking about sustainable development, the key deliverer in this Bill. It will add to a low-carbon economy in the North

and provide good job opportunities. Companies throughout the world that are seeking to relocate are aware of their carbon emissions and carbon footprint. If we are ahead of the game and leading the way, those companies are more likely to set up their businesses in our part of the island of Ireland.

We need to look seriously at the renewables industry. I know that I am going off slightly, but we need to ensure that everything that we do is sustainable in the best possible manner. By putting that in the Bill, we are saying that that will be the framework that the public sector and the private sector work off. That will be the skeleton, and it will be up to the rest of the sectors to put flesh on the skeleton.

Every Department says that it makes a contribution to sustainable development, but no one ever leads that work. Through the Planning Bill, there is now an opportunity for the planning sector to lead the rest of the sectors in that regard. It will help to improve community life and well-being. It will cut down on emissions and on people travelling in vehicles. Instead, jobs, schools and opportunities will be relocated in neighbourhoods. For too long, housing developments have been pushed out of the way to the outskirts of towns — the problem is out of the way. Then you see major difficulties, with people underachieving and having major health problems such as obesity and mental illness. This is an opportunity to address that. I will leave it at that.

Mr Deputy 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 when we return will be Question Time.

The debate stood suspended.

The sitting was suspended at 12.38 pm.

On resuming (Mr Speaker in the Chair) —

2.00 pm

Oral Answers to Questions

Health, Social Services and Public Safety

Lagan Valley Hospital

1. **Mr Givan** asked the Minister of Health, Social Services and Public Safety if, and when, his Department will commission the South Eastern Health and Social Care Trust to progress the development plans for the Lagan Valley Hospital site. (AQO 1223/11)

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): The South Eastern Health and Social Care Trust has already been asked to develop its outline proposals for the future redevelopment of the Lagan Valley Hospital site. I will need capital to progress that work. However, I submitted bids of £1.8 billion of capital to address the legacy of underinvestment under ISNI II. I had been expecting £1.3 billion. In the run-up to the draft Budget, there were suggestions of £1.1 billion, falling to £0.9 billion.

I eventually received £851 million over four years, which was less than half my bid. With contractual commitments of £250 million and annual fixed costs of £100 million for the maintenance of an ageing health and social care estate, that leaves less than £200 million for new investment. That level of funding is insufficient to meet the demands that are being placed on the Health Service. The impact on the health capital programme will be disastrous, and some very difficult decisions will have to be made.

Mr Givan: I thank the Minister for his response. I am sure that he would like to apologise to the people of Lagan Valley for his party urging them to support the Tories, who reduced our capital allocations. Perhaps he can explain why, given that the strategic outline business case for the £50 million-plus development of Lagan Valley Hospital was submitted over a year ago, his Department has not asked the South Eastern Health and Social Care Trust to commission the development of a full business case.

The Minister of Health, Social Services and Public Safety: I will begin by referring to the Member's opening comment. Of course, a block grant came across to us of around £10 billion, and it is up to the Executive to decide. I am looking at DUP/ Sinn Féin cuts. If Mr Frew is serious about the hospital in Lisburn, he would — *[Interruption.]*

Mr Speaker: Order.

The Minister of Health, Social Services and Public Safety: Mr Givan. It is very hard to remember the names of these unelected Members.

Mrs D Kelly: Eighty million pounds has been set aside in the Budget for the social investment fund. Has the Minister had any discussions with other Ministers about how that fund may be disbursed, or, indeed, would it be available to him for capital for projects such as the Lagan Valley Hospital?

The Minister of Health, Social Services and Public Safety: I am not aware of any such moneys being available. I have a fund of £851 million over four years, but when £250 million of current contractual commitments are taken out of that, along with £100 million a year for maintenance, it leaves very little money to do anything. That is why I protest so strongly. *[Interruption.]*

Mr Speaker: Order.

The Minister of Health, Social Services and Public Safety: The reality is that there is enough money in the Budget. The fact is that the Department for Regional Development (DRD) was getting £2 billion under ISNI II. Under the new block, with all the cuts in it, DRD still gets £2 billion. The question is whether we want to spend our money on hospitals or road bypasses. That is a very pertinent question. I repeat: that is a matter for the DUP and Sinn Féin, who came together to devise the Budget and vote it through, in opposition to Ulster Unionist Party and SDLP Ministers. We are where we are, but I assure Members that there is not enough money in the Budget to begin to do what has to be done, never mind work our way through the comprehensive list that I have.

Mr Speaker: The Member is not in his place for question 2. Question 3 has been withdrawn because it requires a written answer. I call Ms Sue Ramsey.

Suicide Prevention

4. **Ms S Ramsey** asked the Minister of Health, Social Services and Public Safety for an update on suicide prevention following the recent ministerial and Executive meetings. (AQO 1226/11)

The Minister of Health, Social Services and Public Safety: The ministerial co-ordination group on suicide prevention supported the development of guidance on building emotional resilience in schoolchildren and managing critical incidents in schools, the development of community crisis response plans and further consideration of preventative measures on the Foyle Bridge. The response to deaths in the Colin area and the operation of the "card before you leave" protocol were also discussed.

I have provided an updated paper on suicide prevention for discussion at the next Executive meeting.

Ms S Ramsey: Go raibh maith agat, a Cheann Comhairle. I genuinely thank the Minister for meeting my colleague Jennifer McCann and me yesterday. We had an in-depth discussion. It just so happens because of the way the questions fell that the subject has come up again today.

I would appreciate it if the Minister could provide as much information as possible on the work that is going on in the Executive, because I have concerns about other Ministers playing their roles. Media guidelines also need to be looked at. I know that the Minister has given a commitment, but if he could provide perhaps a written report, without going into too much detail, on the incident in Lagan Valley psychiatric unit a number of weeks ago around the issue of suicide and self-harm, I would appreciate it.

The Minister of Health, Social Services and Public Safety: On the latter issue, I said at our meeting yesterday that I would write to the Member, and I will do that when I have full details on the issue around the patient at Lagan Valley.

As the Member and the House are aware, we have set guidelines for the media on the reporting of suicide, because improper reporting of it has an effect on those individuals who are liable to self-harm. That is why it is so important that those guidelines are in place and are observed. Most of the media and press outlets observe them, although I regret that there have recently been lapses. We will look to ensure

that such lapses do not happen again, because when they do, harm occurs.

This is not a health issue alone. I think we are agreed on that. This is a matter for the Department of Education, the Department for Education and Learning (DEL) and the Department for Regional Development; it is a matter for all Departments working together. We are looking at certain responses; for example, I mentioned work being done on Foyle Bridge, which is a suicide point in the north-west. We are also looking at pupils' emotional health and well-being. It is about building resilience. DEL wants to reduce the number of young people who are not in education, employment or training, and we are looking at other areas where the Departments of Health and Education can co-operate, such as the Roots of Empathy programme in schools.

A lot of work is being done as well as what is being done through the anti-suicide strategy. However, this is a matter of stamina; we must keep with it and keep the pressure on. It will take a number of years to fully address the issue, but we must never lose heart, because so many of the victims of suicide are youngsters, and that is a double tragedy.

Mrs M Bradley: Are the trends any different to what they were? What age group is most at risk? Do we know the stats for the past couple of years, so that we can compare them to now?

The Minister of Health, Social Services and Public Safety: The trend is up and down. In one year, the number will be down and we get a wee bit of comfort, but the next year it will jump up and then go down again, so we are getting spikes in the numbers, which can be very discouraging. However, I am told that that is to be expected. We have a number of actions in place through our Protect Life strategy.

As far as the statistics are concerned, I understand that people in the 25-44 age group are most likely to successfully commit suicide. However, to an extent, and rightly so, we concentrate on the very young people because some very young people are being affected. In the Colin and Lagan Valley areas recently, there were a number of very young people in a cluster. We now have strategies in each trust for cluster responses, because that is one of the very terrifying aspects of this.

Mr McCallister: I join others in commending the Minister for the work and effort that he and colleagues have put into suicide prevention. Will he elaborate on the divide between urban and rural areas? Is the Department of Agriculture and Rural Development engaged in the strategy to tackle suicide on a rural basis? When the Health Committee visited Lifeline, mention was made of mobile phone roaming charges.

The Minister of Health, Social Services and Public Safety: As far as mobile phone roaming charges are concerned, we have agreements with some providers, although some are now charging; it could be Orange or O2, I am not sure which. However, we will follow that up because it is important that they give us that contribution.

Suicide affects all strata in society and all ages, but it is concentrated in the young. There is a clear correlation between suicide and economic deprivation and educational disadvantage. That is unquestionable. The main concentrations of suicide are in north and west Belfast, which are the areas that are the most economically deprived. As well as a general response, we have a policy in which money follows priority. That works in rural areas too, because they are by no means immune, which is a point that the Minister of Agriculture and Rural Development makes routinely with me. We do not ignore that, and we are not complacent about it.

DHSSPS: Capital Projects

5. **Mr Cree** asked the Minister of Health, Social Services and Public Safety for his assessment of his Department's capital projects in light of the draft Budget 2011-15. (AQO 1227/11)

The Minister of Health, Social Services and Public Safety: I submitted capital bids of £1.8 billion to address the legacy of underinvestment and I received less than half of that — £851 million — for the next four years. With contractual commitments of £250 million and annual fixed costs of £100 million for the maintenance of an ageing health and social care estate, less than £20 million is left for new investment. That level of funding is insufficient to meet the demands being placed on the Health Service. The impact on the health capital programme will be disastrous, and there will be serious implications for our ability to deliver a modern Health Service. Some very difficult decisions will have to be made.

Mr Cree: Will the Minister tell us when the planned improvements to Dundonald hospital are likely to commence as a result of the budget?

The Minister of Health, Social Services and Public Safety: We need £1.8 billion, but we planned to spend £1.3 billion at one stage and then it was £1.1 billion — the number is all over the show. When one gets less than half of what is needed, there is a critical mass of money that has to be spent before one even starts, including £100 million on the routine maintenance of old buildings.

I have four major capital priorities: the Dundonald ward block, the Altnagelvin radiotherapy unit, the maternity hospital in the Royal and the local hospital in Omagh. All of those need the funding to go with them, which means that although I may be able to get them started, the completion times will be over years. That is the problem and the worry. The ward block that the Member referred to in the Ulster hospital is failing. It has concrete cancer and health and safety problems. It has a wiring system that is more than 50 years old, and the heating system is in a similar condition. That building will not last the time that it will take to get the money, which is why the capital funding for the Health Service is so bad. It is disastrous. To paraphrase somebody else, it is, frankly, obscene that we are being placed in this situation bearing in mind that the Health Service has been starved of funds for generations — over 40 years. The Health Service is again the main bearer of the burden and pain as far as capital is concerned.

Mr Buchanan: Will the Minister inform the House where the proposals for the new local enhanced hospital in Omagh now sit in his priority capital works? He will be aware that the project was in the 2007-2011 comprehensive spending review (CSR) period. We in Omagh were told by the Minister that the money was in the bag. The project seems to have slipped off the radar. When will that new hospital be built for the people in Omagh?

The Minister of Health, Social Services and Public Safety: I remind Mr Buchanan that our bid was for £1.8 billion, and then it was cut again and again. Even Mr Buchanan will realise that those sorts of cuts to a budget, which leave less than half of what we were getting, will have an effect on how we deliver. As I explained to him, the Omagh local hospital is one of my top

four capital priorities. There are others, but let me remind him that the Budget to come forward tomorrow provides amounts of money that will not allow me to go forward on a number of major projects. Mr Buchanan will have his opportunity tomorrow to vote for the Omagh local hospital by rejecting the Budget that the DUP and Sinn Féin have concocted.

2.15 pm

Mr Gallagher: The Assembly is aware that money is already in place for the new hospital at Enniskillen to be completed and opened next year. In light of the permanent secretary's statement, made following the cuts agreed by the DUP, Sinn Féin and the Alliance Party, that the Health Service will be broke next year, will the full range of services at Enniskillen that were identified in 'Developing Better Services' be delivered and fully funded by his Department? Will he give us such an assurance?

The Minister of Health, Social Services and Public Safety: The Enniskillen hospital contract is one that is let and to which we are legally bound. That is one example of our contractual commitments that amount to £250 million annually. As far as services are concerned overall, in real terms, the health budget goes down by 2.4% over the next four years, and that is indisputable. It is a 2.4% reduction in real terms. That means that whatever activity is going on at the minute will fall by 2.4% over the next four years, and that is before we take into account increases in demand and elderly population growth.

The Health Service is needed most by younger and older age groups, both of which are growing. We have the fastest growing population in the UK — the highest birth rate. At the same time, our elderly population cohort is growing faster than in anywhere else in the UK. All those demands are coming forward; never mind new drugs, therapies and treatments that we can see coming down the line. Therefore, it is a mathematical fact that activity will fall. It cannot do anything else. If we do not have the resource to drive the activity, that activity will fall, and this Budget proposes a 2.4% cut in Health Service activity right across the board.

Health: Shared Services

Mr McCarthy: Question No 5 for the Minister. I beg your pardon, Mr Speaker, Question No 6

6. **Mr McCarthy** asked the Minister of Health, Social Services and Public Safety what steps he has taken to encourage the sharing of health services with the Republic of Ireland. (AQO 1228/11)

The Minister of Health, Social Services and Public Safety: I am always glad to hear from Kieran McCarthy.

My duty as Minister of Health, Social Services and Public Safety is to secure the best possible services for the people. Where tangible benefits are to be achieved, such as economies of scale, enhanced viability of projects and concrete improvements for patients, I am ready to work with the Republic of Ireland for our mutual benefit. The existing range of co-operation is extensive and goes beyond the original five areas of co-operation in the Belfast Agreement, which, for example, did not refer to child protection or suicide prevention.

Mr McCarthy: I thank the Minister for his response. What dialogue did he have with the previous Health Minister in the Republic? A new one will be appointed shortly. Will the Minister get involved in further talks, so that the duplication of services is avoided and the people in that part of the world will receive nothing but the best from health services North and South?

The Minister of Health, Social Services and Public Safety: I have routinely reported in ministerial statements to the House the dialogue that I have had. Mr McCarthy has had occasion to routinely ask me questions on that issue. As far as the principle is concerned, it is where we gain mutual benefit. We go forward in areas where I see mutual benefit for the Northern Ireland population and the Minister down South sees mutual benefit for citizens of the Irish Republic.

Beyond the original five areas of co-operation, such as accident and emergency and co-operation in high-technology equipment, we have moved forward in areas including suicide prevention, child protection, paediatric congenital cardiac services, the satellite radiotherapy unit at Altnagelvin, GP out-of-hours, and so on.

There are a number of areas on which we have moved forward, including cancer research and, indeed, the Ambulance Service memorandum. I have always looked at such matters on the

basis of where we will gain benefit, and, yes, we gain benefit on both sides of the border. I will be active wherever I see benefits.

Mrs O'Neill: I welcome the areas of co-operation that the Minister outlined. However, since the Minister frequently commissions reports but does not publish them, when can we expect to see the publication of the North/South feasibility study, which explores areas of efficiency in health and social services throughout the whole island?

The Minister of Health, Social Services and Public Safety: I do not commission reports and not publish them. The Member was referring to a feasibility study that was commissioned by Paul Goggins, who, as she will probably be aware, was a direct rule Minister. I have no ownership of that report. Besides, I have, by and large, taken forward the issues in it. As I said, I am not into spending money on bureaucracy, which is what that report was about.

Not all cross-border co-operations are as fruitful as anticipated. For example, two cross-border GP out-of-hours schemes are running at the moment: one in the south Armagh/Castleblaney area, which is averaging only 34 patients a month; and one in Donegal/Londonderry, which is averaging only 10 patients a month. Those are examples of where we have tried cross-border co-operation that does not work. However, there are successful areas, such as the satellite radiotherapy unit. If only I could persuade the DUP and Sinn Féin to come up with a proper capital budget, we could secure cross-border co-operation that would serve as an example. *[Interruption.]*

Mr Speaker: Order.

The Minister of Health, Social Services and Public Safety: It is wonderful to hear cries from a sedentary position, because it means for certain that my remarks are accurate. *[Interruption.]*

Mr Speaker: Order.

Mr McDevitt: Has the Minister read the programme for government that was agreed recently between the Labour Party and Fine Gael in the South? Does he agree that that programme offers a further opportunity to mitigate the impact of the DUP/Sinn Féin Budget by joint procurement on an all-island basis? *[Interruption.]*

Mr Speaker: Order.

The Minister of Health, Social Services and Public Safety: I have not had a chance to read it. I have been engaged in battling those self-same DUP/Sinn Féin cuts, which were voted through the Executive only last week. Of course, I am in a position to speak about that. None of the Back-Benchers to my left was at that meeting, so they are relying on reports; whereas I can report personally on what actually happened.

We look forward to seeing how we can best deliver the budget. Of course, the key relationships are within the kingdom: England, Scotland and Wales working together in a joint Health Service. Of course, I have no compunction whatsoever about co-operating with the Irish Republic where it benefits Northern Ireland.

Altnagelvin Area Hospital: Neurology

7. **Mr Callaghan** asked the Minister of Health, Social Services and Public Safety to outline the reasons for the additional waiting times for a neurology appointment at Altnagelvin Hospital. (AQO 1229/11)

The Minister of Health, Social Services and Public Safety: I understand that, as a result of staff absences, there are specific challenges in the Western Health and Social Care Trust. I have been assured that the trust is actively engaged with the board in addressing pressures. However, it has proved very difficult for the trust successfully to recruit a locum consultant to sustain services in the short term. I fully acknowledge that people are waiting much too long for a neurology appointment at Altnagelvin. That is totally unacceptable. This year, I have invested £6.3 million to improve access to outpatient appointments.

Mr Callaghan: I thank the Minister for his answer.

Does he acknowledge, as I do, that the increasing delays of up to 50 weeks have caused huge distress not only for patients with neurological conditions but their families? Does he also agree that it makes no sense from a health-outcomes point of view and from an economic point of view to allow what are often degenerative conditions to worsen and that we need to take specific measures in the west to address some of those recruitment and retention issues? In particular, does he see scope for further North/South co-operation in

the north-west of the island to ensure that we build capacity there?

The Minister of Health, Social Services and Public Safety: Current capacity for neurology services in the Western Trust does not meet demand. That is a fact. Efforts to recruit have proved unsuccessful, and, in fact, consultants from the Belfast Trust are attending to support the services in the west and in Altnagelvin. It is very difficult to recruit a locum neurologist. That skill is very scarce. We need to build capacity, and the best way to do that is through training and support for our own staff. That, of course, needs a resource and investment that we currently do not have. However, I have put in some £6.3 million this year to do that. That is the best win and is the same approach that I have taken to cardiac surgery, where capacity is short and where we need to build it. However, I accept that patients in the Western Trust area are having to wait too long.

Mr Bell: Is it not the case that the cuts in neurology came as a result of the Cameron cuts that the Health Minister acted as a cheerleader for? When will the Health Minister be honest and tell the House when he will move from Cameron's cutter to Cameron's quitter?

Mr Speaker: Order. Let us be careful. That is not a supplementary question to the original question. *[Interruption.]* Order. It is not. Let us move on.

Ms S Ramsey: Go raibh maith agat, a Cheann Comhairle. Is the Minister aware that, to date, in some trusts, private clinics are still being used to deal with NHS patients? The reality is that we are still being charged extortionate prices. Will the Minister agree to review some of those issues? When we talk about the efficiencies in the Health Service, it seems to me that private medical services are creaming off public patients.

The Minister of Health, Social Services and Public Safety: I would love to know where that is happening. Consultants have a contract and are contracted to work so many hours a week. What they do out of hours is, frankly, their business. Whether they do a bit more consultancy or paint their bedroom ceiling is a matter for them. We have 11 consultants in Northern Ireland. That is not enough, and we require more. Talking about "extortionate this" and "extortionate that" is running away from the issue and the problem. What is extortionate is the way that the Health Service is being run down here. We

currently have the worst-funded Health Service in the UK pro rata. We are worse than England, Scotland and Wales, and I have the figures to demonstrate it. *[Interruption.]* Here we go.

Mr Speaker: Order. Allow the Minister to continue.

The Minister of Health, Social Services and Public Safety: Shouting will not change the facts. We were not in that situation four years ago. It is the situation now, and that is why we have such waiting times for neurology services in the Western Trust and all over. For anyone who has a capacity to listen, I will say that that is getting worse. *[Interruption.]*

Mr Speaker: Order.

The Minister of Health, Social Services and Public Safety: It is getting worse, and these are “made in Northern Ireland” cuts that have been voted through by the DUP and Sinn Féin at the Executive.

Justice

Parades: Lurgan

1. **Mr Moutray** asked the Minister of Justice what discussions he has with the PSNI, the Public Prosecution Service and the Parades Commission following the arrests of people involved in an illegal dissident republican parade in Lurgan. (AQO 1238/11)

The Minister of Justice (Mr Ford): I have regular discussions with the Chief Constable on a range of issues and have discussed the topic of illegal parades. I have also discussed the matter with the chairman of the Parades Commission. Decisions on investigations in individual cases, however, are a matter for the Chief Constable and his officers.

I am advised that, to date, four people have been arrested in relation to the parade in Lurgan on 23 January. All four have been released pending a report to the Public Prosecution Service. Therefore, it would not be appropriate for me to comment further on the matter.

2.30 pm

Mr Moutray: I thank the Minister for his response. Many people across society in Lurgan have done tremendous to create a situation that is now much improved. Given that, will the Minister commit to pressing for

speedy prosecutions and for the maximum tariff allowable to be imposed on anyone who is convicted in relation to events of this nature?

The Minister of Justice: I fear that Mr Moutray misunderstands my position. My responsibility is to ensure that the Police Service has adequate resources to protect the community, but issues of prosecution and pressing for maximum sentences are entirely outwith the responsibility of the Department of Justice.

Mrs D Kelly: Will the Minister join me in urging all political representatives to support the Parades Commission in its decision-making role?

The Minister of Justice: Clearly, an election is coming up. I have no difficulty in doing that. I highlighted the fact that I met the new chairman of the Parades Commission. In the absence of agreement in the House on any other arrangements, the Parades Commission has an important role to perform this coming summer and, perhaps, for some years ahead. I hope that all public representatives, all agencies related to the issue, those who parade and those who wish to protest about parades will recognise that the Parades Commission has a job to do and will engage constructively with it.

Mr Gardiner: Last year, dissident activities in Lurgan cost £220,000 to the rail network alone. Can the Minister give an overall estimate of the policing and other costs associated with managing the dissident threats?

The Minister of Justice: I cannot give an accurate estimate of the costs, because the overall policing budget covers a number of areas between which there is significant interplay. However, I can agree with what I suspect is Mr Gardiner's point. The costs of providing for the security needs of this region are excessive, and it is incumbent on all politicians and everyone in public life to do all that they can to dissuade others from getting involved in such activities.

McGurk's Bar: Police Ombudsman's Report

2. **Ms S Ramsey** asked the Minister of Justice to outline any discussions he has had with the Chief Constable in relation to the Police Ombudsman's report on the McGurk's Bar bombing. (AQO 1239/11)

6. **Mr D Bradley** asked the Minister of Justice to outline any discussions he has had with the

Chief Constable in relation to the findings of the Police Ombudsman's report on the bombing of McGurk's Bar. (AQO 1243/11)

The Minister of Justice: With your permission, Mr Speaker, I will answer questions 2 and 6 together.

I met the Chief Constable on Monday 28 February, and the bombing of McGurk's Bar was among the items that we discussed. I was also briefed by the Police Ombudsman on his findings. Having had those discussions, I place on the record of the Assembly, as its Justice Minister, that it is clear that those killed were in no way responsible for the bombing and were innocent victims. I am deeply conscious of the pain that suggestions to the contrary have caused to the relatives of those killed.

How we deal with the legacy of our past is a challenge to the Assembly and the Executive. The Department of Justice and the organisations that it funds will continue to play their part, but the issue is far wider than one simply for my Department. The development of a coherent and effective approach is, as I said, a challenge for all of us in the House.

Ms S Ramsey: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his response. It is important that he has put on record that it is clear that the people killed were not responsible and, indeed, were innocent. Does the Minister agree that the interests of justice were not served by the inadequate investigation by the RUC into the McGurk's Bar bombing?

The Minister of Justice: We need to be careful not to stray excessively far into the past in the assumptions that we seek to make. It is clear that the Police Service of Northern Ireland, as it exists today, has a significant and serious role to perform in providing the policing needs for the people of Northern Ireland and deserves the full support of everyone in the House in doing so. As I said in my first response, it is also clear that there are other aspects relating to the past for which agencies of the Department of Justice, specifically the Historical Enquiries Team and the Police Ombudsman, have a remit.

However, there are serious difficulties in seeking to address all the concerns of the past if we simply use that as an opportunity to drag up individual issues and seek to make major cases. There are matters of concern, but the

key issue must be to ensure that we provide for the needs of the present day.

Mr D Bradley: Go raibh míle maith agat. The central finding of the Police Ombudsman's report on the McGurk's Bar bombing was that there was an investigative bias on behalf of the RUC. Does the Minister regret the effective rejection of that finding by the Chief Constable?

The Minister of Justice: I thank Mr Bradley for that question, but I am not sure that there is much to be gained by my seeking to engage with matters that are for the ombudsman or the Chief Constable about how the report was written and the response to it. I am aware that the Chief Constable met representatives of the families a few days after the report was published, and, on the basis of that discussion, I understand that he agreed to make no further comment on the arrangements, in accordance with the wishes of the family. In that respect, it is probably best that I do the same.

Mr Spratt: The Police Ombudsman's initial report was published, and, seven months later, a completely rewritten report was published. Will the Minister examine the botched work of the Police Ombudsman? Also, has the Chief Constable indicated whether any new evidence has been presented? The ombudsman indicated that there was new evidence, but the Chief Constable has denied that. Has the Chief Constable indicated to the Minister that new evidence has been provided in the second report?

The Minister of Justice: It would be a very dangerous prospect for any Minister to start to criticise the work of a body such as the Police Ombudsman's office. That would lead us into significant difficulties. The Chief Constable has not told me of any new evidence being provided. It is quite proper that he did not tell me because it is an issue for the Chief Constable.

Community Safety Partnerships

3. **Ms M Anderson** asked the Minister of Justice what steps he intends to take to ensure that the objectives of community safety partnerships will be taken into consideration if the amalgamation of district policing partnerships and community safety partnerships become the new policing and community safety partnerships. (AQO 1240/11)

The Minister of Justice: At the outset, I stress that I see community safety as being of equal

importance to policing in the concept of each new policing and community safety partnership. From their inception, those partnerships will establish their own plans, taking into account community safety and policing issues in meeting the needs of their local area. They are new partnerships, but they may choose to build on the objectives of existing CSPs and DPPs while working within the remit set out by the Justice Bill, in which the functions inherited from CSPs and DPPs are of equal importance. The PCSPs' plans will also have to sit with the strategic objectives of the joint committee, which will be my Department and the Policing Board working together as equal partners. Those strategic objectives will encompass the objectives of the Department of Justice and the Policing Board in respect of policing and community safety and will ensure a coherent approach across the 26 council areas.

Ms M Anderson: Go raibh míle maith agat. Does the Minister agree that the valuable work carried out by community safety forums and partnerships should continue and not be replaced by PCSPs and that they should work alongside them in some way to try to promote better community safety?

The Minister of Justice: I thank Ms Anderson for that question. It is clear that we are seeking to enhance the good work done on community safety in the new partnerships. A number of groups will be related to the work of community safety in different areas. The provisions are there for an open arrangement for membership of the various partnerships to suit the needs of the local community. However, it is vital that we build on the good work done by existing partnerships if we are to seek maximum benefit from the new partnerships.

Lord Empey: I raised this issue with the Minister during discussions on the Justice Bill, but with CPLCs, PACTs and the DPCSPs, it would be possible to deliver an essay without saying a word.

Does the Minister agree that, although we encourage engagement between the police and the community, having to attend so many different meetings puts a huge burden on the Police Service of Northern Ireland? If police attend and service those meetings, obviously, they cannot be out fighting crime. Is the balance right or are there too many bodies for police to attend?

The Minister of Justice: I was wondering whether we would get a kind of alphabet soup out of Lord Empey's acronyms. He raises an entirely reasonable point. However, the key issue is that in bringing DPPs and CSPs together into PCSPs — if we are going to talk acronyms, let us really talk acronyms — the number of bodies will be reduced. Those are the key bodies. There will be a single partnership for each of 25 districts. In Belfast, there will be a single partnership citywide and four DPCSPs, which represent the city's four area-command sectors as they are currently composed.

Lord Empey, rightly, draws attention to a number of other bodies. Those bodies do not have the same status as proposed new partnerships, nor are they touched by operation of the Bill. They remain in existence in so far as, frankly, sector inspectors in the Police Service see them as serving a valuable purpose in meeting the needs of their relationship with people in a particular local neighbourhood. As Minister, I am not going to be prescriptive and say that they should not exist. The issue is to ensure that there is an overall structure that meets the needs of each district. Then, we allow local liaison to proceed in a way that best suits the needs of local policing. That is the appropriate way forward, regardless of whether there is an alphabet soup.

Mr I McCrea: The Minister will be more than aware of my views on DPPs and whether there is any need for them. I suggest that there is not. Nonetheless, through the Bill, the Minister has decided to bring DPPs and CSPs together. Will he ensure that when the two bodies are amalgamated, the new body will provide value for money and, indeed, the service that is required to show that community safety is at its heart?

The Minister of Justice: Indeed, as he said, Mr Ian McCrea has made his views well known on a number of occasions in the past. After detailed discussion at Consideration Stage and Further Consideration Stage, the House has accepted that we will go down the route of seeking to rationalise partnership by having a single partnership in each district. One key issue is that it produces value for money in that less money will be directed to administration of the two partnerships and more money from available funding can, therefore, be devoted to appropriate projects to promote community safety on the basis of whatever each local partnership decides for its area.

Mr A Maginness: Will the Minister reassure the House that, despite Mr Ian McCrea's bizarre and strange view on DPPs, the original idea behind them, which was to bring accountability for policing to local areas, will be preserved with the new arrangements along with the enhancement of community safety, and that it is in everybody's interests that that takes place?

The Minister of Justice: I am sure that Mr Maginness would not necessarily expect me to agree with his description of Mr Ian McCrea's views. However, he is correct; we have sought to maintain one of Patten's key reforms, the creation of DPPs, in the policing committees of new partnerships. I am committed to ensure that that continues, alongside the work of the wider partnership as it seeks to promote wider notions of community safety. At some point in the future, there may be further rationalisation of the operation of those partnerships. However, I doubt very much that I will be Minister when that happens.

Maghaberry Prison: Drugs

4. **Mr P J Bradley** asked the Minister of Justice if he can confirm that prison authorities recently introduced a drugs amnesty in Maghaberry prison. (AQO 1241/11)

The Minister of Justice: Recently, the Northern Ireland Prison Service (NIPS) was made aware that a quantity of illegal drugs had been smuggled into Maghaberry prison. As a result of using those drugs, one person collapsed and had to be taken to Lagan Valley Hospital to receive medical treatment. It is clear that that bad batch of drugs posed serious risks to prisoners. In such cases, the overriding concern must be for the health and welfare of prisoners. That is why, in order to minimise risk and proactively encourage prisoners to hand over their drugs, the governor of Maghaberry prison alerted prisoners to concerns about the potential harm that those drugs could cause and took the decision to not impose any sanction on any prisoner who handed in illegal drugs within a 48-hour period.

The Prison Service has a duty of care to prisoners, and that action is in line with its policies on safer custody and on reducing the harm of illegal drugs in prisons. Such amnesties are taken in only very exceptional circumstances in which the risk posed is considered very high. However, they are not unique to NIPS and are

used from time to time by police and prison services in other jurisdictions. On this occasion, no drugs were handed in to the authorities, although it is possible that they may have been disposed of in other ways.

2.45 pm

The Prison Service maintains a tough stance on drugs and will continue to take every measure necessary to reduce the supply of drugs in prisons and, in partnership with the South Eastern Health and Social Care Trust, to provide a range of interventions and support services to prisoners with addiction problems.

Mr P J Bradley: I welcome the Minister's reply. Was that a one-off amnesty? Does the Minister have plans to introduce further amnesties, if he cannot ease the drug situation?

The Minister of Justice: Mr Bradley raises a fair point. There are no plans for further amnesties, but that does not mean that further amnesties may not happen in the future, if they are felt to be necessary in the interest of the health and safety of prisoners. As I said in my substantive answer, this issue has to be addressed from time to time by prison services and police services in every jurisdiction. It is not a unique feature of Maghaberry or of Northern Ireland, but it is important that we protect the lives of those who are in the custody of the Prison Service.

Ms Ní Chuilín: Go raibh maith agat, a Cheann Comhairle. As part of a policy for clean health for prisoners in relation to drugs, and in addition to the recent amnesty that was seen in Maghaberry, has the Minister had discussions with the director general of the Prison Service about education programmes and drugs awareness programmes?

The Minister of Justice: The Member has raised a very interesting question. The simple answer is that I, personally, have not discussed the issue with the director general. I understand that it is an issue that is continually considered by the Prison Service, but, in light of what has been said, it is, perhaps, an issue that we need to prioritise.

Mr Craig: Will the Minister address another issue that is occurring in Maghaberry and other prisons? Some prisoners are faking incidents. They get themselves taken into hospital at taxpayers' expense, get themselves treated

with legitimate drugs, then overdose on those legitimate drugs and cause even greater expense to the public purse?

The Minister of Justice: I have no evidence of any occurrences of the sort that has been suggested by Mr Craig. In the case of the recent incident that we talked about, I understand that only one prisoner was taken to Lagan Valley Hospital and that prisoner received only outpatient treatment there.

Mr Cree: Has the Minister assessed the impact of the drugs amnesty in the prison on prison staff morale? To what extent was the amnesty made necessary by the problems associated with supervising visitors?

The Minister of Justice: I am not aware that staff morale was affected by the one-off, short-term amnesty. As I said, amnesties are held in prison services in every jurisdiction, and to suggest that the problem is unique to or particularly felt in Maghaberry is flying in the face of reality.

Policing

5. **Ms Lo** asked the Minister of Justice for an update on determining long-term policing objectives. (AQO 1242/11)

The Minister of Justice: I am working with the Chief Constable, his senior staff, the Policing Board, partners in the policing and justice field and the wider community to develop and shape the long-term policing objectives that our community needs. Based on initial discussions, I have outlined some key themes and proposals for new objectives. They are centred round the nature of policing and the role of police in society.

In January, I published for public consultation a paper in which those key themes were explored in more detail. The proposed objectives cover the following areas: policing that is delivered in a way that protects and vindicates the human rights of all; policing with the community as the model for all policing; policing in partnership with other police services, the public and statutory, voluntary and private partners; policing that responds and adapts to emerging changes in society and contributes positively to that transformation; and a police service that is free from external interference in operational matters, but accountable, through the Policing Board, for operational decisions and to the

Department and the Assembly for the use of public money.

The public consultation is ongoing and runs until 13 April. A number of meetings and discussions have already taken place during the consultation period, and more are planned with key stakeholders before the closing date.

Ms Lo: I thank the Minister for a comprehensive answer, and I welcome the consultation. I know that the Minister agrees with me that setting long-term objectives for policing is a very important task and one that would benefit from the widest possible participation, particularly from the community. Will the Minister let us know the range of individuals and organisations he has so far engaged in discussions?

The Minister of Justice: The range of organisations consulted was the usual wide range that my Department would consult across many issues and included other Departments, public bodies with any particular interest in policing, local councils and DPPs. There is also the opportunity for the public in general to engage. I am disappointed that, so far, we have received relatively few formal responses, although they have come from, for example, the Lord Chief Justice, one or two DPPs and the Police Superintendents' Association. However, it is clear that, to date, politicians in general, whether as Members of the Assembly or through political parties, have not engaged with the policing objectives. I think that that is something that we are all guilty of. We tend to respond when issues arise, rather than respond at an earlier stage when consultation is going on. I urge Members to take the opportunity to contribute to the discussion in whatever format they wish in order to enhance the proposals for the new objectives, which will be coming forward in the next Assembly.

Mr Humphrey: The Minister outlined to the House that his Department is currently involved in a consultation process. Can he give an assurance to the House that, when that process is completed, there will remain one police service in Northern Ireland and that there will not be two-tier policing in this country?

The Minister of Justice: I can certainly assure Mr Humphrey that the objectives for the Police Service of Northern Ireland are overarching objectives that will apply to every part of the PSNI. Clearly local work will then need to be done in conjunction with the new partnerships.

I hesitate to name them for fear that Lord Empey will pick me up on it. The issue is the overarching responsibilities of the Police Service, in conjunction with the Policing Board. Mr Humphrey is quite right to talk about a single police service meeting the needs of every person in Northern Ireland.

Mr K Robinson: I thank the Minister for his answer. I have noticed his five overarching objectives, but does he agree that the pre-eminent objective for the PSNI has to be meeting the dissident threat and that, in doing that, the fullest measures for the protection of police personnel must be in place?

The Minister of Justice: Mr Robinson is quite right to highlight the concerns we have about the security threat, but it would be wrong to suggest that that is the overarching issue as opposed to a very serious and significant issue that has to be considered alongside the other work that being done to provide a modern police service for every section of the community. We certainly need to take account of the threat that this society is under, but to suggest that we should somehow concentrate solely on that would be to undo a considerable amount of good work being done by PSNI officers day and daily across Northern Ireland.

Mr McDevitt: I am sure the Minister will concur that the single biggest objective facing policing in the decade ahead should be to continue to build a police service that is truly representative of our community as a whole. Does the Minister, therefore, agree that any talk of ending 50:50 recruitment at this stage is both premature and against the best interests of our community as a whole?

The Minister of Justice: No, I do not agree with Mr McDevitt. The policing objectives are about setting appropriate objectives for the Police Service, regardless of who serves in it in the years ahead. The 50:50 recruitment measure is the responsibility of the Secretary of State and not the Department of Justice. However, as an individual, I believe that in recent years we have seen a significant improvement in the representativeness of the PSNI in serving this community, and I certainly agree with those who believe that such artificial measures do not have a place in a progressive, liberal society.

Mr Speaker: Question 6 has been answered. The Member is not in his place for question 7.

DOJ: Budget

8. **Mr O'Dowd** asked the Minister of Justice what impact a £7 million reduction in his Department's budget would have on the work of his Department and its agencies. (AQO 1245/11)

The Minister of Justice: Any budget reductions for my Department would have significant implications. Although a £7 million reduction to a resource budget of £1.4 billion is only a 0.5% reduction, recognition is needed that my budget is ring-fenced. That does not mean that my budget is protected but that it derives from the direct Barnett consequentials arising from changes in the funding levels of the Home Office and Ministry of Justice. Given the security situation, I could not reduce the police budget, so any additional cuts would have to come from areas such as youth justice or probation. A £7 million cut to services in those areas would be significant and could be as much as 17% of their annual budgets.

Mr O'Dowd: Go raibh maith agat, a Cheann Comhairle agus a Aire. I thank the Minister for that answer. The Minister will be aware that a recent SDLP proposal to deal with £4 billion of cuts imposed on the Budget by the Tories was that we would remove £7 million from the justice budget on the basis that it would have absolutely no effect on the Justice Department. Will the Minister confirm, and I think that he did confirm in his answer, that agencies such as the Probation Board would suffer as a result of that? Will the Minister also confirm that another agency already under pressure is the Police Ombudsman's office, which is another area that could suffer under further cuts to his budget?

The Minister of Justice: I am not sure whether it is my function to sit between Sinn Féin and the SDLP as they debate the election campaign. However, I answered Mr O'Dowd accurately: any such cuts imposed on the Department, failing to take account of the issues about ring-fencing, would come from what are generally seen as some of our most successful agencies, which provide significant services in diverting adults and young people from crime, or from community safety, the need to ensure the budget for which was discussed earlier. So, I am extremely glad that in the context of a difficult financial settlement for the Department of Justice based on that ring-fencing, with the

exception of the additional security funding grant, I am not facing a further £7 million of cuts.

Mr Speaker: Jonathan Bell for a supplementary. Sorry: Lord Morrow, Chairperson of the Committee.

Lord Morrow: That is the first time that I have discovered that the Chairperson of a Committee has some benefits, anyway. *[Laughter.]*

I listened carefully to what the Minister said about the cuts. Can he confirm that the £200 million that has been secured and confirmed will ensure that the police have adequate resources to carry out the task before them, particularly in relation to the dissident threat?

The Minister of Justice: Mr Speaker, maybe you should have called Jonathan Bell. *[Laughter.]*

I entirely take Lord Morrow's point. He quotes the £200 million. However, allowing for the additional funding granted from the Finance Minister, we are talking about a package of about £244.5 million over four years. So, I accept the grateful acknowledgement from my Committee Chairperson that that is even better. However, it is necessary funding, predicated on real threats to Northern Ireland and the United Kingdom and granted on the basis of serious and significant need. At the same time, the Police Service has to make the same kind of efficiencies as other sections of the Department of Justice. It will be a difficult settlement but it provides adequate funding. Of course, the option is there, should it be required, to seek further additional funding from the Treasury.

Mr Speaker: That ends Question Time. I ask the House to take its ease as we move back to the Planning Bill.

3.00 pm

Executive Committee Business

Planning Bill: Consideration Stage

Clause 1 (General functions of Department with respect to development of land)

Debate resumed on amendment Nos 1 to 16, 78 to 80 and 86, which amendments were:

No 1: In page 1, line 11, leave out "contributing to the achievement of" and insert "furthering". — *[The Chairperson of the Committee for the Environment (Mr Boylan).]*

No 2: In page 1, line 11, after "development" insert "and promoting or improving well-being". — *[The Chairperson of the Committee for the Environment (Mr Boylan).]*

No 3: In page 1, line 12, leave out "have regard to" and insert "take account of". — *[The Minister of the Environment (Mr Poots).]*

No 4: In clause 2, page 2, line 7, after "prepare" insert "and publish". — *[The Minister of the Environment (Mr Poots).]*

No 5: In clause 2, page 2, line 11, at end insert

"(3) The Department must prepare and publish a statement of community involvement within the period of one year from the day appointed for the coming into operation of this section." — [The Minister of the Environment (Mr Poots).]

No 6: In clause 3, page 2, line 27, at end insert

'() the potential impact of climate change;'. — [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 7: In clause 5, page 3, line 25, leave out "contributing to the achievement of" and insert "furthering". — *[The Chairperson of the Committee for the Environment (Mr Boylan).]*

No 8: In clause 5, page 3, line 27, leave out "have regard to" and insert "take account of". — *[The Minister of the Environment (Mr Poots).]*

No 9: In clause 6, page 3, line 36, after "Act" insert

"and in any other statutory provision relating to planning". — [The Minister of the Environment (Mr Poots).]

No 10: In clause 6, page 3, line 37, leave out “local”. — *[The Minister of the Environment (Mr Poots).]*

No 11: In clause 6, page 3, line 37, leave out “other”. — *[The Minister of the Environment (Mr Poots).]*

No 12: In clause 6, page 4, line 5, leave out “the local development” and insert “that”. — *[The Minister of the Environment (Mr Poots).]*

No 13: In clause 8, page 5, line 11, at end insert

“(7) A plan strategy is a plan strategy only if it is—

(a) adopted by resolution of the council; or

(b) approved by the Department in accordance with section 16(6).” — [The Minister of the Environment (Mr Poots).]

No 14: In clause 9, page 5, line 36, at end insert

“(8) A local policies plan is a local policies plan only if it is—

(a) adopted by resolution of the council; or

(b) approved by the Department in accordance with section 16(6).” — [The Minister of the Environment (Mr Poots).]

No 15: In clause 10, page 6, line 10, at end insert

“(4A) The Department must not appoint a person under subsection (4)(b) unless, having regard to the timetable prepared by the council under section 7(1), the Department considers it expedient to do so.” — [The Minister of the Environment (Mr Poots).]

No 16: In clause 16, page 8, line 5, leave out “(5)” and insert “(4A)”. — *[The Minister of the Environment (Mr Poots).]*

No 78: In clause 221, page 142, line 41, after “understanding” insert “of planning policy proposals and”. — *[The Minister of the Environment (Mr Poots).]*

No 79: In clause 221, page 142, line 41, at end insert “other”. — *[The Minister of the Environment (Mr Poots).]*

No 80: In clause 221, page 143, line 8, leave out from “, with” to “Personnel,” in line 9. — *[The Minister of the Environment (Mr Poots).]*

No 86: Before clause 224, insert the following new clause:

“Review of Planning Act

223A.—(1) *The Department must—*

(a) not later than 3 years after the commencement of this Act, and

(b) at least once in every period of 5 years thereafter,

review and publish a report on the implementation of this Act.

(2) Regulations under this section shall set out the terms of the review.” — [Mr Boylan.]

Mr Weir: Much has been said already about the amendments in group 1, and I intend to keep my remarks fairly brief. At the outset, I join others in thanking departmental and Committee officials for the many long hours that they have put in. That work enabled us to get through the Bill with a high level of consensus and to deal with what is probably the largest Bill that has ever come before the Assembly, certainly the largest Bill in the lifetime of the current Assembly. It is due to the work of the Department, the Minister and the Committee that many issues were resolved. It is important that the Planning Bill is got right, and the reason for the large number of amendments is so that what we put in place will be fit for purpose.

I now turn briefly to a couple of the amendments in group 1. When councils take responsibility for planning — Mr McGlone and others expressed caution about that — there will be a massive culture change for those in the councils who will be involved in planning. Therefore, it is important that it is got right. Although, the focus in most people's minds is on individual planning applications, it is important that development plans, which will be a key aspect for local authorities, are also got right. Consequently, amendment Nos 13 and 14 to clauses 8 and 9, which highlight that plan strategies and local policies plans must be approved by either the resolution of the council or the Department, are important and significant. They will provide a guarantee that what will be put in place will be supported and has been got right.

Concerns were raised about the Planning Appeals Commission and the creation of the independent examiner, and amendment Nos 15 and 16 will mean that the latter should only really intervene when the PAC is unable to conduct the independent examination. That issue was discussed at great length by the Committee, and I am glad that the Minister took its position on board. As a result of those amendments, what was implicit in the intention of the Department will be made explicit in

the Bill. Many Members expressed the need to have something in place in addition to the PAC, and we can all point to long delays in the planning process. Amendment Nos 15 and 16 will improve the process and will ensure that the independent examiner is only used in limited situations. As a consequence, it will be done in the right way.

With reference to amendment No 5, there has been much discussion about the importance of community involvement, the broader issue of which will be discussed in a different guise when we debate the third group of amendments. The position that was taken to try to front-load community involvement and to get things right at the start, so that we do not need to make corrections later, is correct. Consequently, there is a duty, at an early stage, to work with the community, while the need to have a statement of community involvement in any development plans, which is contained in the very clear-cut departmental amendment No 5, should also be strongly welcomed.

I indicated that there was a high level of consensus. However, there are some aspects that concern us, and I will highlight one. Other amendments largely involve tinkering with wording, which may not be of major significance, but I have strong concerns about amendment No 6, which proposes to add the potential impact of climate change as a matter for councils to keep under review.

Climate change is largely dealt with on an international basis. Certainly, where monitoring is done, it is on a high-level national basis. The expectation that councils will make an assessment of the potential impact of climate change in their locality will inevitably drive them in one of two directions. The assessment may become, in effect, a tick-box exercise. A high level of expertise and technical knowledge is required for a proper assessment. Councils may give a vague, general assessment, perhaps through a lack of evidence, in which case it becomes a slightly meaningless gesture. The scientific or statistical value of that has to be questioned. Alternatively, there will be a compulsion on councils to invest vast sums of money on highly technical and sophisticated monitoring. Members, including, I think, Mr McGlone, raised councils' concerns that what is put in place must be cost-neutral and must not place an extra burden on the ratepayer.

My concern is that focusing the issue of the impact of climate change on local councils is to focus it in the wrong direction. That issue needs to be tackled nationally and internationally. If amendment No 6 is made, it will lead to one of two situations: it either becomes a glib, tick-box exercise that benefits no one, or, if it is done properly, it will be at a high technical and administrative level that would place a great burden on ratepayers. Consequently, I do not believe that that amendment is to be commended.

Most people will not have objections to the broad thrust of the amendments in group 1. Therefore, having made my remarks, I am happy to see the Bill move forward.

Mr Savage: The amendments in group 2 relate to enforcement and penalties. I welcome amendment Nos 17 and 18.

Mr Speaker: Order. I remind the Member that we are at group 1. There may have been a misunderstanding on his part.

Mr Savage: Thank you, Mr Speaker. I declare an interest as a member of Craigavon Borough Council.

Group 1 relates to the functions of the Department and the local development plans. Amendment No 2 amends clause 1 and requires the Department to take well-being into account as part of its planning functions. Although I broadly support that principle, I question how it can be enforced or what proof will exist that the Department has actually taken well-being into account. What or who will define what well-being is?

Amendment Nos 4 and 5 introduce a time limit within which the Department must produce and publish its statement on community involvement. What penalty exists, should the Department fail to produce such a statement? I ask that because I am aware that that requirement already exists in statute and has done for several years, but a document has never been produced. What assurance is there that the Department will comply this time and within what timescale?

I am broadly in support of what amendment No 6 sets out to accomplish. However, I am concerned about the extra costs that could be incurred by councils. Perhaps the Minister or the Member who tabled the amendment could elaborate on how those potential costs would be

paid and by whom. I also welcome amendment No 15 as a positive step forward.

Amendment Nos 78 and 79 give me cause for concern. Perhaps the Minister could provide further clarity and detail on how those amendments would work in practice.

Amendment No 86 is a new clause tabled by my Committee colleagues, and I am keen to support it in principle. I am keen that legislation, especially key legislation such as that before us today, is reviewed regularly to ensure that it is fit for purpose. The legislation must also be cost-effective. Will a three-year review and a review every five years thereafter deliver value for money?

Those are my concerns. Other than that, I am content with the group 1 amendments.

Mr B Wilson: I begin by paying tribute to the Committee Clerk, the Committee staff and the departmental officials for all the work that they put into getting the Bill to this stage. The Committee received this massive Bill in December, and I shared other Members' concerns about the speed with which it was being processed. Without the exceptional efforts made by the staff, the Bill would not have reached this stage.

I share Mr McGlone's concern that we are putting the cart before the horse. He said that we should carry out the reform of local government before we transfer any additional powers to councils. I well remember the comments in the Macrory report on why planning powers were taken away from councils and centralised. Having said that, I support the principle of transferring planning powers to local government, and I support the amendments, which will strengthen the Bill and can restore public confidence in the planning system.

I welcome amendment Nos 1 and 2, which are designed to put sustainable development at the centre of the planning system. At present, the planners argue that each planning application should be considered on its individual merits, with no regard for the cumulative effect of each decision. In many cases, that is unsustainable and will lead to problems in the future.

I also welcome amendment Nos 4 and 5, which strengthen the opportunity for community involvement. I support amendment No 6, which links planning to climate change. That is

essential, given what is happening today. Climate change will become increasingly important over the next few years, as was recognised by many respondents to the consultation.

I also welcome amendment No 15, which tightens the conditions under which an independent examiner may be appointed.

Finally, I support the introduction of the new clause through amendment No 86. Although I accept that the Department will keep all new legislation under review, the specific timetable in the amendment will ensure that the Department focuses on the issue.

Overall, I support the amendments and believe that they can increase public confidence and involvement in the planning system.

The Minister of the Environment (Mr Poots): A number of the amendments in group 1 arose from recommendations made by the Committee for the Environment during Committee Stage. So I thank the Chair and Committee members for the considerable time and energy that they devoted to the Bill, which has clearly been scrutinised carefully. The Committee raised helpful questions and made a number of recommendations, most of which I was pleased to accept.

As mentioned, a lot of work was done by the Committee staff and my staff to ensure that we got to this point. I put on record my gratitude to all parties involved in achieving that.

Clauses 1 and 5 place a duty on my Department, councils and others to exercise their functions under the Bill with the objective of

"contributing to the achievement of sustainable development".

In amendment No 1, the Chair of the Environment Committee proposes a change to "furthering" sustainable development. His wording is at odds with the general sustainable development duty on public authorities, as set out in section 25 of the Northern Ireland (Miscellaneous Provisions) Act 2006.

As Ms Lo pointed out, the amendment would weaken the sustainable development provision. So I am in something of a quandary: Brian Wilson seems to support the weakening of the sustainable development proposal, and Ms Lo is opposed to it being weakened. I am in the hands of the House on that, but my Department's view is that the amendment would

weaken the sustainable development duty outlined in the Northern Ireland (Miscellaneous Provisions) Act 2006.

3.15 pm

The Chairperson of the Environment Committee also proposed through amendment No 2 that my Department's planning functions be expanded to include, "promoting or improving well-being". We are considering a new power of well-being for councils but, as yet, that does not exist in statute. Therefore, it may be deemed inappropriate to refer to it in the Bill as we do not have a definition at this point and it may be some time before we have a definition of well-being. Again, I will be in the hands of the House on that issue.

In amendment Nos 3 to 8, I propose that, in exercising the functions under the Bill, DOE and the councils should "take account of" guidance issued by DRD and OFMDFM, rather than "have regard to" it. The wording was recommended by the Environment Committee as a more accurate reflection on the Department and councils in that context.

Clause 2 requires the Department of the Environment to prepare a statement of community involvement. That statement sets out the Department's policy for consulting the community about its planning control functions. Through amendment Nos 4 and 5, I aim to make it clear that the Department must also publish its statement and that that must be done within one year of clause 2 of the Bill coming into effect.

Clause 3 requires councils to keep under review matters that affect the development of their district. Through amendment No 6, the Chairperson of the Environment Committee proposed that councils must keep under review

"the potential impact of climate change".

The clause already requires councils to keep under review an extensive list of issues, including

"the principal physical, economic, social and environmental characteristics of the council's district".

Across the UK, greenhouse gas emissions are estimated in line with the United Nations Framework Convention on Climate Change reporting guidelines. Data are recorded annually, and included in the greenhouse gas inventories is one for Northern Ireland. The gathering of that information requires particular methodologies

and expertise. It is costly, and the amendment could place an expensive burden on councils with little benefit derived. I want to make it clear that I am urging Members not to accept the amendment, as it would be wholly detrimental to the work of local government and would pass on a burden to local government that would not create significant benefit. To that extent, I agree with Mr Savage that we should resist the amendment strongly.

Clause 6 states that a local development plan comprises two development plan documents: the plan strategy and the local policies plan. The clause also identifies the local development plan as the primary consideration in the determination of planning applications. Amendment Nos 9 to 12 are designed to add clarity to the clause.

Clauses 8 and 9 describe the preparation requirements for the two development plan documents, and I propose amendment Nos 13 and 14 to make it clear that the plan strategy and the local policies plan must be adopted by resolution of the council or approved by the Department of the Environment.

Clause 10(4) requires the Department of the Environment to cause an independent examination of a council's development plan document to be carried out. The Department can appoint either the Planning Appeals Commission or another person to carry out the examination. I have consistently made it clear that the Planning Appeals Commission will be the Department's first point of contact for an examination. An independent examiner would be used only where the Planning Appeals Commission is unable to conduct the independent examination within a reasonable time frame. We have just gone through a period in which there has been a two-year tailback for individual applications. If we look at the time taken to bring forward the Magherafelt area plan and the Belfast metropolitan area plan and if the capacity does not exist in the PAC to turn those area plans and significant decisions round within a reasonable time frame, we can see that we need to have a fallback position. This gives us that fallback position, and I strongly recommend it to the House.

The Committee recommended that the Bill should make it clear that the PAC should be the first port of call.

I have designed amendment Nos 15 and 16 to fulfill the Committee's recommendation. They make clear that the Department will appoint an examiner only after it has had regard to the district council's timetable for the preparation of its development plan.

Clause 221 re-enacts provisions of the Planning (Northern Ireland) Order 1991. It allows my Department to award grants to non-profit-making organisations to provide technical or other assistance to the community or to further the preservation etc of historic buildings. Let me clarify for Mr Kinahan that a not-for-profit organisation is an NGO or a voluntary body. The Environment Committee recommended that this clause should allow grants to bodies which have the objective of furthering an understanding of planning policy proposals. I welcome that suggestion, and have proposed amendment No 78 to achieve it.

The Committee also suggested that DFP's oversight role in relation to such grants was no longer needed. DFP is content that the legislative provision requiring its approval is no longer required for all grants. Of course, DFP approval will be required for any grant that exceeds the relevant delegated limit. So, in amendment Nos 79 and 80, I propose to remove the legislative requirement for DFP approval and, with it, a little red tape. I thank the Committee for bringing that to my attention.

Cathal Boylan and Willie Clarke proposed, in amendment No 86, that a report on the implementation of the Bill should be prepared within three years and at least once in every period of five years thereafter. The Bill affords the Department of the Environment an audit role in relation to the councils. As an additional safeguard, the Department will also have considerable oversight and intervention powers. The Environment Committee and the Department may choose to review the workings of the Bill or any aspect of it at any time. The amendment itself is not necessary and does not add to the Bill. I do not necessarily support it, but I am not opposed to it either. It is something that we can do in any event, and it is not something that causes me a great degree of concern.

I will respond to a few of the Members' points. Mr Boylan, the Committee Chairperson, suggested that the amendment on climate change has to do with councils taking action

to reduce climate change. However, clause 3 is to do with councils keeping issues under review. As regards addressing climate change through planning, it is our intention to address that issue in the revision of Planning Policy Statement 1 without adding that extra burden onto councils, as I said earlier. Therefore, we have a way of achieving the outcome which Members rightly desire without placing a heavy financial burden on local authorities in the process.

Patsy McGlone engaged in a bit of revisionism and seemed to be stuck in the 1970s. To bring him on: we are well into the twenty-first century now, and we would do better to concentrate on what we are doing to take things forward, as opposed to harking back.

As to the planning fees review, we are not bumping up prices but adjusting the fee structure to ensure that the fee charged realistically addresses the cost of processing applications. Historically, the cost of providing a planning service has been subsidised by the taxpayer, often to the benefit of developers and multinationals. For example, the maximum fee for housing or commercial plant development is £11,834, yet many of those developments run to many millions of pounds. I am not one to ask the public to subsidise those who are doing well, whether they are developers or multinational supermarkets. The public should not have to subsidise them, and that money can be better spent elsewhere. Therefore, I will seek to get a fee structure that ensures that we get an adequate return.

Mr McGlone referred to the £10,000 that we would charge for our work associated with each environmental impact assessment (EIA).

An awful lot of that is specialist work involving environmental statements. We also have considerable advertising costs. In one recent case, for example, advertising cost my Department £9,000. Consultants and developers build in £100,000 to the cost of preparing an environmental statement when an EIA is needed, so the £10,000 that is associated with our work is only 10% of what they already build in to the cost.

Willie Clarke referred to the Northern Ireland (Miscellaneous Provisions) Act 2006 and the duty on all Departments and councils to contribute to sustainable development, which I have already made clear will be weakened

if we accept the amendment. I advise him that OFMDFM leads on a cross-departmental strategy associated with that duty, so I hope that he does not get into too much trouble with the deputy First Minister for saying that no one is leading on it. I am sure that the deputy First Minister will not be too sore on him for his misdemeanour on this occasion. I am just politely pointing that out to him. Each Department then has a responsibility to respond to it on those issues.

We are happy to go with most of the amendments, as they do not do violence to the Bill. However, I strongly urge the House not to impose something on district councils that would place a significant financial burden on them in addressing climate change.

The Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat, a Cheann Comhairle. It is clear from today's debate that planning functions, which are currently with the Department but which will soon be with councils, are of huge interest to us all. The Bill is the underpinning primary legislation that will support a new way of planning in the North. Let us now take the time to think about what that should look like and to listen to the different contributions in this the first of four debates on the Planning Bill today.

I particularly urge all in the Chamber to think about the Committee's recommendations, all of which were made on the back of stakeholder input. At the start of this process, the Minister suggested that we did not need to ask stakeholders what they thought of the Planning Bill because his Department had already undertaken several consultations on it. However, I can tell the House today that, although he may have invited comments on several occasions, stakeholders were quick to inform the Committee that he was not always willing to listen or to act on their comments. That is what the Committee is doing today. Our evidence has been consistent and compelling and is shared by most if not all stakeholders. The Committee tabled amendments that the Department refused to bring forward to address the concerns.

I thank Members for their contributions. I just want to pick out some of the issues that were raised. Overall, the work from the Committee was good and well-focused. I know that we have all heard about the issues with the time frame,

but I actually think that that made us more focused. Mr Kinahan said that he supports all of the amendments, but he talked in particular about amendment Nos 1 and 2, which deal with furthering sustainable development and well-being, as did Mr McGlone. Mr McGlone also referred to a review of the Planning Act, which is dealt with in amendment No 86. I do not propose to go through everything that the Members said. However, I think that confusion reigns over amendment Nos 1 and 7, which deal with furthering sustainable development. Maybe we all need to have a wee look again at that in the dictionary. It would not be like Planning Service to base everything on interpretation, or the lack of it. Anna Lo made that point, and her views on it have to be clearly recognised. However, other Members have a different view, so maybe we need to seek clarity on that in the future. Mr Clarke strongly supports the inclusion of well-being in the Bill and the amendment that he and I tabled. I think that there is a need for a review. The Minister said that that process already exists, but I think that it needs to be set out in the Bill.

3.30 pm

Mr Weir welcomed amendment Nos 13 and 14. He also talked about the statement of community involvement. He was correct in what he said about front-loading, although he will no doubt use that argument when we debate third-party appeals in the group 3 amendments. I thank him for his contribution.

Mr Savage talked about the well-being principle, but he was concerned about support for amendment No 6, which deals with climate change. He was concerned, in particular, with the cost implications. However, I believe that we need that provision in the Bill. People should recognise the cost and consider how we will deal with the issue.

Brian Wilson supported most of the amendments. He has spent a number of years on the Committee and has, from day one, talked about climate change. He feels very strongly about that and wants to see the amendment on that in the Bill.

I will finish by mentioning some of the Minister's comments. He alluded to maybe fitting the climate change issue into PPS 1 and the guiding principles. He also supported amendment Nos 13 and 14.

We have another three groups of amendments to get through, so I do not propose to go through all the amendments. I ask the Assembly to support the amendments in group 1.

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

Amendment No 2 made: In page 1, line 11, after “development” insert “and promoting or improving well-being”. — *[The Chairperson of the Committee for the Environment (Mr Boylan).]*

Amendment No 3 made: In page 1, line 12, leave out “have regard to” and insert “take account of”. — *[The Minister of the Environment (Mr Poots).]*

Clause 1, as amended, ordered to stand part of the Bill.

Clause 2 (Preparation of statement of community involvement by Department)

Amendment No 4 made: In page 2, line 7, after “prepare” insert “and publish”. — *[The Minister of the Environment (Mr Poots).]*

Amendment No 5 made: In page 2, line 11, at end insert

“(3) The Department must prepare and publish a statement of community involvement within the period of one year from the day appointed for the coming into operation of this section.” — [The Minister of the Environment (Mr Poots).]

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

Clause 3 (Survey of district)

Amendment No 6 proposed: In page 2, line 27, at end insert

“() the potential impact of climate change;”. — [The Chairperson of the Committee for the Environment (Mr Boylan).]

Question put.

The Assembly divided: Ayes 58; Noes 33.

AYES

Ms M Anderson, Mr Attwood, Mr Beggs, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Brady, Mr Burns, Mr Butler, Mr Callaghan, Mr W Clarke, Mr Cobain, Rev Dr Robert Coulter, Mr Cree, Mr Dallat, Mr Doherty, Mr Elliott, Lord Empey, Dr Farry, Mr Ford, Mr Gallagher, Ms Gildernew, Mrs D Kelly,

Mr G Kelly, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Mr McDevitt, Dr McDonnell, Mr McElduff, Mrs McGill, Mr McGlone, Mr M McGuinness, Mr McKay, Mr McLaughlin, Mr McNarry, Mr Murphy, Ms Ní Chuilín, Mr O’Dowd, Mr O’Loan, Mrs O’Neill, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Ms Ruane, Mr Savage, Mr Sheehan, Mr B Wilson.

Tellers for the Ayes: Mr W Clarke and Mr F McCann.

NOES

Mr S Anderson, Mr Armstrong, Lord Bannside, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr T Clarke, Mr Craig, Mr Easton, Mr Frew, Mr Gibson, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr McCausland, Mr I McCrea, Mr McFarland, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson, Mr K Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Weir.

Tellers for the Noes: Mr Buchanan and Mr T Clarke.

Question accordingly agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4 ordered to stand part of the Bill.

Clause 5 (Sustainable development)

Amendment No 7 made: In page 3, line 25, leave out “contributing to the achievement of” and insert “furthering”. — *[The Chairperson of the Committee for the Environment (Mr Boylan).]*

Amendment No 8 made: In page 3, line 27, leave out “have regard to” and insert “take account of”. — *[The Minister of the Environment (Mr Poots).]*

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

Clause 6 (Local development plan)

Amendment No 9 made: In page 3, line 36, after “Act” insert

“and in any other statutory provision relating to planning”. — [The Minister of the Environment (Mr Poots).]

Amendment No 10 made: In page 3, line 37, leave out “local”. — *[The Minister of the Environment (Mr Poots).]*

Amendment No 11 made: In page 3, line 37, leave out “other”. — *[The Minister of the Environment (Mr Poots).]*

Amendment No 12 made: In page 4, line 5, leave out “the local development” and insert “that”. — *[The Minister of the Environment (Mr Poots).]*

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7 ordered to stand part of the Bill.

Clause 8 (Plan strategy)

Amendment No 13 made: In page 5, line 11, at end insert

“(7) A plan strategy is a plan strategy only if it is—

(a) adopted by resolution of the council; or

(b) approved by the Department in accordance with section 16(6).” — *[The Minister of the Environment (Mr Poots).]*

Clause 8, as amended, ordered to stand part of the Bill.

Clause 9 (Local policies plan)

Amendment No 14 made: In page 5, line 36, at end insert

“(8) A local policies plan is a local policies plan only if it is—

(a) adopted by resolution of the council; or

(b) approved by the Department in accordance with section 16(6).” — *[The Minister of the Environment (Mr Poots).]*

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

Clause 10 (Independent examination)

Amendment No 15 made: In page 6, line 10, at end insert

“(4A) The Department must not appoint a person under subsection (4)(b) unless, having regard to the timetable prepared by the council under section 7(1), the Department considers it expedient to do so.” — *[The Minister of the Environment (Mr Poots).]*

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

Clauses 11 to 15 ordered to stand part of the Bill.

Clause 16 (Department's default powers)

Mr Speaker: Amendment No 16 is consequential to amendment No 15, which has been made.

Amendment No 16 made: In page 8, line 5, leave out “(5)” and insert “(4A)”. — *[The Minister of the Environment (Mr Poots).]*

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

Clauses 17 to 42 ordered to stand part of the Bill.

Clause 43 (Notice requiring planning application to be made)

Mr Speaker: We now come to the second group of amendments for debate. With amendment No 17, it will be convenient to debate amendment Nos 18, 28, 31 to 33, 40, 42 to 49, 52 to 55 and 58.

The amendments deal with increases to the level of fines throughout the Bill and time limits beyond which no enforcement action may be taken for breach of planning control.

The Minister of the Environment: I beg to move amendment No 17: In page 26, line 2, leave out paragraphs (a) and (b) and insert

“within the period of 5 years from the date on which the development to which it relates was begun,”.

The following amendments stood on the Marshalled List:

No 18: In clause 44, page 27, line 16, leave out from “4” to “be,” and insert “5 years”. — *[The Minister of the Environment (Mr Poots).]*

No 28: In clause 84, page 53, line 37, leave out “£30,000” and insert “£100,000”. — *[The Chairperson of the Committee for the Environment (Mr Boylan).]*

No 31: In clause 102, page 64, line 3, leave out “3” and insert “5”. — *[The Minister of the Environment (Mr Poots).]*

No 32: In clause 102, page 64, line 3, after “scale” insert

“or on conviction on indictment, to a fine”. — *[The Chairperson of the Committee for the Environment (Mr Boylan).]*

No 33: In clause 102, page 64, line 11, leave out “3” and insert “5”. — [*The Minister of the Environment (Mr Poots).*]

No 40: In clause 116, page 75, line 31, leave out “£30,000” and insert “£100,000”. — [*The Chairperson of the Committee for the Environment (Mr Boylan).*]

No 42: In clause 125, page 80, line 26, leave out “£30,000” and insert “£100,000”. — [*The Chairperson of the Committee for the Environment (Mr Boylan).*]

No 43: In clause 131, page 83, line 23, leave out “4” and insert “5”. — [*The Minister of the Environment (Mr Poots).*]

No 44: In clause 131, page 83, line 27, leave out “4” and insert “5”. — [*The Minister of the Environment (Mr Poots).*]

No 45: In clause 131, page 83, line 30, leave out “10” and insert “5”. — [*The Minister of the Environment (Mr Poots).*]

No 46: In clause 131, page 83, line 37, leave out “4” and insert “5”. — [*The Minister of the Environment (Mr Poots).*]

No 47: In clause 133, page 85, line 21, leave out “3” and insert “5”. — [*The Minister of the Environment (Mr Poots).*]

No 48: In clause 135, page 86, line 28, leave out “4” and insert “5”. — [*The Minister of the Environment (Mr Poots).*]

No 49: In clause 136, page 87, line 18, leave out “£30,000” and insert “£100,000”. — [*The Chairperson of the Committee for the Environment (Mr Boylan).*]

No 52: In clause 146, page 95, line 15, leave out “£30,000” and insert “£100,000”. — [*The Chairperson of the Committee for the Environment (Mr Boylan).*]

No 53: In clause 148, page 96, line 27, leave out from “level” to “scale” and insert “£7,500”. — [*The Minister of the Environment (Mr Poots).*]

No 54: In clause 149, page 97, line 13, leave out “4” and insert “5”. — [*The Minister of the Environment (Mr Poots).*]

No 55: In clause 149, page 98, line 6, leave out “£30,000” and insert “£100,000”. — [*The Chairperson of the Committee for the Environment (Mr Boylan).*]

No 58: In clause 163, page 109, line 1, leave out “4” and insert “5”. — [*The Minister of the Environment (Mr Poots).*]

The Minister of the Environment: In explaining amendment No 17, I should say that this group of amendments mainly arises from recommendations made by the Committee for the Environment during Committee Stage. I repeat my thanks to the Committee Chairperson, members and staff for their assistance.

The Bill sets time limits within which enforcement action may be taken in respect of breaches of planning control. When a breach consists of the carrying out of building, engineering, mining or other operations without planning permission, no enforcement action may be taken after four years. That period begins with the date on which operations were substantially completed. Similarly, if a breach consists of a change of use of any building to a single dwelling house, no enforcement action may be taken after four years. However, in the case of any other breach of planning control, including other changes of use, no enforcement action may be taken after 10 years. When the Committee proposed simplifying the system by having only one time limit, I was happy to agree. Therefore, I propose amendment Nos 17, 18, 43, 44, 45, 48, 54 and 46 to simplify and clarify the system by setting the time limits within which enforcement action may be taken for all breaches of planning control at five years.

The Committee expressed its strong and clear view that the fines for a range of offences in the Bill were no longer a sufficient deterrent and should be increased. The Chairman of the Committee has tabled amendment Nos 28, 40, 42, 49, 52 and 55, which propose that the maximum fine for offences relating to certain breaches of planning control be raised from £30,000 to £100,000. Those breaches are the unauthorised alteration, demolition or extension of listed buildings, contraventions of hazardous substance control, contraventions of tree preservation orders, contraventions of temporary stop notices and contraventions of enforcement notices and stop notices. They appear in clauses 84, 116, 125, 136, 146 and 149. The Minister of Justice has questioned the proportionality of £100,000 fines in that context.

Clause 102 establishes that anyone carrying out damage to a listed building will be guilty of an offence. It also establishes that a person who fails to prevent damage or further damage resulting from that offence is guilty of a further offence. For each of those offences, the clause imposes fines at level 3 on the standard scale,

which is currently £1,000. Given the scale of the potential impact of such damage to listed buildings, I propose, through amendment Nos 31 and 33, to raise the fine to level 5, which is currently £5,000. I am also pleased to support amendment No 32, which is proposed by the Chairperson of the Committee. It would make acts causing damage to a listed building a more serious offence by including an option of conviction on indictment and an unlimited fine.

I will move to amendment No 47 and refer first to clause 132, which provides for the issue of a planning contravention notice. That notice gives councils the power to obtain information prior to taking enforcement action. The aim is to encourage dialogue with any persons who are thought by a council to be in breach of planning control and to secure their co-operation in taking corrective action. Failure to comply with such a notice within 21 days is an offence. On summary conviction, an offender would be subject to a fine not exceeding level 3 on the standard scale, which is currently £1,000. Having taken account of the views of the Committee, I propose that that fine should be raised to level 5, which is currently £5,000. That proposal represents a tougher yet proportionate approach. Once an enforcement notice has been complied with, the requirements in it continue to stand for the future use of the land to which it relates. That continuance of use must be permanent, as must the alteration or removal of buildings. A breach of that requirement is punishable by a level 5 fine, which is currently £5,000. A fine of £7,500 would be a more appropriate and proportionate deterrent, and that is what I propose through amendment No 53.

Those are the amendments in group 2.

The Chairperson of the Committee for the Environment: Go raibh maith agat, a Cheann Comhairle. Amendment Nos 17 and 18 pave the way for an amendment later in the group that the Committee was keen to see. Although the Committee was originally content with the relevant clauses, I am confident that I can support the amendments on the Committee's behalf.

I will deal with amendment Nos 28, 40, 42, 49, 52 and 55 together because they all address the same principle. As I mentioned in the debate on the first group of amendments, it is disappointing to note that, during Committee Stage, the Department indicated that the Minister would

bring forward these amendments. The Department not only provided draft amendments for the Committee to consider but even advised the Committee, which had pushed for the first three amendments in this group, that the other three amendments would bring consistency to the Bill. The amendments add up to six in total.

Many respondents to the Committee's call for evidence stated that the fines mentioned in the Bill, whether listed as scales or levels, were no longer of a sufficient deterrent value to prevent the unauthorised demolition of listed buildings or protected trees. The Committee felt that it was important that fines listed in the Bill gave a clear indication of the seriousness of such breaches. Members are concerned that developers no longer see fines as deterrents but as something more akin to costs to be factored into their plans. The Committee was also mindful that the fine amounts were largely determined some 20 years ago in the Planning Order 1991. Then, a fine of £30,000 may have been appropriate, but it would not act as a deterrent today. The Committee, therefore, recommended that all fines of £30,000 in the Bill should be increased to £100,000 to ensure that the fine is a proper deterrent that reflects the seriousness of the offences. On behalf of the Committee, I support amendment Nos 28, 40, 42, 49, 52 and 55.

Amendment Nos 31, 33 and 47 are also to do with fines. The Committee called for current level 3 fines of £1,000 to be raised, and it welcomed the Department's agreement to amend them to level 5 fines, which have a current value of £5,000. Similarly, the Committee welcomes the Minister's agreement to augment to £7,500 the current level 5 fine, as proposed by amendment No 53.

It is not immediately clear to me why the Minister feels that he can table amendments to raise those fines but not the other, much more significant ones. The Committee and I believe that we must send out a clear signal, through the Bill, that the days of developers treating fines as part of the process are over. We need to have meaningful deterrents to stop deliberate acts of damage to listed buildings and trees and to stop breaches of planning permission, protection orders and so on. The amendments provide the opportunity to do that, and I urge the House and the Minister to show more consistency by supporting all the amendments that will increase fines.

The Committee tabled amendment No 32 when it realised that, unlike with most offences in the Bill, there was no option for fines on conviction on indictment for acts causing or likely to result in damage to listed buildings. The Committee felt that that must be rectified, and it was disappointed when the Department refused to bring forward such an amendment. Fines on conviction on indictment offer an opportunity for courts to reflect the seriousness of a breach and to penalise repeat offences in a way that upper-limited penalties cannot. If we are serious about protecting our heritage, the House should support amendment No 32.

I will now speak to amendment Nos 43, 44, 45, 46, 48, 54 and 58. The Committee questioned the continuation of the 10-year time limit for breaches of planning control other than for building, engineering, mining or other operations and for the change of use of any building to be used as a dwelling house. The Committee asked the Department to consider reducing that period, on the grounds that a single period would reduce confusion, lead to better enforcement and require less time to identify such breaches.

The Department indicated that the Minister accepted that introducing a single time period would make the system simpler and less open to misunderstanding. It suggested that seven years for all planning activities might be appropriate. The Committee questioned the point at which a change would become applicable and was assured that the time limits would not be applied retrospectively. The Committee was not content for the current four-year period to be increased to seven years, but it agreed that a single period of five years would provide the most appropriate balance for time limits on breaches of all planning controls. Members were content that the Department accepted that, and, as Chairperson, I accordingly support the seven related amendments.

That concludes my discussion of the Environment Committee's position on the group 2 amendments. I know that my party colleague will say more, but, on behalf of Sinn Féin, I would like the Minister to clarify why he withdrew his support for the £100,000 fine. I welcome the change of use limit to five years. I know that there will be a wee bit of a debate on that in the Chamber, which is welcome. I support the amendments.

4.00 pm

Mr T Clarke: Compared to the Chairman of the Committee, I am probably starting off in reverse on regularising the dates in relation to the time between types of developments. I welcome the fact that we now have five years on both, because there was confusion in the countryside about the four- and 10-year rules. I welcome the amendment in relation to five years and five years, because that will remove the confusion.

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

I would never wish anybody to say that we are going soft on planning, and that was not the reason for or intention behind that. It was actually to make things clearer and easier to understand. If we look at how we have treated fines in all the amendments, we see that the Committee was consistent in its argument that it wanted to prevent the opinion that we are going soft on developers, which, in the past, many of us thought was happening. The risk of a fine of £30,000 has never deterred a developer from knocking down a property if they have an opportunity to build many developments. Therefore, I welcome the fact that the fine will increase to £100,000. I could go further and say that, in today's market, £100,000 is probably not enough. Nevertheless, it is quite a lift from the £30,000 that was originally in the Bill.

As for the other amendments, we have taken the opportunity to raise fines from level 3 to level 5. Again, I do not think that we have gone far enough, but we are going in the right direction. In every amendment, we are trying to increase the deterrent for people who flout planning rules. In general, in the amendments, we are trying to bring these all into line by increasing fines from £30,000 to £50,000, replacing level 3 fines with level 5 fines and regularising the two periods to five years. I welcome all the amendments.

Mr Kinahan: I am pleased to speak on the group 2 amendments on enforcement and penalties. I must declare an interest as the owner of a historic building and demesne and of many trees that are subject to tree preservation orders.

I shall start with breaches of planning permission. I welcome the fact that we are moving both domestic and commercial to five years, although I am slightly puzzled about why we are making it easier for one group to carry on when, the rest of the time, we are

increasing punishments. Here we are actually making it easier to hide a breach in planning permission, so I wonder whether we should look at that before Further Consideration Stage. Nevertheless, I am happy to support those amendments.

I welcome raising the penalty for damaging a listed building, misusing hazardous substances and ignoring tree preservation orders etc from £30,000 to £100,000. The Committee discussed the fact that we must be much stronger on breaches. However, I would like the Minister to look at whether a percentage of the value of the development land should be used, rather than a figure of £100,000. If the Bill is in place for 30 or 40 years, as the previous one was, that figure may not seem as much. Maybe we should look again at the mechanism at Further Consideration Stage.

Mr T Clarke: I thank the Member for giving way. Surely that point was covered in the group 1 amendments. We are reviewing the whole Bill after three years and every five years thereafter. If, after that time, the fines are not working, surely the matter can be addressed at that stage.

Mr Kinahan: I thank the Member for his intervention, and I hope that he is right. That may be exactly the way that we have to deal with it.

The Chairperson of the Committee for the Environment: Like me, the Committee decided to support the notion of raising fines. The Member has brought up something in relation to a percentage. I know that the Member has tabled an amendment that will be debated later. Would he not like to see something set? Maybe the Minister will respond on raising the fine by a percentage. If the fine in the Member's amendment was to remain at £30,000, it would not get much support in the House. I would certainly like to see those fines increased, whether by a percentage or a set figure.

Mr Kinahan: I thank the Chairman for his intervention. It is certainly worth considering whether to change to a percentage increase now. My concern, which I will raise at this moment, is that, if the Bill sits on a shelf for some 14 months — we have been told that it may — anyone with a listed building or trees that are subject to a tree preservation order might feel that they would be better not to take the risk of that stopping their development, so, in the meantime, they might pull down the building or cut down the trees. So, one of my

amendments, on which I will go into a bit more detail later, is to try to make sure that that is put into place as soon as possible following Royal Assent.

I will return to this group of amendments. In other cases, we have raised the fines and the punishment for breaches, and, again, I wonder whether we have been tough enough. However, as Trevor Clarke has just said, we can deal with that in the future when we are reviewing matters.

I want to raise one more matter. If we go down the route of a £100,000 fine, it would seem a shame if all that money were to go to the Treasury. We should look to see whether there is a way to give that a different title — a community levy or some other form of levy — so that the money comes to the Department of the Environment in the same way that the carrier bag levy comes to us here in Northern Ireland and is not lost to the main Treasury. I support the amendments.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. On behalf of our party, I support the amendments as they appear today.

Many of us have heard the stories, both true and anecdotal, about occasions when developers have gone ahead with unauthorised and illegal development — in some instances, that may have applied even to listed buildings — in the sure knowledge that, although enforcement will come after them, it will be for a petty fine. The developer will pay the £2,000 or £3,000 because he is making many thousands of pounds out of the project. So, it is important that we firmly convey, through the extent and scale of the fines, that that is unacceptable. It is important that, first, the Planning Service has powers and, secondly, it is prepared to implement those powers, which will then transfer to the councils. That in itself is important.

The harmonisation of the period after which enforcement may not be taken has been addressed through amendment Nos 17, 18, 43, 44, 45 and 46 and the consequential amendment Nos 54 and 58. For a dwelling, that period is currently four years and, for a business, it is currently 10 years. Harmonising the periods at five years is a useful and progressive step, because there was a lot of confusion there. Many of us, including, I am sure, you, Mr Deputy Speaker, if you will forgive me for referring to it, have come across cases where that anomaly in the Planning Service

regulations has led to complete and utter confusion when we have sought to gather information about one form of development and one form of use, particularly of a business, which then translates into another form of use and where you have to try to establish more than 10 years of continuous use. So, I welcome that as pragmatism and realism on the part of the Department. It is a welcome measure to address that anomaly and to harmonise the rules that apply for a dwelling and for a business.

In conclusion, we support the amendments, and I thank the Department for working with the Committee to bring them before us.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. I will speak about amendment Nos 28, 40, 42, 49, 52 and 55. Those amendments relate to the various types of enforcement and the increase in the fines to £100,000.

During Committee Stage, I was keen for the fines to represent a modern-day deterrent, and, after a while, the Minister agreed that the fines needed to be increased, as they were not fit for purpose. However, he has given an explanation today that the Department of Justice was either not consulted or does not believe that the increase is valid. Others have talked about that.

I will speak generally about developers during the boom period, when they had a total disregard for enforcement laws in general. As others said, they built into their development plans when they were carrying out a development. If they cleared a woodland or a listed building, the fine would match or be considerably less than for a single site. The Committee and, indeed, Sinn Féin are keen to prevent that in future. The maximum fine of £30,000 is not a sufficient deterrent; it was set 20 years ago and is no longer fit for purpose. Developers laugh at it, so this is our opportunity to increase the fine and the enforcement duty to £100,000. I am keen to hear from the Minister the thoughts of other Executive Committee members.

There are examples in my constituency of developers' complete contempt for planning enforcement. I am sure that other Members from my constituency have been in contact with the Department. As I said, there is no deterrent, so there is a duty on us as elected representatives to ensure that deterrents are included in the Bill. That is particularly the case with clause 102, which deals with listed buildings. Across the North, a spate of listed

buildings suddenly burned down. As soon as they became redundant and their windows were boarded up, they spontaneously combusted and burned in considerable numbers across the North of Ireland.

In conclusion, clear guidance is needed on how to make enforcement fit for purpose. Sinn Féin supports amendment Nos 43, 48 and 54.

Mr Savage: Group 2 relates to enforcements and penalties, and I welcome amendment Nos 17 and 18, which relate to time limits. Amendment No 28 provides a strong deterrent for offences related to listed buildings. We ought to protect our architectural heritage, and amendment No 28 is wholly in agreement with that aim. Amendment No 53 will raise the fine from £5,000 to £7,500, maybe more for developments without permission. I welcome that. The other amendments in the group, to which I have not spoken, are technical and, that being the case, I am content to support all the amendments in the group.

The Minister of the Environment: Members raised a number of issues. At a personal level, I welcome and will support the uplift in the maximum fine from £30,000 to £100,000. I put that suggestion to my ministerial colleagues; however, as there was an objection from the Department of Justice, I did not get clearance from OFMDFM, which has to clear the issue. Therefore, I asked my staff to indicate to the Committee that, if it tabled such an amendment, I would not oppose it. At a personal level, I support the amendment, but I did not have the authority of the Executive to table such an amendment myself.

Mr Kinahan spoke about what he termed a relaxation from 10 years to five years. The amendment is about having something that is consistent and easier to interpret, so the Department decided that we could accept the Committee's proposal.

I should say that a Crown Court can, in certain instances, impose an unlimited fine on conviction for a planning breach, so, in some cases, £100,000 will not be the maximum fine. However, in the cases that we are referring to, moving the level of fine from £30,000 to £100,000 gives the judiciary much more latitude where more serious crimes are committed. A few years ago, in the constituency of Newry and Armagh, a row of five cottages was demolished over a weekend. In that instance,

the developer received a £5,000 fine, which was wholly inappropriate given the scale of the offence. Therefore, I hope that giving judges the latitude to go up to £100,000 will mean that the fine will be proportionate to the offence. We want to see that be the case. Clause 84 deals with the demolition of listed buildings.

4.15 pm

There is fairly strong consensus around the House on most of the issues, which is useful. A few Members may have some minor issues or concerns, but I welcome the fact that there has been general agreement on the issues before us this afternoon and wish that we move to the votes on the amendments.

Question, That amendment No 17 be made, put and agreed to.

Clause 43, as amended, ordered to stand part of the Bill.

Clause 44 (Appeal against notice under section 43)

Amendment No 18 made: In page 27, line 16, leave out from “4” to “be,” and insert “5 years”. — [The Minister of the Environment (Mr Poots).]

Clause 44, as amended, ordered to stand part of the Bill.

Clauses 45 to 48 ordered to stand part of the Bill.

Clause 49 (Power of Department to decline to determine overlapping application)

Mr Deputy Speaker: We now come to the third group of amendments for debate. With amendment No 19, it will be convenient to debate amendment Nos 20, 21, 26, 27, 34, 41, 62, 63, 71, 72, 77, 99, 102 and 104 to 106. The amendments deal with third-party appeals, commencement, the Planning Appeals Commission and the protection of trees.

I remind Members that, as I have received a valid petition of concern on amendment Nos 20 and 102, the votes on those amendments will be on a cross-community basis. Members will note that amendment No 72 is consequential to amendment No 71, amendment No 102 is consequential to amendment No 20, and amendment Nos 104 and 105 are mutually exclusive.

The Minister of the Environment: I beg to move amendment No 19: In page 30, line 29, after “land” insert

“made to it in accordance with section 26(5)”.

The following amendments stood on the Marshalled List:

No 20: In clause 58, page 35, line 33, at end insert

“(1A) The Department shall by regulations provide for an appeal under subsection (1) to be made by a person other than the applicant.” — [Ms Lo.]

No 21: After clause 58, insert the following new clause:

“Matters which may be raised in an appeal under section 58

58A.—(1) In an appeal under section 58, a party to the proceedings is not to raise any matter which was not before the council or, as the case may be, the Department at the time the decision appealed against was made unless that party can demonstrate to the satisfaction of the planning appeals commission—

(a) that the matter could not have been raised before that time, or

(b) that its not being raised before that time was a consequence of exceptional circumstances.

(2) Nothing in subsection (1) affects any requirement or entitlement to have regard to—

(a) the provisions of the local development plan, or

(b) any other material consideration.” — [The Minister of the Environment (Mr Poots).]

No 26: In clause 78, page 49, line 16, at end insert “(c) Part 5.” — *[The Minister of the Environment (Mr Poots).]*

No 27: In clause 78, page 49, line 40, leave out from “(except” to “107)” in line 41. — *[The Minister of the Environment (Mr Poots).]*

No 34: In clause 103, page 65, line 13, at end insert

“(13) An area may be designated under this section notwithstanding the absence of any building or development on the land in question.” — [Dr Farry.]

No 41: In clause 121, page 79, line 8, leave out “are dying or dead or”. — *[Dr Farry.]*

No 62: After clause 187, insert the following new clause:

“Compensation: decision taken by council or the Department where consultee fails to respond under section 224

187A. Where a consultee fails to respond to a council or departmental consultation in accordance with section 224(3) and that council or, as the case may be, the Department—

(a) takes a decision under this Act to grant planning permission in the absence of such a response; and

(b) subsequently receives information which the council could reasonably expect to have been included in that response; and

(c) decides to revoke or modify planning permission under section 67, or make an order under section 72, due to the information referred to in paragraph (b); and

(d) compensation is payable by a council under section 26 of the Act of 1965 in connection with the decision under paragraph (c);

the sponsoring department (if any) shall pay to the council the amount of compensation payable.” — [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 63: In clause 194, page 127, line 30, at end insert

“or

(c) the period referred to in section 191(2) has expired.” — [The Minister of the Environment (Mr Poots).]

No 71: After clause 202, insert the following new clause:

“Power to award costs

202A.—(1) The appeals commission may make an order as to the costs of the parties to an appeal under any of the provisions of this Act mentioned in subsection (2) and as to the parties by whom the costs are to be paid.

(2) The provisions are—

(a) sections 58, 59, 95, 96, 114, 142, 158, 164 and 172;

(b) sections 95 and 96 (as applied by section 104(6));

(c) in Schedule 2, paragraph 6(11) and (12) and paragraph 11(1);

(d) in Schedule 3, paragraph 9.

(3) An order made under this section shall have effect as if it had been made by the High Court.

(4) Without prejudice to the generality of subsection (3), the Master (Taxing Office) shall have the same powers and duties in relation to an order made under this section as the Master has in relation to an order made by the High Court.

(5) Proceedings before the appeals commission shall, for the purposes of the Litigants in Person (Costs and Expenses) Act 1975 (c. 47), be regarded as proceedings to which section 1(1) of that Act applies.” — [The Minister of the Environment (Mr Poots).]

No 72: After clause 202, insert the following new clause:

“Orders as to costs: supplementary

202B.—(1) This section applies where—

(a) for the purpose of any proceedings under this Act—

(i) the appeals commission is required, before a decision is reached, to give any person an opportunity, or ask any person whether that person wishes, to appear before and be heard by it; and

(ii) arrangements are made for a hearing to be held;

(b) the hearing does not take place; and

(c) if it had taken place, the appeals commission would have had power to make an order under section 202A requiring any party to pay any costs of any other party.

(2) Where this section applies the power to make such an order may be exercised, in relation to costs incurred for the purposes of the hearing, as if the hearing had taken place.” — [The Minister of the Environment (Mr Poots).]

No 77: In clause 219, page 142, line 17, at end insert

“(7A) Without prejudice to the generality of subsection (7), regulations made under that subsection may provide for the payment of a charge or fee in respect of an application mentioned in paragraph (a) of that subsection to be a multiple of the charge or fee to be paid under regulations made under subsection (1) in relation to the determination by a council or the Department of an application for planning permission for development not begun before the application was made.” — [The Minister of the Environment (Mr Poots).]

No 99: In clause 237, page 154, line 32, at end insert “() tree preservation orders;”. — [Dr Farry.]

No 102: In clause 242, page 156, line 3, after “sections” insert

“58(subsection to be inserted by Amendment 20).”
— [Ms Lo.]

No 104: In clause 247, page 160, line 16, at end insert

“() No order shall be made under subsection (1) in respect of Part 3 unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.” — [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 105: In clause 247, page 160, line 16, at end insert

“() No order shall be made under subsection (1) in respect of Part 2 or 3 unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.” — [Mr Kinahan.]

No 106: In clause 247, page 160, line 16, at end insert

“() Sections 84 and 125 come into operation on Royal Assent.” — [Mr Kinahan.]

The Minister of the Environment: Amendment Nos 19, 26 and 27 are technical amendments. They do not change policy. Amendment No 19 clarifies that the Department’s power to decline to determine overlapping applications for planning permission is restricted to applications for development that are of regional significance. Amendment Nos 26 and 27 ensure that Part 5 of the Bill applies to land owned by councils and to development carried out by councils, just as it applies to any other land or development.

The intention of amendment Nos 20 and 102 is to introduce third-party rights of appeal through regulations made by affirmative resolution. The Executive’s position on third-party appeals is clear and long-standing. I reiterated it at Second Stage on 14 December 2010, and I will repeat it now:

“further consideration of third party appeals should be deferred until the extensive changes to the planning system under planning reform and implementation of the RPA have settled down and are working effectively”.

The planning system to be introduced by the Bill has been especially designed to make sure that

the public can become involved at every stage of the planning process.

They can comment on the Department’s draft planning policies. They will have the opportunity to influence councils’ planned strategies and local policy plans. Most important of all is pre-application community consultation, which is being introduced through the Bill.

Developers who bring forward applications for a major or regionally significant development must consult the community about their proposals. In making their applications, they must demonstrate to the planning authority how they have modified their proposals to take account of the community’s views. If the planning authority is not satisfied with a developer’s pre-application consultation, it must decline to determine the application. Pre-application consultation will give people a real say in development proposals that affect them.

It is also worth explaining that an earlier regulatory impact assessment could not quantify the potential benefits of third-party appeals. It did, however, identify adverse impacts for the planning system, developers and, indeed, the economy. The planning system would become slower and more costly. Delays would need to be built in to give third parties time to appeal. Developers, planning authorities and the Planning Appeals Commission would all face the cost of the appeal. Investors would face greater uncertainty as to the outcome of the planning process. Therefore, in the strongest possible terms, I urge Members to reject amendment Nos 20 and 102.

I turn now to the system of planning appeals that is set out in the Bill. Through amendment No 21, I propose to restrict the introduction of new information during a planning appeal. Having failed to obtain planning permission for development proposals, some applicants revise their proposal during the course of the planning appeal. Some revisions are so great that the amended proposals should really be submitted to the planning authority as an amended application or even as an entirely new application. Clearly, that is wrong. The application that is considered by the Planning Appeals Commission is different from the one that is seen by the planning authority. The planning authority and any third parties are denied the proper opportunity to consider and respond to the revisions. Therefore, amendment No 21 will prevent parties to an appeal raising

any matter that was not before the planning authority when it made the decision that is being appealed against unless the applicant can satisfy the Planning Appeals Commission that the matter could not have been raised prior to the appeal or that there were exceptional circumstances that prevented the matter being raised as part of the original application.

Amendment Nos 71 and 72 would allow one party to an appeal to apply for a cost to be awarded against another party in the appeal if they believed that they had been left out of pocket by the other party's unreasonable behaviour. Unreasonable behaviour includes that which results in a hearing being unnecessarily adjourned, prolonged or cancelled. A planning authority would be behaving unreasonably if it were unable to produce evidence to support each of its reasons for refusing planning permission or for imposing a condition on the granting of planning permission. The Planning Appeals Commission would determine whether costs are to be awarded. The amount would be agreed between parties, with any disputes being referred to the taxing master of the High Court. The policy that underpins that amendment was consulted on as part of the planning reform consultation and agreed by the Executive. However, it could not be included in the Bill as introduced for technical and legal reasons. That is why I am proposing that amendment.

Clause 219 provides that multiple fees should be charged for retrospective planning applications. Amendment No 77 ensures that multiple fees will also be charged where deemed planning applications are submitted to the Planning Appeals Commission on foot of an enforcement appeal.

Amendment No 34 seeks to extend the scope of conservation areas to include areas where there is no building or development. Clause 103 provides for the designation of areas of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance. Designation is, therefore, not restricted to areas with buildings or development. That means that amendment No 34 is not required. I urge Members not to support it.

Clause 121(5) ensures that tree preservation orders do not apply to trees that are dead or dying and have become dangerous.

Amendment No 41 seeks to remove dead or dying trees from that exemption. Most trees that are subject to TPOs are in urban or suburban areas, where they may be close to roads or footpaths. As trees die, they deteriorate and lose strength. The risk of them shedding branches or even falling increases. That could be a danger to the public. Depending on the disease, it may be necessary to remove a diseased tree to prevent the infection of healthy specimens. For both those very practical reasons, I urge Members not to support amendment No 41.

Amendment No 99 will require councils to list tree preservation orders in a planning register. That will continue existing practice by ensuring that information about tree preservation orders is available to the public. I am therefore pleased to support that amendment.

The Environment Committee tabled amendment No 62 to prevent councils being out of pocket where compensation has been paid for any decisions that they make without the required statutory consultee input and before the consultee has failed to respond within the set period required under clause 224. Ministers have not had the opportunity to consider the implications of that amendment. Therefore, I am not in a position to comment on it further.

Amendment No 63 is a technical amendment that will ensure that councils can fully apply the procedure governing the use of purchase notices, as provided for in clause 194.

Amendment No 104, which the Environment Committee tabled, would require that Part 3 of the Bill be commenced by affirmative resolution only.

As Members know, the Bill provides for the transfer of the majority of planning powers from the Department of the Environment to councils. As I have said consistently, the transfer of powers will happen in circumstances and within a timescale to be agreed by the Executive. The intention is that new governance arrangements and an ethical standards regime for councils will be put in place before the transfer of powers. I am consulting on those now, with a view to legislation being made in the next mandate.

In bringing forward amendment No 104, the Committee is seeking to copper fasten the commitment that the introduction of new governance arrangements and an ethical standards

regime precede the transfer of planning powers. I am happy to support that amendment.

Amendment No 105 will provide that the introduction of Part 2 of the Bill should also be subject to affirmative resolution. That amendment is unnecessary, so I encourage Members to reject it.

Amendment No 106 proposes that clause 84, as amended, and clause 125, as amended, should come into effect when the Bill receives Royal Assent. That relates to the £100,000 fines for breaches of planning control for listed buildings and tree preservation orders. A number of technical and legal issues relate to that amendment, which may make the provisions somewhat difficult to impose. However, I have sympathy with the Member on the issue.

Those are the group 3 amendments. I urge Members to support the amendments that I indicated.

The Chairperson of the Committee for the

Environment: Go raibh maith agat, a LeasCheann Comhairle. During Committee Stage, the Department advised the Committee of several amendments that it would be bringing forward that were required to ensure that a consistent approach was achieved throughout the Bill. They were provided before the Committee produced its report. Members sought clarification on them. Most of those amendments are included in the next group for debate, but amendment No 19 falls into this category and was supported by the Committee.

Amendment No 20 will introduce the right of third-party appeal. The Committee has discussed that issue, but it was not referred to in the Bill. Due to the time constraints in Committee Stage, the Committee did not take time to thrash out the complexities that are involved. Members were aware that most respondents who were called for evidence had views on third-party appeals and invited participants to a stakeholder event to present their comments. Those are recorded in the Committee's report.

During Committee Stage, the Committee recommended that the Department consider an amendment to restrict any new material that can be presented at appeal. Members referred to the frequent occasions when material is presented at the last moment and that parties have little time to consider it before a decision

is taken. Members welcomed the Department's suggestion that acceptable material be limited to that which did not exist at the time that the case went to appeal or that could not have been provided due to exceptional circumstances. The Committee was very content with that approach, and I welcome amendment No 21, which brings that forward by introducing a new clause to the Bill.

4.30 pm

The Committee also welcomes amendment Nos 26 and 27, which are designed to delete an unnecessary reference, and which were provided to the Committee during Committee Stage. I cannot offer a Committee position on amendment Nos 34 and 41, as this is the first time that members have seen them.

In relation to amendment No 62, the Committee was extremely concerned when advised by the Department that, in the event of a late or non-response from a statutory consultee, a council would be liable for its decision. Apparently, that would apply even if a decision that had been made after the agreed time limit had to be revoked as a result of information coming forward from a statutory consultee that had not responded in time. In the Committee's opinion that is unfair, and members asked the Department to consider an amendment. The Department refused, so the Committee decided to table amendment No 62.

It cannot be right that a council can be held liable for a decision that it has made in good faith. The onus should be on the statutory consultee to reply in a timely fashion to ensure that the decisions of councils are informed by all the relevant information being available at the time of the decision. There is no fairness in a council being financially penalised due to the inability of a statutory consultee to respond in time. On behalf of the Committee, I support the amendment.

I cannot offer a Committee position on amendment No 63, as the Committee agreed to the clause as drafted during Committee Stage. However, I can indicate that it does not appear to contradict the Committee's position or alter the policy principles of the Bill.

In relation to amendment Nos 71 and 72, several respondents to the Committee's call for evidence felt that the Planning Appeals Commission should have the power to award

costs where it felt that an appeal had been made frivolously or vexatiously. The Committee agreed with that and asked the Department to consider amendments, which the Department agreed to introduce. I welcome those amendments on behalf of the Committee.

I cannot offer a Committee position on the wording of amendment No 77, as the Committee agreed the relevant clause as drafted during Committee Stage. However, the Department mentioned the principle of councils being allowed to charge higher fees for late applications to act as an incentive for proper procedure to be followed. The Committee welcomed that approach, and I therefore support the amendment that allows for that. I cannot offer a Committee position on amendment Nos 99 and 102, as the issues they cover were not discussed during Committee Stage.

I will now move on to the Committee's amendment — amendment No 104. The Committee was extremely concerned about the timing of the Bill, because the governance arrangements for ensuring equality and fairness in council decisions are not yet in place. The Department insisted that the Planning Bill would not be implemented until the local government reform had taken place, and the two processes would progress in tandem. The Committee sought and received a letter of confirmation from the Minister that planning functions would not be devolved to local authorities until the necessary governance arrangements were in place. However, as we are on the cusp of elections and a new Government will be taking over, the Committee was keen to ensure through legislation that the Bill could not progress without local government reform. The Committee was advised that, because local government reform legislation did not yet exist, it was not possible to link the Bill to legislation yet to come. The Committee therefore agreed to table the amendment, which will prevent commencement of any powers in Part 3 that devolve planning functions to councils without the prior approval of the Assembly. It is only right that the House has the final say as to when the planning powers transfer to councils.

The governance arrangements and the code of ethics must first be in place before we can have any confidence in transferring those significant and far-reaching powers. The arrangements must also be allowed to bed in to allow us to have enough confidence that they are fully

understood and functioning well. Only then should we even think about transferring the powers. On behalf of the Committee, I support the amendment and strongly urge the House to do likewise.

I cannot offer a Committee position on amendment No 105, as this is the first time that members have seen it. Although members have not had an opportunity to see amendment No 106, I can inform the House that the Committee, mindful of the risk that increasing penalties might place on listed buildings and protected trees, recommended that the Department looked into ways of ensuring that compliance is enforced. It would appear that the amendment aims to do that, and I suggest that it is in keeping with the Committee's recommendation.

I would like to say a few words on behalf of Sinn Féin in relation to third-party appeals, and I know that my colleague will continue the debate after listening to some of the contributions that will be made. The Minister was keen to talk about a front-loaded system.

In an ideal world, a front-loaded system should be able to protect and to give people the opportunity and right to be consulted on the planning process. However, that has not been the case, and an independent mechanism is needed to challenge that.

It will be up to councils and the statement of community involvement to ensure that people consult on the planning process. However, as I said to the Minister, it is a question of how meaningful any contribution to the planning process is and the impact that people who contribute to the process have.

I take it that the Minister said that he would see how things bed in and maybe look at a third-party right of appeal. I said earlier that that might be the case with the review process. However, the Assembly should look at a limited third-party right of appeal. If we are talking about people being included at the start of the planning process, nobody should come in at the eleventh hour to stop the process.

The issue is to get the balance right and to create proper planning policy. However, there must be something there to ensure a challenge. I support a limited third-party right of appeal, but maybe the Minister will clarify his thinking on such appeals.

Mr Weir: It was maybe remiss of me during the debate on the previous set of amendments not to declare an interest as a member of North Down Borough Council, so I happy to put that on the record. There is a range of amendments, and I do not intend to deal with all of them. Nonetheless, Members' attention should be drawn to a number of significant amendments.

I will come back to the issue of third-party appeals. However, as an MLA, I have represented residents at planning appeals, so I consider amendment No 21 to be prescient. At appeals, goalposts are suddenly moved, particularly by developers with expensive legal teams that start to throw in a lot of additional information, which means that there is not a level playing field. It is reasonable that the PAC takes completely new evidence into account. However, in limiting the circumstances in which that new evidence can be introduced, amendment No 21 is a sensible way forward.

Mr T Clarke: I am sure that the Member has sat at planning appeals at which developers had submitted plans for large schemes, but, at the eleventh hour, after such schemes had been through the Planning Service and a local council, those developers reduced the size of the schemes. The PAC then views the file of the reduced scheme, which has cut out the Planning Service and the community, which may not have had concerns at that stage. That is how developers flout and abuse the system.

Mr Weir: On occasion that has happened, which is regrettable. Hopefully, the provisions of amendment No 21 will counteract that. People submitting planning applications use tactics and psychological moves. They submit plans that go beyond what they believe that they are likely to be granted, and they then appear reasonable by compromising and reducing the size of the plan at the eleventh hour. It is important that that position is covered.

Amendment No 71 on the power to award costs and amendment No 72 on orders as to costs are interlined and are a sensible way to regulate the appeals process.

Amendment No 77 deals with the power to charge additional or multiple fees in post-enforcement situations, or when there has been a retrospective application. I am sure that other Members, particularly those who have served in local government, have been frustrated time and again by people who seem to flout

planning regulations. They simply go ahead and build something, occasionally through ignorance, but more often because they are prepared to flout the regulations in the hope that the Planning Service will not go after them. When enforcement is used against them, they try to obfuscate things through retrospective applications. Clearly, the circumstances must be judged on their merits, but the proposal in amendment No 77, which will link this issue to a financial penalty for someone who acts in such a way, is a sensible way forward.

I also welcome amendment No 99, which proposes to include tree preservation orders in planning registers. It is right that these should be included, and, as the Minister indicated, it is currently part of best practice and should be supported.

I am concerned that amendment No 105 goes beyond what should be in the Bill, and my preference would be for amendment No 104, which is the Committee's amendment. When the Planning Bill was being drawn up, the Executive's intention was to link it to the reorganisation and reform of local government. Much of the detail was worked out as part of the RPA process, and, although some people will complain that that process was not brought to a conclusion, many good things emerged from it. One of those was the creation of a broad cross-party consensus on the way that local government could be reorganised through the provision of checks and balances. There are concerns about the planning system that date from the 1960s and 1970s, but how much those are overstated is questionable. However, people genuinely want to ensure that checks and balances are built in when significant power is granted. The proposal in amendment No 104 provides that reassurance, because it links with the transfer of functions under Part 3 of the Bill that will not occur until there is affirmative resolution in the Assembly. That can be linked with the issue of the reform of local government and provides, in and of itself, a useful check and balance.

I have sympathy with the proposal in amendment No 106. As the Minister indicated, there may be technical and legal issues to be ironed out in connection with the amendment, but it does address a genuine concern. If we put in place proper and additional protection for listed buildings and tree preservation orders, we should not have the situation in which some people act unscrupulously and see a window of

opportunity — or a window of destruction — and use it to act inappropriately.

The most controversial amendments are amendment No 20 and its consequential amendment No 102, which deal with third-party appeals. As indicated, the proposed system is frontloaded as far as community consultation is concerned. For a range of reasons, I am hesitant, at best, about third-party appeals and I express grave concerns about them. The Chairperson of the Committee for the Environment was prescient in his early comments on those amendments, although it probably did not take a clairvoyant to anticipate the sort of remarks that would be made. If we have a frontloaded system, which we then backload with appeals, we will overburden it. The system will be already overburdened when it comes to time: indeed; a major criticism of planning in Northern Ireland is that it takes far too long for decisions to be taken. That could impact on the construction industry and development, and it could impact on communities by not giving them a certainty of result. It could also impact on the commercial side of things, because, when we are looking for investment in Northern Ireland, one barrier is a planning system that sometimes takes too long. Introducing third-party appeals will extend that problem and overburden the system even more.

Appeals would have to be dealt with through the Planning Appeals Commission. I well remember a debate in the House not that long ago in which the performance of the PAC and the time that it took to deal with appeals were criticised. If we add to those appeals and, perhaps, open the floodgates to a large number of appeals — some may be vexatious but would have to be dealt with anyway, and some may have some merit — we will massively overburden the Planning Appeals Commission and create a situation in which it will not be able to deal with matters in a timely fashion.

Regardless of the procedures that are put in place, there is concern that, although a lot of third-party appeals would have genuine merit, the system is open to abuse. There may be a situation in which a neighbour or someone else puts in an appeal with the aim of possibly being bought off by the developer. There is concern that third-party appeals will lead to a degree of corruption.

The case for third-party appeals would be stronger if one of two circumstances pertained. First, the argument would be much stronger had there not been early community involvement and the front-loading of the system, because in that circumstance it would be a form of check and balance. However, the check and balance is already built in. Secondly, the argument in favour of third-party appeals would have more merit if this was simply a situation in which decisions were taken by faceless bureaucrats — I mean no disrespect to the officials who are here.

We are talking about a situation in which planning issues are devolved to local councils. Democratically elected local representatives will be able to reflect their understanding of what is best for their area. They will be able to respect and give views and, ultimately, to make a local, democratic decision on any planning application. Such circumstances weaken the argument for third-party appeals. I think that to go down the route of third-party appeals at this stage, in a situation that is untested as regards planning, would be potentially disastrous for Northern Ireland. It would overburden the system. Instead of ensuring that planning was fairer and more focused, it would lengthen the process and potentially make it less fair, consequently —

4.45 pm

Mr McCarthy: Will the Member give way?

Mr Weir: I am happy to give way to Mr McCarthy.

Mr McCarthy: I have listened attentively to what has been said. Does the Member not agree that there is certain disadvantage to the objectors? Hundreds of people may object to plans, for instance, to infill a quarry with inert material, and those are really dedicated people who are against what is being proposed. The developer has the opportunity to take it the full hog. Yet, when the proposal is approved by the Planning Service, the objectors do not have anywhere to take their case. That is unfair, and there is an inequality. Is there no sympathy in what the Member is saying for those people? Many objectors are good, genuine people.

Mr Weir: I do not doubt the genuineness of the people. The whole point is that any member of the community will have their opportunity at the front-loaded community involvement stage. If we were cutting out the community altogether —

Ms Lo: Will the Member give way?

Mr Weir: I will finish the point that has been raised, and then I will be happy to give way to the Member.

A planning application should be judged on its merits, not on whether there is one person against it or 100 people against it. The volume of objection should not be taken into account.

I return to the point about weighing up the arguments that are used. The people who will be making decisions on applications in the future will be councillors. It will be people such as Alderman McCarthy and me. I am sure that Kieran McCarthy's good sense and that of his colleagues means that he would have absolute faith in those people. If we are placing the decision in the hands of people in whom Kieran McCarthy would have complete trust, what have we to worry about? Local, democratically elected councillors will be taking the decision. If Mr McCarthy has no faith in his colleagues, that is perhaps a sad day. I see him shaking his head in response to my comment. He clearly does have faith. That will be able to weigh in what the community is saying. I am now happy to give way to Ms Lo.

Ms Lo: I listened carefully to Mr Weir, and I hope to set out my argument later in my deliberations. Mr Weir kept mentioning the front-loading of consultation. However, the third-party appeals are limited to major developments; the other developments would not involve pre-consultation with the community.

Mr Weir: The Member is not a member of the Environment Committee, so I appreciate that she has not gone through the discussions. The idea is that councils would structure the consultations in such a way that they would take on board the opinions of the community on any application. In that sense, there would be an open door. Consultation would not just take place on the broad development plans or the major applications. Rather, there would be consultation on broad development in totality, so development control would also form part of the process. Additionally, as I said, those democratically elected by the entire community would ultimately be the decision-makers.

As with all groups of amendments, some in group 3 will add greatly to the Bill, and I have greater concern about some others. I am happy to leave my comments on the group 3 amendments there and listen to the rest of the debate.

Mr Kinahan: I am pleased to speak on the group 3 amendments, which deal with planning control. I will go through them in chronological order.

Amendment Nos 19, 26 and 27 are technical, and I welcome them. Amendment No 20, which we have just been discussing, seeks to introduce third-party appeals. I have a lot of sympathy for that amendment, as do the mass of the public. I am extremely disappointed that a petition of concern has been submitted in respect of that amendment, because that is the wrong way to deal with a matter of that type. A petition of concern should be used only for something that is sectarian. In a way, those who submitted it are trying to steamroller the amendment because they know that they will not win the argument.

There is a strong move out there towards third-party appeals. I understand the argument on the front-loading of consultation. It will be hard, however, to get across to the public that there should never be a need for a third-party appeal if councils carry out a proper survey, produce a good local development plan, include the community and go through all the right stages. We ask for a belt-and-braces approach. From the debates on the earlier groups of amendments, we know that the legislation will be constantly under review, and we will have a review within three years.

We need checks and balances. That is not a reflection on fellow councillors, but having been a councillor, I know that decisions are not always taken in the right way because lots of pressures are put on people. I will support amendment No 20, but I want the Minister to look at it, because the use of a third-party appeal should be an exception. There must be a tight limit on third-party appeals so that they do not slow up the planning process. Amendment No 20 starts the discussion, and maybe we need to have it tightened for Further Consideration Stage.

We thoroughly agree with amendment No 21. I am slightly stymied by the English in amendment No 34 and would love clarification on it. As I understand it, it means that we can have a conservation area that does not have a building or any development on it. I would like clarification, because the double negative rather throws me.

Amendment No 41, tabled by the Alliance Party, removes the words "dead or dying trees" from clause 121. That has always concerned me,

because every growing tree is nearing its death and is, therefore, dying. When tree surgeons are asked about a tree, if it suits them, the tree will be dying or ill, and they will fell it. Keeping that in mind throughout, we should support the amendment, because it allows dead or dying trees to remain subject to tree protection orders. However, we need to find some way of dealing with them if they are dangerous. I hesitate to throw out suggestions at this late stage, but the Bill has come at us quickly. Maybe we need a body similar to the Historic Buildings Council, which deals with listed buildings. Such an organisation could deal with trees, look at them and give a fair judgement on whether a tree is really dying and whether it needs to be felled or pollarded.

The Ulster Unionist Party supports amendment No 41.

Amendment No 62 deals with compensation to councils. I thoroughly agree with the Committee and support that amendment. Amendment Nos 71, 72 and 77 are extremely welcome.

Amendment No 99 adds “tree preservation orders”. It is absolutely vital to get councils to keep registers of tree preservation orders, and it is also vital that councillors are kept informed, so that they know which trees in their patch are on the register of tree preservation orders. As part of the survey that councils will have to do, I encourage them to concentrate on all the special trees in their area and to put tree preservation orders in place wherever they are needed, instead of just in the one or two locations where somebody has raised an issue, as happens at the moment.

As regards amendment No 104, I totally support the Committee’s wish to bring forward Part 3 to affirmative resolution in the Assembly, and I am pleased to hear that the Minister supports it, as it is essential that we get RPA and the local government reform in place before that happens.

I am not going to move amendment No 105, but my concern, and that of many councillors, is that so much is being thrown at councils that a massive cost will be incurred. The Minister has promised pilot studies and many other matters. However, I am concerned that things will be thrown at councils, and I wanted to include that, as in amendment No 104. I am not going to move it this time but will, perhaps, look at it in a different form at the next stage.

I am pleased that the Committee Chairperson supports amendment No 106, as, I think, do all Members. As I said before, I am concerned that, in the lull before the Bill is passed, anyone could fell trees or knock down historic buildings. I am sure that all Members have stories. I can think of a line of Victorian houses in Ballycastle that were damaged by a fire one weekend, and, by the end of the weekend, the whole terrace had been pulled down. I want to see that practice stopped. By agreeing amendment No 106, I hope that that will take place from the moment of Royal Assent, subject to the legal side being sorted out. I am also asking the Minister to look at a way — whether it is retrospective or whether something else can be brought in — to bring it forward to today, so that, from today, anyone who pulls down a historic building or cuts down a tree that has been preserved will be punished by the fines that we have put in place. I urge the Minister to see whether he can find a way of putting that in. Therefore, even if it is six or eight weeks until Royal Assent, the more scurrilous people will not be able to pull down our trees.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. In supporting the range of amendments, I will select those that I want to speak on. I have given a lot of thought to amendment No 20, which deals with third-party appeals. I can weigh up and hear both arguments. There is the argument from one side that says that, in order to develop a robust and efficient planning service and local councils that are robust and efficient and deliver on time to the customer or the ratepayer, there must be efficiency. However, there is no reason why that should not be the case. Today, I talked to someone who has quite a substantial project in England, and he anticipates that it will take six weeks from application to determination stage. That is a benchmark that the Department and Planning Service should look at to see how quickly they can move to efficiently process planning applications. With regard to efficiencies that are developed, it is how we do things, as much as what is done that is important.

5.00 pm

I have thought a great deal about third-party appeals. I represent a rural constituency where one is often on the side of the developer, who could be building a single house or a small business. I am not as fully au fait with many of the issues that occur, principally in urban areas,

around objections. Through the endeavours of my colleague at the Environment Committee, I have listened to the objectors especially around Knock and heard a range of objections raised there. Those people, too, are entitled to have their views heard and their cases presented.

I am absolutely honest when I say this: I see the genuinely heartfelt integrity of people who have concerns about how the planning process operates. I was not, by any stretch of the imagination, airbrushing history, as the Minister said, or presenting my own view of it. We have to learn from the excesses of the past and the things that went wrong and get it right this time. If third-party appeals can contribute to that, I fully welcome their role and function.

My one reservation is that, like many in the Chamber, I have been to tribunals and seen situations where people have sought to use a variety of levers, including public representatives, to extract the best they can from a developer — who could be a person with a single-house development — for a sight line or whatever it might be. I can foresee situations where third-party appeal can be used as a lever or a tool for negotiation. We cannot prevent that. However, what legislators and people of great legal wisdom can do is develop criteria for third-party appeals. In that way, they could do what they can to get people justice and underwrite the integrity of the planning process by way of the third-party process while, simultaneously, making sure that abuses cannot take place using that avenue. It is a challenge, I know, but it has happened elsewhere. It is done elsewhere, and third-party appeals are very much the norm in a robust, transparent and fair planning system. I stand in favour of third-party appeals, and my party colleagues will speak in favour of them.

I regret that a petition of concern has been raised against that. Mr Kinahan referred to it earlier. It is very unfortunate that a lever or mechanism that was built into the political process of this Assembly for other purposes is to be used to nobble something that could serve a wider system of justice for people who make third-party appeals. However, Members have chosen to do that and they have a right and an entitlement to take that route.

I spoke on amendment No 21 in Committee. It introduces a new clause that restricts the information that can be presented at an appeal;

or, rather than restrict, it clarifies what information can be presented. That, too, is very important. Those Members who have attended planning appeals have seen situations where someone may be suffering from a condition yet to be diagnosed or awaiting further information or evidence of a medical nature that might be crucially important. Such information could prove to be the linchpin in presenting a case and in winning an appeal for a person who may require a house or dwelling for special needs, as mitigating medical circumstances would be taken into account. Amendment No 21 represents a fair recognition of people's rights and entitlements and the difficult circumstances that some people find themselves in, whereby they require an application for planning to be approved.

Likewise, amendment No 62 is important, although for a different reason. Councils are not liable to pay compensation in cases where other agencies may not have been up to the mark in delivering evidence or information material on a planning application that could have swung the decision one way or another.

That may have consequences for a refusal or, indeed, an approval, because the information, had it been up to speed, received in time, adapted or improved, could have swung that decision one way or the other. If that is external to the council, that council should not be held liable for it.

Amendment No 102 is obviously consequential to amendment No 20, but is important in its own right. Nevertheless, there is no need for me to recite again why that is the case. Amendment No 104, on which I appreciate Members' input, is extremely important. As I said at the start of the debate, the sequence of events involving the reform of local government, the review of public administration and everything that goes with that should have taken place before the Planning Bill came about or should have at least run in parallel with that. Instead, we have a situation where the reform of local government has still to be completed, where the safeguards, checks and balances have yet to be delivered, and where those have yet to manifest themselves, in whatever form, on paper for us to consider them. However, we are still tearing away with a Planning Bill that everybody knows is being presented simply because the Executive want to establish themselves and to show that they are beginning to deliver, albeit after three and a half years when they were not exactly

delivering. The amendment is vital because it ties in the reform of local government with —

The Minister of the Environment: Will the Member give way?

Mr McGlone: Certainly.

The Minister of the Environment: Does the Member accept that the Executive have delivered twice as much legislation as the one that was in power between 1998 and 2003, when his party was one of the largest at the polls?

Mr McGlone: I accept that, as well as the fact that his party was instrumental in trying to pull down that Executive. We are talking about building the future, and that is what the planning is all about. Nonetheless, I thank the Minister for his comment.

Amendment No 104 is vital because it ties in one with the other, and one cannot progress without the other. The SDLP believes that that is important. I realise why Mr Kinahan tabled amendment 106, and the SDLP is open to the suggestion that he makes. We thank him for that.

Ms Lo: I will speak on five amendments in group 3 and will start with amendment Nos 20 and 102, on third-party appeal. Like others who spoke before me, I am completely disgusted by the DUP's use of the petition of concern. The amendments will benefit all sections of our community. This is not a contentious issue between the two major communities, so for the DUP to try to veto the amendment is a total abuse of power.

As an MLA for South Belfast for the past four years, I have supported many residents and residents' associations in their dealings with the Planning Service. The majority of those residents have told me that they have endured serious detrimental effects in their residential and conservation areas for many years because of inappropriate development and the cumulative effect of piecemeal development projects. Furthermore, some streets are now blighted by abandoned properties with overgrown gardens bought before the collapse of the housing market. There is a great sense of anger and frustration that the planning system is always in favour of the developer, and although the developer can appeal against a decision, residents have no such right of appeal.

The issue of third-party appeal attracted a large number of responses to the planning reform

consultation, with strong views for and against its introduction.

Of those who supported the introduction of third-party appeals (TPA), many indicated that it should be a limited or restricted right to avoid vexatious challenges. Some respondents see third-party appeals as a fundamental part of a reformed planning system that is fair and accessible to all, based on principles of equality and genuine engagement. However, those against the introduction of such rights stated that, with the proposed front-loading system of pre-application community consultation, there is no need for third-party appeals, as Mr Weir advocated earlier. Some were concerned that that could cause further delays in the already slow and inefficient system. However, our amendment reflects the fact that many stakeholders called for the introduction of TPA.

We recognise that the Department has decided that further consideration of third-party appeals should be deferred until the extensive changes to the planning system and the implementation of the review of public administration (RPA) have bedded down and are working effectively. However, nobody knows whether that will or will not happen. Even if it is going to happen, it could be a long time in the future before it does. People would like some reassurance now that third-party appeals are going to be included in the Bill to give a degree of certainty.

It is important to stress that the amendment does not provide for the immediate introduction of TPA in Northern Ireland. Rather, it is an enabling clause that would allow TPA to be brought forward by the Department in an appropriate manner within an appropriate timescale with, as Mr Patsy McGlone said, criteria attached to that.

We fully understand the need for caution in introducing third-party appeals to balance the right of individuals and other third parties against the need for progress and development, especially at this time of economic uncertainty. The fact that this is enabling legislation means that the Department and the Assembly could ensure that the system of TPA introduced in Northern Ireland is developed to make sure that the bar for appeal is set at an appropriate level and conditions are in place to prevent the planning process becoming hostage to frivolous or vexatious appeals. Final regulations would

have to be brought before the Assembly for affirmative resolution.

We believe that there are many good reasons to provide a limited third-party right of appeal. It would provide an incentive for developers to undertake genuine participation and meaningful pre-application consultation. The public and communities would then feel that their comments were being given proper consideration in pre-application consultations. Planning authorities would be more inclined to get their decisions right in the first place.

Evidence from the Republic of Ireland shows that 99.3% of third-party appeals in 2008 were wholly or partially successful. That refutes claims that third-party appeals are frivolous and supports the view that, over time, they improve decision-making by planners.

Developers have a right of appeal through which they influence how policy is interpreted by establishing precedence. The public do not have that opportunity. That creates a sense of unfairness, which can be removed only either by abolishing appeals or by allowing third parties a limited right of appeal. That would make planning authorities as accountable for their approvals as they currently are for their refusals.

5.15 pm

People seeking to exercise the right to a third-party appeal should demonstrate the soundness of their case so that it is not a free-for-all. The soundness test should include showing that the appeal is in line with planning policies, including the development plan, and that it is not being made for financial or commercial gain.

A number of proposed measures might mitigate the potential abuse of appeals. Those include the introduction of a levy fee, although a balance is required so as not to restrict totally, or restrict unfairly, access; the introduction of qualifying criteria, such as that the third party must have made an observation to the original planning application; the possible exclusion of major infrastructure; the setting of restricted timescales for appeal decisions so as not to delay the process; and an ongoing audit of the system. We will perhaps need a number of years to ascertain the success of the system.

The Planning Appeals Commission shall have absolute discretion to dismiss an appeal when it is of the opinion that the appeal is vexatious,

frivolous or without substance, made with the sole intention of delaying the development or is not based on sound planning grounds.

We need to balance the need for economic growth and the rights of individuals who are affected by the planned development. Those people have to live beside the new developments, which might blight their quality of life, shadow their gardens and look into their bedrooms or bathrooms. We want a planning system that is accountable, transparent and equitable. Therefore, it is important that we include a third-party right of appeal.

The Alliance Party also has three amendments that concern trees. Amendment No 34 calls for areas to be made conservation areas in respect of planning, even if there are no buildings in that area. An area with an important historic landscape could be made a conservation area for planning purposes. Areas thick with tree cover could also be considered as conservation areas. I will be interested to hear the Minister's comments on that. If he can convince us that amendment No 34 is not necessary, we may not move it.

Amendment No 41 changes the current wording of the Bill that states that dead or dying trees, or those that may be dangerous, can be felled even if a tree preservation order is in place. The removal of the phrase "dying or dead" will mean that only dangerous trees can be felled if a tree preservation order is in place. The key consideration must be whether a tree is dangerous or not. Whether it is dead or dying is immaterial. Indeed, we believe that even dead or dying trees can play a useful role in the ecosystem by providing a habitat. Furthermore, there is a lack of clarity about what exactly is understood by the word "dying". It can be a broad category. The Woodland Trust categorises trees as dying when their annual growth rings start to decrease in size. However, an oak tree could be considered to be in that dying phase for up to 400 years. Removal of the reference to "dying or dead" would also bring Northern Ireland into line with practice in the rest of the UK.

Amendment No 99 simply adds tree preservation orders in each council area to the list of things of which councils must keep a database.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. Sinn Féin supports amendment No 20, which would mean that regulations can be made to allow third parties to

appeal planning decisions. That is the only way to make the planning system fair for all citizens and remove the bias in favour of developers. I spoke about that earlier. There needs to be a system that is tightly time framed, with a quick turnaround. Other Members spoke earlier about creating a logjam in the system.

It is unfair to use the petition of concern mechanism, as it was not designed to be used in instances such as this. I think it does the House an injustice to use it in such a manner, because planning impacts on all communities. We should be mature enough to have the debate. I will not waste a lot of time on these matters, because there is a snowball's chance in hell of getting the amendment through.

Mr Weir: The Member may well be underestimating his powers of persuasion and argument. No vote has taken place, and I am sure that if the Member presents an utterly convincing argument the Members on these Benches could be persuaded.

Mr W Clarke: I would not like to look at my odds for that.

The system that we are designing is front-loading. We are looking at community involvement and community planning. The system should work a lot better than it does at present. Communities have to take a leap of faith; the Members to my left outlined the difficulties that individuals have in dealing with developers. I ask the Minister to have a review after three years, as we talked about earlier. Maybe he could commit to including, in a review, a consultation on third-party appeals as an appropriate option. If everything works in the way that we are led to believe it will work, and if the front-loading system will resolve the problem, then carrying out a consultation should quite clearly show that the system is working fine. It will be interesting to hear what the Minister has to say on that matter.

Sinn Féin supports amendment Nos 71 and 72, which allow the Planning Appeals Commission to award costs where it is felt that an appeal has been made in a frivolous manner. I welcome that. I support amendment No 77, which deals with retrospective applications following enforcement proceedings being subject to councils being allowed to impose extra charges. As the Minister said, that will act as an incentive to follow proper planning processes.

I understand that amendment No 34, which was tabled by the Alliance Party, is a probing amendment. It certainly probed my thoughts, because I was not really sure what it was about. Is it intended to designate a buffer zone in and around a conservation area or a historic site or what used to be historic woodland? I was not clear about it.

I support amendment No 41, which removes dead or dying trees from the exemption under tree preservation orders in clause 121. I just needed clarity on the health and safety aspects, particularly in relation to decaying trees in public parks or those that may fall on people in their homes or in their cars.

Mr T Clarke: If I picked the Member up right, he said that he is accepting the argument about dead or dying trees. If he does so, how can he have concerns about people being in danger from trees in public parks? If the trees are dead, they are a danger. Surely, dying and dead trees should be included.

Mr W Clarke: I do not accept that. A dead or dying oak tree could take 100 years to fall. It would still be robust. It is a bit like human beings; as soon as we are born, we are dying. As soon as the tree starts to grow, it is on its way to dying. There are trees in Donard Park in Newcastle that are a couple of hundred years old and have been dying for about 100 years. I do not buy into what the Member said.

Amendment No 99 is sensible. It requires councils to include information relating to tree preservation orders in their planning register. That is best practice and common sense.

Sinn Féin strongly supports amendment No 104, which will offer reassurances to communities and minorities. Planning powers were taken from councils because of abuse of powers, and discrimination was rife. I will not get into historical debates or lectures, but it is very important to have checks and balances in place before powers can be handed over to local authorities. This is a very sensible amendment.

I also support amendment No 106 and agree with the Member who proposed it. Historical buildings and woodlands could be cleared away overnight, and I think the amendment is a sensible precaution.

Mr Savage: A lot has been said today about planning regulations, but the amendments in

group 3 refer to planning control. Amendment No 20 amends clause 58 and requires the Department to provide regulations allowing persons other than the applicant to appeal a decision. It is also useful to note at this point that the Environment Committee did not discuss third-party rights of appeal during Committee Stage. However, in light of the issues raised in this proposed amendment and amendment No 102, I and my party are happy to support them.

However, I note with amazement —

Mr T Clarke: If, by some miracle, the amendments on third-party appeals are accepted, what will the Member's opinion be if one of his constituents applies for planning permission for a bungalow close to him and goes through the proper process, but another neighbour decides that he should not be building there because they just do not want him there and decides to take a third-party appeal against that permission?

Mr Savage: Thank you.

Amendment No 21 introduces a new clause restricting the information that can be presented in an appeal. In most cases, it is right and proper that new information is brought forward only if it is necessary, expedient and applicable.

Amendment No 41 amends clause 121 to remove dead or dying trees from the exemptions under tree preservation orders. I welcome that amendment. It has been supported by the Woodland Trust and will help bring Northern Ireland into line with best practice in the UK.

Amendment No 62 introduces a new clause to ensure that councils are not liable to compensation if they made a decision on a planning application that will later have to be revoked as a result of information being made available by a statutory consultee that had failed to provide it within the original deadline. The amendment is most welcome because it protects councils from a problem not of their own making and transfers liabilities, and, therefore, associated costs to the statutory consultee that failed in its duties in the first instance.

Amendment No 77 amends clause 219 to allow for fees charged for retrospective applications to be higher than those for an ordinary application. I welcome that amendment, as it gives applicants an incentive to get things right first time and to conduct their planning applications in a wholly appropriate manner.

Amendment No 99 amends clause 237 to require councils to include information relating to tree preservation orders in their planning register. I welcome the amendment, as I think that it is good practice. I also welcome the amendment proposed by my party colleague and fellow Committee member Danny Kinahan that ensures that any commencement orders for parts 2 and 3 of the Bill cannot be laid without being affirmed by the Assembly. That was agreed by the Environment Committee as a means of ensuring planning control functions could not pass to councils until the Assembly was content that the necessary checks and balances were in place at council level. It is designed to provide a mechanism —

5.30 pm

Mr Weir: I thank the Member for giving way. Mr Kinahan stated that he will not move that amendment. The Part 3 element is in amendment No 104, which was agreed by the Environment Committee and which, I think, will be supported. However, there was no particular agreement on Part 2, which is also in Mr Kinahan's amendment. That is where the difference lies.

Mr Savage: I thank Mr Weir for that intervention. The amendment is designed to provide a mechanism to allow the Assembly to be satisfied that central government has provided the necessary resources and capacity before councils are required to prepare local development plans.

Amendment No 106 will amend clause 247 to ensure that clauses 84 and 125 come into operation as soon as the Bill becomes law. The amendment is designed to reduce the time between higher fines being agreed in the Bill and their coming into force. That will minimise the opportunity and/or incentive for wilful damage to trees and listed buildings.

I am content to support all the amendments in the third group. I know that there has been a lot of talk today and concerns about what has been going on, but we have to move the system forward and bring ourselves into the twenty-first century.

Mr Deputy Speaker: I call Mr John Dallat.

The Minister of the Environment: Hear, hear.

Mr Dallat: I welcome the cheer from the far side of the Chamber. No doubt there are

high expectations of what I might say. I thank the planning officials, who were extremely constructive in the help that they gave to the Committee. I acknowledge that freely.

The vast majority of people whom I have met in my lifetime are honest and submit their planning applications properly. When they do not get it right, they accept the planners' advice. There are, however, a few people who are morally corrupt, if I may use that term. That is what the safeguards are about. The third-party appeal issue, which has attracted the petition of concern, would apply to only a very small number of cases where whole communities have been affected by perhaps one major planning application. My colleague Patsy McGlone mentioned Knock Golf Club. Perhaps we should not focus on one particular case, but I am extremely proud that I saved the trees in that club. I hope that, every time the Minister drives past it, he will appreciate that there is sometimes a need for us to go outside our constituencies. That was something else that he was critical of.

I see no reason why third-party appeals are not possible. If as much thought was put in to the Planning Bill as was put in to how to conduct third-party appeals, there would not be a problem. I hope that, given that we are told that this is a living document, this opportunity is not closed down. I also hope that, at some time in the near future, some Minister — whoever it is — will take seriously the enormous number of people who gave evidence to the Committee and submitted their opinions about the right to a third-party appeal.

I come from a rural area where that is not a big issue. However, I belonged to a bigger council for more than 30 years, so I saw what happened in the coastal area where there was no opportunity for appeals. The whole heritage of the place was pulled down, and the healthiest of trees became diseased overnight. That could be called "the chainsaw society". The people involved in such activity need to be held accountable for what they do, and a third-party appeal is one democratic way to do that. I am surprised that a party that has "Democratic" in its title is so opposed to third-party appeals. That is unfortunate.

Generally speaking, we should be able to face a future in which planning legislation does not need a petition of concern presented,

because we will perhaps begin to trust each other. However, that must be demonstrated. I am talking now about amendment No 21, which illustrates that we have yet to agree what mechanism local councils will have to protect people against the kind of abuses that happened in the distant past. I know that my colleague was criticised for daring to even mention times past. However, we lived through that era and would like to pass on to a new generation our advice on how things can be done differently rather than be repeated. Let us hope that common sense will prevail and that the general public will have some kind of ownership of planning.

Finally, amendment No 21 restricts the information that can be put into a planning appeal. I suggest that a serious look should be taken at information put into the planning application in the first place. My recent experience, particularly with the Knock golf course case, was that letters of support came from people in public life making the most outrageous claims about planning applications. Such claims included that local councils had supported the application, jobs would be created and community associations would benefit. As the Chairman knows, we discussed that at the Committee meeting, and we got an assurance from the planners that those concerns can be accommodated as the Planning Bill makes its way to becoming the final product. I hope that that will create a better society and one in which people can have confidence, particularly the communities that have been so adversely affected by really bad planning approvals in the past, some at ministerial level and others at a bit more of a local level.

Mr B Wilson: I will deal first with third-party appeals. In my election campaign, I said that, if I was elected to the Assembly, I would promote third-party appeals. Therefore, I welcome this amendment. However, I now see that, because of the petition of concern, my vote on the issue becomes irrelevant. Not only is my vote irrelevant, but the people who voted for me who wanted to introduce third-party appeals are totally disenfranchised on this issue, which is a total abuse of the Assembly.

That said, the Green Party supports limited third-party appeals. There is a widespread public perception that there is a bias in the Planning Service in favour of developers. Many residents feel frustrated and have lost confidence in

the planning system. Time after time, local community groups get together to oppose developments and their views are ignored. Recently, a development in Bangor involved knocking down a Victorian house and replacing it with an apartment block. That was opposed by all the residents, residents' groups and, in fact, unanimously by the council.

Mr Weir: I thank the Member for giving way. Does he acknowledge that there would be no need for a third-party appeal in those circumstances? The Bill envisages that planning decisions will be passed to councils. As the Member rightly said, the council unanimously opposed that development, so it would have been rejected by the council. Therefore, there would not have been a supported planning decision against which to appeal.

Mr B Wilson: I thank the Member for his intervention. I was going to make the point that that would not apply when planning powers are given to councils.

Nevertheless, it still does not resolve the problem of local residents being totally opposed to it. Members suggested that the problem could be resolved by front-loading the system and by pre-consultations. That is only partly true, because most applications will not be submitted for pre-consultation; only major planning applications will be. We have faith in pre-consultations leading to the Planning Service taking the correct decision. However, if the service cannot get turning down an application wrong, it should not be able to get an approval wrong. We should have a level playing field; if applicants can appeal, objectors should also be able to.

As Ms Lo pointed out, there must be safeguards to prevent abuse and vexatious or frivolous applications. However, given the expertise in the Planning Service, I am sure that it could devise an appeals system that is acceptable to the community as a whole, while ensuring that beneficial developments go ahead without significant delay. The appeals system in the Irish Republic seems to work, so I see no reason why a similar system should not work here.

I shall move on to welcome —

The Minister of the Environment: Will the Member give way?

Mr B Wilson: Sure.

The Minister of the Environment: Is the Member suggesting that the Republic of Ireland is an exemplar of good planning?

Mr B Wilson: I did not suggest that at all, but people there seem to be happier with their planning system, although I will not go into that, because if you scrutinise other aspects of the planning system there, you will find problems. However, as far as the Planning Appeals Commission and third-party appeals are concerned, the part of the system that deals with such matters there seems to work OK.

I welcome amendment No 21. Having, like other Members, represented residents at Planning Appeals Commission meetings, I have found that developers tend to come in at the last minute with totally new proposals, and objectors have no opportunity, or perhaps they do not have the expertise, to consider them. That is totally unacceptable.

I welcome amendment No 62, which would mean that councils would be liable for delays caused by others failing to produce information on time. That is totally unfair on councils.

On the removal of dead or dying trees that are subject to a TPO, the most common problem is that perfectly healthy trees suddenly develop a disease because somebody wants to build a house. When somebody puts in a planning application, trees immediately become diseased. It happens all the time. I am concerned that the power to cut down dying trees will be used to get round the planning laws. TPOs are often put on trees or places designated as conservation areas; however, having been protected, trees suddenly develop some strange illness. As other Members pointed out, trees often have illnesses from the day they start to grow. In that sense, it takes them hundreds of years to die. Therefore, trees that are dying anyway generally pose no significant danger to the population.

In some cases they are, but the vast majority of trees affected by those planning applications would have lived. They may have been dying, but they could still have lived for another 100 years. It is amazing how many tree surgeons can confirm that every tree that a developer asks them to look at is in the process of dying. It is part of the planning process. TPOs give very little protection to trees, and we give should them further protection and exclude situations in which dying trees can be cut down because,

again, it depends on the definition of “dying”. They provide habitat for wildlife and perhaps have a particular presence in a conservation area. It is a shame that, just because somebody wants to develop, they cut the trees down.

5.45 pm

I also support amendment No 99, whereby the council has to register TPOs. At present, the public have a problem in that, if they see a tree that may be under threat from development or feel that it is a prominent tree that they want to preserve, they do not know whether there is a TPO on it and do not really know how to find out. If the council kept a register, the public would be able to check that. That would also enable the public to ensure that people do not cut down trees that have TPOs. At the moment, if someone cuts down a tree, a member of the public might say that that tree should have a TPO. However, they do not know whether it does and, therefore, cannot take action. Therefore, the register that will be retained by the council will be very useful in helping residents to make that decision and to, perhaps, apply for a TPO. I support the other amendments.

Mr McDevitt: I want to take the opportunity to pay tribute to my colleagues on the Environment Committee, which I do not sit on. I know that the Chairperson, the Deputy Chairperson and all MLAs on that Committee have had an extraordinarily busy period, and, under huge pressure, they have done the Assembly a great service over that time. That needs to be said.

I rise to speak because I am an MLA for South Belfast. Amendment No 20 is one that I and, I believe, Alex Maskey, Dr McDonnell and Mr McGimpsey would have really loved to have added our names to. Because of time constraints, that did not happen, and Ms Lo opted for the comfort of her colleagues in the Alliance Party. However, we support the amendment nonetheless, and it reflects entirely the wishes and desires of the representatives of residents in our part of this city. I believe that the amendment is on the Marshalled List because people want it to be there. Those people have, for many years, been at the wrong end of bad decisions that have blighted our communities, left lasting scars and, in some instances, caused considerable unrest. We still have to live with the consequences of those decisions today.

The Holylands is a case in point. The Minister may or may not be familiar with that area. If he is not, I invite him to join us there on St Patrick's Day. If he chooses to take us up on that invitation, he will see what bad planning decisions really mean. He will see what happens when communities become entirely disenfranchised and when the voice of the few begins to count more than that of the many.

I really struggle to understand what the problem could possibly be with an amendment that provides an enabling power. It does not actually technically make new law. It just enables new law to be possibly made in the future by the Minister. Where is the threat in that? It is certainly not threatening to the Minister or to his integrity. It is not threatening to his stated policy position. It is not threatening to anyone's manifesto commitments, because it is only an enabling power. It is certainly not threatening to communities. It is not threatening to democracy or due process, because, of course, the regulations that would be required to enable the power would need to be properly consulted on and would receive scrutiny in Committee.

It is maybe threatening to a few, a tiny minority of people with a narrow vested interest in making a lot of money on the backs of residents and communities and people who have sought to build lives in cities. Ironically, cities are places that, as it says in the regional development strategy and on the Minister's website, we want to reinvigorate and restore to their former glory. They are places where we want to promote communities and encourage families to live, so where is the threat in an amendment that provides an enabling power? I would appreciate an intervention if the Minister or his DUP colleagues could clarify that.

It gets even more worrying that there is a petition of concern on an amendment that does nothing more than introduce an enabling power. What is possibly of threat to the unionist community in an amendment that is one line long and which gives the Minister the power to make the law? How does that, in any way, fulfil the purpose for which the petition of concern was created?

It is clear that, in this House, the DUP is a minority in opposing the amendment. Colleagues in the Ulster Unionist Party support it. The Alliance Party, obviously, supports it. The SDLP, Sinn Féin and the Green Party support it,

yet a tiny minority of people, who represent less than one in three of the population, are abusing a technical power that was designed for an entirely different purpose. It is awfully ironic that they are choosing to do so on legislation that is aimed at returning powers to councils. Those powers were taken away from councils because, at a time in our not-so-distant history, a small number of people chose to abuse the powers that were in their hands.

Mr Ross: The Member is making much of the petition of concern. Is he now developing the argument that we should get rid of the ugly scaffolding of the Belfast Agreement and reform the structures to change all of that?

Mr McDevitt: I thank Mr Ross for his concern. It was a good attempt, Mr Ross. The answer is no, and here is why. The safeguards —

Mr Deputy Speaker: Order.

Mr McDevitt: I will return to the amendment, Mr Deputy Speaker.

Mr Deputy Speaker: I remind Members to address the amendments that are before us.

Mr McDevitt: The amendment before us could not possibly, in anyone's mind, be argued to be controversial from a community perspective. That is the issue. There is no way that anyone could possibly argue that the amendment would have a detrimental impact on one community or the other. It just would not work out that way. There is a reason for those mechanisms. They are for occasions when decisions could be taken by the House that could be perceived to have an impact on one community or another; and those occasions do arise. The amendment deserves to be decided on democratically. The amendment deserves to be agreed or disagreed to by vote of a majority or a minority in the House. It is not an amendment that qualifies in your wildest of dreams for a petition of concern, except if you just happen to have the numbers to move it.

I go back to the point of why we need the amendment. We need this amendment because it is common sense to allow society a last backstop against bad decisions. It is interesting to note that where third-party rights of appeal exist, there are no huge delays in the planning system. It is worth noting that, across these islands, they do not lead, as Members mentioned, to massive backlogs, the clogging

up of systems and spurious applications. When they are put in place, they are rightly designed in a way that makes sure that there are no opportunities for highly dodgy, spurious or dubious appeals. It is ironic that we are trying to give the Minister and his officials the power to make the best possible regulation. We are not trying to specify or determine. We are just saying that he should do the best that he can in the time that is available to him.

If Mr Weir's express sentiment earlier was that he wished to have an honest debate on the issue and that he remained to be convinced, I respectfully suggest that he reflect on the amendment. It is an enabling amendment. It is not threatening, determining or specific. It simply indicates that we wish to allow ordinary people to be given the opportunity to have an appeal. If that is threatening to him, we are in a much worse place than any of us thought we were in. If he is serious about hearing this argument, I strongly request that the petition of concern be withdrawn and the democratic will of the House be heard.

The Minister of the Environment: I was waiting for Mr McDevitt to continue and to deal with some other issues, but he seemed to run out of steam on this occasion.

Mr Weir: I noticed that Mr McDevitt spoke for less than 15 minutes. If Norris McWhirter were still alive, we could call the Guinness Book of Records.

The Minister of the Environment: We have done a good thing in this debate today if we have restricted Mr McDevitt to 15 minutes. I think that we should congratulate ourselves on that success story.

Members raised a range of issues, but the two key issues that were raised related to the amendment around dead or dying trees and third-party appeals. First, I will deal with the issue of dead or dying trees. At this point, I encourage Members not to move the amendment and to wait until Further Consideration Stage to move it. I would like to consult the Attorney General and the Departmental Solicitor's Office to see the consequence of it, as I have some concerns. There is a fundamental difference between a dead tree and a dying tree. A number of Members made the point that an oak tree can be dying for a considerable time. Therefore, although it may not be in the best of health,

it does not pose a particular danger to any property. On the other hand, a dead tree can pose a danger to people. We need to get some legal background on this issue before we go ahead and make legislation.

I find it a little ironic that, yesterday, Mr Lyttle wanted to include trees as well as hedges in the High Hedges Bill so that they could be removed. That included deciduous trees, not just leylandii types, which the Bill was aimed at dealing with. Therefore, we have some concerns that the Alliance Party was looking for the removal of trees yesterday, yet today it is looking to protect dead trees.

6.00 pm

Mr McGlone: At this stage, I am not sure whether we need an arborist or someone from 'CSI' to determine whether a tree is dead or dying. However, at this point in time, does the Minister accept that the debate has become a wee bit surreal? I am not sure whether you would get anyone at the Attorney General's office or the DSO to determine whether a tree is dead or dying. Certainly, it would prove difficult. In fact, I am sure that if anyone is listening to the debate, they will find that it moves from one level of surreality to another.

The Minister of the Environment: With respect, Mr Deputy Speaker, I did not introduce the issue. It was not me who pointed out that dying trees can continue for many years. However, if a tree is dead — the leaves are not growing and the bark is coming off — and the Assembly decides that that tree still warrants protection, we would be in danger of being a laughing stock. I think that the Member was actually supporting that amendment. Therefore, the joke was on him.

Dr Farry: I appreciate the Minister's giving way. Although I missed most of that, I caught the drift.

Mr McGlone: *[Interruption.]*

Dr Farry: Very good, guys. *[Laughter.]*

Surely, the key consideration is whether a tree is dangerous. If it is dangerous, whether it is alive or dead is immaterial; it should come down in those circumstances. Even if a tree is dead but is not dangerous, it is still of value to the ecosystem and habitat. Indeed, we talk about a tree dying — a big oak tree, for example, can actually be dying for up to 400 years.

The Minister of the Environment: As regards a dead tree being valuable, there is little value in a dead standing tree. The Member may believe that to be the case, and that, as a consequence, other decisions cannot be taken. I do not believe that we should go down that route.

Mr Kinahan: Does the Minister not agree that when a tree is dead and, possibly, not dangerous, an entire ecosystem survives on it, from bugs and birds to everything else? That is why it is important.

The Minister of the Environment: In fact, the ecosystem and the bugs that Mr Kinahan refers to could actually still survive in the tree if it was not standing. If the dead tree were cut down, the ecosystem that he refers to would still enjoy it. Several other trees could be planted in its place. To put a protection on a dead tree is, in my opinion, not a good use of the Assembly's time. It appears foolish. However, I encourage people not to make a decision on it until we seek some further advice. The issue is clear: the dead tree could pose a danger to members of the public and to people's property. Therefore, we do not want to rush ahead into legislation without giving adequate thought and consideration to possible pitfalls. There is ample time for further consideration at Further Consideration Stage.

In respect of third-party appeals, quite a number of Members complained about the use of the petition of concern. If those Members, who cross a wide range of parties, want to join the Assembly and Executive Review Committee in dealing with the ugly scaffolding of the Belfast Agreement, we will be happy to dispense with petitions of concern. That will not be an issue. We will not resist getting rid of petitions of concern. However, those who introduced petitions of concern cannot come weeping, wailing and gnashing their teeth when someone uses them and it is not to their liking.

Mr McDevitt: The Minister is a great champion of road safety. I applaud his efforts to try to improve road safety in the region. One debate that he has promoted is the lowering of the threshold for certain substances in a person's blood when he or she is in charge of a vehicle. Does the Minister suggest —

Mr Deputy Speaker: Order. We are not debating the Good Friday Agreement, the transport Bill, or anything else: we are debating the Planning

Bill. Therefore, I ask Members to return to the amendment.

The Minister of the Environment: Thank you, Mr Deputy Speaker. I am happy to deal with the amendment and the issues that were raised as a result of it, which certainly did not relate to road traffic.

As regards third-party appeals, perhaps Members sometimes need to use mechanisms like the petition of concern to save Members from themselves. Even earlier today, there were instances when Members went into a Lobby and, without any thought whatsoever, imposed another burden upon local authorities without even knowing the costs that it would impose on local government.

If certain Members are going to go into decisions ram-stam, and without going through the proper processes and giving them adequate thought, perhaps we should use the mechanism to save them from themselves and prevent them from causing further harm to Northern Ireland plc as a consequence.

Dr Farry: I assure you, Mr Deputy Speaker, that this is entirely on the matter in hand. Does the Minister recognise that all that amendment No 20 is doing is to write the concept of third-party appeals into the legislation and provide an enabling clause for future debate on the subject? The question requires a simple yes or no answer from Members on whether they are in favour of the concept. The detail as to how and if this would be taken forward based on the enabling clause, and on regulations if we want to go down that route, will be a matter for the Department and the next Assembly. Therefore, there are plenty of safety valves in place to ensure that anything put in place will be properly thought through, if that is what a future Assembly wants to do. Today, we are simply enabling the debate to happen.

The Minister of the Environment: It is at times such as this that we miss our old friend Bob McCartney. Perhaps he could have explained how the word “shall” does not leave a lot of flexibility. If the word “may” had been used, the Member would have had a case, but the word “shall” seems pretty clear to me. I suspect that Mr McCartney, were he here, would agree with me on this issue.

Mr A Maskey: Dare I say it; thank God that we do not have Mr McCartney here. If we

did, we would be here until tomorrow night, notwithstanding tonight’s 8.00 pm watershed.

I know that the Minister is resolute in his proposals to front-load the system and, for the sake of protection, does not want to backload it. However, will he consider the experiences that a number of Members have had in their constituencies? Mr McDevitt mentioned the situation in our South Belfast constituency. The experience that many of us have had with the Planning Service over the past number of years is that it almost does not matter what the policy is; there is always a presumption in favour of developers, in particular. A lot of people in our constituency have expressed bad and negative experiences.

If there is confidence that front-loading the system will almost resolve any outstanding problems, why is there such resolute opposition to providing the safeguard of a third-party right of appeal? If the system works as the Minister and the Department intend it to work, surely there would be very little cause or need for the recourse of a third-party right of appeal. In a way, this would give people protection. We know that from our experience.

The Minister of the Environment: I thank the Member for the point that he has made; it was well made. If we were coming at the Bill from the current position of Northern Ireland’s planning system, then a third-party appeal system would make a lot of sense; but we are changing planning in Northern Ireland fundamentally, and that is where the difference lies. First, we are going back to a situation in which democratically elected local people will make decisions. Today, I heard a number of Members refer to planning decisions with which local communities and local authorities disagreed. It will be the local authorities who will be the decision-makers in this piece of legislation.

With respect to the people in the planning office, I do not think that Belfast City Council would have made the decisions relating to the Malone area or to Piney Hills. If councillors had had the overall say, they would not have allowed those decisions to be made. However, councillors did not have the overall say. As a result of this piece of legislation, the councillors — who are accountable to the public — will be making the decisions. We seem to have had the debate about third-party appeals with some sort of glaze over what is happening in

the Bill. It seemed as if we were continuing with the existing planning system, when we are fundamentally and wholly changing it.

I know that Mr McDevitt lived in another jurisdiction for many years and that that jurisdiction has had a third-party appeal system for many years. If Mr McDevitt has come up to Northern Ireland to tell us that he has had a good experience of planning where he lived and that the planning system that we are proposing for Northern Ireland is considerably worse, I would be happy to give way to hear how it is such a better system.

Mr McDevitt: I am grateful to the Minister for giving way. He is, of course, right; I did live in another country for many years. I grew up in the south of Spain, and there is a third-party right of appeal there, which is devolved to local municipalities, where councillors make planning decisions. The Minister will be glad to hear that in that country, which is, indeed, a foreign country, the third-party right of appeal sits alongside a highly devolved planning system, such as the one he envisages.

The Minister needs to reflect on two levels. It is perfectly acceptable that, where there is highly accountable, democratic decision-making in planning, there can still be a third-party right of appeal, and it works exceptionally well. I commend the model to the Minister. When he is no longer Minister and is on his summer holidays, he may want to visit Spain and enjoy the benefits of that system in certain communities where it works.

The Minister of the Environment: I have visited Spain on a number of occasions, and the destruction that is being carried out on the coastline there is even worse than the destruction being carried out in the other foreign country that Mr McDevitt lived in, such as bungalow blight and everything else that has gone on in the Republic of Ireland.

Mr Dallat and others referred to the pre-1973 system. Let me make it absolutely clear that there were considerably fewer complaints about the pre-1973 system than about the current system. What has happened in constituencies such as mine, where period dwellings on the North Circular Road were pulled down and replaced by apartments, has taken place in many parts of south Belfast and in north Down, where we have seen what has happened in the coastal areas. I suspect that if planning had

been under the control of councils, such as Coleraine Borough Council, Belfast City Council, Lisburn City Council, North Down Borough Council or Newry and Mourne District Council, half of the things that developers were able to do would not have happened.

Mr Dallat may wish to criticise what happened before 1973, but I suspect that planning has taken a turn for the worse since then.

Mr McGlone: Will the Member give way?

The Minister of the Environment: I will give way in a moment. I am very glad that this House will be vesting powers back into the hands of the local authorities, which are democratically accountable.

Mr McGlone: I thank the Minister for giving way on that point, but he has taken us into an area. Will he accept that no case of discrimination has been proven against the Planning Service?

The Minister of the Environment: If the Member believes that the planning system in a number of areas was not more lax and lenient than it should have been, he must have cocooned himself in some cave or something for a period. One can look at the lax attitude that was demonstrated in particular areas and the haciendas that were built in those areas, which were wholly inappropriate for the countryside. The Member must have been living somewhere different from the rest of us, because it is quite clear that many poor planning decisions were made in many areas.

Dr Farry: This is an important intervention, hopefully. I bear in mind the comments that the Minister has made. I would hate to fall out with him over a single word: “shall” versus “may”. Given the inevitability that the amendment will fall because of the petition of concern — whether one is for or against such mechanisms — in the event that the amendment is not moved today and a further amendment, potentially on a cross-party basis, is brought back for Further Consideration Stage on the basis of the word “may”, which does not bind any future Minister or Assembly but simply enables it to be discussed, would the Minister and his officials be prepared to reflect on that as a potential way forward?

6.15 pm

The Minister of the Environment: It was not the Minister who lodged the petition of concern; it

was the party to which the Minister belongs. Albeit that it was an important intervention, perhaps unlike some previous ones, I am unable to answer for the party without due consultation with my colleagues.

We have dealt adequately with the fact that councils will make the decisions. The issue of front-loading the system is wholly different from anything heretofore. The expectation is that developers will consult the local community on all major planning applications. If a significant housing development is taking place, developers will need to consult people, work within the context of the planning policy statements on creating places and other documents, and demonstrate to the Planning Service that they have taken any public concerns on board.

(Mr Speaker in the Chair)

Indeed, if developers have not adequately addressed the concerns of the local community, planning authorities could decide to discount a planning application at the outset. Again, that is fundamentally different from anything heretofore. It would be foolish for us to front-load a system and facilitate engagement throughout the decision-making process, only for third-party appeals to roll in thereafter.

I regularly hear complaints that decisions are already inordinately slow in Northern Ireland. Today, some Members propose to make them even slower. I want a more efficient planning system that is more responsive to the needs to the public as well as to those involved in construction. If we want to encourage development and attract investment in Northern Ireland that is desirable and for the public good, we need an efficient planning system that is capable of delivering. The proposal to introduce third-party appeals in conjunction with what the document proposes would result in a lack of flexibility, and we would not achieve the decision-making time frames that would be acceptable to many people.

It was Mr McDevitt who said that third-party appeals worked well on these islands. I am not sure what islands in the British Isles he was referring to. There are third-party appeals in the Republic of Ireland and on the Isle of Man. Perhaps that is the second island to which Mr McDevitt referred. However, third-party appeals are not available on the mainland, which is the other island of which we happen to be an integral part.

The Republic of Ireland has a completely different system of planning from Northern Ireland. In the Republic of Ireland, planning applications are much easier to approve in the first instance. Area plans do not go through the public consultation processes that exist in Northern Ireland, and the third-party appeal in the Republic of Ireland is very much a check and balance on a lax planning system that led to thousands of acres being identified for development. Those areas now have to be de-zoned.

We are going down a different route that will deliver better for the residents, to whom many Members referred, than the route taken by the Republic of Ireland. In fact, in the Republic of Ireland, third parties have to pay for third-party appeals if they are deemed to be vexatious. That may mean paying for QCs and planning consultants whom the developer employed. Third parties must also have strong reasons for challenge. Despite that, it is much easier to get approval from the system that approved those applications than would be the case here in Northern Ireland.

Therefore, getting through the first processes will be considerably more difficult, given, first, the need to deal with the community prior to the lodging of the application, and, secondly, the application process itself. I believe that introducing a third-party appeal after all that would slow the system down considerably, if not grind it to a halt.

We currently have a planning system where those who have lodged appeals are waiting two years to have planning appeals heard. Therefore, introducing a whole series of third-party appeals to that system would not be conducive to economic growth in this country. It is important to remember that planning is fundamental to economic growth in our country, and if we want economic growth, we must have a flexible planning system. If some Members do not want economic and job growth, more employment, more leisure activities and more facilities to encourage tourism in Northern Ireland, perhaps they should stand up and make their case now. However, I certainly want all those things, and that is why I urge the House to resist amendment No 20, which deals with third-party appeals.

Ms Lo: Of course we want economic growth and growth in the construction industry. The economy is our top priority, and we all agree on

that. However, that does not mean that we can trample over ordinary citizens who should have a right to speak out.

The Minister of the Environment: Perhaps I should bring this debate to a conclusion now, because I am clearly not getting through. Members of the community will have the opportunity to input into the system at the pre-consultation stage. However, that input will not end at that stage. They can continue to engage in the process, and their public representatives, who they elect, will ultimately be the decision-makers. If that is not giving the community an opportunity, and if it is trampling over a community, I am not sure what particular angle the Member is coming at it from. However, I think that the case is clear, and I urge the House to oppose this particular amendment.

Question, That amendment No 19 be made, put and agreed to.

Clause 49, as amended, ordered to stand part of the Bill.

Clauses 50 to 57 ordered to stand part of the Bill.

Clause 58 (Appeals)

Mr Speaker: I remind Members that, as I have received a valid petition of concern on amendment No 20, the vote will be on a cross-community basis.

Amendment No 20 not moved.

Clause 58 ordered to stand part of the Bill.

New Clause

Amendment No 21 made: After clause 58, insert the following new clause:

“Matters which may be raised in an appeal under section 58

58A.—(1) In an appeal under section 58, a party to the proceedings is not to raise any matter which was not before the council or, as the case may be, the Department at the time the decision appealed against was made unless that party can demonstrate to the satisfaction of the planning appeals commission—

(a) that the matter could not have been raised before that time, or

(b) that its not being raised before that time was a consequence of exceptional circumstances.

(2) Nothing in subsection (1) affects any requirement or entitlement to have regard to—

(a) the provisions of the local development plan, or

(b) any other material consideration.” — [The Minister of the Environment (Mr Poots).]

New clause ordered to stand part of the Bill.

Clauses 59 to 69 ordered to stand part of the Bill.

Clause 70 (Procedure for section 67 orders: unopposed cases)

Mr Speaker: We now come to the fourth group of amendments for debate. With amendment No 22, it will be convenient to debate the other 63 technical amendments in group 4. Those include amendments relating to Assembly controls on subordinate legislation. I call the Minister to move amendment No 22 and to address all the other amendments in the group.

The Minister of the Environment: I beg to move amendment No 22: In page 42, line 32, leave out paragraph (b).

The following amendments stood on the Marshalled List:

No 23: In clause 75, page 46, line 10, leave out from “council” to the end of line 11 and insert “appropriate council”. — *[The Minister of the Environment (Mr Poots).]*

No 24: In clause 75, page 47, line 15, leave out paragraph (b) and insert

“(15) In this section, and in sections 76 and 77, ‘relevant authority’, in relation to a planning agreement proposed to be made in connection with an application for planning permission, means—

(a) where the application has been made to a council, and the council has an estate in the land to which the proposed agreement relates, the Department;

(b) where the application has been made to the Department, the Department;

(c) in any other case, the council in whose district the land to which the application relates is situated.” — [The Minister of the Environment (Mr Poots).]

No 25: In clause 76, page 47, line 29, leave out from “council” to the end of line 30 and insert “appropriate council”. — *[The Minister of the Environment (Mr Poots).]*

No 29: In clause 85, page 54, line 28, leave out “directions” and insert

“the regulations or by any direction”. — [The Minister of the Environment (Mr Poots).]

No 30: In clause 85, page 54, line 41, after “councils” insert “or the Department”. — *[The Minister of the Environment (Mr Poots).]*

No 35: In clause 104, page 65, line 38, leave out from “consent” to “made” in line 39 and insert “conservation area consent made”. — *[The Minister of the Environment (Mr Poots).]*

No 36: In clause 104, page 65, line 40, after “any” insert “conservation area”. — *[The Minister of the Environment (Mr Poots).]*

No 37: In clause 106, page 67, line 2, leave out “Act” and insert “Chapter”. — *[The Minister of the Environment (Mr Poots).]*

No 38: In clause 113, page 72, line 28, leave out from “, 109” to “(4)” and insert “and 109”. — *[The Minister of the Environment (Mr Poots).]*

No 39: In clause 115, page 74, line 20, at end insert

“(3A) Subsections (2) and (3) do not apply if the control of land changes from one emanation of the Crown to another.” — [The Minister of the Environment (Mr Poots).]

No 50: In clause 144, page 92, line 38, leave out “Department” and insert “council”. — *[The Minister of the Environment (Mr Poots).]*

No 51: In clause 145, page 93, line 42, leave out “carrying into effect this Part” and insert “taking steps under subsection (1)”. — *[The Minister of the Environment (Mr Poots).]*

No 56: In clause 160, page 106, line 15, leave out “a listed building” and insert

“(a) a listed building, or

(b) a building in respect of which a direction has been given by the Department that this section shall apply”. — [The Minister of the Environment (Mr Poots).]

No 57: In clause 160, page 107, line 3, after “council” insert

“or, as the case may be, the Department”. — [The Minister of the Environment (Mr Poots).]

No 59: In clause 167, page 112, line 22, after “council” insert

“or, as the case may be, by the Department”. — [The Minister of the Environment (Mr Poots).]

No 60: In clause 172, page 115, line 26, leave out from “within” to the end of line 27 and insert

“—

(i) in the case described in paragraph (a), within the period of 4 months from the date on which the application is refused or is refused in part or such other period as may be prescribed;

(ii) in the case described in paragraph (b), within the period of 4 months from the end of the period referred to in that paragraph or such other period as may be prescribed.” — [The Minister of the Environment (Mr Poots).]

No 61: In clause 174, page 116, line 36, leave out from “that it” to the end of line 37 and insert

“either of the matters specified in subsection (4).

(4) The matters are that—

(a) the advertisement was displayed without the person’s knowledge; or

(b) the person 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 64: In clause 197, page 129, line 22, after “(1)” insert “or (2)”. — *[The Minister of the Environment (Mr Poots).]*

No 65: In clause 197, page 129, line 25, after “(1)” insert “or (2)”. — *[The Minister of the Environment (Mr Poots).]*

No 66: In clause 202, page 132, line 38, at end insert

“, subject to any provision in rules made under subsection (5),”. — [The Minister of the Environment (Mr Poots).]

No 67: In clause 202, page 133, line 10, after “shall” insert

“, subject to any provision in rules made under subsection (5),”. — [The Minister of the Environment (Mr Poots).]

No 68: In clause 202, page 133, line 32, at end insert

“(7A) Rules made under subsection (5) shall be subject to negative resolution.” — [The Minister of the Environment (Mr Poots).]

No 69: In clause 202, page 133, line 37, after the first “the” insert “relevant”. — *[The Minister of the Environment (Mr Poots).]*

No 70: In clause 202, page 133, line 37, leave out the second “the” and insert “that”. — *[The Minister of the Environment (Mr Poots).]*

No 73: In clause 208, page 137, leave out line 1. — *[The Minister of the Environment (Mr Poots).]*

No 74: In clause 208, page 137, leave out lines 16 and 17. — *[The Minister of the Environment (Mr Poots).]*

No 75: In clause 215, page 140, line 2, after “it” insert “—(a)”. — *[The Minister of the Environment (Mr Poots).]*

No 76: In clause 215, page 140, line 2, after “or” insert “(b)”. — *[The Minister of the Environment (Mr Poots).]*

No 81: In clause 222, page 143, line 17, leave out “(except section 26)”. — *[The Minister of the Environment (Mr Poots).]*

No 82: In clause 222, page 143, line 18, leave out

“(except sections 103 to 105 and 119)”. — *[The Minister of the Environment (Mr Poots).]*

No 83: In clause 222, page 143, line 19, leave out “141,”. — *[The Minister of the Environment (Mr Poots).]*

No 84: In clause 222, page 143, line 20, at end insert “(e) Part 7.” — *[The Minister of the Environment (Mr Poots).]*

No 85: In clause 223, page 143, line 42, leave out from “under” to the end of line 3 on page 144 and insert

“under Part 3, 4, 5 or 7.” — *[The Minister of the Environment (Mr Poots).]*

No 87: In clause 224, page 144, line 30, leave out “prescribe” and insert “specify”. — *[The Minister of the Environment (Mr Poots).]*

No 88: In clause 224, page 144, line 31, leave out “prescribe” and insert “specify”. — *[The Minister of the Environment (Mr Poots).]*

No 89: In clause 226, page 145, line 27, at end insert

“(4) Rules made under subsection (3) shall be subject to negative resolution.” — *[The Minister of the Environment (Mr Poots).]*

No 90: In clause 229, page 147, line 14, leave out “Advocate General for Northern Ireland” and insert “Attorney General”. — *[The Minister of the Environment (Mr Poots).]*

No 91: In clause 229, page 147, line 18, leave out “Advocate General for Northern Ireland” and insert “Attorney General”. — *[The Minister of the Environment (Mr Poots).]*

No 92: In clause 229, page 147, line 21, after “provision” insert “—(a)”. — *[The Minister of the Environment (Mr Poots).]*

No 93: In clause 229, page 147, line 23, at end insert

“(b) as to the functions of a person appointed under subsection (1) or (2)”. — *[The Minister of the Environment (Mr Poots).]*

No 94: In clause 229, page 147, line 25, leave out subsections (5) and (6). — *[The Minister of the Environment (Mr Poots).]*

No 95: In clause 231, page 149, line 15, leave out “, adoption or approval” and insert “or adoption”. — *[The Minister of the Environment (Mr Poots).]*

No 96: In clause 231, page 149, line 35, leave out “, adoption”. — *[The Minister of the Environment (Mr Poots).]*

No 97: In clause 231, page 150, line 15, after “Environment” insert “or a council”. — *[The Minister of the Environment (Mr Poots).]*

No 98: In clause 231, page 150, line 20, leave out from “section” to the end of line 21 and insert

“any of sections 180 to 186”. — *[The Minister of the Environment (Mr Poots).]*

No 100: In clause 239, page 155, line 14, leave out “125(1) or”. — *[The Minister of the Environment (Mr Poots).]*

No 101: In clause 240, page 155, line 21, at end insert

“(aa) planning agreements under section 75;”. — *[The Minister of the Environment (Mr Poots).]*

No 103: In clause 243, page 158, leave out lines 43 and 44. — *[The Minister of the Environment (Mr Poots).]*

No 107: In schedule 2, page 164, line 33, leave out from “in” to the end of line 34 and insert

“within the period of 15 years ending on the date on which this Schedule comes into operation;”. — *[The Minister of the Environment (Mr Poots).]*

No 108: In schedule 2, page 179, line 17, leave out “either sub-paragraph (2)” and insert “sub-paragraph (2), (3)”. — *[The Minister of the Environment (Mr Poots).]*

No 109: In schedule 3, page 185, line 26, leave out “council” and insert “Department”. — *[The Minister of the Environment (Mr Poots).]*

No 110: In schedule 4, page 189, line 18, leave out sub-paragraph (a) and insert

“(a) in subsection (1) for ‘a development plan for the area in which the land is situated’ substitute ‘a local development plan’;”. — *[The Minister of the Environment (Mr Poots).]*

No 111: In schedule 4, page 189, line 26, leave out from “24” to the end of that line and insert

“27(5), for the words from ‘with the substitution’ to the end substitute ‘with the substitution—’”. — *[The Minister of the Environment (Mr Poots).]*

No 112: In schedule 6, page 195, line 14, at end insert

“39A. In Article 15(1) for ‘Department of the Environment’ substitute ‘council within whose district the land is situated’.

39B. In Article 15(4), for ‘Department’, where that word occurs for the second and third times, substitute ‘council’.

39C. In Article 15(4), (5), (7) and (8) and in Article 16, for ‘Department of the Environment’ substitute ‘council’.

39D. In Article 17, for paragraph (2) substitute—

‘(2) Regulations under paragraph (1) may include provisions—

(a) as to the manner in which notices of appeals are to be given and the time for giving any such notice; and

(b) requiring councils to furnish the Department of the Environment and such other persons (if any) as may be prescribed by the regulations, with such information as may be so prescribed with respect to applications under Article 15.’”. — *[The Minister of the Environment (Mr Poots).]*

No 113: In schedule 6, page 196, line 35, after “125” insert “, 125A”. — *[The Minister of the Environment (Mr Poots).]*

No 114: In schedule 6, page 198, line 20, at end insert

“59A. In Article 80(13), in the definition of ‘development order’, for ‘the Planning Order’ substitute ‘the Planning Act (Northern Ireland) 2011’.” — *[The Minister of the Environment (Mr Poots).]*

No 115: In schedule 6, page 203, line 21, at end insert

“The Clean Neighbourhoods and Environment Act (Northern Ireland) 2011

101. In section 26—

(a) in subsection (3) for ‘Article 84(2) of the Planning (Northern Ireland) Order 1991’ substitute ‘section 174(2) of the Planning Act (Northern Ireland) 2011’;

(b) in subsection (10)—

(i) in the definition of ‘advertisement’ for ‘Article 2(2) of the Planning (Northern Ireland) Order 1991’ substitute ‘section 243(1) of the Planning Act (Northern Ireland) 2011’;

(ii) in the definition of ‘relevant offence’, for the words from ‘Article 84(2)’ to ‘that Order’ substitute ‘section 174(2) of the Planning Act (Northern Ireland) 2011 (displaying advertisements in contravention of regulations made under section 129 of that Act’.

102. In section 31(1), for ‘Article 67 of the Planning (Northern Ireland) Order 1991’ substitute ‘section 129 of the Planning Act (Northern Ireland) 2011’.

103. In section 38, omit subsections (1), (2) and (3). — *[The Minister of the Environment (Mr Poots).]*

No 116: In schedule 7, page 203, line 26, in the column on the right, at end insert “In Schedule 6, paragraph 4(1).” — *[The Minister of the Environment (Mr Poots).]*

No 117: In schedule 7, page 203, line 35, leave out “113” and insert “115”. — *[The Minister of the Environment (Mr Poots).]*

No 118: In schedule 7, page 204, line 6, after “Articles” insert “123”. — *[The Minister of the Environment (Mr Poots).]*

No 119: In schedule 7, page 204, line 6, leave out “, 127(2)” and insert “to 129”. — *[The Minister of the Environment (Mr Poots).]*

No 120: In schedule 7, page 204, line 8, leave out “and 3” and insert “1A, 1B, 3 and 4”. — *[The Minister of the Environment (Mr Poots).]*

No 121: In schedule 7, page 205, line 6, at end insert

“The Clean Neighbourhoods and Environment Act (Northern Ireland) 2011.	In section 38, subsections (1), (2) and (3).”
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— *[The Minister of the Environment (Mr Poots).]*

The Minister of the Environment: The amendments in this group are technical. They include textual amendments to ensure a consistent approach throughout the Bill, typographical corrections, updating amendments and amendments prompted by comments from the Examiner of Statutory Rules. These amendments do not involve any change in policy and have been supported by the Committee. Therefore, I do not wish to prolong the debate by commenting on each amendment individually, but I will highlight key amendments.

Clause 174 allows a council to deal with the enforcement of advertisement control. Clause 174(3) re-enacts article 84 of the Planning (Northern Ireland) Order 1991 and contains defences where an advertisement is displayed in contravention of the advertisement regulations. Those defences have been amended by clause 37 of the Clean Neighbourhoods and Environment Bill as introduced. That clause provides that anyone displaying an advertisement in contravention of the regulations will not now be guilty of an offence if the advertisement was displayed without their knowledge, and they took all reasonable steps to prevent the display or to remove the advertisement after the display. It is anticipated that clause 37 of the Clean Neighbourhoods and Environment Bill will be brought into operation in advance of the Planning Bill. By the time that the Planning Bill is in operation, article 84 of the Planning Order will have been amended. Therefore, clause 174 needs to be amended to reflect amended article 84. Amendment No 61 provides that amendment.

Clause 202 sets out the procedure for the Planning Appeals Commission. The Examiner of Statutory Rules commented that the rules made by OFMDFM under clause 202(5) are subject to no Assembly procedure. Amendment No 68 applies the negative resolution Assembly control.

Clause 226 allows my Department to hold a public inquiry when carrying out any of its functions of the Bill. The provisions of the Interpretation Act (Northern Ireland) 1954 apply to such inquiries. My Department may make rules for the procedures to be followed during the inquiry process, and the rules are currently subject to no procedure. The Examiner of Statutory Rules commented that those rules should be subject to negative resolution. Amendment No 89 gives effect to that.

Under clause 227 and in relation to inquiries to be held in public, subject to certain exceptions, the Department of Justice may direct, for example, for reasons of security, that certain evidence may be heard or be open to inspection only by certain persons. Clause 229 allows the appointment of a person to represent the interests of anyone prevented from hearing or inspecting such evidence. As currently drafted, the clause conveys that power on the Advocate General. My proposed amendment Nos 90, 91, 92, 93 and 94 update clause 229 to the effect that the Attorney General for Northern Ireland may appoint a person to represent the interests of any person prevented from hearing or inspecting evidence. The Department of Justice may make rules as to the person's functions.

Those are the amendments in group 4.

The Chairperson of the Committee for the Environment: Go raibh maith agat, a Cheann Comhairle. As the name suggests, the amendments in this group are largely technical. I will go through them very quickly.

At Committee Stage, the Committee was content with amendment No 22, having been given sight of the wording and an explanation by the Department. I support the amendment accordingly.

I cannot offer a Committee position on amendment Nos 23, 24 and 25, as the Committee agreed to the relevant clauses as drafted at Committee Stage. However, those amendments do not appear to contradict the wishes of the Committee or to alter any policy principles of the Bill.

The Committee supports amendment Nos 29, 30, 35 to 38, 50 and 51, 59 and 60, 73 and 74, 81 to 85, 87 and 88, 95 to 98, 100 and 101. They were provided to the Committee at Committee Stage to ensure a consistent approach throughout the Bill and, having been advised by the Department about their detail, members accepted the relevant clauses, subject to those amendments.

In relation to amendment No 39, during Committee Stage, members were content with clause 115, subject to a departmental amendment to allow the hazardous substances consent to remain in place if the control of land remains within the Crown. Therefore, I welcome the amendment on behalf of the Committee.

The Committee supports amendment Nos 56 and 57, which specify the range of buildings on which urgent works can be carried out. The Committee also supports amendment No 61, which reflects changes to the enforcement of advertisement control provided by the Clean Neighbourhoods and Environment Bill.

6.30 pm

I cannot offer a Committee position on amendment Nos 64 to 67 and 69 to 70, as the Committee agreed the relevant clauses as drafted during the Committee Stage. However, those amendments do not appear to contradict the wishes of the Committee or alter any policy principles in the Bill.

Amendment No 68 amends clause 202 to require that any rules made under that clause for regulating procedures of the PAC should be subject to negative resolution. Such orders are not currently subject to any Assembly procedure and, on the advice of the Examiner of Statutory Rules, the Committee has recommended the amendment, and I urge the House to support it. Similarly, amendment No 89 makes rules for regulating procedures of the Department in relation to local inquiries subject to negative resolution. Again, those rules are currently not subject to procedure, and the Committee urges the House to address that by supporting the amendment.

Amendment Nos 75 and 76 tidy up clause 215, as requested by the Committee, and I welcome that.

With regard to amendment Nos 90 to 94, the Examiner of Statutory Rules drew the Committee's attention to the fact that the Bill allocates the function of appointing special advocates for the purposes of clause 229 to the Advocate General. He pointed out that, as a consequence of that, rules under the clause would be made by the Lord Chancellor and laid before Parliament at Westminster in accordance with the negative procedure there. The Examiner of Statutory Rules suggested to the Committee that that is out of place in clause 229, which, in contrast to clause 228, is the fully devolved provision on the public interest relating to the security of premises or property other than that in clause 228. He, therefore, suggested that clause 229 should, more appropriately, confer functions on the Department of Justice and the Attorney General for the North and that all the rules made under clause 229 should be

subject to draft negative resolution. Following consultation with the Department of Justice, the Department agreed to make those changes, and I welcome the appropriate amendments.

I cannot offer a Committee position on amendment Nos 103 and 108 to 121, as the Committee agreed to the relevant clauses and schedules as drafted during the Committee Stage. However, once again, I suggest that they do not appear to contradict the Committee's position or alter any policy principles in the Bill.

On amendment No 107, the Committee was advised of the proposed amendment to schedule 2 and accepted the schedule as amended.

That concludes the Committee's position on the amendments in group 4. I thank the Committee staff and the departmental officials for bringing the Bill to this stage. Go raibh míle maith agat, a Cheann Comhairle.

Mr Kinahan: Members will be pleased to know that I will be very quick. I support all of the amendments in group 4. However, on amendment No 56, I want to raise a slight concern. It seems to throw councils the ability to repair a listed building that is in danger, which may allow someone to let his or her building fall apart, knowing that the council will look after it. That is my only concern. We support the amendments.

Mr Savage: Group 4 consists of technical amendments that I am happy to support.

The Minister of the Environment: I thank Members for getting to this point and for their comments thus far. I welcome the fact that the Bill has reached its Consideration Stage and will move to its Further Consideration Stage on the back of today. The work that has been done thus far has been very useful. At the end of the process, we will have a Bill that is very significant in moving Northern Ireland forward through the planning legislation that it puts in place. Ultimately, as a consequence of the work that has been carried out by the Department, the Committee and the House, the Bill will make a real and considerable difference to planning in the future. I ask Members to support the amendments.

Question, That amendment No 22 be made, put and agreed to.

Clause 70, as amended, ordered to stand part of the Bill.

Clauses 71 to 74 ordered to stand part of the Bill.

Clause 75 (Planning agreements)

Amendment No 23 made: In page 46, line 10, leave out from “council” to the end of line 11 and insert “appropriate council”. — [The Minister of the Environment (Mr Poots).]

Amendment No 24 made: In page 47, line 15, leave out paragraph (b) and insert

“(15) In this section, and in sections 76 and 77, ‘relevant authority’, in relation to a planning agreement proposed to be made in connection with an application for planning permission, means—

(a) where the application has been made to a council, and the council has an estate in the land to which the proposed agreement relates, the Department;

(b) where the application has been made to the Department, the Department;

(c) in any other case, the council in whose district the land to which the application relates is situated.” — [The Minister of the Environment (Mr Poots).]

Clause 75, as amended, ordered to stand part of the Bill.

Clause 76 (Modification and discharge of planning agreements)

Amendment No 25 made: In page 47, line 29, leave out from “council” to the end of line 30 and insert “appropriate council”. — [The Minister of the Environment (Mr Poots).]

Clause 76, as amended, ordered to stand part of the Bill.

Clause 77 ordered to stand part of the Bill.

Clause 78 (Land belonging to councils and development by councils)

Amendment No 26 made: In page 49, line 16, at end insert “(c) Part 5.” — [The Minister of the Environment (Mr Poots).]

Amendment No 27 made: In page 49, line 40, leave out from “(except” to “107)” in line 41. — [The Minister of the Environment (Mr Poots).]

Clause 78, as amended, ordered to stand part of the Bill.

Clauses 79 to 83 ordered to stand part of the Bill.

Clause 84 (Control of works for demolition, alteration or extension of listed buildings)

Amendment No 28 made: In page 53, line 37, leave out “£30,000” and insert “£100,000”. — [The Chairperson of the Committee for the Environment (Mr Boylan).]

Clause 84, as amended, ordered to stand part of the Bill.

Clause 85 (Applications for listed building consent)

Amendment No 29 made: In page 54, line 28, leave out “directions” and insert

“the regulations or by any direction”. — [The Minister of the Environment (Mr Poots).]

Amendment No 30 made: In page 54, line 41, after “councils” insert “or the Department”. — [The Minister of the Environment (Mr Poots).]

Clause 85, as amended, ordered to stand part of the Bill.

Clauses 86 to 101 ordered to stand part of the Bill.

Clause 102 (Acts causing or likely to result in damage to listed buildings)

Amendment No 31 made: In page 64, line 3, leave out “3” and insert “5”. — [The Minister of the Environment (Mr Poots).]

Amendment No 32 made: In page 64, line 3, after “scale” insert

“or on conviction on indictment, to a fine”. — [The Chairperson of the Committee for the Environment (Mr Boylan).]

Amendment No 33 made: In page 64, line 11, leave out “3” and insert “5”. — [The Minister of the Environment (Mr Poots).]

Clause 102, as amended, ordered to stand part of the Bill.

Clause 103 (Conservation areas)

Amendment No 34 not moved.

Clause 103 ordered to stand part of the Bill.

Clause 104 (Control of demolition in conservation areas)

Amendment No 35 made: In page 65, line 38, leave out from “consent” to “made” in line 39 and insert “conservation area consent made”. — [The Minister of the Environment (Mr Poots).]

Amendment No 36 made: In page 65, line 40, after “any” insert “conservation area”. — *[The Minister of the Environment (Mr Poots).]*

Clause 104, as amended, ordered to stand part of the Bill.

Clause 105 ordered to stand part of the Bill.

Clause 106 (Application of Chapter 1, etc., to land and works of councils)

Amendment No 37 made: In page 67, line 2, leave out “Act” and insert “Chapter”. — *[The Minister of the Environment (Mr Poots).]*

Clause 106, as amended, ordered to stand part of the Bill.

Clauses 107 to 112 ordered to stand part of the Bill.

Clause 113 (Call in of certain applications for hazardous substances consent to Department)

Amendment No 38 made: In page 72, line 28, leave out from “, 109” to “(4)” and insert “and 109”. — *[The Minister of the Environment (Mr Poots).]*

Clause 113, as amended, ordered to stand part of the Bill.

Clause 114 ordered to stand part of the Bill.

Clause 115 (Effect of hazardous substances consent and change of control of land)

Amendment No 39 made: In page 74, line 20, at end insert

“(3A) Subsections (2) and (3) do not apply if the control of land changes from one emanation of the Crown to another.” — *[The Minister of the Environment (Mr Poots).]*

Clause 115, as amended, ordered to stand part of the Bill.

Clause 116 (Offences)

Amendment No 40 made: In page 75, line 31, leave out “£30,000” and insert “£100,000”. — *[The Chairperson of the Committee for the Environment (Mr Boylan).]*

Clause 116, as amended, ordered to stand part of the Bill.

Clauses 117 to 120 ordered to stand part of the Bill.

Clause 121 (Tree preservation orders: councils)

Amendment No 41 not moved.

Clause 121 ordered to stand part of the Bill.

Clauses 122 to 124 ordered to stand part of the Bill.

Clause 125 (Penalties for contravention of tree preservation orders)

Amendment No 42 made: In page 80, line 26, leave out “£30,000” and insert “£100,000”. — *[The Chairperson of the Committee for the Environment (Mr Boylan).]*

Clause 125, as amended, ordered to stand part of the Bill.

Clauses 126 to 130 ordered to stand part of the Bill.

Clause 131 (Time limits)

Amendment No 43 made: In page 83, line 23, leave out “4” and insert “5”. — *[The Minister of the Environment (Mr Poots).]*

Amendment No 44 made: In page 83, line 27, leave out “4” and insert “5”. — *[The Minister of the Environment (Mr Poots).]*

Amendment No 45 made: In page 83, line 30, leave out “10” and insert “5”. — *[The Minister of the Environment (Mr Poots).]*

Amendment No 46 made: In page 83, line 37, leave out “4” and insert “5”. — *[The Minister of the Environment (Mr Poots).]*

Clause 131, as amended, ordered to stand part of the Bill.

Clause 132 ordered to stand part of the Bill.

Clause 133 (Penalties for non-compliance with planning contravention notice)

Amendment No 47 made: In page 85, line 21, leave out “3” and insert “5”. — *[The Minister of the Environment (Mr Poots).]*

Clause 133, as amended, ordered to stand part of the Bill.

Clause 134 ordered to stand part of the Bill.

Clause 135 (Temporary stop notice: restrictions)

Amendment No 48 made: In page 86, line 28, leave out “4” and insert “5”. — [The Minister of the Environment (Mr Poots).]

Clause 135, as amended, ordered to stand part of the Bill.

Clause 136 (Temporary stop notice: offences)

Amendment No 49 made: In page 87, line 18, leave out “£30,000” and insert “£100,000”. — [The Chairperson of the Committee for the Environment (Mr Boylan).]

Clause 136, as amended, ordered to stand part of the Bill.

Clauses 137 to 143 ordered to stand part of the Bill.

Clause 144 (Appeal against enforcement notice - supplementary provisions relating to planning permission)

Amendment No 50 made: In page 92, line 38, leave out “Department” and insert “council”. — [The Minister of the Environment (Mr Poots).]

Clause 144, as amended, ordered to stand part of the Bill.

Clause 145 (Execution and cost of works required by enforcement notice)

Amendment No 51 made: In page 93, line 42, leave out “carrying into effect this Part” and insert “taking steps under subsection (1)”. — [The Minister of the Environment (Mr Poots).]

Clause 145, as amended, ordered to stand part of the Bill.

Clause 146 (Offence where enforcement notice not complied with)

Amendment No 52 made: In page 95, line 15, leave out “£30,000” and insert “£100,000”. — [The Chairperson of the Committee for the Environment (Mr Boylan).]

Clause 146, as amended, ordered to stand part of the Bill.

Clause 147 ordered to stand part of the Bill.

Clause 148 (Enforcement notice to have effect against subsequent development)

Amendment No 53 made: In page 96, line 27, leave out from “level” to “scale” and insert “£7,500”. [The Minister of the Environment (Mr Poots).]

Clause 148, as amended, ordered to stand part of the Bill.

Clause 149 (Service of stop notices by councils)

Amendment No 54 made: In page 97, line 13, leave out “4” and insert “5”. — [The Minister of the Environment (Mr Poots).]

Amendment No 55 made: In page 98, line 6, leave out “£30,000” and insert “£100,000”. — [The Chairperson of the Committee for the Environment (Mr Boylan).]

Clause 149, as amended, ordered to stand part of the Bill.

Clauses 150 to 159 ordered to stand part of the Bill.

Clause 160 (Urgent works to preserve building)

Amendment No 56 made: In page 106, line 15, leave out “a listed building” and insert

“(a) a listed building, or

(b) a building in respect of which a direction has been given by the Department that this section shall apply”. — [The Minister of the Environment (Mr Poots).]

Amendment No 57 made: In page 107, line 3, after “council” insert

“or, as the case may be, the Department”. — [The Minister of the Environment (Mr Poots).]

Clause 160, as amended, ordered to stand part of the Bill.

Clauses 161 and 162 ordered to stand part of the Bill.

Clause 163 (Enforcement of duties as to replacement of trees)

Amendment No 58 made: In page 109, line 1, leave out “4” and “insert “5”. — [The Minister of the Environment (Mr Poots).]

Clause 163, as amended, ordered to stand part of the Bill.

Clauses 164 to 166 ordered to stand part of the Bill.

Clause 167 (Enforcement of orders under section 72)

Amendment No 59 made: In page 112, line 22, after “council” insert

“or, as the case may be, by the Department”. —
[The Minister of the Environment (Mr Poots).]

Clause 167, as amended, ordered to stand part of the Bill.

Clauses 168 to 171 ordered to stand part of the Bill.

Clause 172 (Appeals against refusal or failure to give decision on application)

Amendment No 60 made: In page 115, line 26, leave out from “within” to the end of line 27 and insert

“—

(i) in the case described in paragraph (a), within the period of 4 months from the date on which the application is refused or is refused in part or such other period as may be prescribed;

(ii) in the case described in paragraph (b), within the period of 4 months from the end of the period referred to in that paragraph or such other period as may be prescribed.” — [The Minister of the Environment (Mr Poots).]

Clause 172, as amended, ordered to stand part of the Bill.

Clause 173 ordered to stand part of the Bill.

Clause 174 (Enforcement of advertisement control)

Amendment No 61 made: In page 116, line 36, leave out from “that it” to the end of line 37 and insert

“either of the matters specified in subsection (4).

(4) The matters are that—

(a) the advertisement was displayed without the person’s knowledge; or

(b) the person 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 174, as amended, ordered to stand part of the Bill.

Clauses 175 to 187 ordered to stand part of the Bill.

New Clause

Amendment No 62 made: After clause 187, insert the following new clause:

“Compensation: decision taken by council or the Department where consultee fails to respond under section 224

187A. Where a consultee fails to respond to a council or departmental consultation in accordance with section 224(3) and that council or, as the case may be, the Department—

(a) takes a decision under this Act to grant planning permission in the absence of such a response; and

(b) subsequently receives information which the council could reasonably expect to have been included in that response; and

(c) decides to revoke or modify planning permission under section 67, or make an order under section 72, due to the information referred to in paragraph (b); and

(d) compensation is payable by a council under section 26 of the Act of 1965 in connection with the decision under paragraph (c);

the sponsoring department (if any) shall pay to the council the amount of compensation payable.” — [The Chairperson of the Committee for the Environment (Mr Boylan).]

New clause ordered to stand part of the Bill.

Clauses 188 to 193 ordered to stand part of the Bill.

Clause 194 (Effect of valid purchase notice)

Amendment No 63 made: In page 127, line 30, at end insert

“or

(c) the period referred to in section 191(2) has expired.” — [The Minister of the Environment (Mr Poots).]

Clause 194, as amended, ordered to stand part of the Bill.

Clauses 195 and 196 ordered to stand part of the Bill.

Clause 197 (Grants and loans for preservation or acquisition of listed buildings)

Amendment No 64 made: In page 129, line 22, after “(1)” insert “or (2)”. — [The Minister of the Environment (Mr Poots).]

Amendment No 65 made: In page 129, line 25, after “(1)” insert “or (2)”. — [The Minister of the Environment (Mr Poots).]

Clause 197, as amended, ordered to stand part of the Bill.

Clauses 198 to 201 ordered to stand part of the Bill.

Clause 202 (Procedure of appeals commission)

Amendment No 66 made: In page 132, line 38, at end insert

“, subject to any provision in rules made under subsection (5),”. — [The Minister of the Environment (Mr Poots).]

Amendment No 67 made: In page 133, line 10, after “shall” insert

“, subject to any provision in rules made under subsection (5),”. — [The Minister of the Environment (Mr Poots).]

Amendment No 68 made: In page 133, line 32, at end insert

“(7A) Rules made under subsection (5) shall be subject to negative resolution.” — [The Minister of the Environment (Mr Poots).]

Amendment No 69 made: In page 133, line 37, after the first “the” insert “relevant”. — [The Minister of the Environment (Mr Poots).]

Amendment No 70 made: In page 133, line 37, leave out the second “the” and insert “that”. — [The Minister of the Environment (Mr Poots).]

Clause 202, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 71 made: After clause 202, insert the following new clause:

“Power to award costs

202A.—(1) The appeals commission may make an order as to the costs of the parties to an appeal under any of the provisions of this Act mentioned in subsection (2) and as to the parties by whom the costs are to be paid.

(2) The provisions are—

(a) sections 58, 59, 95, 96, 114, 142, 158, 164 and 172;

(b) sections 95 and 96 (as applied by section 104(6));

(c) in Schedule 2, paragraph 6(11) and (12) and paragraph 11(1);

(d) in Schedule 3, paragraph 9.

(3) An order made under this section shall have effect as if it had been made by the High Court.

(4) Without prejudice to the generality of subsection (3), the Master (Taxing Office) shall have the same powers and duties in relation to an order made under this section as the Master has in relation to an order made by the High Court.

(5) Proceedings before the appeals commission shall, for the purposes of the Litigants in Person (Costs and Expenses) Act 1975 (c. 47), be regarded as proceedings to which section 1(1) of that Act applies.” — [The Minister of the Environment (Mr Poots).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 72 made: After clause 202, insert the following new clause:

“Orders as to costs: supplementary

202B.—(1) This section applies where—

(a) for the purpose of any proceedings under this Act—

(i) the appeals commission is required, before a decision is reached, to give any person an opportunity, or ask any person whether that person wishes, to appear before and be heard by it; and

(ii) arrangements are made for a hearing to be held;

(b) the hearing does not take place; and

(c) if it had taken place, the appeals commission would have had power to make an order under section 202A requiring any party to pay any costs of any other party.

(2) Where this section applies the power to make such an order may be exercised, in relation to costs incurred for the purposes of the hearing, as if the hearing had taken place.” — [The Minister of the Environment (Mr Poots).]

New clause ordered to stand part of the Bill.

Clauses 203 to 207 ordered to stand part of the Bill.

Clause 208 (Interpretation of Part 11)

Amendment No 73 made: In page 137, leave out line 1. — [The Minister of the Environment (Mr Poots).]

Amendment No 74 made: In page 137, leave out lines 16 and 17. — [The Minister of the Environment (Mr Poots).]

Clause 208, as amended, ordered to stand part of the Bill.

Clauses 209 to 214 ordered to stand part of the Bill.

Clause 215 (Correction of errors in decision documents)

Amendment No 75 made: In page 140, line 2, after “it” insert “—(a)”. — [The Minister of the Environment (Mr Poots).]

Amendment No 76 made: In page 140, line 2, after “or” insert “(b)”. — [The Minister of the Environment (Mr Poots).]

Clause 215, as amended, ordered to stand part of the Bill.

Clauses 216 to 218 ordered to stand part of the Bill.

Clause 219 (Fees and charges)

Amendment No 77 made: In page 142, line 17, at end insert

“(7A) Without prejudice to the generality of subsection (7), regulations made under that subsection may provide for the payment of a charge or fee in respect of an application mentioned in paragraph (a) of that subsection to be a multiple of the charge or fee to be paid under regulations made under subsection (1) in relation to the determination by a council or the Department of an application for planning permission for development not begun before the application was made.” — [The Minister of the Environment (Mr Poots).]

Clause 219, as amended, ordered to stand part of the Bill.

Clause 220 ordered to stand part of the Bill.

Clause 221 (Grants to bodies providing assistance in relation to certain development proposals)

Amendment No 78 made: In page 142, line 41, after “understanding” insert “of planning policy proposals and”. — [The Minister of the Environment (Mr Poots).]

Amendment No 79 made: In page 142, line 41, at end insert “other”. — [The Minister of the Environment (Mr Poots).]

Amendment No 80 made: In page 143, line 8, leave out from “, with” to “Personnel,” in line 9. — [The Minister of the Environment (Mr Poots).]

Clause 221, as amended, ordered to stand part of the Bill.

Clause 222 (Contributions by councils and statutory undertakers)

Amendment No 81 made: In page 143, line 17, leave out “(except section 26)”. — [The Minister of the Environment (Mr Poots).]

Amendment No 82 made: In page 143, line 18, leave out

“(except sections 103 to 105 and 119)”. — [The Minister of the Environment (Mr Poots).]

Amendment No 83 made: In page 143, line 19, leave out “141,”. — [The Minister of the Environment (Mr Poots).]

Amendment No 84 made: In page 143, line 20, at end insert “(e) Part 7.” — [The Minister of the Environment (Mr Poots).]

Clause 222, as amended, ordered to stand part of the Bill.

Clause 223 (Contributions by departments towards compensation paid by councils)

Amendment No 85 made: In page 143, line 42, leave out from “under” to the end of line 3 on page 144 and insert

“under Part 3, 4, 5 or 7.” — [The Minister of the Environment (Mr Poots).]

Clause 223, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 86 made: Before clause 224, insert the following new clause:

“Review of Planning Act

223A.—(1) *The Department must—*

(a) *not later than 3 years after the commencement of this Act, and*

(b) *at least once in every period of 5 years thereafter,*

review and publish a report on the implementation of this Act.

(2) *Regulations under this section shall set out the terms of the review.” — [Mr Boylan.]*

New clause ordered to stand part of the Bill.

Clause 224 (Duty to respond to consultation)

Amendment No 87 made: In page 144, line 30, leave out “prescribe” and insert “specify”. — [The Minister of the Environment (Mr Poots).]

Amendment No 88 made: In page 144, line 31, leave out “prescribe” and insert “specify”. — [The Minister of the Environment (Mr Poots).]

Clause 224, as amended, ordered to stand part of the Bill.

Clause 225 ordered to stand part of the Bill.

Clause 226 (Local inquiries)

Amendment No 89 made: In page 145, line 27, at end insert

“(4) Rules made under subsection (3) shall be subject to negative resolution.” — [The Minister of the Environment (Mr Poots).]

Clause 226, as amended, ordered to stand part of the Bill.

Clauses 227 and 228 ordered to stand part of the Bill.

Clause 229 (Directions: Department of Justice)

Amendment No 90 made: In page 147, line 14, leave out “Advocate General for Northern Ireland” and insert “Attorney General”. — [The Minister of the Environment (Mr Poots).]

Amendment No 91 made: In page 147, line 18, leave out “Advocate General for Northern Ireland” and insert “Attorney General”. — [The Minister of the Environment (Mr Poots).]

Amendment No 92 made: In page 147, line 21, after “provision” insert “—(a)”. — [The Minister of the Environment (Mr Poots).]

Amendment No 93 made: In page 147, line 23, at end insert

“(b) as to the functions of a person appointed under subsection (1) or (2)”. — [The Minister of the Environment (Mr Poots).]

Amendment No 94 made: In page 147, line 25, leave out subsections (5) and (6). — [The Minister of the Environment (Mr Poots).]

Clause 229, as amended, ordered to stand part of the Bill.

Clause 230 ordered to stand part of the Bill.

Clause 231 (Rights of entry)

Amendment No 95 made: In page 149, line 15, leave out “, adoption or approval” and insert “or adoption”. — [The Minister of the Environment (Mr Poots).]

Amendment No 96 made: In page 149, line 35, leave out “, adoption”. — [The Minister of the Environment (Mr Poots).]

Amendment No 97 made: In page 150, line 15, after “Environment” insert “or a council”. — [The Minister of the Environment (Mr Poots).]

Amendment No 98 made: In page 150, line 20, leave out from “section” to the end of line 21 and insert

“any of sections 180 to 186”. — [The Minister of the Environment (Mr Poots).]

Clause 231, as amended, ordered to stand part of the Bill.

Clauses 232 to 236 ordered to stand part of the Bill.

Clause 237 (Planning register)

Amendment No 99 made: In page 154, line 32, at end insert “() tree preservation orders;”. — [Dr Farry.]

Clause 237, as amended, ordered to stand part of the Bill.

Clause 238 ordered to stand part of the Bill.

Clause 239 (Time limit for certain summary offences under this Act)

Amendment No 100 made: In page 155, line 14, leave out “125(1) or”. — [The Minister of the Environment (Mr Poots).]

Clause 239, as amended, ordered to stand part of the Bill.

Clause 240 (Registration of matters in Statutory Charges Register)

Amendment No 101 made: In page 155, line 21, at end insert

“(aa) planning agreements under section 75;”. — [The Minister of the Environment (Mr Poots).]

Clause 240, as amended, ordered to stand part of the Bill.

Clause 241 ordered to stand part of the Bill.

Clause 242 (Regulations and orders)

Mr Speaker: I will not call amendment No 102 as it is consequential to amendment No 20, which was not moved.

Clause 242 ordered to stand part of the Bill.

Clause 243 (Interpretation)

Mr Speaker: We are almost writing the script as we go along. Amendment No 133 has been debated and I call the Minister to move formally amendment No 133. Sorry, amendment No 103; I was just making sure that you were all still awake. *[Laughter.]*

Amendment No 103 made: In page 158, leave out lines 43 and 44. — *[The Minister of the Environment (Mr Poots).]*

Clause 243, as amended, ordered to stand part of the Bill.

Clauses 244 to 246 ordered to stand part of the Bill.

Clause 247 (Commencement)

Mr Speaker: Amendment No 104 has already been debated and is mutually exclusive with amendment No 105.

Amendment No 104 made: In page 160, line 16, at end insert

“() No order shall be made under subsection (1) in respect of Part 3 unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.” — [The Chairperson of the Committee for the Environment (Mr Boylan).]

Mr Speaker: I will not call amendment No 105 as it is mutually exclusive with amendment No 104, which was made.

Amendment No 106 made: In page 160, line 16, at end insert

“() Sections 84 and 125 come into operation on Royal Assent.” — [Mr Kinahan.]

Clause 247, as amended, ordered to stand part of the Bill.

Clause 248 ordered to stand part of the Bill.

Schedule 1 agreed to.

Schedule 2 (Review of old mineral planning permission)

Amendment No 107 made: In page 164, line 33, leave out from “in” to the end of line 34 and insert

“within the period of 15 years ending on the date on which this Schedule comes into operation;”. — [The Minister of the Environment (Mr Poots).]

Amendment No 108 made: In page 179, line 17, leave out “either sub-paragraph (2)” and insert “sub-paragraph (2), (3)”. — *[The Minister of the Environment (Mr Poots).]*

Schedule 2, as amended, agreed to.

Schedule 3 (Periodic review of mineral planning permissions)

Amendment No 109 made: In page 185, line 26, leave out “council” and insert “Department”. — *[The Minister of the Environment (Mr Poots).]*

Schedule 3, as amended, agreed to.

Schedule 4 (Amendments to the Land Development Values (Compensation) Act (Northern Ireland) 1965 (c. 23))

Amendment No 110 made: In page 189, line 18, leave out sub-paragraph (a) and insert

“(a) in subsection (1) for ‘a development plan for the area in which the land is situated’ substitute ‘a local development plan’;”. — [The Minister of the Environment (Mr Poots).]

Amendment No 111 made: In page 189, line 26, leave out from “24” to the end of that line and insert

“27(5), for the words from ‘with the substitution’ to the end substitute ‘with the substitution—’. — [The Minister of the Environment (Mr Poots).]

Schedule 4, as amended, agreed to.

Schedule 5 agreed to.

Schedule 6 (Minor and consequential amendments)

Amendment No 112 made: In page 195, line 14, at end insert

“39A. In Article 15(1) for ‘Department of the Environment’ substitute ‘council within whose district the land is situated’.

39B. In Article 15(4), for ‘Department’, where that word occurs for the second and third times, substitute ‘council’.

39C. In Article 15(4), (5), (7) and (8) and in Article 16, for ‘Department of the Environment’ substitute ‘council’.

39D. In Article 17, for paragraph (2) substitute—

‘(2) Regulations under paragraph (1) may include provisions—

(a) as to the manner in which notices of appeals are to be given and the time for giving any such notice; and

(b) requiring councils to furnish the Department of the Environment and such other persons (if any) as may be prescribed by the regulations, with such information as may be so prescribed with respect to applications under Article 15.’ — [The Minister of the Environment (Mr Poots).]

Amendment No 113 made: In page 196, line 35, after “125” insert “, 125A”. — [The Minister of the Environment (Mr Poots).]

Amendment No 114 made: In page 198, line 20, at end insert

“59A. In Article 80(13), in the definition of ‘development order’, for ‘the Planning Order’ substitute ‘the Planning Act (Northern Ireland) 2011.’” — [The Minister of the Environment (Mr Poots).]

Amendment No 115 made: In page 203, line 21, at end insert

“The Clean Neighbourhoods and Environment Act (Northern Ireland) 2011

101. In section 26—

(a) in subsection (3) for ‘Article 84(2) of the Planning (Northern Ireland) Order 1991’ substitute ‘section 174(2) of the Planning Act (Northern Ireland) 2011’;

(b) in subsection (10)—

(i) in the definition of ‘advertisement’ for ‘Article 2(2) of the Planning (Northern Ireland) Order 1991’ substitute ‘section 243(1) of the Planning Act (Northern Ireland) 2011’;

(ii) in the definition of ‘relevant offence’, for the words from ‘Article 84(2)’ to ‘that Order’ substitute ‘section 174(2) of the Planning Act (Northern Ireland) 2011 (displaying advertisements in contravention of regulations made under section 129 of that Act’.

102. In section 31(1), for ‘Article 67 of the Planning (Northern Ireland) Order 1991’ substitute ‘section 129 of the Planning Act (Northern Ireland) 2011’.

103. In section 38, omit subsections (1), (2) and (3).” — [The Minister of the Environment (Mr Poots).]

Schedule 6, as amended, agreed to.

Schedule 7 (Repeals)

Amendment No 116 made: In page 203, line 26, in the column on the right, at end insert “In Schedule 6, paragraph 4(1).” — [The Minister of the Environment (Mr Poots).]

Amendment No 117 made: In page 203, line 35, leave out “113” and insert “115”. — [The Minister of the Environment (Mr Poots).]

Amendment No 118 made: In page 204, line 6, after “Articles” insert “123”. — [The Minister of the Environment (Mr Poots).]

Amendment No 119 made: In page 204, line 6, leave out “, 127(2)” and insert “to 129”. — [The Minister of the Environment (Mr Poots).]

Amendment No 120 made: In page 204, line 8, leave out “and 3” and insert “1A, 1B, 3 and 4”. — [The Minister of the Environment (Mr Poots).]

Amendment No 121 made: In page 205, line 6, at end insert

“The Clean Neighbourhoods and Environment Act (Northern Ireland) 2011.	In section 38, subsections (1), (2) and (3).”
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— [The Minister of the Environment (Mr Poots).]

Schedule 7, as amended, agreed to.

Long title agreed to.

Mr Speaker: I have never been as glad to see a long title in my life. [Laughter.] That concludes the Consideration Stage of the Planning Bill. The Bill stands referred to the Speaker. I ask the

House to take its ease until we move into the next item of business.

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

Private Members' Business

Single Use Plastic Bags Bill: Consideration Stage

Mr Deputy Speaker: I call the sponsor, Mr Daithí McKay, to move the Consideration Stage of the Single Use Plastic Bags Bill.

Moved. — [Mr McKay.]

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.

We will have one group debate. It will be on amendment No 1, which deals with the payment of charges to the Department of the Environment, plus Mr McKay's opposition to clauses 1 to 11 stand part and schedules 1 and 2 be agreed. The debate will also be on the amendments to the short title and the long title.

Once the debate 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.

New Clause

Mr McKay: I beg to move amendment No 1:
Before clause 1, insert the following new clause:

"Payment of charges for single use carrier bags to the Department of the Environment

A1.—(1) In Part 1 of Schedule 6 to the Climate Change Act 2008 (powers to make regulations about charges for single use carrier bags), after paragraph 4 (amount of charge) there shall be inserted the following paragraph—

'4A.—(1) This paragraph applies to regulations made by the Department in relation to Northern Ireland.

(2) The regulations may require the seller to pay to the Department—

(a) the gross proceeds of the charge, or

(b) the net proceeds of the charge.

(3) Paragraph 7(3)(c) does not apply to any amount required by regulations made under this paragraph to be paid to the Department.

(4) In this paragraph—

“the Department” means the Department of the Environment in Northern Ireland;

“gross proceeds of the charge” means the amount received by the seller by way of charges for single use carrier bags;

“net proceeds of the charge” means the seller’s gross proceeds of the charge reduced by such amounts as may be specified.’

(2) In section 77(4) of that Act (regulations subject to affirmative resolution procedure), after paragraph (a) there shall be inserted the following paragraph—

‘(aa) they are to be made by the Department of the Environment in Northern Ireland under paragraph 4A of the Schedule;’

The following amendments stood on the Marshalled List:

No 2: In clause 12, page 5, line 31, leave out “Plastic” and insert “Carrier”. — [Mr McKay.]

No 3: In the long title, leave out from “Impose” to “receipts” and insert

“Make provision for the payment of charges under Schedule 6 to the Climate Change Act 2008 for single use carrier bags to the Department of the Environment”. — [Mr McKay.]

Mr McKay: The Second Stage debate on the Bill attracted significant discussion, and I am grateful to Members for their contributions at that stage. At that time, there were a number of recurring themes during the debate, including the need for consultation on the proposals to allow all those who may be affected by the levy, including retailers, to put forward their views. That is interesting because, since that debate, there has been some media coverage, and I note that one BBC report surveyed some retailers in Newcastle about the levy, and they all supported it because it will save them money on plastic bags.

Another recurring theme was the concern that the district councils would be made responsible for the monitoring and enforcement of the new arrangements. The amendments that I have tabled for consideration today will address all those issues and, collectively, will remove the detailed provision from the Bill on the basis that

the legislative framework will be established by regulations made under the Climate Change Act 2008.

That approach will achieve a number of objectives. First, it will allow the Department to conduct further detailed research with a view to developing the most efficient and effective means of implementing the new arrangements. Secondly, it will enable the Department to provide for full public consultation on the detail policy proposals. The legislative framework for those proposals will then be established through subordinate legislation, which will be made under draft affirmative procedure.

That will provide for scrutiny by the Committee for the Environment and for further debate in the Assembly.

7.30 pm

Finally, the amendments remove from the Bill a specific role for councils. That issue was raised by Brian Wilson and other Members during the Committee debate on implementing the new arrangements. That will enable the Department to consider alternative options, again with a view to adopting the most effective and efficient approach. That gives the Department more flexibility in dealing with the matter.

As I said during last week’s debate, the primary purpose of the Bill was and remains to generate a significant reduction in the number of plastic bags that go to landfill and litter our streets and countryside. I also indicated that the proceeds of the bag levy will help to fund environmental projects. Those objectives can be achieved through the revised legislation. The Department will need to conduct further research to determine the most appropriate means of implementation. Therefore, I have decided to amend my Bill to confer broad enabling legislation. That will allow the Department to use the extensive regulation-making powers that are available already under the Climate Change Act 2008.

In concluding, I will summarise those powers. The Climate Change Act 2008 already allows the Department to require retailers to charge for single-use carrier bags that they supply to their customers, to specify the minimum amount that must be charged, to appoint an administrator to oversee the arrangements that are set out and to provide for penalties in the event of a breach of regulations. The Act, as it stands, does not

provide for retailers to pay the proceeds of the charge to the Department. However, the new clause that I have proposed today will amend the Act to allow that to happen.

Mr Ross: When the sponsor of the Bill came to the Committee a few weeks ago and said that his Bill would be changed significantly between Second Stage and Consideration Stage, I thought that we might lose two or three clauses. However, looking at the Marshalled List of amendments, I see that he was not telling a mistruth when he said that the Bill would be changed significantly. I suppose that, in legislative terms, it is the equivalent of Trigger's brush in 'Only Fools and Horses'. Trigger declared that he had had the same brush for 20 years but that brush had had 14 different heads and 20 different handles. There are significant changes to the Bill, and I am happy enough to support many of them.

It is fair to say that there was significant media attention when the Bill was debated at Second Stage. At that time, concerns were raised by small retailers and even by Friends of the Earth. It is also fair to say that I have had questions over the legislation, and anyone who read what I said during Committee Stage will recognise that I had concerns that I hoped the sponsor or the Department would be able to address. It is fair to say that, at Committee Stage, there were unanswered questions, and perhaps the amendments are trying to address some of those.

I have always had questions over the argument that was used about whether the Bill would benefit the environment. A concern was that one plastic bag would be swapped for another, including pedal-bin bags and nappy bags, which, of course, could be worse for the environment.

In fairness to the sponsor, his amendments have addressed the other issue that was raised, which was that, to avoid the tax, retailers would simply swap plastic bags for paper bags. That way, they would get around paying the tax, and, in fact, the processing of paper bags could mean that they would have a worse impact on the environment than plastic bags. By changing the wording in the Bill, the sponsor has, at least, addressed that issue.

My belief was always that the policy was to produce a tax and that it was not about saving or improving the environment. That was confirmed when it was part of the overall Budget agreement, and it should be viewed in that

context. The DOE budget for the next four years is dependent on the legislation being passed, and Members should bear that in mind.

Another concern, which we will be able to address, was that adequate consultation on the Bill had not taken place. Local and independent retailers have contacted me and said that they were concerned that there had not been enough consultation.

The Bill is becoming nothing more than enabling legislation or paving legislation. If a levy is introduced at some stage in the future, the detail will be contained in the regulations. I pressed officials on this matter in Committee, and they gave me a guarantee that all the regulations that will be introduced will be fully consulted on. Perhaps the Minister can reaffirm in the House this evening or tomorrow morning, when the debate is concluded, that, when the regulations are introduced, they will be fully consulted on and people will have a chance to have their say.

I turn to the specifics of the amendments. In respect of removing clause 1 from the Bill, I am content with that; removing clause 2, again I am very happy with that; removing clause 3, again more than happy with that; removing clause 4, again happy with that; removing clause 5, again I am happy with that; removing clause 6, again I am satisfied with that; removing clause 7, yes, very happy with that; removing clause 8, more than happy with that; removing clause 9, again very happy with that; removing clause 10 from the Bill, yes, I am also happy with that; and removing clause 11, again I am more than satisfied with that. Regarding the schedules, removing schedule 1, yes, I am happy enough to vote for that and again removing schedule 2 to the Bill.

Mr McKay: It is good to see the Member back in the Chamber again, and it is good to see him supporting the Single Use Plastic Bags Bill.

Mr Ross: Absolutely. As I said, I have no difficulty in removing the 11 clauses and two schedules that I mentioned. I am happy to do so, and I am glad of the support from the Bill's sponsor for that.

Amendment No 1 is probably more substantial and deserves a bit of commentary. An issue came up in Committee, and someone said that the Climate Change Act 2008 allowed for a levy to be introduced, so what is the purpose

of the Bill? At the time, it was explained to the Committee that the Climate Change Act 2008 allows for a levy to be introduced but does not allow for the Department to get that revenue. The amendment recognises that and allows an amendment to be made to the Climate Change Act so that, if a levy is introduced after consultation on the regulations, the revenue could be brought back into the Department. That makes sense, and it corrects part of the issue that had been brought up in Committee.

The cost, the procedure, how the levy would be collected, how the Department would keep tabs on independent retailers to ensure that they knew how many bags were being used and the cost of a plastic bag to the consumer would all be included in regulations that would have to be fully consulted on and would have to go through the due process.

As I said, amendment No 2 recognises the shortcomings in the Bill and the fact that it only mentions plastic bags. As I said, plastic will be substituted for paper. Therefore, the environmental argument does not stack up in the Bill. In some way, the amendment corrects that, and I can see the logic behind it.

Amendment No 3 changes the long title of the Bill, and that is unusual. However, it recognises the fact that the Bill, in its original state, was not going to deliver what the sponsor wanted it to.

The amendments and the sponsor's opposition to clauses 1 to 11 and to the two schedules recognise and reinforce the fact that this is simply paving legislation. It is enabling legislation that will allow the Department to consider bringing forward a levy in the future and to consult fully on any regulations that will come forward. Many of the concerns that Members have brought up are the concerns that independent retailers and other organisations have brought up, and they have been addressed by the amendments. Therefore, I am happy to support them.

Mr Kinahan: I am pleased to speak on this Bill, but I wonder why we went through the accelerated passage process, given that the Bill was going to be changed so substantially. This has ended up being a victory for everybody. I am pleased that the Bill has been changed and will be properly consulted on. The accelerated passage of the Bill was wrong. The Bill has completely changed. It is no longer necessarily

there for the environment, but it is there as a means to raise a levy.

I still have problems knowing whether the Bill will be consulted on properly. I imagine that NIIRTA is still very much against the Bill because the effect that it will have on small businesses and, indeed, on businesses that produce all types of bags is still unknown. Having spoken to Sue Christie of NIEL, I know that she is happy for it to go through today. More consultation is needed in the future.

Amendment No 1 changes the Climate Change Act 2008. I hope that we have got that absolutely right, that Europe will be happy with it, that it is the right legislation and that we will not find ourselves subject to an infraction fee or fine. Again, we need to ensure that it is properly consulted on with environmental groups, particularly to see whether it all fits in with the Act.

I have concerns, as we did previously, that the side effect of having fewer plastic bags will be that more big black bin bags are used, as well as more paper bags and cloth bags. However, the side effects will now be from single-use carrier bags. I guess that that will mean that even more big black bin bags will be used. We will probably raise much more money than we had originally intended. We know that paper is worse for the environment and that cloth is unhealthy, although I would like to see more details on that. We need to know an awful lot more about the Bill. I also want to know how we will define "single-use carrier bags", as most bags can be used twice. I look forward to seeing that in more detail. I still believe that we should look at how to adopt the Danish system and raise funds on the back of that.

I will not go through all the clauses but will simply welcome the fact that all the original clauses have been removed. If I am here in the new Assembly, I will look forward to the clauses being dealt with properly. My party supports the enabling Bill.

Mr Dallat: I enthusiastically support the Bill. If Members do not mind the analogy, I will say that it is, surely, the proverbial phoenix that has risen from the ashes in a new form. It is, if you like, the Houdini of Bills that have fallen foul of many a Parliament.

Of course, the need for the Bill has never been in any doubt. The issue is just the packaging,

if Members will pardon the pun, and the claims that it would generate £16 million. Oh, how I feel for the Minister, who thought that he would get £16 million to repair all those riverbanks and do things that need to be done. Now, we do not have the money. In the short term, the Bill, in its current form, will not raise any money — not a brass penny. However, who knows? In the future, it may well do so. Of course, it will be a good thing if the Bill brings about the clearing-up of carrier bags — am I allowed to use the word “plastic”? Those bags have damaged the environment, choked wildlife and caused farmers horrendous problems.

The concerns of small shopkeepers have been mentioned. They are entirely genuine. I have had it in the teeth from loads of small shopkeepers. They feel that they have had no opportunity for consultation. Some I have spoken to had, in fact, embarked on their own campaign to reduce packaging. They feel that they have been sidestepped.

I am sure that the Bill's sponsor will justify its accelerated passage. Again, I would have thought that, in a fledgling democracy, the use of the accelerated passage procedure would be occasional. Now, it appears to happen quite often.

Mr McGlone: Not only has there been a proposal for the Bill's accelerated passage, but there is an accelerated Bill: it is going so fast that it has become unrecognisable. I am not sure whether it is now a private Member's Bill or, in fact, the Department's Bill.

7.45 pm

Mr Dallat: My colleague is finished. I will conclude at this unearthly hour of the evening.

Mr Brady: Mr McGlone mentioned accelerated passage. When Ms Ritchie was Minister for Social Development, accelerated passage was used frequently.

Mr Deputy Speaker: Let us stay on the subject of the Bill.

Mr Dallat: Mr Brady's comment was not very nice. The Member, who seems to have a particular affection for Ms Ritchie and gets her into all his speeches, must realise that because of all the —

Mr Deputy Speaker: Order. We have to stick to the Bill before the House.

Mr Dallat: Mr Deputy Speaker, from one Deputy Speaker to another, I have to agree with you. I should not have taken the bait.

I will be serious. Other issues came up when the Department was discussing the Bill with the Committee. Our concern for the environment and for the filling up of landfill sites extends far beyond carrier bags. The Department has undertaken to look at other issues. There are loads of resources from the European Union that could be used constructively to create hundreds if not thousands of jobs, not only in recycling but in preventing material going to landfill.

I congratulate the sponsor of the Bill. He has had a hard struggle with it. I am sure that he is grateful to the Department, which, like Lochinvar, came and rescued the whole thing at the last minute. We will support the Bill enthusiastically.

Dr Farry: We are in unprecedented and surreal territory. Nevertheless, my party and I are more comfortable with the proposed direction of travel that has been set out. I am not going to detain the House and rehearse the points that have been made by others. We welcome what is a step back from what was originally proposed and are grateful that there is more time for consideration of the concept. We support moving ahead with addressing the overuse of plastic bags. In that respect, we continue to support the principles of the Bill.

Notwithstanding the unprecedented nature of what is about to happen, I appreciate the rationale for doing it. I am deeply encouraged that the Department believes that, potentially, it is acceptable to make major legislative departures through regulations. That is relevant not only to this debate but to other debates that we had earlier this evening.

Although the Bill may well be enabling legislation, the issue and the complexities around it, the way in which it can be introduced, the views of the various interest groups in Northern Ireland and the competing environmental arguments that we have been exposed to need to be properly thought through and properly tested through public consultation. Like other Members who have spoken, I look forward to hearing considerable reassurance from the Bill's sponsor and the current Minister of the Environment that proper consideration will be given to all the issues before the detail of this comes back through regulations.

We support what is now before us, in its almost 100% transformed status.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. I support the changes to the Bill. Obviously, they reflect the changes of the Department, not of its sponsor.

At Second Stage, the main discussions centred on consultation. There were also discussions about district councils. The amendments allow the Department time to carry out research and further investigations to ensure that we deliver a very effective arrangement. They allow the Department to carry out a full public consultation. That was discussed at Second Stage, when it was said that there was not enough consultation and people were being excluded.

Whoever is here after the election will have an opportunity to scrutinise the subordinate legislation that will come through the House. The Assembly will have plenty of opportunity for debate, and the new Environment Committee will be allowed to really scrutinise the Bill. Members of the current Committee felt that things were being rushed through and that they were not aware of the full detail of the Bill. The amendments enable all those concerns to be addressed. They will give small businesses, retailers and businesses that supply plastic bags and other carrier bags the opportunity to feed into the process.

At Second Stage, a lot of Members spoke about local authorities having to implement or enforce the legislation. Obviously, the amendments will remove that requirement. They will give flexibility to look in detail at best practice in other areas that have implemented such a levy and get the most cost-effective way to collect that levy.

Neither I nor Sinn Féin has changed position on supporting a plastic bag levy. I will not rehearse all of that, but environmental reasons are a big component. There were concerns at Second Stage about other carrier bags, such as paper bags, that would cause more environmental damage. Amendment No 2 deals with that and gives greater flexibility in that regard.

Other reasons why I support the plastic bag levy include reducing litter and improving the quality of recyclable material. Changing consumer behaviour is one of the most important reasons, as is generating funds for environmental

projects, particularly the green new deal, of which I am a great supporter.

The amendments allow us all the opportunity to reflect, look at best practice throughout the world in gathering the levy and make sure that we get it right.

Mr Beggs: I declare an interest as a local councillor. Councillors will have an interest in the Bill, because single-use plastic bags frequently end up as litter. Also, the original draft of the Bill placed a bureaucratic requirement on councils to carry the administrative burden.

The sponsor of the Bill made a significant understatement when he said that he had decided to amend the Bill. What has happened is remarkable. The first 11 clauses have been entirely removed; Clause 12, which is the short title, has been altered; and the schedule has been removed. To say that the Bill has been changed is an understatement. It has been significantly renewed, and I think that most reasonable people would say that it is practically a new Bill.

During the earlier debate, I raised concerns that the original proposal to charge 15p was unnecessarily excessive. Again, I highlight the additional burden that would have been placed on local government, along with a lot of other burdens that are falling on local government in connection with other legislation currently completing its passage. We need to take care that we do not create too great a burden. The other issue highlighted was how other types of bag can require more energy to produce and be more polluting. I am comfortable with the amendment to address single-use carrier bags. There was also concern about the use of accelerated passage, rightly so with such significant legislation.

The contents of the Bill having been stripped out, new clause A1 is merely enabling legislation, and it is, to all intents and purposes, new legislation. There will be a consultation process involved in drawing up the outworkings of the secondary legislation that will flow from it. That will help us to get a better balance. The proposed new clause can also be more easily adjusted as it proceeds, should it need to be, and as it tries to achieve its purpose of creating a better use of our resources and of reducing the litter scourge associated with any single-use bags, particularly single-use plastic bags.

I am comfortable with the proposed significant alteration to the Bill, and I will support the new clause and agree to the other changes that the original sponsor of the Bill suggested.

The Minister of the Environment (Mr Poots):

I welcome the modest amendments that have been tabled. They will make some slight changes. I have stated that I support the principle of the Executive's collective decision to introduce a levy on single-use bags. I did that on the basis that it would not be an environmental tax for the sake of having a tax, as I am wholly opposed to people using the environment for tax-raising purposes. I think that that is wrong. I will support the Bill only on the basis that investment will be put back into the environment as a result of any funding that the levy raises.

With that in mind, I am conscious of the need to undertake comprehensive research to determine the best approach to the implementation of the arrangements. Indeed, I have already asked my officials to commence that process, and the amendments will allow for the consideration of all options to ensure that the new arrangements are implemented in the best way possible. That will include the amount of the charge. There was a lot of concern about 15p, which was the figure that took hold. It would be good for us to identify the right figure to charge. It may be a much smaller figure, which may raise more money. Alternatively, it could be a much higher figure, in which case the number of bags used could really be reduced. It remains to be seen how we will take that forward. For example, how will the money be collected? Will we get the co-operation of HMRC? Will we have to introduce our own system? If we introduce our own system, how much might that cost us, and would it still realise value for money? Would there be a system through which the plastic bag levy could directly fund our NGOs without it coming through government, meaning that it would not come out of our funding to begin with? All those issues need to be addressed, and we need to be creative about how we do that.

We also need to look at the administrative and enforcement arrangements. I was surprised to hear Mr Beggs complain that it might put an additional burden on councils. If I am not mistaken, the same Mr Beggs, along with his party colleagues, voted this afternoon to put an additional burden on local government by asking it to look after climate change arrangements, which is something that other bodies do already.

They said that we should have a duplication of services and put additional cost and burden on to councils, and then, a few hours later, they cried crocodile tears about the possibility of burdens being put on councils.

Most importantly, the legislation will allow my Department to conduct a full public consultation on detailed policy proposals. I think that Members want to hear that. It is essential that we consult properly on this issue. It has an impact on jobs and on our small retailers. Unlike Mr McKay, I have not heard an awful lot of small retailers say that this is a wonderful idea. I do not know where he is talking to them, but I cannot honestly say that I have heard a load of small retailers suggest that this is a great idea.

If we go through full public consultation, however, we will be able to make provision for subordinate legislation to be debated in the Assembly. That should address the concerns that Members expressed at Second Stage, and it should provide all key stakeholders, including retailers, with an opportunity to consider the Department's detailed policy proposals and to express their views.

At this point, there is not much more that I need to say. The Bill, as amended, merely provides broad enabling powers, with the detail to be established through subordinate legislation. In due course, my Department will bring the draft legislation before the Assembly for consideration. I am happy to support the few amendments that are before the House.

8.00 pm

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. I thank all the Members for their contributions to the debate.

Alastair Ross kicked off proceedings, and it is good to see him back in the Chamber again, engaging in and contributing to the debate. He raised his concern that some retailers may change from plastic bags to paper bags. In its response to the draft Budget, NIEL also expressed that concern, and we want to take those concerns on board. There is a need to look in detail at the use of plastic and paper bags in the retail trade to establish what levy should be placed on each. The Member also welcomed the amendments, which, if accepted, will put the Bill into a different state. However, he should bear it in mind that a private Member's Bill is not only about what is on the

sheet but about getting Departments or the Executive to adopt a policy or an idea. In this instance, the position has quite firmly changed.

Danny Kinahan spoke about the need for consultation, and, as the Minister outlined, the Department will conduct a full consultation process, which will give everyone an opportunity to put their views across. The Member also touched on the fact that NIEL is happy with the legislation as it stands.

John Dallat also referred to small shopkeepers, and their concerns must be taken on board during the consultation process and before regulations are put in place. He also expressed a general concern about waste going to landfill sites, which is an issue in his constituency of East Derry.

Stephen Farry said that many issues and complexities needed to be tested. He also said that he looked forward to the regulations coming to the House at a later date. Willie Clarke supported the Bill.

Roy Beggs discussed changes to the Bill and expressed concern that councils may have some roles and responsibilities with regard to it. However, as the Minister said, that will be worked out in the finer detail. We need to look at how cost-effective it will be to collect the levy, and part of that will be deciding who carries that out.

The Minister indicated that he had asked officials to commence research. He said that his Department will take things forward and that the detail will be worked out and addressed in the future.

I do not want to keep Members any longer than necessary. The Bill has changed. It changed because the Department and the Executive radically changed their position and indicated that they were committed to implementing a single carrier bag levy. That was the original purpose of the Bill. As I said, many private Members' Bills do not get to Final Stage, because their primary purpose is to get Departments and Ministers to adopt a policy and change the law. However, this private Member's Bill has been successful. The issue was brought to the Executive, and the Executive and the Minister adopted the idea that we brought to the House.

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

New clause ordered to stand part of the Bill.

Mr Deputy Speaker: No amendments have been tabled to clauses 1 to 11. However, the sponsoring Member, Mr McKay, has indicated his intention to oppose the Question that the clauses stand part of the Bill. I propose, by leave of the Assembly, to group clauses 1 to 11 for the Question on stand part.

Question, That clauses 1 to 11 stand part of the Bill, put and negatived.

Clauses 1 to 11 disagreed to.

Clause 12 (Short title)

Amendment No 2 made: In page 5, line 31, leave out "Plastic" and insert "Carrier". — [Mr McKay.]

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

Schedule 1 (Application of Central Environmental Fund monies)

Mr Deputy Speaker: No amendments have been tabled to schedules 1 and 2. However, the sponsoring Member, Mr McKay, has indicated his intention to oppose the Question that the schedules be agreed. I propose, by leave of the Assembly, to group schedules 1 and 2 for the Question that the schedules be agreed.

Question, That schedules 1 and 2 be agreed, put and negatived.

Schedules 1 and 2 disagreed to.

Long Title

Amendment No 3 made: Leave out from "Impose" to "receipts" and insert

"Make provision for the payment of charges under Schedule 6 to the Climate Change Act 2008 for single use carrier bags to the Department of the Environment". — [Mr McKay.]

Long title, as amended, ordered to stand part of the Bill.

Mr Deputy Speaker: That concludes the Consideration Stage of the Single Use Carrier Bags Bill. The Bill stands referred to the Speaker.

Adjourned at 8.06 pm.

Northern Ireland Assembly

Wednesday 9 March 2011

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

Members observed two minutes' silence.

Assembly Business

Mr Speaker: I advise Members that a valid petition of concern was presented on Tuesday 8 March in relation to the Final Stage of the Local Government (Disqualification) Bill. That means that the vote on the Bill will be on a cross-community basis, and it will take place today.

Executive Committee Business

Budget 2011-15: Programme for Expenditure

Mr Speaker: The Business Committee has agreed to allow up to seven hours for the debate. The Minister will have up to 90 minutes to propose and to make a winding-up speech, which he can allocate at his own discretion. Two amendments have been selected and published on the Marshalled List. The proposer of each amendment will have 10 minutes to propose and five minutes to make a winding-up speech. All other Members who are called to speak will have 10 minutes. Given the length of the debate, I propose to suspend the House at around 1.00 pm for one hour.

The Minister of Finance and Personnel

(Mr S Wilson): I beg to move

That this Assembly approves the programme of expenditure proposals for 2011-15 as set out in the Budget laid before the Assembly on 7 March 2011.

I thank you for allowing one hour for lunch; I thought that I was going to be incarcerated here for seven hours, although I could probably afford to do that. I hope that I have the right speech today, as well.

We find ourselves at the final stage of the Budget process. The process has been long and arduous, but in many ways it is the most important single task that the House has discharged over the past four years. The contrast between the opening and closing days of this Assembly could hardly be greater when it comes to the fiscal environment. In 2007, there was a misplaced faith in the belief that economic growth was constant and that public expenditure would continue to flow from Westminster, growing in real terms from

year to year. Now we find ourselves having to construct a Budget for Northern Ireland that has been framed by the austerity plans of the UK Government.

Although the citizens of Northern Ireland had no role to play in the various excesses of the financial markets over recent years, we do now have to address the consequences of those excesses. Those consequences are imposed in real terms, through public expenditure cuts on devolved Administrations in the United Kingdom. The Executive have not imposed those cuts, despite what some Members have been suggesting recently. The cuts have come from the UK Conservatives and their associates. This is not the Budget that any Finance Minister would like to deliver. With constrained resources, I have, with my Executive colleagues, explored every conceivable option to bring additional revenue and to impose stringent efficiency programmes on the delivery of front line public services.

Some Members were quick to rush to the media last Friday after I presented the Budget outcome. There were claims that it was unimaginative and false. In my view, conveying such a message to the public does a disservice, in so far as it undermines confidence and undermines the attempts that we are making to kick-start the economy after the recession. Mind you, for all that people have criticised the Budget as being unimaginative and false and not allocating money in the right way, I am still waiting to hear some suggestions from them as to what alternatives they would bring forward to ensure that the extra money that they want for services is made available. Maybe I will hear those today.

I have said many times that I welcome all new ideas, but, sadly, nothing realistic has emerged from the loudest critics in the Assembly. Any ideas that have emerged are contradictory or display a profound degree of ignorance of the public expenditure regime that devolved Administrations have to operate within. Unlike my critics, I do not have the luxury of being able to construct a Budget that is not earthed in reality. Her Majesty's Treasury would have a word or two to say about that, and I do not think that people in Northern Ireland would be happy if we simply pushed through a Budget based on fantasy figures that unravels further down the line. We owe people a Budget that does not go in that direction.

The defining backdrop to setting the Budget was always going to be the block grant that was set through the Barnett formula. Therefore, the starting point for the Executive in constructing the Budget was the cumulative £4 billion real terms reduction over four years as announced in the UK spending review last October. Since then, I have, through bilateral meetings with Ministers and the ministerial review group, sought to maximise the spending power available to the Executive. Some decisions have not been easy, such as increasing the rate burden on domestic and non-domestic properties. Other decisions will take time to materialise, such as the £20 million per annum dividend from Belfast Harbour Commissioners. Other revenue proposals appear to have genuine merit, but Ministers will require some time to assess their feasibility and the possibility of bringing forward legislation. When those materialise, and only then, will those funds be factored into future monitoring round allocations.

After all of those issues were taken into consideration, it became a question of how to apportion resources across Executive Departments. Some Members have ridiculed the Executive for approving a Budget without a Programme for Government. Again, that is a rather uneducated and naive view, because the Executive are clear that growing the economy is the only policy route available to us to improve the wealth and well-being of all our people. A productive, educated and employed population alleviates so many other expenditure pressures in areas such as health, welfare and social housing.

There was, however, an acceptance that the public have high expectations when it comes to delivery of health services in Northern Ireland. The Health Minister has decided to make health provision a political football in the context of the Budget. He talks repeatedly about the decline in service provision but somehow fails to make a connection between that decline and his four-year tenure of office.

Over the last four years, the Executive have put more money into health than any other public service, and it will continue to do so. At present, health spending accounts for 41% of the total planned current expenditure in 2010-11 and by 2014-15, that figure will have risen to 44.3%. We have also given the health sector greater protection than it has in any other region of the United Kingdom over this spending review period. The final Budget allocation, of a further

£189 million of additional spending power confirms that health spending will definitely grow at a faster rate than in any other region of the United Kingdom.

In the light of that, it seems incredible that the Health Minister talks about insolvency and chapter 11, although what relevance the United States commercial bankruptcy code has I do not know. I am concerned only about the public service in Northern Ireland, and I still find it disgraceful that the Health Minister can seek to justify his action — or rather, his inaction — in the media when he has never approached his Executive colleagues with plans to make Health Service delivery more efficient in Northern Ireland. His own research, commissioned from McKinsey and Company at a cost of over £300,000 has highlighted a number of actions that could save hundreds of millions of pounds. What has he done with this work? Nothing.

The final Budget also sees notable additional funding allocated to the Department for Employment and Learning, the Department of Education and the Department for Regional Development and, in total, the Executive have dispersed an additional £388 million. The two main sources of additional funding are the release of the uncommitted £100 million that has been held at the centre since the draft Budget for further possible invest-to-save projects; from the decision to create an overcommitment of £30 million per annum, both capital and current; and the balance of additional spending power comes from miscellaneous items, such as additional rate revenue generated by greater collection activity by Land and Property Services (LPS) and the higher GDP deflator assumptions.

Some of those additional funds have allowed the Executive to address many of the concerns expressed during the consultation period. However I am not trying to mask the fact that this final Budget signals a coming period of constraint in public service provision. The cards we are dealt by Westminster mean that the Northern Ireland Executive, just like Scotland and Wales, has no choice. Therefore, the strategic goal for the Executive is to try to insulate key public services from the worst ravages of the UK coalition cuts. We have done so in this final Budget.

There is much work for the incoming Executive and Assembly to do in continuing the work of

the Budget review group, bringing online the other deliverable revenue streams, rationalising a number of arm's-length bodies and driving forward the efficiency agenda — all issues that will improve the financial position of the Executive. The new Assembly and Executive can continue to improve the economic environment, making it fairer for our small and medium-sized enterprises. For example, Members will be aware that I want to rebalance the system of business rates. My Department will also bring forward proposals to significantly extend the small business rate relief scheme from April 2012. While the detail of this has yet to be finalised and will be subject to consultation, I hope to be able to more than double the total amount of overall relief that is provided, while increasing the numbers that are eligible by around a third.

I will be looking to cross-subsidise that by applying a levy to large high-value retail properties, the majority of which are out-of-town properties, but which will also include some very large stores in city centres. This will ensure that more small businesses get help while increased support is provided by a sector that has not fared too badly in comparison.

In conclusion, there is much work to progress over the coming months and years. However, this Budget for 2011-15 sets the framework for moving forward.

10.45 am

Mr McNarry: I beg to move amendment No 1: Leave out all after the first “Assembly” and insert

“calls on the Minister of Finance and Personnel to revise the programme of expenditure proposals for 2011-15, as set out in the Budget laid before the Assembly on 7 March 2011, by allocating 38 per cent of the additional £432 million resources identified for key public services (as indicated in the Minister’s statement of 4 March 2011) to year 1 revenue for the Department of Health, Social Services and Public Safety; and further calls for the spending requirements of DHSSPS to be reviewed annually thereafter over the Budget period and for the balance (62 per cent) of those additional resources to be allocated towards key public services by agreement of the new Executive.”

These are Budget proposals tabled in a unique fiscal circumstance, not least because of Her Majesty’s coalition Government’s determination to reduce, over the next four years, the

unacceptable size of the national debt caused by Labour's reckless plundering of reserves, its cycle of poor fiscal management and the encouragement of casino-playing banks.
[Interruption.]

Mr Speaker: Order.

Mr McNarry: I have always said that for Northern Ireland to play its full role in contributing to reducing the national debt we are required to show our people that in asking them to take the pain from austerity measures we have a duty to demonstrate our plans to move from pain to gain. Regrettably, the DUP/Sinn Féin cut proposals introduced here last Friday fall well short of showing the public how today's pain can be turned into tomorrow's gain. Put bluntly, there is no plan here, and that is why I am proposing this amendment. The proposals, supported by a majority vote in the Executive, point clearly to the pre-negotiated joined-up intentions of DUP and Sinn Féin Ministers to cut and slash and are purely for narrow party electioneering. There is no plan in that either. Those are not proposals for a Budget in the real sense. *[Interruption.]*

Mr Speaker: Order.

Mr McNarry: Rather, they are based entirely on statements of intent that are in themselves based on wing and prayer assumptions that cannot be stood over, are not proven to be deliverable and have been effectively cut to ribbons by a growing list of notable economists and other bodies, such as Age NI, the Royal College of Nursing, UNISON, the Construction Employers Federation, the CBI and NIPSA.

If this debate were about a proper Budget, there would be a Programme for Government underpinning it, with a proper, collectively agreed, set of priorities for the next four years. However, we do not have a Programme for Government in front of us today copper-fastening agreed priorities. This is budgeting on the hoof, and it is very untidy. The outcome of the way that this dysfunctional Executive do their business proves to the Assembly that they are not working for the people of Northern Ireland. Therefore, although very disappointing, it was not surprising to find a comprehensive live list detailing DUP/Sinn Féin cuts in last Friday's statement from the Finance Minister. Those cuts are not for us to support. We in the Ulster Unionist Party are concerned most of all with delivering the people's priorities, and chief among those priorities is spending on health services. Ownership of the cuts,

therefore, belongs only to the DUP and Sinn Féin. *[Interruption.]*

Mr Speaker: Order.

Mr McNarry: Given the thrust of the cuts impact, the Ulster Unionist amendment seeks to return some sanity to the House today. I urge the House to rethink this matter before the unthinkable happens and decisions are taken that fail to protect the delivery of health and social services to all our communities, resulting in public outrage and deep despair. Health and social services are the people's priority, and today, we can identify with the people by making that our priority, too.

It was inevitable that the Health Minister, regardless of party affiliation, would have to articulate the facts as presented to him. Our Minister should expect to do so without the invective and abuse that he has taken on this matter, which has been disgraceful to say the least.

The man in the hot seat, Minister McGimpsey, has put the issues on the record for the public. He asked people whether they would prefer an Omagh bypass or a new local hospital in Omagh. He asked whether they wanted a new radiotherapy centre at Altnagelvin or a new road between Strabane and Dungannon. He questioned whether a sports facility should be refurbished or whether we should build instead a new maternity unit at the Royal Hospital. He warns that all those capital projects are still at risk and cannot be delivered under the current circumstances. He argues, and has argued well, that we need £200 million next year to balance the books but are getting £45 million. Quite simply, he says, the Health Service is broke. He concludes — *[Interruption.]*

Mr Speaker: Order.

Mr McNarry: He concludes that he cannot find that amount of money and will not be able to pay the bills.

He has warned that 4,000 jobs may have to go, and that still stands, given the Budget that we have. *[Interruption.]*

Mr Speaker: Order.

Mr McNarry: Put succinctly, those are the stark choices facing Northern Ireland people today. If those choices are not faced up to, the tide of public anger will be impossible to contain. The approach to the situation adopted

by those who have already voted three times against the health budget in this Assembly is a deep disappointment to the more than 78,000 people who work in the Health Service and their dependants, let alone the hundreds of thousands of patients. I am sure that everyone in the Chamber knows one of those patients, and we are letting them down. *[Interruption.]*

Mr Speaker: Order.

Mr McNarry: I contend that support for the Budget as it stands is a rejection of health as the people's priority. That support delivers on nothing, spins everything and is governing sloppily. In an own goal, self-interested, behind closed doors mentality, that is what we have stooped to.

What matters in this House are the people's priorities. At the head of those priorities is our National Health Service. Go out onto the streets and ask the people what public service really matters to them and they will answer clearly and unambiguously; the Health Service. That is the same Health Service that has been repeatedly criticised and is under attack from those proposing this Budget. The Ulster Unionist amendment reflects the people's priorities on health.

The Budget is challenging for everyone. Few will escape its painful impacts. Meeting the family budget, educating our children, protecting jobs and creating new employment across a host of areas will all be hit hard by this Budget. However, nowhere will the impact have more immediate effect than crunching as it does the delivery of our Health Service.

As Members would expect of me, I have, over the months, challenged the Health Minister on his figures and assertions that the National Health Service in Northern Ireland faces insolvency in a matter of weeks. That is what the Department of Health, Social Services and Public Safety's (DHSSPS) accounting officer has told the Minister. That is what the public are aware of. The strength of the case he makes is compelling and of such consequence that the House simply cannot default on advising the Finance Minister to responsibly favour today the amendment in my name and that of Tom Elliott, and, moreover, to secure it in all our names.

The £432 million that has been mentioned has not been included in or formed part of any obligatory public consultation exercise. It was good to see that money unveiled last Friday in

the Minister's statement. However, that gives us only today as the first opportunity for the House to consider and debate the allocations. The amendment will assist the House to do exactly that, by putting forward the proposition to allocate 38% of that new money to the Health Department in year 1 revenue columns to avoid insolvency and to give the Department the cash that it needs to meet its obligations in 2011-12. The 38% figure, which is some £165 million, also places an onus on the Department to step up to the plate with extra savings of its own. Those savings would tighten the Department's belt.

By supporting the amendment, the Assembly would be saying and doing two things to help our Health Service. First, let the House recognise the urgent need for cash. Secondly, let us knuckle down together in the interests of the people and our Health Service. That approach is not incorporated in the Budget. We must do that, and we can do better. Let us do better. *[Interruption.]*

Lord Empey: On a point of order, Mr Speaker. Is this debate going to be punctuated by P1 and P2 people behaving in the way that they are and sniping at every Member who speaks?

Mr Speaker: I thank the Member for his point of order. Let me assure you and the whole House that that will not be the case.

Ms Ritchie: I beg to move amendment No 2: Leave out all after the first "Assembly" and insert

"notes that the Budget 2011-15 is not based on any up-to-date Programme for Government; recognises the need to provide a more transparent and detailed breakdown of expenditure proposals over the four-year period as highlighted in the consultation process; calls on the Minister of Finance and Personnel to revise the programme of expenditure proposals for 2011-15 to include a strategy to raise additional revenue and capital resources, to abolish the social investment fund and to reallocate the £80 million from that fund and any additional resources raised to provide for:

(i) significant interventions to grow the private sector;

(ii) public sector reform and new models of asset management to rebalance the economy;

(iii) increased investment in job creation, particularly in construction, renewables, ICT, tourism and the agrifood sector;

(iv) adequate funding to support front-line health services and to build more social houses;

(v) an adequate four-year allocation for the social protection fund to protect vulnerable people from the impact of welfare cuts;

(vi) greater support for the school building and maintenance programmes;

(vii) a guarantee that any public sector redundancies will not be compulsory; and

(viii) support for universities so that student fee increases become unnecessary."

I am conscious that SDLP amendments to Budget legislation have had an interesting recent history in the House. Members will recall that the House debated an SDLP amendment to the draft Budget Vote on Account on 14 February. Among other things, the SDLP amendment called for more spending on health to protect front line services; more resources for the Department for Employment and Learning (DEL) to avoid any suggestion of a hike in student fees; and more for education and job creation. Disappointingly, but, I regret to say, not surprisingly, the SDLP amendment was attacked by the DUP and Sinn Féin authors of the draft Budget. The SDLP was lambasted, not only for having the temerity to question the DUP/Sinn Féin Budget at all, but for believing that more money could possibly be made available for public services. Indeed, the First Minister had indicated earlier that the Health Minister's dissatisfaction was obscene.

Fast-forward 18 days, and the Finance Minister, in his statement on the final Budget, cheerfully announced more money for health, DEL and education. SDLP proposals that were dismissed and rejected out of hand by DUP/Sinn Féin only 18 days previously were announced triumphantly.

This Budget fails the people of Northern Ireland. It is a formula for thousands of job losses and will heap a mountain of misery on vulnerable households. It punishes low-paid workers, students, teachers, schoolchildren, the construction industry and those who depend on our health service. It crudely dismisses the advice of all independent commentators. It is a 1970s Tory cuts Budget from two parties still rooted in 1970s politics. The DUP/Sinn Féin authors of the Budget have taken a completely defeatist approach when it comes to cuts. They tell us that London has handed us a settlement complete with £4 billion of cuts and that there is nothing that we can do to mitigate it, even

over four whole years. I am sorry, but that is not good enough for the SDLP.

Our people deserve better. That is why I have called this Budget lazy and unimaginative. That is why we refer to DUP ostrich economics. They prefer to ignore the difficult realities of the environment rather than do something to try to improve it. We have had the false allegation that the SDLP would have opposed the Budget come what may: that is utter nonsense. All along, we have invited the Minister to improve the Budget so that we could support it.

Let me now recap on why the SDLP is fundamentally opposed to the Budget. First, there is no Programme for Government to which the Budget is supposed to be giving effect, nor was there even any attempt to start to negotiate one. Any Budget should be the financial outworking of a strategic programme. The DUP and Sinn Féin may well try to scramble together a Programme for Government now and retrofit it, but the fact is that the Budget has been cobbled together without any strategic thinking.

Secondly, the Budget fails to recognise that public expenditure is our only real economic lever in the North. Yet, there is no attempt in the Budget to rebalance the economy or any Budget dynamic that will streamline the public sector while driving growth and wealth creation in the private sector. An opportunity has been missed.

11.00 am

Thirdly, there is absolutely no emphasis on or priority given to job creation. The North is in deep recession, and it is our duty, as well as our basic economic imperative, to try to put people back to work. The SDLP has proposed investing in job creation, particularly in the indigenous job-intensive sectors of construction, tourism and food. Add to that a major programme of home insulation, which could counter fuel poverty and provide work for thousands of unemployed construction workers. Despite all the hot air, I have heard no explanation of why that cannot be done.

Fourthly, there is insufficient money for health. Although the Minister of Finance and Personnel has bragged about an 8% increase for health, he knows that it is a substantial decrease in real terms. He employs the shallow and dishonest argument that health is getting a better settlement than other Departments, when he knows that there are greater expansionary

pressures in health than in other Departments. The concerted and bad-tempered attempts to demonise the Minister of Health, Social Services and Public Safety are unworthy and unacceptable.

Fifthly, the Budget gives insufficient resources to education. Not only would much-needed investment in new schools and school maintenance provide crucial employment, but, surely, we are duty-bound to invest in better literacy and numeracy outcomes for the many young people whom the education system currently lets down.

Sixthly, there is an absolute failure to identify new revenue streams, additional capital receipts, additional borrowings or cash-releasing efficiency savings. Not only is there a failure to identify self-help measures, there is a stubborn resistance even to consider the available options, as if there is absolutely nothing that we can do even over four years.

Seventhly, no matter what they try to do to make it look respectable, the so-called social investment fund is an abuse of public resources and is unacceptable. The DUP and Sinn Féin have no right to annex £80 million of public money to carve up among their favoured groups. *[Interruption.]*

Mr Speaker: Order. The Member has obviously no intention of giving way.

Ms Ritchie: I could go on with many more criticisms, but the fundamental picture is that of a lazy and unimaginative Budget that makes no serious attempt to mitigate Tory cuts.

In all the bad-tempered comments from the First Minister and the deputy First Minister and what I can only describe as prolonged slapstick from the Minister of Finance and Personnel, no answer has been provided to the central criticism. If anything, surely that is obscene. The reluctance of the Finance Minister to seriously consider the SDLP proposals is disappointing, but at least he took the trouble to look at them. He cannot seriously doubt that we answer the question of how to fund the proposed additional spending. We produced a 70-page Budget paper crammed with detailed proposals. It is the only paper produced by any political party that contains detailed figures. Indeed, it is unprecedented in our politics. It contrasts with the six pages of superficial nonsense, full of pictures, produced by the green Tories in Sinn Féin.

Sinn Féin's position is utterly unsustainable. The Sinn Féin socialists have waded through £4 billion of cuts in Northern Ireland without so much as a whimper, while pretending that there is an alternative to the inevitable cuts in the South. The position of that party can be summarised thus: in the North, green Tory; in the South, different story.

The SDLP has made all the running on this Budget and is the only party to set out how, as an Executive, we can help ourselves. Helping people is, surely, what devolution is meant to be all about. The SDLP has been cynically accused of all sorts of motives, but it is in the tradition of this party to hold out for higher standards and better outcomes for all our people. It is with the confidence of knowing that our case is right and with enduring pride that I invite the House to support the SDLP amendment.

The Chairperson of the Committee for Finance and Personnel (Mr McKay):

As Chairperson of the Committee, I think that we should acknowledge at the outset that the Executive have faced an unenviable challenge in developing the Budget in the face of swingeing public sector spending cuts imposed by the British Government's spending review. As a result, £4 billion was cut from our block grant without any assessment of relative need.

The Executive have signalled their intention to remain focused on the strategic priorities of growing the economy and protecting the most disadvantaged in society while balancing the Budget through a mix of savings, efficiencies, asset realisation, borrowing and revenue-raising measures. The application and outworking of those measures across the 12 Departments and other public bodies, combined with the ramifications for the private and third sectors, will determine whether that approach is successful.

Members will by now have received the Committee's co-ordinated report on the draft Budget. The report was informed by a great deal of evidence from a wide range of witnesses, including representatives from the business and voluntary sectors, economists, academics and trade unions. The Committee also received submissions from each Statutory Committee, the Audit Committee and the Assembly Commission. A take-note debate then enabled all Members to debate the Executive's draft Budget 2011-15 proposals.

The Committee's report is a critical but constructive response to the Executive's draft Budget proposals. As well as 45 key findings and recommendations, the report includes numerous supplementary observations and proposals, both at strategic and departmental level. Many of those apply to the medium to longer term, and, that being the case, the Committee will recommend that its successor Committee continue with that work. The Committee's third Budget scrutiny inquiry report will be agreed before the end of the mandate and will aim to identify practical measures to improve future Budget process and to strengthen the role of the Assembly.

The Minister of Finance and Personnel has repeatedly stressed his belief that there are further cash-releasing efficiencies to be found over the Budget period. The area of efficiencies was examined in detail by the Committee in the previous session of the Assembly and again in its consideration of the draft Budget. Members remain concerned that budgetary savings and efficiency gains are not monitored centrally. If they were, that would ensure that savings or efficiencies made by one Department did not have a cost or adverse impact on another Department and that Departments did not lose sight of the need to improve efficiency and effectiveness in the medium to long term as a result of the present focus on the delivery of short-term budgetary savings. The Committee believes that the Department is best placed to fulfil that vital role.

The Committee has highlighted areas in which it considers true efficiency gains can be achieved. Those include rolling out shared services beyond Departments to other public bodies, better management of the government estate, collaborative public procurement, a strategic review of senior staff complements across all Departments and arm's-length bodies and better or more efficient working practices.

Reference has been made to the work that the performance and efficiency delivery unit (PEDU) will undertake in the Department of Health, Social Services and Public Safety, and, given the ambitious nature of the savings required for all Departments, the Committee considered that both an indicative work programme for PEDU and provision for enhancing its capability should be included in the final Budget proposals. I welcome the Minister's comments on that.

The area of preventative spending was also examined in some detail. From the evidence considered, Committee members believe that there is a strong argument to be made that the current public spending patterns are inefficient over the medium to long term. Departments here do not engage sufficiently or strategically in preventative spending, which may partly be to do with the fact that preventative spending in one Department often leads to savings in another. The Committee believes that any barriers to a preventative spending approach can be overcome by strong leadership and steadfast vision. It therefore calls on the Executive to signal their intent to establish a cross-departmental task force to evaluate existing preventative spending initiatives and to develop proposals for future strategic preventative spending programmes.

I listened to the SDLP leader's remarks. It is unfortunate that she had difficulty with giving way. If Members do not want to give way, it is important that they indicate that in the Chamber. It is only good manners. You know — *[Interruption.]*

What was that? *[Interruption.]*

Mr Speaker: Order.

The Chairperson of the Committee for Finance and Personnel: It appears that the SDLP is as good at economics as it is at telling jokes. The SDLP amendment is absurd. It goes back to the economics and the politicking of the past months. Its amendment shows where it wants money to go, but where is that money to come from? What departmental budgets will the SDLP cut? Perhaps it made a mistake when it put forward an amendment to the Vote on Account. It indicated then what Departments it was looking to get the money from. The SDLP's economics are based on electioneering for the upcoming election, which is shameful. However, coming from the SDLP, it is unsurprising. The SDLP has the cheek to call us Tories, but it proposes to cut social funds. It wants to cut the social investment fund.

Ms J McCann: The SDLP amendment seeks to abolish the social investment fund. Poverty, unemployment, lack of investment, educational underachievement and health inequalities affect those who live in areas of disadvantage and need. They affect people who are vulnerable and disadvantaged. Does the Member agree that it is almost a contradiction in terms for the

SDLP to call for the social investment fund to be abolished, as that very fund will tackle those issues?

The social investment fund is located in OFMDFM because it is an interdepartmental recipe to tackle social disadvantage and need. Therefore, it sits better in OFMDFM because all Departments can link to it. Does the Member also agree that the social investment fund has to sit in OFMDFM because Departments were working in silos, which meant that projects such as the West Belfast Task Force and the Greater Shankill Task Force and neighbourhood renewal were not working as well as they should have been?

The Chairperson of the Committee for Finance and Personnel: I totally agree. Not only does the SDLP look to cut millions of pounds from deprived areas in our community overall, it looks to privatise services, which has been made clear in its proposals. Of course, the SDLP refuses —

Mr McDevitt: Will the Member give way?

The Chairperson of the Committee for Finance and Personnel: No. The SDLP refuses to criticise the British Government. It is trying to present the cuts as DUP/Sinn Féin cuts, when we know that they are British Government cuts. With respect, I do not know which planet David McNarry is living on —

Mr McNarry: They are DUP/Sinn Féin cuts —

Mr Speaker: Order.

The Chairperson of the Committee for Finance and Personnel: Perhaps the Member behind him will pull him into line. *[Interruption.]*

Mr Speaker: Order.

The Chairperson of the Committee for Finance and Personnel: The British Government cut £4 billion, but, in the draft Budget, the Executive found £842 million to mitigate the effects of that cut. In the final Budget, we found £527.2 million and another £200 million to assist the Department of Justice. Sinn Féin and other parties have brought £1.5 billion to the table; the SDLP and the Ulster Unionist Party have brought £0.0 billion to the table. This is all about electioneering for the upcoming election. On the basis of those figures, perhaps good slogans for the parties to my left are “You are worse off with the SDLP” and “You are worse off with the Ulster Unionist Party”. We are putting forward proposals of substance;

we are mitigating the effects of the cuts. We are fighting the cuts in an imaginative way, whereas the SDLP and others in the House are electioneering, which is, frankly, shameful.

We must also remember — I am conscious of my time, a Cheann Comhairle —

Mr Speaker: The Member’s time is almost up.

The Chairperson of the Committee for Finance and Personnel: I will leave it there, then.

11.15 am

Mr Frew: I congratulate the Minister on his statement and, indeed, on the Budget. I also congratulate the Executive on their hard work over many months to get the Budget to where it is now, despite obstruction by parties with no responsibility because of their numbers. We can make a difference to our people’s lives. The Budget will affect every person in this country.

Mr McNarry: You are dead right.

Mr Speaker: Order.

Mr Frew: It will affect our poor, our sick, our rich, our businesses and the unemployed. It will affect everyone. That is why we need to be careful to get the best Budget that we can.

No one in the House would be wise to say that everything that is needed is in this Budget and that it is perfect; it is not. How could it be, when it was worked on by five Executive parties that have opposing views and are going in different directions? However, it is the best Budget that we could provide to our people at this time. I believe that the public see that, they feel that, and they know that. I believe that they welcome the Budget.

Unlike some Members, I come from the real world. I worked in the construction industry for more than 20 years. I have seen the situation from both sides. People tell me that they need a four-year Budget. They need to see the bad stuff as well as the good, and they need to be able to plan for the bad stuff. I assure you that the construction industry is glad to have the foresight of the four years to plan ahead.

Indulge me, Mr Speaker, while I speak about the construction industry. Coming from that sector, I know only too well how policies and governments can affect the construction industry, which is a major part of our economy — perhaps too much so. Over the years, that

has been a failing of the economy and, to a degree, of our political system over the direct rule years.

We in the commercial and industrial side of the construction industry saw dark clouds coming when the housing market fell and people who lost their job in that sector started to come over to the industrial, commercial and shopfitting side. The length of contracts that we had was the only thing that saved us in the sector at that time. However, the rot soon set in everywhere in the construction industry. It brought the construction industry to its knees, with many thousands of people losing their job. I feel for that sector now, as I listen to the comments made and the way in which politics is being played about the Budget. We must remember that the Budget affects every person in this country.

The Executive have again stretched themselves to enhance the money available for health by an additional £91 million in current expenditure and £29 million in capital investment. The Executive have also agreed that the Department may reclassify £20 million from capital investment for current expenditure in 2011-12. That is important, but that money must be put to good use. In our system, which comprises Departments with Ministers from different parties, it is crucial that the money that a Minister — from the DUP, Sinn Féin, UUP or SDLP — gets is spent as wisely as possible. It is important that every Department has planned savings and efficiencies. I have not seen enough efficiencies brought forward by Departments over the past few months of the Budget process. I have not seen that yet, and I have certainly not seen it in the Health Department. I believe that those efficiencies could be produced and that they need to be produced.

I welcome the social investment fund and the social protection fund. I see and speak to my constituents in Ballymena, Ballymoney, Ballycastle, Bushmills and every village in between, and they tell me that they need assistance. I know about the good work that has been done in those areas, so I welcome the establishment of the social investment fund, which will receive £20 million per annum. I also welcome the other social fund. I feel that that money can be used to enhance the good work that has started in those areas. Things do not happen automatically; people need money, and the will of the people in those areas, who have worked so hard over the years, will be

enhanced by the social investment fund. That is one way that the Executive have tried not only to strengthen and enhance the economy but to protect the needy and most vulnerable. It is commendable that that has been done.

I welcome the work that has been done on and the money that has been found for the Presbyterian Mutual Society. Having spoken to a lot of my constituents, I know that it is a major issue for the people concerned, many of whom lumped all their savings into the society. Those people are desperate to ensure that their money is safe and secure.

I also welcome the fact that Ministers and Departments will be able to switch capital expenditure to current expenditure. However, I stress to Ministers that they have been given the power to switch budgets to enhance the economy and to strengthen and ease the pressure on the construction industry. I therefore ask Ministers, whoever they may be, to be careful about how they allocate money and about how they switch it back from capital to current expenditure. This is the opportunity to make efficiency savings and to ensure that their Departments is running as smoothly and efficiently as possible.

The decision was taken to take funding away from young farmers' clubs. I am glad, therefore, that we had consultation on that. It was great to see that there were so many responses and that the Executive acted on them. I therefore praise the Executive and the relevant Minister for reallocating money to young farmers' clubs. That was consultation and democracy at work.

The extra money that the Department of Culture, Arts and Leisure will direct towards the arts and libraries is crucial. I put the onus back on Libraries NI to think again about the 10 libraries that are earmarked for closure, especially Kells and Connor Library in my constituency of North Antrim, which could and should be saved.

In my remaining time, I will make a crucial point about the welcome assistance that the Finance Minister and the Executive have given to small businesses through the small business rate relief scheme. Retailers, especially in towns, have been crying out for it. We are at saturation point with out-of-town shops, which are in danger of hurting town centres. The rate relief scheme will go some way to correcting the balance. Having talked to retailers just this week, I know that they and small businesses

in town centres will welcome the scheme with open arms.

Dr Farry: First, I congratulate the Finance Minister not necessarily on the Budget — I will come to that in a moment — but on having the bravery to reference John Rawls at the beginning of his Budget statement last week. Although the Minister referred to him as a nineteenth-century figure, surely it is a sign of progress in Northern Ireland that a DUP Minister can reference the leading liberal political philosopher of the twentieth century in defending his comments.

The Alliance Party will support the Budget resolution today because it is the right and proper thing to do. As a single party, the Alliance Party would have struck a different Budget. It would have been a more strategic, more innovative and more radical document. Indeed, the details of that were set out in our 'Shared Solutions' paper, which we published in October. However, we recognise that we are part of a five-party Executive and that the Budget must be the product of negotiation and agreement. We recognise and respect that process while recognising that it is far from perfect. The Alliance Party did not join the Executive last April to play political games. Indeed, we were not simply providing a Justice Minister but were going to play a full part in the collective decisions of the Executive. We were not going to try to be in and out at the same time.

We recognise that the current political and institutional arrangements in Northern Ireland are far from perfect, including in the Executive. Indeed, we have been leading the call for change to the shape of our political institutions over the past decade, and we have set out detailed proposals in that regard, including 'Agenda for Democracy' in 2004. However, we have to deal with the institutions as we find them today, and we are determined to make the Executive work better and more collectively. That is our position, and I think that that is the position of the vast majority of the people of Northern Ireland, who clearly want our politicians to work together. It is a crying shame that other parties have not sought to be similarly constructive.

The positions of the UUP and the SDLP are utterly unsustainable. Those parties perhaps make the most frequent claims about the Executive being dysfunctional, but they stand exposed today as the parties that make the Executive most dysfunctional. There already

is a bare minimum level of collectivity in the Executive through the ministerial code. Any UUP or SDLP Minister who remains on the Executive will be bound by the decisions taken by that Executive, irrespective of how their party votes on the Floor this evening.

The adoption of a Budget goes right to the heart of what makes any Government cohesive. For two parties to be in open rebellion on that matter undermines that collective approach and must call into question the credibility of their continued participation in the Executive. It is bizarre that two members of a five-party Executive would bring amendments to the Floor of the Assembly rather than fight the battle around the Executive table, where it should be fought. Amendments to a Budget are brought by parties in opposition, not by parties that claim to be in government.

I will talk about health and refer to the UUP amendment in detail later. However, let me make some comments about the SDLP approach at this stage. The SDLP keep accusing the Budget of being a DUP/Sinn Féin carve-up. However, yet again, we had an example today from its leader, who has long since departed the Chamber, showing that the revised Budget since December reflects the changes that the SDLP advocated. Therefore, its fingerprints are all over the changes, but it will still say no to it all. Indeed, it is an example of what was once described by George Bush in a campaign against Ronald Reagan as "voodoo economics". The SDLP says that it will keep taxes down and spending will increase. It will protect the public service at all costs but, equally, will rebalance the economy and grow the private sector. It will spend more on health, education, the economy and everything else without making a single proposal where the money will come from. People demand economic competence in this society, not cheap electioneering and cheap populism.

The Alliance Party recognises that there have been some quite strong criticisms of the draft Budget. Indeed, we have made many of those comments, and we stand by some of them. We also recognise the comments that have been made during the consultation process. We do not think that the Budget has been as bold as it might have been in promoting the economy, encouraging the modernisation of public services, investing in the green new deal, promoting a shared future and raising additional

revenue. Nevertheless, we have been working behind the scenes to make December's draft Budget a better Budget in March.

Let me point to some of the gains that we believe have been found. There are additional resources for the Department for Employment and Learning, which is a key economic Department.

Rebalancing has taken place, from revenue expenditure to capital expenditure, which should help the construction sector. Furthermore, for the first time, there is an acknowledgment of the £1 billion annual cost of division to this society and an encouragement for Departments to begin to address that.

11.30 am

We also welcome the endorsement of early intervention and prevention as a key strategic approach and, indeed, the importance of collaboration by Departments, which should provide for better joined-up services and greater efficiencies. Therefore, we now have the potential for a much more strategic approach over the years to come, and, indeed, that must be followed through, not least over the four years of the Budget. I welcome the fact that the Budget review group will now be a standing subcommittee of the Executive. My party has been calling for that. The group's remit will be to seek additional resources and promote cross-departmental efficiencies.

Ultimately, only a finite level of resources is available to the Executive. We are all opposed to the level and pace of cuts to the Northern Ireland block grant, but that is reality. Although we can make decisions here that may make things slightly better or worse, we have limited room for manoeuvre. The Executive and the Assembly are obliged to provide financial stability and certainty over the coming years. Failure to agree a Budget would leave the Assembly and the Executive in default of their legal obligations and would result in a bad Budget being imposed over our heads. Leadership is about being prepared to take the tough decisions, not shirking responsibilities.

The health and social services budget has come under particular scrutiny. My party appreciates the funding challenges facing the Health Service, including the pressures on social care. I am prepared to recognise that health spending in Northern Ireland is now falling behind that in other UK regions, having been ahead of those

regions in the past. Indeed, the situation may well get worse when the higher levels of need are taken into account. There are increased costs from changing demographics, new treatments, more expensive drugs and improvements in technology. All of this creates new pressures and new demands, and, indeed, the funding gap by 2014-15 may well be £1 billion. The status quo is unsustainable. We are not talking about bankruptcy; that is a scare story. However, there must be some proper change in policies and practices in the health sector.

My central point is that, although some people are prepared to argue that there has to be parity between health spending in Northern Ireland and the rest of the UK, very few, including those who shout the loudest on this point, are prepared to be honest and say that the same level of revenue has to be raised in Northern Ireland as in the rest of the UK. For me, the two go hand in hand. Ultimately, public services in Northern Ireland cannot be run on the cheap. Therefore, although there is an ongoing problem of underfunding compared to other jurisdictions, we should still consider some protection for the health budget. The Budget provides that to a considerable extent, but let us not kid ourselves: that protection will come at an opportunity cost, given the finite resources. It will result in limiting what can be done with regard to the speed with which we rebalance the economy.

Those are the choices that we must make, and the Budget is all about choices rather than wish lists and dreaming things up. We have to make the tough decision. The decision on giving some protection to health has been made, but, equally, there is a challenge for health to respond by making efficiencies and doing things more smartly and more effectively. There are examples of things that can be done differently such as using out-of-hours GPs rather than A&E; directing patients to the appropriate level more effectively; placing greater emphasis on early intervention and prevention; putting greater focus on public health issues; better use of technology; and greater use of home services and community services. It is important that we employ PEDU in the Health Service and give proper consideration to the options contained in the McKinsey report, which is not a diktat. Ultimately, all parties need to take responsibility for working through this and finding agreement on a better way for health.

The Chairperson of the Committee for Agriculture and Rural Development (Mr Moutray):

The Committee for Agriculture and Rural Development welcomes the opportunity to provide its comments to the House. I will start by commending the Minister of Agriculture and Rural Development for overturning her original decision to withdraw funding from the Young Farmers' Clubs of Ulster. The small amount of £75,000 ensures that significant leverage, in the form of financial injections as well as voluntary activity, is brought into rural communities.

It is unfortunate that the Minister and her Department have not overturned the decision to spend in excess of £26 million on new headquarters. The Committee is not opposed to siting jobs in rural areas. However, at a time when the entire population of Northern Ireland are being asked to tighten their belt, the public sector is being told to make do, and commentators agree that investment in innovation is required to bring us out of these difficulties, DARD chooses to ignore that and pushes on with an untimely and expensive move and cuts innovation to the bare bones. The Department states that Dundonald House is no longer fit for purpose; it is strange that other Departments, including the Prison Service, will continue to use it as their headquarters.

The Scottish Government's economic strategy, which was published in 2007, stated that innovation drives improvements in productivity and, through creating new products, processes and services, creates new jobs and encourages greater economic participation, which are two of the crucial components of increased economic growth. It also recognises the critical role of a supportive business environment as one of the drivers of growth. It is unfortunate that the Department has not had the same vision; rather, it has adopted a simplistic view that focuses on what are traditionally considered as soft touches: innovation, education and farmers.

Stakeholders unanimously agree that the budget lacks strategic direction. It is unimaginative and piecemeal. There was an opportunity to invest in innovation, but it was ignored by the Department, as it slashes to the core the funding for the Agri-Food and Biosciences Institute. There was an opportunity to save up to £80 million over the comprehensive spending review period through eradicating TB, rather than controlling it at levels similar to those prior to 2001. To date, £200 million has been wasted,

and there is a prospect of another £80 million to come. There was an opportunity to invest in one of the few growth areas over the past couple of years, namely the agrifood sector. It contributes £3 billion to our economy and employs more than 90,000 people. Rather, we see cuts to the food strategy budget and the disposal of business incubation units at Loughry. There is no strategic direction.

There are a few positives in the budget. I previously indicated that the Committee was pleased to see the commitment towards the land parcel identification system. The Northern Ireland economy cannot support the continued application of extreme penalty disallowances by the EU, particularly given the depth of the cuts imposed on Northern Ireland by the Westminster Government.

The Committee also seeks assurances that national contributions to the Northern Ireland rural development programme, co-funded with the European Union, will be protected. The Committee previously expressed grave concerns at the lack of progress of that programme, particularly with regard to axis 3, and believes that it is imperative that those funds continue to be made available and dispersed in the rural community. It will have a positive knock-on effect in respect of the construction and tourism industries. Appropriate investment can act as a catalyst for economic growth in rural communities.

The motion before the House is:

"That this Assembly approves the programme of expenditure proposals for 2011-15 as set out in the Budget laid before the Assembly on 7 March 2011".

The Committee has concerns about the proposals specifically contained in DARD's budget. However, I have no doubt that, in the new mandate, the Committee will continue to work with the Department to ensure the best use of resources, and, importantly, it will continue to work with the industry to ensure that rural businesses, rural families and rural communities are protected.

Mr McLaughlin: Go raibh maith agat, a Cheann Comhairle. My colleagues and I were in the middle of a very intense debate there.

Mr A Maskey: Unlike the one that we were listening to.

Mr McLaughlin: I cannot possibly comment on that.

It has to be said at the outset that the cuts to the block grant have made the usual Budget process and the debate on it even more problematic. Setting aside the positions that have developed since October 2010, most parties recognise the need to respond to the Tory-inspired cuts, which were supported by the Ulster Unionist Party and would have been voted for by it at Westminster, had it had the opportunity to do so. It is worth mentioning the most recent Westminster election, because the electorate here took the opportunity to reject completely that approach. The consequence of that was that no Ulster Unionist Party candidate was elected to that body. The SDLP argued that it wanted to go to Westminster to oppose the cuts. That is a matter of stated record. In particular, the leader of the SDLP wanted to go to Westminster to stop the cuts. Of course, the argument was spectacularly unsuccessful.

In any event, we are where we are. The Budget document represents the outcome of a process to which some parties committed themselves in a fairly mature and collegiate way. Other parties decided, for electioneering purposes and opportunistic reasons, to stand back and disassociate themselves from that process. They will have the opportunity to set out their alternatives in the debate. However, I suspect that members of the broad community who are interested in such affairs have already stepped back, not out of any criticism of the Budget paper in front of us but because it is their desire to see us get on with the job. That is the overwhelming position of our shared community. People want to see us, as elected representatives, getting on with it and not playing silly games, being opportunistic, holding out or teasing them with the possibility of resigning or breaking ministerial codes and so on.

The approach that the Ulster Unionist Party has taken is for its Minister Michael McGimpsey to tell us, no later than last weekend, that he needs an extra £200 million a year. Today we are presented with an amendment from his party that states that he wants an extra £432 million a year. Talk about galloping inflation. Last Friday, the figure was £200 million. Since the weekend, it has grown to £432 million. People will be judged on whether they are being serious.

Mr F McCann: Does the Member agree that, throughout the debates on the Budget, the SDLP and the Ulster Unionists have been challenged continually to put meat on the bones of their proposals yet have continually refused to do so?

Mr McLaughlin: Yes. I accept that. The broad point that I am making is that that is increasingly obvious to —

Mr Callaghan: Will the Member give way?

Mr McLaughlin: Will the Member say anything more sensible this time? I will give him a chance.

Mr Callaghan: Thanks very much. Perhaps Mr McCann and Mr McLaughlin have not read my party's document, 'Partnership and Economic Recovery'. If they want to see meat on the bones of our proposals, they should have a look at that document.

Mr McLaughlin: I am glad that the Member referred to that document. Far be it for me to praise a DUP Minister of Finance and Personnel, of all people, but that document was dissected extremely effectively by the Minister. It would probably be helpful if the SDLP actually read the Hansard report of that debate. As well as being a bravura performance by the Minister, it was a lesson in reminding parties that, if they will put out positions, they should at least be consistent. He demonstrated, step by step, how a document produced by the SDLP can, even within a period of 18 months to two years, be flatly contradicted and ignored by that party. Now, if that party can ignore its own documents, it can hardly complain if everybody else ignores them. Therefore, sound bite economics will trip that party up in this debate, as it has tripped it up in previous debates.

In fact, my genuine advice is that that party should ask whether it listens to what people on the street want. People understand that £4 billion was removed from the Budget in October 2010. It was not that long ago. As a result of the Budget debate, the process of developing a draft Budget document, the consultation and its responses and the many, many hours of debate in here, including debates in which we listened to monologues that lasted over 90 minutes, we have managed to add value to the baseline position declared by George Osborne at Westminster. That is effective opposition.

This is the start of the four-year Budget period. In this document, we pledge to continue that

work. The Budget review group exists. It comprises Ministers from every party represented on the Executive. Unless people can argue credibly that they have produced proposals that would have given more financial resources and economic muscle, protected front line services, indicated or identified additional revenues —

Mr McDevitt: Will the Member give way?

11.45 am

Mr McLaughlin: Let me finish this point.

Unless they make those arguments credibly, the arguments will not be regarded as viable. Not only is the House being asked to believe that the Executive turned their back on those proposals, but so are the public, merely because the proposals were made by the SDLP and the Unionist Party. The record of the contribution, if that is the correct word, of the SDLP and the Ulster Unionist Party to the Budget review group process will demonstrate that they have not added one pound note to the Budget proposals in front of us. They have sought to divide, where others have sought to develop a collective approach.

Last October, there were four billion holes in our financial projections. That has been reduced quite significantly by a process that is yet to be completed but is a credible beginning. That is the proposition that we should take from the House to the concerned public. Members should not promise them Armageddon or play silly buggers, if I may use that expression, about whether they are in the Executive or whether they are going to support the Budget. *[Interruption.]*

Mr Speaker: Order.

Mr McLaughlin: If it is a principled position, people should act in a principled fashion.

Mr McNarry: What about the 152 days?

Mr Speaker: Order. The Member must be heard.

Mr McLaughlin: Vote against the Budget and step back. *[Interruption.]*

Mr Speaker: Order, Mr McNarry. Order. That applies to all sides of the House.

Mr McLaughlin: Thank you very much, Mr Speaker. Maybe the truth hits hard. The point of the matter is: if they have no intention of so doing, do they think that people outside the House are stupid? Do you think that they will not understand that this is playing games with very serious issues?

If we had the money, we would not be having the type of arguments that we are having. However, we might have different arguments, because some people are not comfortable in their skin or with their role, size, influence or mandate. That is their problem. There is an election coming up soon. They can present their case, and they will see the outcome. My party will work with the outcome; we will work with whoever gets a mandate to be in this place. We will not attempt to sabotage the genuine attempts that people are making to defend the most vulnerable in our society and the economy. Our proposals are there to be measured against the absence of proposals from the two parties that I have mentioned.

Ludicrous proposals have been made. I took a look at the UUP's proposals, and I described the figures that it presented to us as an illustration of galloping inflation. I also took a look at the SDLP amendment. We should read it; it is worth reading out:

"significant interventions to grow the private sector".

There is a lot of detail there.

Mr O'Loan: What is wrong with that?

Mr McLaughlin: I did not say that there was anything wrong with it; I just said that there was no detail. It also proposes:

"public sector reform and new models of asset management to rebalance the economy".

Mr O'Loan: What is wrong with that?

Mr McLaughlin: I am not saying that there is anything wrong, Declan. Listen. I have not said that there is anything wrong.

Mr Speaker: Order.

Mr McLaughlin: The SDLP also proposes:

"increased investment in job creation, particularly in construction, renewables, ICT, tourism and the agrifood sector".

It could have added, "and whatever you are having yourself". The amendment also proposes:

"adequate funding to support front-line health services and to build more social houses"

and

"an adequate four-year allocation for the social protection fund".

It calls for an allocation that is “adequate”, whatever that means.

Mr Speaker: The Member's time is almost up. *[Interruption.]* Order. Allow the Member to finish.

Mr McLaughlin: Perhaps these are costed proposals. I know that the SDLP leader did not take the opportunity to tell us how many millions all that will cost, but, perhaps, the economy spokesperson will do so.

Mr Hamilton: Everybody acknowledges that agreeing a Budget is exceptionally difficult, and, even in the most benign of circumstances, Ministers holding portfolios will argue that more money should be spent in their Department than in other Departments. However, our difficult job here, given the mandatory coalition nature of our Government, was made all the more difficult by the £4 billion worth of cuts imposed on us by the Tory Chancellor in Westminster. Sadly, that was supported by, canvassed for and, had any of them actually been elected, would have been voted for by the Ulster Unionist Party. Some £4 billion worth of cuts in departmental expenditure limits, roughly £0.5 billion worth of cuts to our AME expenditure on issues such as social security and a 40% reduction in our ability to spend on capital infrastructure have had a devastating effect on our economy and Budget. Anyone who knocked on a door in Northern Ireland and asked people to vote for that, as some Members did, should be absolutely ashamed of themselves.

Even in those difficult circumstances, we have a Budget. There was criticism from some quarters of the Chamber that no Budget would be agreed and put before the people of Northern Ireland. Yet, here we have a Budget. In spite of the five-party mandatory coalition, we have agreed a four-year Budget that gives certainty to the public and private sectors in Northern Ireland for a longer period than in any other devolved region in the United Kingdom.

As my colleague Paul Frew said, none of us who will vote for the Budget later today would argue for a second that it is everything that we would have wanted. It is not a perfect Budget. It is as imperfect as the system that created it and the financial circumstances in which we found ourselves through the imposition of Tory cuts. Nobody would say for a second that it is everything that we wanted, but, in the circumstances, it is the best that we can get.

It is no surprise to me or to the people of Northern Ireland that there is opposition to the Budget. There is no surprise either about the quarters from which that opposition comes or its timing. As I listen to some Members, it could be thought that they were not part of the Executive, were not represented on the Budget review group and were not part and parcel of the Budget process from day one. Those Members try to fool people, pull the wool over their eyes and have them believe that they had absolutely nothing to do with it, when every one of them was there from the start and was part and parcel of the process.

I now turn to the amendments. The SDLP amendment is exactly what we have come to expect in the House. As might be expected from the verbose SDLP, it is big on words but short on detail. There is absolutely no substance in that amendment. It contains what we have come to expect — the usual call for more money — but there is no indication of where that money should come from, with one exception. The SDLP's only suggestion is that we should scrap the social investment fund and that £80 million from that should be allocated elsewhere. That amounts to £20 million a year for each year of the Budget period. Never mind the attack on vulnerable people that that represents, because that is what it does —

Mr McDevitt: Will the Member give way?

Mr Hamilton: I will.

Mr McDevitt: I understand that the DUP does not like the SDLP's 70-page Budget proposals. However, I must hand it to the party that it tried to respond in detail to those proposals, something that the party to my right has never managed to do in any detail, except in rhetorical terms. Does Mr Hamilton agree that we should and could do a huge amount more to realise the latent value of public assets and other potential revenue-raising opportunities in this region and that, if he was not stuck in a partnership with a party that is myopic on budgetary planning and stuck in the 1960s in economic terms, we might be able to get on with making this region a better place for everyone?

Mr Hamilton: The Member and I may be wearing the same colour of tie today, but that is probably the only thing that we have in common. My party and I have been on the record consistently, long before anyone else, making calls that we should make much more of redundant assets, not least

those in the Stormont infrastructure. It is high time that the ugly scaffolding was taken down from outside this Building. Let us look at the Departments, the number of Assembly Members, the quangos and the infrastructure that was put in place, not least by the Member's party.

Never mind the assault of taking £80 million from the vulnerable in our society; it is only £20 million a year. That is probably a lot of money to everyone in Northern Ireland, but it is minuscule in the context of the entire Northern Ireland Budget, and it equates to less than one fifth of 1% of the total expenditure in Northern Ireland each year. Despite that, the SDLP proposes to do everything with that less than one fifth of 1%. It proposes to reform the public sector, to create jobs, to enhance tourism —

Mr O'Loan: Will the Member give way?

Mr Hamilton: Hold on. That party also proposes to fund agriculture and to give more money to health, social housing, social protection and so on and so forth. That is what that party proposes to do with less than one fifth of 1% of the total expenditure in Northern Ireland. The Budget before us —

Ms J McCann: Will the Member give way?

Mr Hamilton: No, I will not give way. Time is moving on.

The Budget before us — *[Interruption.]* I will stand here all day and debate with all of you, but the Speaker is going to stop me in three minutes.

The Budget will give £400 million to most of those areas anyway, yet what has the SDLP brought before us today? It proposed £20 million, which is less than one fifth of 1%.

I now turn to the Ulster Unionist Party amendment. Although it is a bit more detailed than that tabled by the SDLP, the first thing that I noticed about it is that Danny Kennedy seems to have lost an argument in the Ulster Unionist Party. His £50 million chunk of the further allocations of over £400 million made in the Budget has been taken from him. Some of us on these Benches are wondering whether that is the only argument that Danny will lose this week and whether he will win the argument to stay in government or whether the Health Minister will win by taking the Ulster Unionist Party out of government. The Ulster Unionist Party amendment proposes to give money to the Health Department and only to that

Department. However — this is a critical point — that amendment proposes to give only an extra £164 million to the Health Department, when the Finance Minister has come to the House with a Budget that proposes to give it an additional £190 million.

Mr McNarry: Over four years.

Mr Speaker: Order.

Mr Hamilton: The Ulster Unionist Party amendment is actually proposing, in reality, to reduce the allocation to the Health Department. However, not only is that party proposing to reduce the allocation to health spending — *[Interruption.]*

Mr Speaker: Order.

Mr Hamilton: — it is proposing — *[Interruption.]*

Mr Speaker: Order. The Member must be heard.

Mr Hamilton: I am worried that some Members on the Ulster Unionist Benches will have an aneurysm and so put more pressure on the Health Minister and his services.

The amendment proposes to reduce not only expenditure on health but overall expenditure. It will take away the extra allocations that were made in the Budget to fund schools, colleges and roads. That is what the Ulster Unionist Party proposes to do through its amendment. It tried to put the focus on health, but it will actually cut the allocations to the health, education, higher education and regional development sectors. That is some process. However, what else could be expected from the Ulster Unionist Party, which has a spokesman in the shape of Mike Nesbitt? He went on the radio this morning, and, when he was asked whether the Budget that was handed down from London was a good deal for Northern Ireland, he hummed and hawed and said that that was a difficult question. If anyone thinks that a £4 billion cut to our Budget is a difficult question, there is something seriously wrong with them. However, when he came to the point, he said that it is and is not a good deal for Northern Ireland. That is a bit like Members from the Ulster Unionist Party, who sometimes are and sometimes are not. Are they with the Conservatives or against the Conservatives?

Mr A Maskey: Will the Member give way?

Mr Hamilton: I have no time left, I am afraid.

12.00 noon

Mr Speaker: The Member's time is up.

Mr Hamilton: Everybody knows that this is a cynical electoral stunt. We are lumbered with billions of pounds of cuts, courtesy of the Conservatives and the Ulster Unionist Party.

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

Mr Hamilton: If they want to walk off the playing field —

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

Mr Hamilton: If they want to walk off the playing field, let them go —

Mr Speaker: Order. I must insist.

Mr Hamilton: Let them go and let the rest of us get on with cleaning up their mess.

Lord Empey: At the beginning of the debate, the Minister of Finance said that this is the most important single task that the Assembly has performed in four years. We spent hours and days, quite properly, on high hedges. We have held debates over the past four years that would have embarrassed a parish council. Yet, when it comes to the most important single task that the Assembly has performed in four years, we get 10 minutes each to speak. That process needs to be looked at because that is clearly an inadequate amount of time to deal with such important matters.

Obviously, it is difficult to devise a Budget at any time. As other Members said, it is even more difficult in a time of contracting public expenditure. The idea that we are somehow isolated and insulated from what is happening nationally is nonsense. Our country was on the verge of bankruptcy, and if measures had not been taken in London in May and subsequently, we would end up in the same position as our colleagues in Dublin, where the IMF is parked at the front door. We would have had to deal with all that goes with that because the previous Government overspent and left us with a catastrophe of debt, which will take a generation to repay, just as people in the Republic will take a generation to regain their composure.

People might not like this, but we must remember that this Assembly is a wholly owned subsidiary of Westminster. The money to keep the lights on in this room comes from London. Therefore, we have to participate in what

happens nationally; there is no question about that. As for the previous Government, Alistair Darling said on 25 March 2010 that, if Labour were re-elected, public spending cuts would be deeper and tougher than those seen under Margaret Thatcher. Any idea that we were going to escape that was wrong from the start.

A series of choices has to be made in arriving at a Budget. There was a whole range of combinations that could have been arrived at in deciding this Budget. The Executive decided on one; we are suggesting another. However, within the very narrow confines of what is allowed on the Order Paper, amendments have to be compressed and comply with certain rules. We would like to put forward more detailed proposals, but we are limited. However, the very simple —

Mr O'Dowd: Will the Member give way?

Lord Empey: No; I am not giving way. The very simple matter that I want to address is why there is disagreement here today. It is perfectly natural and normal. Indeed, different opinions are to be expected in any democratic society, including one with a mandatory coalition. There would be something wrong with us if that did not happen. I have been conscious of how that has arisen, in and out of the Executive Committee.

Matters could be handled a lot better. The Member for South Down and I prepared a report that we submitted last year to the Executive that dealt with the Hillsborough agreement issues. On 23 September 2010, the Executive accepted most of the recommendations, bar, of course, the one that was blocked by Sinn Féin with regard to the formation of a proper coalition. One recommendation that the Executive did agree was that:

"Leaders of parties in the Executive should commit to regular meetings for the purpose of discussing matters of policy and strategic and sensitive issues outside the Executive" —

to provide and achieve consensus on the objectives of the Executive.

There has been no such meeting despite the report calling for regular and frequent meetings. Indeed, as I have said previously, there has been no such meeting since 2007. So, for four years, the entire term of this Assembly, the leaders of the parties in that coalition never met. That speaks volumes about why we have such difficulties today.

As regards the specifics, there is, of course, the issue of health. As leader of my party at the time, I chose the Health Department because I believed that it mattered to people. In the previous mandate, the parties, by and large, dodged it, and it ended up in Sinn Féin's possession. Health goes to the top. Not one of us in this room knows when we or our families will next need the Health Service.

I disagree with the Health Minister — *[Interruption.]*

Mr Speaker: Order.

Lord Empey: I disagree with the Finance Minister when he says how well the Health Department has been treated. What he does not say is that, when the Assembly term started in 2007, the Health Department was £600 million behind to begin with. In addition, this country's demographics — the number of children being born and the number of people over the age of 65 — show that our population is the fastest growing in the United Kingdom. As Dr Farry said, the demand is rising disproportionately.

In those circumstances, what is the reaction of the Assembly? We tabled more debates on the Health Department than on virtually all the other Departments put together; we asked more questions of the Health Minister; we wrote more letters to the Health Minister than to any other Department; and when reductions were being made in different areas, people, including Members, stood outside the hospitals or homes being affected by closures, with placards saying how awful that was. Therefore, what I say to colleagues — *[Interruption.]*

Mr Speaker: Order.

Lord Empey: They can heckle — I am used to that, Mr Speaker; it will not stop me.

The decision for the Assembly is simple: either we provide the funding or accept a lower level of service. Given the inevitable consequences of that decision, we are looking at significant hospital closures, because there are more hospitals per capita in Northern Ireland than in any other part of the United Kingdom.

We have suggested a mechanism — there could be other ways — whereby the Health Department will be provided with the funds it needs. The reasons for that are simple: we believe that the general public want the highest possible standards of healthcare. If any one of us or our loved ones needs the latest

medicines, are we to be told that we are not getting them? Or are we to be in the position of the Irish Republic where people pay €60 to see their GP? We could raise plenty of money doing that. We have to answer those questions.

I listened to Mitchel McLaughlin's contribution — he is not in his place — and it was as though we were being lectured. Let us face it: he and his colleagues took themselves off for six months until they got their way over policing. They do whatever they like. They closed down the Executive at the very beginning of the recession when we should have been dealing with it. However, until they got their way, they were quite happy to close down the Executive so that they could not meet. Not a word was said about that, and they did that for their own reasons.

Daithí McKay said that Sinn Féin brought £1.5 billion to the table. Does he not realise the utter nonsense of such a statement? If we want to talk about £1.5 billion, I could point out to him that the campaigns run in this country for 30 years, which he and his colleagues supported, cost that 20 times over. Does he not recognise the irony and stupidity of his statement? His leader said that crumbs were coming off the table from London. More than £10 billion a year is not crumbs. Let us remember that every cent that comes into this place, bar a few charges, comes from London. We had better realise that we have an obligation to be part of the national financial solutions. Let us keep the International Monetary Fund out of here and keep our credit worthiness so that we can rebuild our economy and rebuild our charges.

We cannot pretend that we can have the Health Service that we want if we are not prepared to pay for it.

If we are not prepared to pay for it, let us say so and reduce health provision to the level that we can pay for instead of carrying on as if we can do something that we cannot.

Mr O'Loan: The Finance Minister has presented us with a not-an-inch Budget. The Budget will move us forward not an inch when it comes to our economy, our Health Service and our education system. I am pleased, therefore, to support the SDLP amendment and argue against the motion.

I spoke previously about the lack of a Programme for Government, and my party leader

reiterated that point this morning. There is no coherence at any significant level between the DUP and Sinn Féin. Their version of partnership is one for you and one for me, and we all end up being the losers. There is no better example of that than the social investment fund, which is nothing but a corruption of the partnership model that was built into the Assembly.

We listened to the sad story about disadvantage that was presented by at least one of the Sinn Féin representatives this morning. We know about disadvantage, and we understand disadvantage. We were told about the health problems, the education problems and the social problems in areas of disadvantage. There is a simple response to that: provide the necessary money to the Department for Social Development (DSD), the Department of Health, Social Services and Public Safety and the Department of Education and let them address those problems. Those Departments have the expertise in such matters that the Office of the First Minister and deputy First Minister (OFMDFM) does not have.

Let us take a look at the changes to the draft Budget that have been presented in the final Budget. The Minister told us that there is an extra £430 million in the final Budget. That is funny money, indeed, when one looks at it. He was holding back £100 million as a sweetener to make the final Budget look a little bit more palatable. There was £70 million suddenly taken, without consultation, from the Department for Social Development. Perhaps most remarkably of all, a £240 million overcommitment has been built into the Budget.

The Minister has come before us repeatedly in recent times to tell us that we need to take overcommitment out of the Budget. With some pain, the overcommitment that was built into this year's Budget was taken out, because Departments, we were told, were managing their affairs better and we could not, in good financial management terms, have that overcommitment. Now, the Minister has built in no less than £240 million of overcommitment. We are back to a slack management of our finances and putting a bet —

Mr Hamilton: Will the Member give way?

Mr O'Loan: I will not give way.

We are back to putting a bet — *[Interruption.]*
The facts speak for themselves. We are back

to putting a bet on Departments dropping elements of their programmes. *[Interruption.]*

Mr Speaker: Order. The Member must be heard.

Mr O'Loan: We know that difficulties will arise and that unforeseen things will happen. We have talked about the need for some contingency provision. We know about the things that have happened in the past. What if swine flu returns? What if there is a natural disaster? What if there is a major economic need, such as the one that arose with Bombardier? Not only do we have no contingency measure, but, if any of those situations arise and funds are needed, we will come back to the Minister's only remedy: top-slicing the funding of all Departments, savagely cutting into their pre-planned programmes and sending the message to our community that, once again, the Assembly is in a mess.

So, the final Budget is not an improvement on the draft Budget. It is arguably a worse Budget. *[Interruption.]*

Mr Speaker: Order. Allow the Member to continue.

Mr O'Loan: Even if we accepted the Minister's funny money — *[Interruption.]*

Mr Speaker: Order.

Mr O'Loan: The extra money that he has ostensibly put into the Budget on the revenue side is 0.7%. I wonder what the 7,000 people who responded to the departmental consultation, and the many thousands of others who responded to individual Departments, will think of their efforts on hearing that.

From his seated position, the Minister is dismissing the people who made those comments.

12.15 pm

A good starting point for what is needed in the Budget comes in the opening pages, which set out some of the economic facts of where we are. What is noticeable is that it does not go on to set out the facts of where we need to go and how we will get there. However, there are two major facts. First, public expenditure represents 62% of our total output and, secondly, our private sector productivity is only 80% of the UK average, and has been running for years at that level. The message there is very clear: we need to rebalance our economy and improve our productivity levels.

I draw Members' attention to the table on page 7, which shows our economic growth in recent years and, from 2000 to 2007, it was doing remarkably well. Although it was not gaining on the rest of the UK, it showed significant growth. We are now in significant recession, a recession significantly worse than that in the UK. This morning, I spoke to Frances Hill, the Bank of England representative who was in the Building, and she confirmed that we are lagging behind the rest of the UK and that we are not pulling out of recession as the rest of the UK does.

What does the Budget say about getting us out of the recession? If we do pull out of the recession in a couple of years' time, what is there in the Budget to give a further lift-off for the graph to continue upwards? The truth is that on the long-term structural problems of the economy and the need for a short-term stimulus to get us out of recession, the Budget fails. It lets down the people in the construction sector who have been thrown out of work in recent years, those other workers in that sector, and others in the public sector who will be out of work over the next four years, and there will be knock-on effects for our private sector economy where other workers will be out of jobs. The Budget does not answer their needs.

I want to comment on the Finance Committee's response to the Budget. If that document had been produced by the SDLP, the Minister would be dismissing it as political argument for the sake of it. It contains 45 recommendations. It is described as a "critical but constructive response", and it was carried unanimously in that Committee, which I note has seven members from Sinn Féin and the DUP.

Lord Morrow: You should be happy enough —

Mr Speaker: Order.

Mr O'Loan: I wonder whether the Minister will dismiss its 45 recommendations with the same derision that he has shown for the critical but constructive response that has come from this party. The section on strategic concerns uses language stronger even than that used by the SDLP. It says that the Budget:

"fails to explain clearly the rationale and guiding principles behind the proposed departmental allocations".

It goes on to say that it finds:

"no evidence of a proper zero-based review of resource baselines...and how they contribute to strategic priorities."

It also highlights:

"a missed opportunity to find new ways of optimising resource allocations".

It also says that the Budget:

"should have been accompanied with a draft Programme for Government...and an updated Investment Strategy."

It also calls for an annualised Budget. The Minister talks occasionally about a living document but, when pushed, he reverts back to the monitoring rounds as his mechanism for addressing pressures, when something much more fundamental is needed annually.

The section on revenue raising, the related sections on capital asset realisation and alternative sources of finance are most striking. In language every bit as strong as the SDLP has used, it calls for radical revision of how the Budget is done and will be done over the next four years. I noticed that it had much to say on economic levers. The words "corporation tax" appear, and I believe that the words "corporation tax" do not appear anywhere in the entire Budget document.

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

Mr O'Loan: This is not the Budget that we need. The challenge that was put to those parties — *[Interruption.]*

Mr Speaker: Order, the Member's time is up.

Mr O'Loan: — by the Treasury was: can you do anything about these cuts that we are handing to you. *[Interruption.]*

Mr Speaker: Order.

Mr O'Loan: That is what the Treasury asked. Those parties said no; we surrender. *[Interruption.]*

Mr Speaker: Order, I must insist.

Mrs O'Neill: Go raibh maith agat, a Cheann Comhairle.

My party colleague Mr McLaughlin set out the political reality of where we are in dealing with the Tory-imposed cuts. I do not need to

rehearse that argument for the Members of the House. We are all very aware that the Tories are being supported by their UUP friends. Instead of accepting the cuts, Sinn Féin and others who are positively engaged in the Executive have set their minds to raising additional revenue streams to assist us. I welcome the fact that those are reflected in the final Budget.

The fact that we are discussing an extra £842 million to go into all Departments, which the SDLP obviously does not want, is a commitment from the Executive and a massive step in the right direction. It is a pity, and other Members have picked up on this, that there has not been one credible proposal from the party that is shouting from the sidelines.

Mr A Maskey: Does the Member agree that the last speaker from the SDLP made a bizarre observation on this Budget? He said that it is probably worse than the last Budget and went on to say that there is a £240 million overcommitment in this Budget. The logic of that is to take the £240 million out. Has the Member any ideas from where that money might come? *[Interruption.]* As usual, you have no idea about where to take it from.

Mrs O'Neill: I thank the Member for his intervention. It is typical of the SDLP's Budget position. It says: we have too much money and then it says that we do not have enough money — the party needs to make up its mind. It is clear that the SDLP and the UUP are playing a game of two-faced politics. On the one hand, their Members want to stay in the Executive and be positive members of it, take the ministerial wage and the perks that go with being a Minister, and take credit when positive decisions are taken. However, on the other hand, when they do not get their own way, they say they do not want to play the game any longer and they put their heads in the sand.

As Sinn Féin health spokesperson, I want to pick up on the points about the Health Service needing more money. The SDLP and the UUP have both spoken about that. Sinn Féin is very much aware of that need. We are proud of the Health Service, and it has to be cherished. The Health Service affects everyone at every stage of life and we have always supported additional moneys and resources going into it. We have delivered on that promise, as we always said we would. Since the publication of the draft Budget, an additional £189 million is being invested

in the Health Service, and rightly so. We very much welcome it. We also have a commitment from the Executive that, if and when the PEDU report is completed and submitted to the Executive, and if additional funding is needed, the Executive will look at that matter. That is another commitment to the Health Service and it must be very clear to the public that the Executive prioritise health, recognise the need to invest in the Health Service and maximise additional funding for the Health Service when they can allocate the money.

The current situation is as follows, and it is a testimony to the commitment to the Health Service. The Executive have allocated more than 50% of the entire Budget to the Health Department. We need to look at how that is spent, which is the role of the Minister in charge of the Department. How has he carried out his responsibility as Minister? He has protected £57 million in bonuses paid to consultants. Is that an efficient use of money? The public do not believe so. Frequently, over the last number of weeks, the Minister and his party have referred to the fact that they have delivered on the review of public administration. The Minister may have delivered on it, but what has he delivered but more managers in the Health Service. The Minister can shake his head all he wants, but that is true. Is that efficient? I have spoken to people who work in the Health Service and who previously had reported to two line managers but who now report to seven. That is reality, and that is what the Minister has implemented in the Health Service during his watch.

On many occasions in the House, I have listed many inefficiencies in the Minister's management of the Health Service. I do not need to go through those again because the public are very well aware of them. Time and again, it has been said. The public are aware of how the health budget has been spent by Michael McGimpsey and that that problem lies at his feet.

Over the past number of weeks, I have listened to the claims of insolvency and bankruptcy in the Health Service. Again, I think that that is just scaremongering by the UUP. A health economist said on the radio this morning that that claim is, quite frankly, just silly. When did Michael McGimpsey start to run the Health Service into the ground, because it cannot become bankrupt over night? Has he been working on

that over the past four years? That does happen overnight, so it is a nonsense statement to make repeatedly. *[Interruption.]*

Mr Speaker: Order.

Mrs O'Neill: We know that the UUP and its SDLP friends are electioneering in these Budget discussions. *[Interruption.]*

Mr Speaker: Order. The Member must be heard.

Mrs O'Neill: As I said, we are very aware that the SDLP and UUP are overtly electioneering in the most disgraceful manner, and they are using the Health Service as a political tool to do so. However, the public are very aware of that. An election is coming up in which the people will vote, and we will await the outcome of that. As I said at the start of my contribution, Sinn Féin has always believed that we need to find additional moneys for the Health Service and to maximise its funding.

Mr O'Loan: You did not find it.

Mrs O'Neill: We found £189 million. You do not want that, but the Health Service does. As I said, the Executive have given a commitment that if more moneys are needed, more will be found. We need to ensure that we maximise funding for the Health Service while driving out inefficiency. We do not want to see money going towards bureaucratic administration in the Health Service and towards bonuses for senior consultants. Rather, we want to see money going to the front line. Sinn Féin stands up for delivering for the most vulnerable in society. We deliver for the people of the North. Quite frankly, I believe that the SDLP amendment is an attempt —

Mr F McCann: Will the Member give way?

Mrs O'Neill: OK.

Mr F McCann: Does the Member not think it strange that she is being lectured by the party to the left, given that it was the party that initiated water charges and brought in tuition fees?

Mrs O'Neill: I thank the Member for his intervention. I absolutely will not be lectured by the SDLP. Its amendment is an attempt to be relevant to the people of the North, but, quite frankly, it is not relevant. As I said at the start, its position —

Mr McDevitt: Will the Member give way?

Mrs O'Neill: I am quite sure that Mr McDevitt will have his opportunity to speak to the House at some stage today and that we all eagerly await that. I cannot wait.

Sinn Féin stands up — *[Interruption.]*

Mr Speaker: Order.

Mrs O'Neill: As I said, I think that the SDLP has failed in being relevant to the electorate, and the electorate will speak in the upcoming election. I am delighted that more money has been found for the Health Service and that the Executive have given a commitment to look for more money.

Lord Morrow: It is ironic that the two amendments tabled are from two parties that are struggling to stay on the political landscape. As they approach the election, I suspect that this is not going to help them.

Mr McNarry: *[Interruption.]*

Lord Morrow: Well, I do not have any trouble staying on the political landscape, and I have been on it a lot longer than you, Mr McNarry. *[Interruption.]*

Mr Speaker: Order. Make your remarks through the Chair. *[Interruption.]* Order. Allow Lord Morrow to continue.

Lord Morrow: Of course, the real reason why they are criticising the Finance Minister today is simply that he was able to come to the House with a Budget and expenditure proposals. That is what has annoyed the folk to my right. The fact that he has been able to do that has, of course, gutted them, and that is the one thing that has perplexed them most. They thought that the Finance Minister would be in no-man's-land and would not be able to come to the House with any Budget proposals or that, at best, he would be able to come with one-year proposals. However, he has done infinitely better, because he has come to the House with four-year proposals, and that, of course, disappoints them immensely.

Then, of course, we had Mr O'Loan suggesting to his party a few months ago that the best way to stop this was to join up with Sinn Féin to form a pan-nationalist front. However, his suggestion was rebutted. He was sanctioned and put in the naughty box by his present leader, who said, "Look, be quiet for a while, because that is silly sort of talk".

At least he was an obedient servant; I will say that for him. He went away, was quiet for two or three months and was not seen for a long time, and then they allowed him out.

12.30 pm

I will now speak as Chairman of the Justice Committee. I do not intend to go over all the issues around the Department of Justice budget proposals, which I spoke on at Second Stage of the Budget Bill. However, there have been developments and further information in some areas, and I want to cover those today.

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

I welcome the final Budget proposals, which, once agreed, will bring certainty to Departments and enable them to get on with planning expenditure over the next four years. Every MLA should acknowledge that. Some will not, but they can answer to the electorate. I previously highlighted that, for the Department of Justice, one of the most crucial issues in the proposed Budget was the £200 million bid from the Chief Constable to the Treasury reserve to fund exceptional security pressures facing the PSNI over the next four years. At that time, I indicated the grave implications of that bid not being met in full. Since then, confirmation has been received that the UK Government will guarantee £199.5 million for the PSNI to help protect the community and tackle the threat from terrorism. Together with the additional £45 million provided by the Executive, that guarantee will enable the Department of Justice to take forward its key priority of protecting as far as possible front line areas across the Department, the voluntary and community sector and day-to-day front line policing. That is very welcome.

I want to express my thanks to the Minister of Finance and Personnel and his Department for their assistance in dealing with the Treasury during those negotiations. The Department of Justice is, of course, still required to deliver savings and will have to ensure that spending is targeted at key priorities. The Department is required to deliver savings of £162 million by 2014-15. In its draft savings plan, the Department has indicated that achieving that will require the suppression of posts, a redeployment in headcount, workforce modernisation, absorbing vacancies, natural wastage, a reduction in office equipment, reduction in training costs and reviews of the frequency of research work.

Mr McCarthy: I thank the Member for giving way. I did not want to let him go too far without him acknowledging the good work carried out by the Minister of Justice in bringing about the extra finance needed to protect our community.

Lord Morrow: I knew that I did not need to do that. I checked that Mr McCarthy was in his seat and, on seeing that he was, knew that he would do that and would save me any bother.

Of particular concern to the Committee were the indications from two justice organisations — the Police Ombudsman's office and the Probation Board — that there may be a need for redundancies to achieve the savings that they are being asked to deliver. The Minister of Justice recently responded to the concerns raised by the Committee, and I welcome the more than £1 million of additional funding that has been provided from within the Department's overall budget to minimise the impact on the front line service provided by the Probation Board. The additional funding to deal with cases referred to the Police Ombudsman's office by the Historical Enquiries Team will provide flexibility to reallocate staff in that organisation. I am, however, still concerned that it is difficult to assess the full impact and implications of the proposed savings on the delivery of services. That is unlikely to become apparent until the savings measures are actually implemented.

Following the preparation of the Committee's written submission on the Budget, additional information provided by the Department highlighted other areas of concern and raised further questions around the level of required savings and their impact, particularly on areas of the justice system that were not apparent initially. The Committee is seeking further clarification and explanation. I am sure that the Minister, who Mr McCarthy spoke about, will provide that post-haste.

I turn to the Prison Service. The recent interim report by the prison review team indicated the need for a substantial and radical change programme. It is also clear that the current financial cost of the Prison Service is unsustainable and must be addressed. That presents a very difficult challenge. The Committee has expressed concerns about the Prison Service's ability to deliver the savings required. It also has concerns about whether the provision of £13 million for an invest-to-save programme is realistic to achieve the reforms

that are being considered. The Committee will wish to closely scrutinise the details of the proposed strategic efficiency and effectiveness programme.

The review team also stated that there was a need for a new custodial facility for women and that they should not be held at Hydebanks Wood. The Committee very much welcomes the provision of an additional £27 million capital funding from the Executive to the Department of Justice and supports the Department's intention to use that to develop the prison estate. It will be a challenge to deliver the requirements for a new women's facility and the redevelopment or replacement of Magilligan prison. Again, the Committee will wish to keep that under review.

There are challenging times ahead for the Department of Justice in the delivery of its key priorities and services within the expenditure proposals set out in the Budget. Nevertheless, I support the motion.

Mr Givan: Does the Member agree that the Executive's decision to provide funding for the training college at Desertcreat is a welcome move? That project was deliberately obstructed by the Health Minister.

Lord Morrow: I thank the Member for that valid point, which is worthy of comment. I must say that the Health Minister adopted a very unhelpful attitude. I thank the Executive for stepping in and saving the situation. Indeed, if it had been left to the Health Minister, we would probably not have had a training depot at Desertcreat.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. The SDLP amendment calls on the Finance Minister to abolish the social investment fund and calls for an adequate four-year allocation for the social protection fund to protect vulnerable people from the impact of welfare cuts. It is my understanding that the social investment fund is to provide funds for organisations that deal with the most vulnerable and deprived. Therefore, I am not sure how those proposals would work.

Mr Callaghan: Perhaps the Member will share information with the House that the rest of us have not been privy to. I do not believe that any information or detail has been given about what the social investment fund, as it is called, will be spent on.

Mr Brady: The Member should read the Budget and other relevant documents. That might give him some explanation.

Mr McDevitt: Will the Member give way?

Mr Brady: No, I will not give way. *[Interruption.]*

Mr Deputy Speaker: Order. I ask the Member to be seated for a moment. All remarks should be made through the Chair.

Mr Brady: In the last election, the SDLP leader made much of going to Westminster to fight cuts, including welfare reform. Unfortunately, she seems to have given up the ghost on that as well. Her recent stance has shown the SDLP to be bereft of constructive economics. Welfare reform will have a huge impact on people across all levels of our society. The so-called reforms are an opportunity to impose punitive cuts on the most vulnerable.

Since the changes were put forward, initially by a British Labour Government and now by the Tory-Liberal Democrat coalition, Sinn Féin has opposed the cuts and how the changes will be implemented. When welfare reform measures started to come through, we put forward amendments designed to protect the most vulnerable. We opposed the privatisation of areas of the Social Security Agency. However, we were told by the then Minister for Social Development, now the SDLP leader, that privatisation would not happen. It has happened. It is very apparent, with the introduction of people being medically examined for benefits, that medical support services have been privatised.

We were told that the current Minister for Social Development would not impose sanctions, but that is now happening to lone parents. I have had to deal with several cases in which lone parents, some of whom have children as young as seven, are forced to justify themselves. They are not available for work because of various domestic circumstances. It is welcome to read that a childcare strategy is being proposed in the Budget, because it is much needed. I have not heard much from the SDLP on that issue today or at any other time in discussions about the Budget.

The current Minister for Social Development has told us how he has made an impact on welfare reforms by meeting frequently with Lord Freud in London. As I have said in the past, he might

have had more success with Sigmund Freud, as he certainly has not had any success with Lord Freud. Changes are being implemented and will continue to be implemented.

The Minister talked about stretching parity to the limit. He needs to consider the most effective way of ensuring that vulnerable people here are protected and do not become more and more irrelevant. The Committee for Social Development produced a comprehensive report on disability living allowance, which was designed to help people receiving that benefit who were most in need, but it has been ignored. The buck stops with the Minister, and it is time for him to face up to the issues and do something constructive to oppose the cuts, instead of posturing.

Mr Callaghan: Will the Member give way?

Mr Brady: No, I will not. Sinn Féin has been instrumental in ensuring that the social protection fund is brought into the Budget to protect the most disadvantaged, people who are on benefits through no fault of their own. I am getting fed up listening to all the so-called experts pontificating on the unemployed and saying that they should be able to get out of the situation in which they find themselves. I have been dealing for a long time with people on benefits, but I have never met anyone who is happy to live on benefits or considers it to be an acceptable situation. It is time that parties here stopped posturing, accepted the realities that we face and started doing something constructive to oppose the cuts and alleviate the hardship that they will undoubtedly cause. At least Sinn Féin will stand up for the underprivileged, the elderly, the disabled and the most disadvantaged in our society.

Ms J McCann: Does the Member agree that the social investment fund will be delivered in a strategic way that will allow it to make a difference in areas where there is disadvantage and need? The SDLP amendment outlines eight different ways to reallocate the social investment fund across all Departments. It is a very small piece of funding, so it must be targeted. Communities will decide where the social investment fund goes. They will set priorities in their own communities.

Mr Brady: I agree absolutely. Even if the social investment fund is abolished, the social protection fund remains. I understood —

Mr McDevitt: Will Mr Brady give way?

Mr Brady: No, Mr Brady will not. Mr Brady has been listening to Mr McDevitt for the past few months and has not heard him say anything constructive yet.

On that note, I will carry on. It is my understanding that infrastructure is needed so that people can use the social protection fund. If the social investment fund is abolished and the infrastructure is taken away, it will be very difficult for people to access the social protection fund.

As I said, Sinn Féin will stand up for the underprivileged, elderly and disabled people and the most disadvantaged in society. We will not use their situation for political posturing.

12.45 pm

The Chairperson of the Committee for Education (Mr Storey): I will make a few comments about the Budget as the Chairperson of the Committee for Education. First, the Committee welcomes the Executive's allocation of an additional £154 million to the Department of Education for the Budget period. The Committee also notes and welcomes the fact that the Executive Budget document states that that additional £154 million will:

"allow the Education Minister to direct more funding to frontline service delivery."

That is to be welcomed. However, I will return to that point.

Unfortunately, I must report that the Committee still awaits the Minister of Education's spending proposals and key information on the impact of her savings proposals. We desperately need to have sight of those. Despite not having that essential information, on 15 February, the Committee for Education provided a substantive response to the Department's draft budget to the Committee for Finance and Personnel and the Minister of Education. That has now been published in the Committee's finance report to the House, and it is also available on the Department of Education's website.

One of the Committee's key concerns was the impact of the Minister of Education's proposal to remove substantial money from the aggregated schools budget. That money goes directly towards funding our schools and classrooms. I remind the House that the 2011-

12 saving was to be £2.65 million, and this builds to a colossal £180 million in year 4 of the Budget period. That is almost one fifth of the cuts to the school budget. It is only right that the Committee's concern is registered in the House. I trust that the Education Minister will use much of the additional £114 million of current expenditure to lessen her savings proposals in respect of the aggregated schools budget and thereby protect front line services in our schools and classrooms.

In its response to the Minister of Education's draft budget proposals, the Committee registered its concerns about the proposed transfer of £41 million from capital to current expenditure. That created a risk that there would be insufficient capital resources to fund statutory maintenance work. For example, there is a massive £250 million backlog of essential health and safety work to be done in our schools. I trust that the Minister of Education will not now seek the Executive's approval to reclassify the £41 million capital expenditure as current expenditure in 2011-12. As that reclassification would require his and the Executive's approval, perhaps the Finance Minister could confirm what the situation is. The Committee will also ask that question of senior departmental officials next week, and I hope that we will at last be informed about the Minister's spending proposals.

I want to make one final and important point about potential additional efficiencies or savings in the Education Department, which the Finance Minister may be able to shed some light on. Back in August 2010, he announced that there would be a joint PEDU and Department of Education efficiency review. The Committee was informed that stage one of that review commenced in mid-November 2010 and was to be reported on within six weeks of that date, with stage two due to commence mid-January and, again, be reported on within six weeks. That was to lead to a joint meeting of the Finance and Personnel Minister and the Education Minister in the week commencing 28 February 2011. Will the Finance Minister confirm whether that has taken place? It would seem that we have now run out of time as regards reporting back to the House about the work of PEDU.

I will now speak as a Member of the House. It was unfortunate that, when we were coming to the House today, we were subjected to a

member of the Ulster Unionist Party who, apart from knowing what day of the week it was, did not know much. It was the soon-to-be Member Mr Nesbitt — if the electorate are silly enough to send him to this House. We heard Mr Nesbitt on the radio this morning. He was not sure whether the Budget was a good or bad deal, and he then castigated the Department of Education over the establishment of the ESA. He was right that the Department squandered £10 million on the establishment of the ESA, a body that this party was very clear should not be established, and we gave reasons for that. However, the Ulster Unionist Party then cast doubt in my mind as to whether it was in favour of the establishment of ESA. Perhaps in some of their interventions that party's Members will confirm whether that is the case.

I move on to the SDLP and its attitude to the Budget. I was wondering whether that party should go through a rebranding exercise. There is a well-known airline in Northern Ireland called Flybe. Perhaps the party should become "FlySDLP", because it seems happy to propose to sell an airport but is not capable of bringing any logical or sensible proposals on the Budget or the future of Northern Ireland.

We can continue to play politics and try to get the sound bites, but the reality for the people in Northern Ireland is that we still require our services to be funded and supported. It is a shame and disgrace that the two parties on the Benches to my right are prepared this afternoon to abdicate every ounce of responsibility that they promised to the electorate when they were elected.

Mr McNarry: You have already done that.

The Chairperson of the Committee for Education: Does the Member want to intervene?

Mr McNarry: No.

The Chairperson of the Committee for Education: If he does not want to intervene, maybe he would have the manners to listen.

Let us remind the Member of where this all came from. Was it because of an alliance between the DUP and Sinn Féin, or was it because of an alliance called UCUNF — I think that that was the name, or was it New Force? The people of Northern Ireland will be reminded that the party on the Benches beside us in the House aligned itself with the Tory cuts.

Mr Beggs: Will the Member explain why the DUP backed the Conservatives and the Liberal Democrats on, I think, five different occasions against Opposition motions in the House of Commons? Why did the DUP vote with the Conservatives and the Liberal Democrats in trying to maintain the Programme for Government? Explain yourselves.

The Chairperson of the Committee for Education:

That comment is wrong and deserves to be put in landfill. Let us remind the people of Northern Ireland —

Lord Morrow: Which landfill site?

The Chairperson of the Committee for Education:

I will ask the Member to clarify which landfill site we are referring to.

Let us be clear: it was the Tories and the Ulster Unionists —

Mr Beggs: On a point of order, Mr Deputy Speaker. Is it in order for a Member to make comments that are clearly at odds with the Westminster Hansard reports of June last year? Is it in order for him to make inaccurate comments?

Mr Deputy Speaker: I am sure that the Member agrees with me that lots of things are not in order at the moment. I appeal to everyone to give the Member the opportunity to be heard, because, as Deputy Speaker, I also have a responsibility to know what is said. Carry on.

The Chairperson of the Committee for Education:

When we start to unveil the Ulster Unionist Party's past on that matter, it is clear that it sits uncomfortably with it. It made a mistake; it has now ditched the Tories. Its members are now going to be Ulster Unionists — *[Interruption.]* Well, maybe it has not.

Mr McNarry: It is a franchise.

The Chairperson of the Committee for Education:

It is a new version of McDonald's for Northern Ireland. Will the people of Northern Ireland forgive any politician in the House who does not see that there has to be collective responsibility? I do not sit comfortably with the fact that we have to have the governance arrangements in Northern Ireland that we do. Those arrangements were, by and large, the architecture of the Ulster Unionist Party. It created the 11 Departments.

Mr Deputy Speaker: Time.

The Chairperson of the Committee for Education: Now we have a situation —

Mr Deputy Speaker: Your time is up.

The Chairperson of the Committee for Education:

Now we have a situation where —

Mr Deputy Speaker: Will the Member please resume his seat?

The Chairperson of the Committee for Education:

— that party is unprepared to take responsibility. That is why this party will show leadership and will be endorsed on 5 May.

Mr Deputy Speaker: Before I call Mr McCallister, I again appeal to Members to allow the person who is speaking to be heard.

Mr McCallister: Thank you, Mr Deputy Speaker. I am sure that the DUP Members will want to hear what I have to say.

Turning to the issue of health, let us look at some of the achievements of our Health Minister, Michael McGimpsey, in reforming the Department over the past few years. He has cut the number of trusts and changed the number of boards, having started in 2007 £600 million behind the position in England. He delivered £700 million in efficiencies in the CSR period that is drawing to a close. That is a mammoth achievement set against a backdrop of year-on-year rises in demand for services of 8%, 9% and 10%, more activity in the Health Service, pressures on technology and new developments and drugs.

So often, we in the Chamber simply debate health issues to the exclusion of social care and public safety responsibilities, such as the Fire and Rescue Service. I heard Members shout about the new college in Desertcreat. They seem to forget that, if the Budget goes through today, there may be the money to build it but no money to run it. That is what they have to focus on and remember when they vote on the Budget.

Who is setting out the case for an increase in health spending? Yes, the Minister, quite rightly, has led the charge in declaring that health needs increased funding. His permanent secretary wrote to the Minister of Finance to detail how the Health Service would effectively go bankrupt, but the Finance Minister seems

to ignore that. The Chief Medical Officer has questioned whether we can operate a safe Health Service with this Budget, yet no one from the DUP or Sinn Féin is coming up with any answers.

As regards the reforms, the Health Department is the only one to have fully met its RPA commitments and delivered the savings it was meant to. It has delivered real change on the ground. Where will this hit hardest? Sinn Féin and the SDLP debate the social fund or, as some people refer to it, the slush fund. It is claimed that it will help vulnerable people. How many vulnerable people does the Health Service help? Everyone who goes through its door is a vulnerable person. Everyone who needs social care or domiciliary care is vulnerable, and they need and demand our help and support. That is what this Budget is about. That is what this vote and this debate are about. Are we going to help those people, or are we going to turn our back on them and forget about them and say that we can sort that out the next time?

Mr A Maginness: I am grateful to the Member for giving way. I want to raise a point about the social investment fund. It is referred to on page 28 of the Budget document, but it contains little in the way of detail. That confirms the suspicion of your party and mine that this fund is simply a slush fund to be divided up between the DUP and Sinn Féin.

Mr McCallister: And then they have the nerve to say that we are light on detail, when actually —

Mr Brady: Will the Member give way?

Mr McCallister: I really do not have time to, Mickey. On a normal occasion, Mr Deputy Speaker, I would.

The Minister has welcomed some things in the McKinsey report — *[Interruption.]*

Mr Deputy Speaker: Order. The Member will resume his seat.

I am sorry to say that a couple of individuals to my right are persisting in shouting from a sedentary position. I warn them that they will find it much more comfortable to listen to the debate in here than somewhere else.

1.00 pm

Mr McCallister: There are things to be welcomed in the McKinsey report, but we should

not rush headlong into accepting everything in it, as the DUP and Sinn Féin would, without even asking whether that is the type of Health Service that we want.

Mrs O'Neill: Will the Member give way?

Mr McCallister: I will see whether I have time.

I have considerable concerns about various aspects of the report. Issues that are to be welcomed include moving on generic prescribing, which the Minister is doing as part of delivering real savings through year-on-year improvements. That is the type of thing that will make a huge difference to the Health Service. The DUP and Sinn Féin need to decide which bits of the McKinsey report they are for and which bits they are against. Are they in favour of aligning prescription charges, dental fees and social care contributions with those in England — I did not think that Sinn Féin would end up wanting to do so much of what is done in England — or additional charges for outpatient appointments, GP attendances and inpatient stays along the lines of those in France and Germany —

Mr B McCrea: Who wanted that?

Mr McCallister: Apparently, the DUP wants us to accept the entire McKinsey report.

The introduction of such charges would break the founding principles of the NHS, which our party brought to Northern Ireland in 1948 and which we have continued to support. Time and again, Minister McGimpsey has said that the Health Service should continue to be free at the point of delivery. The DUP and Sinn Féin need to tell us whether they want to introduce additional charges for services such as domiciliary care. Is that the road that they want to take the Health Service down? That is the cornerstone of the debate. Do we want that type of Health Service? I accept that the Health Service is constantly evolving, but do we want to keep the principle that it should be free at the point of delivery? That is the difference between them and us. They want to charge people for GP appointments. They are happy to do that because that is what happens in the South, but they can afford that because they have so much money coming in. I believe in the founding principle of the NHS, and we should protect it.

Turning to wider economic issues —

Mr F McCann: Will the Member give way?

Mr McCallister: I will if I have time, but I want to make a couple of points.

The First Minister should know better than anyone else about the mess that the coalition Government had to pick up after 13 years of Labour Government. When he first went to Westminster, a Conservative Government had to pick up another Labour Government's mess. Labour always ends in failure. We now have a Liberal Democrat-Conservative coalition. Last year, I was a Conservative and Unionist candidate, and the bit in our manifesto of which I was most proud was our commitment to protect health. The Conservative-Liberal Democrat coalition Government have honoured that commitment.

Mr Humphrey: Will the Member give way?

Mr McCallister: No, I have only one and a half minutes left.

The coalition Government have honoured the manifesto commitment to health on which we stood and which, incidentally, the Finance Minister has not passed on in full to the Health Minister. He has to realise that we campaigned on that commitment. It is perfectly obvious that we did not win any seats. The DUP admits that its eight MPs have less influence at Westminster than we do with no MPs. Their MPs are irrelevant at Westminster. We need to tie into the national debate — *[Interruption.]*

Mr Deputy Speaker: Order, please. That is better. The Member may continue.

Mr McCallister: Thank you, Mr Deputy Speaker. I did not realise that I had upset them again.

Mr Hamilton made allegations about us canvassing on doorsteps. Should he not be ashamed of promising on doorsteps last year that the eight or nine MP seats that the DUP hoped to win would deliver? The DUP almost thought that it would be in government. It wanted to form some sort of Liberal Democrat-Labour Government and join all the nationalists as Little Ulster nationalists. The DUP wanted to do that instead of working in the national interest.

Mr Humphrey: Will the Member give way?

Mr McCallister: I think that the Member will find that I am out of time —

Mr Deputy Speaker: Your time is up.

Mr McCallister: Otherwise, I would be happy to take on any of those points. *[Interruption.]*

Mr Deputy Speaker: Order, please. I am sure that Members will want to discuss that matter over lunch. I propose, by leave of the Assembly, to suspend the sitting until 2.00 pm, when the next Member to speak will be Mr Pat Ramsey.

The sitting was suspended at 1.05 pm.

On resuming —

2.00 pm

Executive Committee Business

Dogs (Amendment) Bill: Royal Assent

Mr Deputy Speaker: I inform Members that the Dogs (Amendment) Bill has received Royal Assent. The Dogs (Amendment) Act (Northern Ireland) 2011 became law on 8 March 2011.

Budget 2011-15: Programme for Expenditure

Debate resumed on amendments to motion:

That this Assembly approves the programme of expenditure proposals for 2011-15 as set out in the Budget laid before the Assembly on 7 March 2011. — [The Minister of Finance and Personnel (Mr S Wilson).]

Which amendments were:

No 1: Leave out all after the first “Assembly” and insert

“calls on the Minister of Finance and Personnel to revise the programme of expenditure proposals for 2011-15, as set out in the Budget laid before the Assembly on 7 March 2011, by allocating 38 per cent of the additional £432 million resources identified for key public services (as indicated in the Minister’s statement of 4 March 2011) to year 1 revenue for the Department of Health, Social Services and Public Safety; and further calls for the spending requirements of DHSSPS to be reviewed annually thereafter over the Budget period and for the balance (62 per cent) of those additional resources to be allocated towards key public services by agreement of the new Executive.” — [Mr McNarry.]

No 2: Leave out all after the first “Assembly” and insert

“notes that the Budget 2011-15 is not based on any up-to-date Programme for Government; recognises the need to provide a more transparent and detailed breakdown of expenditure proposals over the four-year period as highlighted in the consultation process; calls on the Minister of Finance and Personnel to revise the programme of expenditure proposals for 2011-15 to include a strategy to raise additional revenue and capital resources, to abolish the social investment fund and to reallocate the £80 million from that fund and any additional resources raised to provide for:

(i) significant interventions to grow the private sector;

(ii) public sector reform and new models of asset management to rebalance the economy;

(iii) increased investment in job creation, particularly in construction, renewables, ICT, tourism and the agrifood sector;

(iv) adequate funding to support front-line health services and to build more social houses;

(v) an adequate four-year allocation for the social protection fund to protect vulnerable people from the impact of welfare cuts;

(vi) greater support for the school building and maintenance programmes;

(vii) a guarantee that any public sector redundancies will not be compulsory; and

(viii) support for universities so that student fee increases become unnecessary.” — [Ms Ritchie.]

Mr P Ramsey: I am pleased to be called to speak and to support the SDLP amendment. As the SDLP spokesperson on employment and learning, I am, in one sense, pleased that an extra £50 million has been allocated to the Department for Employment and Learning (DEL). However, given the current requirements of the higher education sector, apprenticeship programmes and many other important areas, the Budget does not come close to addressing the complexities that need to be funded in this comprehensive spending review (CSR) period. That begs the question of where the £50 million that has been allocated to DEL will go.

Our young people are faced with the prospect of higher fees for higher education. It is a system that many people from poorer backgrounds will simply not be able to access. That is not the kind of modern higher education provision that we should be laying before our future and younger generations. It is a shame that, although many Members have benefited from free higher education, it is proposed that we raise the financial bar for that vital opportunity out of the reach of many. I say that in the context of the exhaustive inquiry that the Committee for Employment and Learning carried out into young people not in education, employment or training, which took place over 12 months. We looked into the fact that there are 40,000 young people across Northern Ireland in that situation.

If we allow the increase in fees, we will ensure that more young people will find themselves NEET. The issue of young people who find themselves in those circumstances has to be a high priority in the CSR and the Programme for Government. I note that the First Minister is in the Chamber, and I hope that he will take note of that.

The £50 million that was allocated to DEL in the final draft of the Budget is quite simply not enough. Lifting the MaSN cap was a key indicator for the Ilex regeneration plan for the city of Derry. The Magee campus of the University of Ulster, which is in my constituency, would require £8 million more to increase its student numbers by 1,000. That would bring economic benefits not only to my constituency of Foyle in the north-west region, but to Northern Ireland generally. Of course, that is not within the scope of the Budget.

It has been recognised that more young people will want to remain here because, even if the fees were increased, they would remain at less than half of the level in England and Wales. We know for a fact that, over the past number of years, more young people from all of our constituencies want to pursue a degree in higher education. In those circumstances, how do we meet the demand? One way of doing it is to ensure that the maximum student number (MaSN) cap is relaxed so that we are able to allow young people from Northern Ireland to pursue higher education. If we do not do that, more young people will be abandoned and become NEET (not in education, employment or training). Because of the increased demand and limited capacity, only those who reach the higher A-level results will have access to higher education.

On top of that, an increase in student fees is required due to a lack of funds, and that will further deflate the higher education system. The Stuart review initially pointed to no increase in fees, and now the fiscal position means that, based on the Browne review and the existing CSR provision, there could be a massive yearly increase for the next generation of students.

If the proposed increase goes ahead, more students will want to study at local universities, which many people will see as a positive thing. However, we have the smallest higher education sector in the UK regions, and, with the efficiency measures being brought forward and sought from our universities, local people who want to go to local campuses could be turned away because they cannot afford it or because the universities cannot cope with the huge demand.

Queen's University will have £42 million in real terms taken from its budget up to 2014-15 because of the proposed Budget decrease and the cuts in the higher education budget.

In pure terms, that will mean a loss of more than 750 jobs and the closure of schools in the university, and it will affect more than 1,300 direct jobs in the service industry and the wider sector. It will further impact on the ability of the higher education sector to deliver high-class courses to our young people, particularly in the areas of science, technology, engineering and mathematics (STEM), which we all acknowledge is where we should be going to prepare the future workforce and to help the local economy. Those 1,000 places to which I referred earlier relate to STEM subjects that the University of Ulster's Magee campus intends to increase.

All that has a knock-on effect on the economy in my constituency and on the regional economy. We are trying to create a smart, skills-based economy, yet the research opportunities and spin-off jobs that are created by our universities will be at serious risk, creating a tripartite stranglehold of increased fees, less choice and fewer research-led jobs, which, make no mistake, will have a detrimental effect on growth potential in the higher education sector and, therefore, in the wider economy. The Finance Minister said that the economy will be the number one priority. However, it will fail.

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

Mr P Ramsey: I do not have time to give way. The Minister has an hour and a half in which to speak, but Members have only 10 minutes.

The Minister of Finance and Personnel: I will get you later then.

Mr P Ramsey: I am sure that you will. I will move on to apprenticeships. The draft Budget sought to remove funding from adult apprenticeship schemes throughout the region. In my constituency alone, 800 people benefit from such schemes through upskilling and gaining work-related qualifications. Skills and employment are key factors in the aforementioned regeneration plan for the north-west through Ilex. How can we seek to transform our economy, to grow jobs and to create wealth in our communities without the support that apprenticeship programmes bring to local businesses and the local workforce? A company in my constituency that delivers the ApprenticeshipsNI programme has a 98% success rate of adult learners achieving NVQ level 1 and NVQ level 2, yet it faces closure if the programme's funding is withdrawn. The cuts

will affect not only my constituency but all our constituencies.

The draft Budget seeks to encourage employers to bear a greater proportion of the costs associated with the delivery of other current adult programmes. How on earth can we expect employers to bear the cost of anything when the Budget will put their staff's upskilling opportunities at risk, price local students out of the market and make them less competitive?

I will now turn to a health-related matter. The Department of Health, Social Services and Public Safety (DHSSPS) will get an extra £189 million in the final draft document, yet the service that we have to provide in Northern Ireland will still suffer major cuts. This morning, some Members had the opportunity to see a number of young people with severe learning disabilities who had come up here to ask us to champion their cause. Their parents and teachers from special schools also came along. Across Northern Ireland, some 600 children and young people with severe learning disabilities face the closure of music therapy services. It is a crying shame on the House if these savage cuts come down on the most vulnerable people in our community. I told the Labour Party leader face to face that this House and its Ministers need to be champions for people in our community who are vulnerable and less well-off. If they are not, those families, young people and people with severe learning disabilities will become more disadvantaged.

Mr Bell: Will the Member give way?

Mr P Ramsey: Sorry, Jonathan, I do not have much time.

I want to finish by thanking the Minister of Finance for being kind enough to meet all of the Foyle MLAs in relation to the radiotherapy unit. It is important that the House makes a statement on that. There is no point in saying that we have the capital for the project, but that we cannot provide the revenue money. It is not a project for Derry or for the north-west of Ireland —

Mr Deputy Speaker: Draw your remarks to a close, please.

Mr P Ramsey: It is a project to increase capacity for cancer sufferers who require radiotherapy.

Mr P Robinson: I want to indicate that, today, I will wear my hat as leader of the DUP, rather than as First Minister. Quite frankly, however, I

would say what I have to say no matter what hat I had on my head.

First, I congratulate my colleague Sammy Wilson on bringing forward the Budget in the most difficult of circumstances. There are Members of the House who have let the community down severely. One thing that became clear when people knew how difficult it was going to be was that they wanted politicians to set aside party political issues and not get involved in party point-scoring or play games with the Budget, but work together to reach agreement.

From the very first day, we knew that that was not going to be possible. When we had the Minister of Health coming in late, leaving early and saying nothing in between, it became clear that the Ulster Unionists were never going to sign up to the Budget. When we had the SDLP's posturing and phoney documents, which had no substance in reality, it was clear that that party was not going to sign up to the Budget either.

If one were an outsider listening to certain people in the Chamber, one would think that there was significant disagreement about the basic principles upon which the Budget is crafted. I want to test that in this Chamber this afternoon. I invite all of the parties that are present in the Chamber to indicate whether they disagree with any of the assumptions that I will make. If they do, Members can put up their hands and let us see, so that we can gauge the level of agreement and disagreement that there is and what it is that parties are disagreeing with.

The first principle is as follows: does anybody in the Chamber disagree with the fact that the most significant cause of the restrained Budget is the UK comprehensive spending review? No hands are going up. Let us go to the second issue. Does anyone disagree that £4 billion has been cut from the block grant? Again, no hands are going up. Therefore, we have established two principles on which the whole Assembly is agreed.

Does anybody disagree that during the most recent election, the key issue that was fought out on television and elsewhere between the main parties was the speed and, indeed, the depth of the cuts that would take place during the following period of government? The Conservative Party argued for immediate, speedy and deep cuts. The Labour Party argued that it should be done over a longer period. Does anybody disagree with that reality? Nobody

disagrees with that. Does anybody disagree with the fact that the Conservative Party and the Ulster Unionist Party advocated that the cuts should be immediate, deep and fast? Nobody disagrees with that.

Does anyone disagree that all of the other main parties from Northern Ireland, during the course of that election, argued that the cuts should be made over a longer period and that, because of Northern Ireland's particular position as the part of the United Kingdom that always lags last, its cuts should not be as deep or as fast? All of the parties here argued that, with the exception of the Ulster Unionist Party.

Therefore, we have agreed four basic principles so far. Does anyone disagree that, during the course of the election, none of the parties, except the TUV and the Ulster Unionist Party, argued in favour of cuts to the Northern Ireland Budget? No hands go up. Therefore, we agree on that principle as well. Does anyone disagree —

Mr O'Loan: Will the Member give way?

2.15 pm

Mr P Robinson: If the Member had given way to me, I would have been willing to give way to him. *[Interruption.]*

Mr Deputy Speaker: Order. The Member may be playing the role of the teacher, but some of the pupils are misbehaving. Please make all your remarks through the Chair.

Mr P Robinson: I am not sure how many of them will pass their maths exams, given some of the amendments that have been tabled.

Does anyone disagree that the Executive have a responsibility to produce a Budget based on the CSR allocation that has been made to our block grant plus any additional revenue that we can gather ourselves? Does anyone disagree with that principle? Again, no hands are going up, so we are making real progress.

Does anyone disagree that the Budget produced by the Finance Minister identifies between £1 billion and £1.5 billion of additional spending power?

Mr O'Loan: I disagree with that.

Mr P Robinson: You disagree with that. Is your hand up?

Mr McDevitt: Will the First Minister give way?

Mr P Robinson: If he is going to —
[*Interruption.*] Just a wee second, I am speaking.

Mr Deputy Speaker: Order. [*Interruption.*]

Mr P Robinson: I am speaking at the moment.
[*Interruption.*]

Mr Deputy Speaker: Order. The style of the debate is not making life very easy for the Deputy Speaker. All remarks should be made through the Chair. The only “you” is me.

Mr P Robinson: Let me make it very clear to the Member: SDLP Members were invited to give way twice, and they refused to. They are getting dished out the same medicine that they have dished out to others. If you want to intervene in debates, you should be willing to let people intervene when you are speaking.

During the whole of this debate and the debate that we had on the draft Budget, nobody suggested — [*Interruption.*]

Mr Deputy Speaker: Order. The Member will resume his seat. Members should not persist when it is obvious that the Member speaking does not want to give way.

Mrs D Kelly: There are no hands up.

Mr P Robinson: I recognise that there have been no hands up. Nobody has disagreed with any of the principles that I have stated thus far, and nobody has suggested during the course of this debate anything that would have taken the amount of additional revenue below £1 billion. Nobody has suggested that. Not one Member who has spoken at any time during any of the debates has been able to suggest that. I think, therefore, that we can agree that principle as well.

On the basis of those facts, two unassailable conclusions can be drawn. The first is that the only party in Northern Ireland that is directly responsible for our Budget cuts is the Ulster Unionist Party. The second is that far from being responsible for any cuts to the Budget, the Executive are responsible for increasing the level of the Budget and being able to increase the power of spend for Northern Ireland.

Let me deal with the distribution of our funding, which falls within the second issue. Does anyone disagree with the fact that, in cash terms, only four Departments end up with an increase in their budget? If Members have any difficulty with that, I ask them to go to

page 31 of the Budget document. They will see that only four Departments end up with a positive outcome in the allocation. Does anyone disagree that those four Departments are the Health Department, the Department for Employment and Learning, the Department for Social Development (DSD) and the Department of Enterprise, Trade and Investment (DETI)? Those are the only four Departments that end up with a positive allocation. It is the Ministers of three of those Departments who are suggesting that we should have a negative vote on the Budget, but it is their Departments that do best out of the Budget. I think that we have established another principle: the Health Department, DEL, DSD and DETI do best in respect of allocations. I think that we are making real progress, Mr Deputy Speaker.

Let me move to the next issue. Does anyone disagree that the largest increase to any Department in Northern Ireland is to the Health Department?

Mr McCallister: Thanks to the Conservatives.
[*Interruption.*]

Mr Deputy Speaker: Order.

Mr P Robinson: If the Member does not want to listen to other Members, he should, at least, listen to himself. Earlier, he was on his feet criticising what he called a reduction in the Health Department budget. Now he is saying that we should thank the Tories for that increase. Not only has the Health Department got the best settlement in Northern Ireland, it has a better settlement than any Health Department anywhere else in the United Kingdom.

Mr Humphrey: On a point of order, Mr Deputy Speaker. In his intervention, Lord Empey asked Members to behave properly and not behave as if they were in P1 or P2. Who is behaving as if they are in P1 or P2 now?

Mr Deputy Speaker: That is not a point of order. I ask Mr Robinson to resume his speech, and I ask other Members to stop making remarks across the Floor.

Mr P Robinson: Not only have we now established that the best allocations were given to the parties that seek to vote against the Budget, we have established that the Budget cuts were the responsibility of the Ulster Unionist Party and that the Executive managed to increase the amount of spend that they had.

Now let us look at their amendments to see the alternatives. The Ulster Unionists provide an alternative: take 38% of the additional funds provided by the Finance Minister and allocate them in year one to the Department of Health. Let us do some simple maths for the Ulster Unionist Party: 38% of that amount of money is just over £160 million.

Mr McNarry: Well done.

Mr P Robinson: Well done, indeed. Let us see how good the Member's maths are, because the amendment is in his name. He then suggests that we take that £160 million out of the amount of money in the first year. How much money is there in the first year? Did the Member look? There is only £55 million available out of that Budget in the first year. Therefore the all-wise, respected and responsible Member — incidentally, he says that about himself in the 'Newtownards Chronicle' [*Laughter.*] — wants us to take £160 million out of the £55 million that is available. Even the young children from schools in our Province in the Public Gallery would tell him that you cannot take £160 million out of £55 million, but the Ulster Unionist Party does not seem to have learned that lesson.

Mr Deputy Speaker: Bring your remarks to a close, please.

Mr P Robinson: I will spare the SDLP, only because of time —

Mr Deputy Speaker: Your time is up.

Mr P Robinson: — but its only alternative to the Budget is to spend more money.

Mr Deputy Speaker: Mr Robinson, your time is up.

Mr P Robinson: You cannot spend more money when the Budget is reduced because of the Tory/Ulster Unionist cuts.

Mr McNarry: Attacking other unionists; that is all you are good for.

Mr P Robinson: Mike Nesbitt will sort you out. [*Laughter.*]

Mr Deputy Speaker: Order, please.

Ms M Anderson: Go raibh maith agat, a LeasCheann Comhairle. As I said last Friday, the Executive faced a choice. They could meekly accept the Tory cuts, as some told them to do. Some told the Executive to hurry up and sign off because if we did not do so in the same

time frame as Scotland and Wales, we would be failing the people of the North. The choice that the Executive took, which was the right choice, was to work hard to deliver a better way.

There is clear evidence that we were in a very bad place after the £4 billion Tory cuts that were imposed on us. The draft Budget put us in a better place, and the final Budget in an even better place, but that is not the end of the story. As the Finance Minister said on Friday, we have much more work to do to tap into the opportunities and potential that are still there.

We have found some solutions to the Tory-imposed cuts, which have the UUP's fingerprints all over them. It was not just a branding problem that resulted in the UUP's failure to get one MP elected; it was — and, in our opinion, still is — the links and ongoing connections with the Tory Party. One need only look at where the previous UUP First Minister is now: in the House of Lords as a Tory peer — Lord Trimble.

I want to touch on some key policy issues for OFMDFM: victims and survivors; good relations; children and young people; older people; tackling problems; and tackling poverty and deprivation.

There is considerable pressure on the Budget due to the Tory/UUP cuts. Members of the Committee for the Office of the First Minister and deputy First Minister opposed those cuts, whereas the Chairperson of the Committee and the leader of the UUP assented to them. Today, the UUP leader's spokesperson, a former victims' commissioner — the First Minister made this point eloquently just before I got on to my feet — did not even know that the £4 billion of Tory cuts resulted in a bad deal for the North. The dogs in the street know that it is a bad deal. The public spending budget is under pressure, our economy is still in recession, and, as a result, the gap between the haves and the have-nots will undoubtedly increase unless we take steps to reduce inequality.

Sinn Féin is a party of equality that seeks to end the persistent patterns of deprivation that condemn whole sections of our community to poverty. New initiatives and approaches are required, and we simply cannot continue along the existing path. We have constantly said that we must change the patterns of the past to deliver outcomes for the most deprived across society. That is why we welcomed the introduction of the social investment fund of £80 million, which is targeted at the most

deprived and disadvantaged communities in the North. That is also why we welcomed the establishment of the social protection fund and the £12 million to roll out a childcare strategy aimed at supporting new measures to reduce barriers to employment and encouraging and supporting economic activity. The SDLP/UUP will vote against all that.

Mr McDevitt: Will the Member give way?

Ms M Anderson: I am sure that the Member will have his time —

Mr Callaghan: Will the Member give way?

Ms M Anderson: I will not. I have enough to say, and we have listened to the Member enough.

I am absolutely alarmed that the SDLP amendment proposes to abolish an initiative that is in development and withdraw £80 million targeted at ending or tackling deprivation. Although I am alarmed, I have to say that, as a member of Sinn Féin, I am not surprised. The SDLP abandoned those communities a long time ago, but Sinn Féin will not. Over the years, the SDLP sought, through political vetting, to close groups such as Dove House Community Resource Centre in Derry, the Conway Mill in Belfast and many others. Sinn Féin stands on its record for community-based participation and regeneration.

Mr Callaghan: On a point of order, a LeasCheann Comhairle. The Member is wilfully misleading the House about history.

Mr Deputy Speaker: That is not a point of order. The Member will resume his seat. I remind Members again that they should not shout across the Chamber. It is time to make a list of those Members who are not taking my advice and pass that to the Speaker. In future, those Members may not be called to speak.

Mr Bell: On a point of order, Mr Deputy Speaker. Pól Callaghan referred to somebody as having deliberately misled the House. Will you rule on that, please?

Mr Deputy Speaker: The Member will be aware that the Speaker has already ruled on that issue. It is not out of order.

Mr Bell: It is not? Further to that point of order, Mr Deputy Speaker —

Mr Deputy Speaker: Is the Member questioning my judgement?

Mr Bell: No, I am not, but further to that point of order, Mr Deputy Speaker —

Mr Deputy Speaker: I ask the Member to be extremely careful and to resume his seat.

Mr Bell: Further to that point of order, Mr Deputy Speaker.

Mr Deputy Speaker: Is it about something different?

Mr Bell: No, it is the point about misleading the House.

Mr Deputy Speaker: I am sorry, but I am moving on.

2.30 pm

Ms M Anderson: The position that the SDLP took on political vetting is a matter of public record. So, I stand over my comments; they are factual, accurate and can be proved.

The SDLP settled for political privilege and gave up a long time ago the battle against deprivation and inequality. I spent two years working to get targeted proposals for the Foyle constituency that demonstrate in a mark II regeneration plan what will make a difference to the most deprived groups and, we know, as members of the strategy board and working group, where the resistance to all that came from. Some came from those privileged few.

Sinn Féin is working hard to tackle and resolve problems. We will continue along that pathway. The SDLP amendment, like its approaches, does not add up. The party is all over the place. It seeks to take £80 million of the social investment fund, which is set aside for deprived communities, to help to fill a gap of over £4 billion of Tory cuts to the block grant, and an additional reduction in excess of £400 million in welfare cuts.

Let us deal with the welfare cuts: the SDLP Minister has an opportunity not to implement the Tory cuts. He should refuse to fund the assessments needed to assist the Tory cuts for those on disability living allowance, the most vulnerable in our society. He does not have to do the assessments, and if he does not have the information, the Tories will not be able to use that information to cut the benefits of those who most need them.

You have to hear this one: Margaret Ritchie spoke at the party conference, as everybody

knows, about building a consensus with the UUP. We see that consensus today. However, we also see evidence of the SDLP/UUP/Tory link strengthening because, although Margaret Ritchie, Mark Durkan and many others went to Westminster to stop the Tory cuts, let us look at what Margaret Ritchie said in the House of Commons on 31 October 2010. This is how she was going to stop the cuts:

“on current expenditure, we are facing a cut in real terms of 7 by the final year of the CSR. That is challenging, but it is not insurmountable.”

Not insurmountable?

Mr Callaghan: Will the Member give way?

Ms M Anderson: What a fight.

Mr Callaghan: Will the Member give way?

Ms M Anderson: What a fight. That hardly challenged the Tory cuts. That was not what the people of the North —

Mr Deputy Speaker: Order, please. I am asking a particular Member on my left not to insist that other Members give way when it is patently clear that they do not wish to do so.

Ms M Anderson: That probably hurt a little bit there. Tá brón orm if it did, but I am just presenting you with the fact of what your leader said in the House of Commons. That was hardly a fight or a challenge to the Tory cuts. Not insurmountable? She might as well have said, “Sure, look, it doesn’t matter. We’ll cope with that. Sure don’t worry about it, you know.”

The SDLP/UUP/Tory relationship is a cynical consensus based not on what is best for the community but on what they believe is best for their parties. I believe they are wrong, but the people will judge for themselves. Let them go into west Belfast, the Shankill, the Bogside or the Fountain and tell the people there that they can continue to live in poverty and deprivation, and that they want the £80 million that the Executive were going to use to target the most deprived communities taken off them. Let them tell parents that affordable childcare policy cannot happen.

Mr Deputy Speaker: Your time is up.

Ms M Anderson: I trust that the entire community will see through —

Mr Deputy Speaker: Sorry, your time is up.

Ms M Anderson: — what I regard as the toytown politics —

Mr Deputy Speaker: I ask the Member to resume her seat.

Ms M Anderson: — of the SDLP/UUP

Mr Lunn: I support the Budget. I commend the Minister of Finance and Personnel and his departmental team for finally bringing us to today’s debate and the vote.

I also commend those Ministers who have engaged constructively in the negotiations, recognising the difficult financial settlement imposed on us by the UK Government. We are in difficult times; we are not masters of our House in this country. It is encouraging that most Ministers, having fought the good fight on behalf of their Departments, are now prepared to acknowledge their collective responsibility and to work within the agreed terms for their particular areas.

Having said that, I do not wish to give the impression that the Alliance Party is happy with all aspects of the Budget. Like every other party in the House — the Finance Minister’s and Sinn Féin and, perhaps more so, the parties to my left and right — we have concerns. I will mention some of those shortly. For a start, despite the Finance Minister’s protestations in the last debate and earlier today, this Budget is not based on an up-to-date agreed Programme for Government, as would normally be regarded as good practice. He said earlier that it is all to do with the economy, but there is a lot more to it than that. We really have put the cart before the horse in that respect. I hope that the next Assembly can rectify the situation as quickly as possible, even though the Budget is, quite rightly, a four-year plan.

We do not think that the Budget has been sufficiently bold in promoting the economy, encouraging the modernisation of public services, investing in the green new deal, promoting a shared future or raising additional revenue. Although we have the beginnings of encouragement for Departments to address the cost of division, it has been a long time coming. Those costs and the long-term savings available have been estimated at various levels. At one time, Deloitte said £1.5 billion. Our party said £1 billion. It has been set at other levels by interested observers. They are frequently dismissed as unattainable, but does anyone still

deny that the extra cost, whatever the figure, of managing a divided society is a huge burden on public finances?

If the £300 million that is often quoted as the figure being wasted annually on segregated education could be squeezed out of the system, or, for that matter, if the £600 million that the McKinsey report states is capable of being saved in healthcare expenditure could be realised, the budgetary calculations for both those Departments would be transformed. They would be vastly different. However, wherever it came from, the extra money that has been found for the Department for Employment and Learning and the Department of Education is most welcome.

As a member of the Committee for Education, I recognise the critical problems in respect of primary school funding, school maintenance and the schools estate, special educational needs and, of course, the nonsense of persevering with an out-of-date administration system when ESA is on the table and ready to go. I also have to recognise that the resolution of those problems is a long-term project. In the meantime, the extra allocation to education must be used to produce real improvements in educational outcomes, addressing literacy and numeracy and low educational achievement. It should not be used to prop up an inefficient and inflated administration system. A commitment to address the segregated nature of our education system should come with that funding. I am glad that the First Minister recently joined us in that opinion.

The extra funding for the Department for Employment and Learning is also welcome, provided that it can be used in a way that improves the necessary skills in the workforce and leads to an increase in the competitiveness of Northern Ireland business. Concerns are being expressed that adult apprenticeships are still under threat. We must aim to provide our major employers with employees who are equipped with the skills required, and I hope that the extra allocation to DEL will be used appropriately.

It is estimated that 45% of the voluntary and community sector's funding comes from a cocktail of departmental sources, which enables the remainder to be leveraged from outside sources. The various Departments involved need to work collectively to ensure that that

additional revenue is not lost as a result of their individual cuts to those services.

The extra funding to the Department for Regional Development has produced a commitment from the Minister to protect rural and community transport services, which is very welcome. However, we still have concerns about the effect of the Budget on transport services generally.

My party colleague Dr Farry dealt with the health issue earlier, so I will not dwell on it. In addition to what he said, the Alliance Party will call for the establishment of a cross-party working group to discuss and agree major reforms in the Health Service.

Just about every Member who has spoken in the debate has emphasised the critical importance of the Health Service to the people of Northern Ireland. That issue deserves special attention, probably at the level of an Executive subcommittee.

We have read the amendments proposed by the SDLP and the Ulster Unionists, and although there are points in them that we would not disagree with, in their totality they are unrealistic at this stage of the process and we cannot support them. Both parties have had every opportunity to make their case during the protracted negotiations over the past few months. It is just not on to propose major amendments at this late stage.

We have stayed out of the inter-party dogfight that has characterised the debate so far, but it is hard to view the amendments as anything other than an opportunistic electoral ploy. Although I would not have used the phrase myself —

Mr A Maginness: Will the Member give way?

Mr Lunn: I will in a moment.

Mitchel McLaughlin's description of the two parties playing silly buggers is probably close to the mark.

Mr A Maginness: Will the Member inform the House what part of the SDLP amendment he objects to? That amendment is posited on the idea of creating jobs here, creating wealth and moving out of recession. What part of the Ulster Unionist amendment does he object to? That amendment aims to create a Health Service that provides for the needs of the most vulnerable and the sick in our society.

Mr Lunn: I thank Mr Maginness for his intervention. The aims of both amendments are perfectly laudable; I am saying that they are unrealistic at this stage of the process. Others have rubbished them.

Mr McDevitt: Does the Member not accept that this is the only stage of the process at which an amendment can be tabled to the motion on the four-year Budget, because this is the only time that the Assembly will have to debate the motion on the four-year Budget? Therefore, there is no other time to amend it. Is he saying that we should bypass our democratic right to seek to influence the Budget for the sake of his party not having to face up to the reality that it is propping up a bad Budget between Sinn Féin and the DUP?

Mr Lunn: I thank Mr McDevitt for his intervention. I stick to my point. The amendments could have been suggested earlier. There were other stages of the process at which parties could have brought amendments. Over the course of the protracted negotiations that have taken place over months, the SDLP and UUP had every opportunity to raise the points in the amendments and they did not.

The system of government that we are working under is far from perfect, but it demands that we work collectively for the good of the community. I hope that the other parties, particularly those to my left and my right, having made their point, come together, make the best of an imperfect situation and support the Budget. The public, commerce and industry — everybody out there — need certainty from us, and we are not giving it to them at the moment. I hope that in a few hours we can deliver that certainty.

Mr Bell: The major cause for us today cannot be one of celebration. The cake that we have been given to slice is substantially smaller as a result of what the Ulster Unionists and Conservatives have cut out of what we should reasonably expect. If the Ulster Unionists and Conservatives want to make a contribution, they should go back to David Cameron and ask for the £4 billion back.

It was no secret that that cut was going to happen. David Cameron went on 'Newsnight' and said that he would target Northern Ireland. That was before he came to a local hotel, posed with all of the Ulster Unionists and asked them to support his cuts agenda. They all lined up beside him. I was in a house in Strangford and

was explaining where the cuts were coming from, and the lady who I was speaking to still had the Ulster Conservative and Unionist New Force leaflet. I understand that there is a lot of airbrushing going on, but the people know who campaigned for the cuts and acted as Cameron's cheerleaders for the cuts one year ago. They want to airbrush him out of the literature now because they are the Ulster Unionist and Conservative spent force.

Mr Savage: Will the Member give way?

Mr Bell: Not yet; I will come to you in time.

Now that they are the Ulster Unionist and Conservative spent force, they want to airbrush Cameron out.

The literature is still in homes across Northern Ireland, and it is fresh in people's minds. When David Cameron appeared on 'Newsnight', he did not mess about. He said that he would cut Northern Ireland, the only part of the United Kingdom that is still in recession and that has one of the highest levels of relative poverty — and they laugh. They laugh at the poor, they laugh at the sick and they laugh at the hospitals that need £189 million. They find it funny, and they were cheerleaders for Cameron. A day of reckoning is coming. The UUP may airbrush Cameron out of its literature, but the people know who delivered £4 billion less to Northern Ireland.

2.45 pm

At every single door, we will tell people that we prioritised the economy. The 20,000-plus small businesses that benefit from rate relief are not telling us not to. Is it not the case that the Executive have delivered more jobs than were delivered in the same period under direct rule? When we pushed that party and said that its sums did not add up, Basil McCrea's response was to cut funding to Invest Northern Ireland and stop job creation. At a time when we need to grow the private economy, they will stop job creation.

I served for 21 years on the front line of the Health Service in health and social care and child protection. I have a huge amount of sympathy for staff. I have family who are nurses and doctors. I served on the front line with my social worker colleagues, and I have probably forgotten more about what it is like on the front line of health and social care than Michael McGimpsey will ever know. I want the £189

million to go directly to health and social care, and I want a better deal than that party can give.

People do not forget that the Health Minister donned a cloth cap and stood at Belfast City Hall with the health unions to oppose the cuts, and then he took off his cloth cap and went with Cameron on imposing the cuts. People do not forget that it is not a cloth cap that he needs, because, in reality, he has cloth ears as far as the needs of patients and the most vulnerable people in society are concerned. When he posed with the unions wearing his cloth cap, he did not tell them that he was going to join Cameron in targeting them for cuts of £4 billion. He then took off his cloth cap and told them that they had cloth ears. Now he even tries to tell the unions that £189 million of additional money for health is a bad news story. That is pathetic.

I turn now to the SDLP amendment, which offers nothing and cannot be afforded or paid for. I do not know how poor Ms Ritchie leads the Spanish McDevitt and labour party, but she has to do it. She serves as the lady-in-waiting to Conall McDevitt, who can talk and wave his arms but cannot count. How did the SDLP offer to pay for its proposals? Pól Callaghan has run away to hide behind his freckles, but no amount of fake tan will spare his blushes on this one. The SDLP offered to sell Derry City Airport — the family airport for which John Hume appealed. From John Hume to Pól Callaghan, we have gone from hero to zero. I have heard of selling off the family silver, but I have never heard of selling off the SDLP family airport. Had the SDLP the good sense to send Helen Quigley, who serves on the council, instead of some minor party functionary Callaghan, who has now run away, it would have known that it was selling something that did not belong to it. With the SDLP, it is not Flybe, it is fly maybe. The SDLP wants to call the last flight out of Derry and sell off Derry City Airport. I do not know who will tell John Hume. Who will tell Ireland's greatest that he will have to take the boat?

Let me turn to the Farren fees. I asked the Minister for Employment and Learning about this, and he promised me, "Jonathan, if you get my Department an extra £40 million, I can stop the student fees increase." I said to him, "Are you on the record?" He said, "I am on the record; get me another £40 million, and I will stop the student fees increase."

I grew up as a working-class boy who paid no student fees. I received a grant, but I do not want to pull up the drawbridge behind me. When I was a student union leader in Belfast, we marched to oppose fees. This House had an opportunity to turn down fees. What happened? The British Labour Party, the SDLP's sister party, brought in fees, and then the SDLP had its opportunity. Did it have the moral authority of the House? Yes, it did. There was a unanimous vote in the Assembly not to impose the Labour Party student fees. What did the Minister do? He introduced the Farren fees.

Mr McDevitt: Will the Member give way?

Mr Bell: Now the SDLP runs and says, "We are the friends of the students."

Mr McDevitt: Will the Member give way?

Mr Bell: Can somebody tell me what the Spanish for "no" is? It is "no"?

Every student who is in debt —

Mr McDevitt: On a point of order, Mr Deputy Speaker. The cut and thrust of debate is enjoyable. Some Members have a certain colour to their language, but is it in order, Mr Deputy Speaker, to address a Member in a way that refers to neither their constituency nor name?

Mr Deputy Speaker: I remind Members to use proper names when addressing other Members.

Mr Bell: The Member's intervention is based more on the fact that the message will go out from this House that the SDLP wants to sell City of Derry Airport. The Member wants to knock me off the fact, which I will tell every student —

Mr McDevitt: Will the Member give way?

Mr Bell: I will not.

I will tell every student I meet that their £3,290 debt is a direct result of the SDLP. It is the Farren fee. It is the Farren debt. The SDLP should not play games with the students today, given that it had the opportunity to help them and to assist the most vulnerable. What did it do? Farren said, "This will cost £35 million. I cannot afford that, so I will ignore the entire Assembly and bring in SDLP student fees." That is the reality. The SDLP wants to punish the students.

What would happen if we did not have a Budget? The schools would close. Teachers would be put out of jobs. Classroom assistants would go. The

extra £189 million for the Health Service would not be given. The most vulnerable would feel it.

I say to the shameful Ulster Unionist Tories that, if they do not vote for the Budget, they are letting down the people of the Presbyterian Mutual Society. If this Budget does not go through, the assistance to the people of the Presbyterian Mutual Society will be lost.

I will vote for the Budget so that more money can be put into health and education. Danny Kennedy asked for £40 million, and now he has been given £51 million. I say to the SDLP/Tory alliance, as it now is, that it should be very careful what it does to student fees, because it has its £40 million and an extra £11 million. It is time that we in this House stood up for those who are most vulnerable.

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

Mr Bell: Please do not let down the people of the Presbyterian Mutual Society.

Mr Kinahan: I am extremely pleased to be speaking in this debate, particularly after the previous Member. As Members all know, because I said it in the previous debate, I find that many of the public with whom I talk are appalled by exactly that type of speech, as they consistently involve petty point scoring, half-truths, bending of truths and electioneering all the way through. Yet, I am caught doing the same thing, because we get trapped into it. However, there is a complete lack of honesty and sincerity.

I listened to my former party leader say earlier that we should spend more time debating incredibly important issues such as this one. However, if Members look back over this and the previous Budget debates, they will see that three quarters of the time was spent point-scoring. I go back to the plea that I made the last time that I spoke: we need to start talking to each other, discussing matters and coming up with a solution. Had the DUP and Sinn Féin worked properly throughout the past four years — I have been here for only two of those four years to see how this has not worked — by sitting down at group meetings to discuss everything and had carried on doing so, they would not have to say, "We attended the Budget review group and were, therefore, included". A lot more discussion was needed.

Lord Empey also mentioned that there had been an agreement to hold a meeting of leaders, but that never happened. Those are just two examples of why we should be talking to each other, discussing the things that matter and getting on with good government. A mass of people outside the Chamber think that this place is just a waste of space. We must, therefore, get better at this.

As Members would expect, I support my Health Minister totally. However, this is not just about supporting him but about supporting the whole health structure in Northern Ireland for the future. We are grateful for the offer of extra money, but, if that sum of money is not enough, it is not enough.

Mr P Robinson: So where are you taking it from?

Mr Kinahan: That is your job. This is where we fall into exactly the same trap every time.

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

Mr Kinahan: I am not going to give way because you will have your time at the end. Mr Deputy Speaker, I apologise for saying "you" instead of making my remarks through the Chair.

We have heard the Chief Medical Officer say that the Health Service is nearly on its knees. It is nearly bankrupt. However, we are getting sucked into petty politics here whereby we talk about one set of figures against another. We need to find the way forward. We know that the Health Service needs more money and that most of what it has to spend is decided by others across the water. I am, therefore, asking everyone here to do the proper thing and to actually talk to each other to come up with a solution. We know that there would be more money available in other areas if we cut road projects such as the A5 project, or even made some of the cuts in a better way. A lot of the Budget is thin on actual detail, so there must be more room to find money. Maybe there is another £4 million under a bed somewhere that will turn up another day.

I am the environment spokesman for the Ulster Unionist Party. Little has changed in the environment budget, but I welcome what is there. It has been looked at, but, again, there is a lack of detail. The non-governmental officers who deal with the environment here on our behalf and who follow the European guidelines do not as

yet know what has been cut and what the effects of those cuts will be. However, we know from OFMDFM that we are not properly engaging in Europe. We do not know what infractions are coming forward, but any small cuts to that chunk of the Budget may lead to enormous fines. We, therefore, need to know more.

I spoke against the extraordinary motion to gain accelerated passage for the legislation on plastic bags. The levy would raise £4 million, which seems sensible, but that would be achieved not for the environment but for the Budget. We, therefore, opposed it. Then, there was a complete about-turn. The legislation will now come back to whoever is here in the next Assembly mandate, when there will be proper consultation on it. We can take that forward when we know how it really affects the environment and the Budget.

We need better government instead of hiding behind the vagaries of what we are doing at the moment. In the past four years — as Members know, I was not here for all of them — the RPA came through, which cost us £120 million or so, but it did not get anywhere. A document on the same thing is out for consultation at the moment. However, the Budget has nothing about the savings from or, indeed, the cost of the RPA.

If we all sat down and discussed those matters properly, we could deal with them, instead of coming in here and wasting three quarters of the time point scoring.

3.00 pm

I have made my points. I do not need 10 minutes to do that. When the public watch a debate such as this, they really do think that it is a waste of time.

Mr A Maskey: Go raibh maith agat, a LeasCheann Comhairle. At the outset, let me say that I will not take any interventions, particularly from my SDLP colleagues, because of what Mitchel McLaughlin referred to earlier as the 90-minute monologues that we have heard from them in the last few weeks. Someone classified those perhaps better as the anal monologues, given what we had to listen to.

Although we have heard a lot about the Budget and its proposals, we, in Sinn Féin, think that we have not heard much about the detail. For example, the SDLP's amendment:

"recognises the need to provide a more transparent and detailed breakdown of expenditure proposals".

To go from this to the detail of the Budget speaks for itself. A line in the amendment refers to:

"significant interventions to grow the private sector;".

The amendment refers to "increased investment", "adequate funding", "adequate four-year allocation", "greater support" and "a guarantee". Those are the types of proposal in the SDLP amendment. Not one of them is costed; not one of them produces a figure. As Mitchel McLaughlin said, not one of them puts a single extra pound into the Budget that we all have to deal with.

I also went through the Ulster Unionist Party's amendment. In an overarching sense, the Ulster Unionist Party's contribution thus far defies credibility. It has no credibility. Its contribution to the debate came, on the one hand, from its new economic guru and celebrity candidate, Mike Nesbitt. On the radio this morning, he could not work out in his own mind whether the £4 billion cuts were a good idea or a bad idea. He went on to say that, if you agree with the Barnett formula, the cuts are fair, but, if you do not, they are not fair.

Mr Beggs: Will the Member give way?

Mr A Maskey: No, thank you. As I said, I will not be taking interventions from quarters that, in my opinion, have had ample time to speak and address these important matters but have not addressed a single issue with any credibility.

We have also heard from the Minister of Health, Social Services and Public Safety himself. I have worked with Michael McGimpsey in the constituency for a number of years, but his behaviour as a Minister has been deplorable.

Mr F McCann: Hopefully, I fit into the category of people who the Member will give way to.

Listening to the Ulster Unionists this morning, I heard one of them talking, rightly, about the vulnerable people who go through the Health Service. What he failed to mention is that his party fully supports the welfare reform cuts that will devastate communities across the North.

Mr A Maskey: Thank you very much. The Member generally makes very worthwhile contributions, and that was another.

The Ulster Unionist Party contribution has least credibility, particularly as it is part of the party that imposed the £4 billion cuts on our Budget in the first instance. It does not have a leg to stand on. As I said, I have worked with Michael as a constituency representative and have worked very well with him over the years. However, I am sad to say that his performance as a Minister and his recent remarks, which characterise his contribution, have been very limited and very poor. When asked where some of the other money would come from, his attitude and response, which was repeated by one of his colleagues a moment ago, has been that that is not his problem, it is not up to him, "Find it somewhere else yourself". If that is the level of contribution that we are getting from him, it is scandalous.

Last night, I watched a television programme in which GPs talked about the way in which they have been able to manage their budget and save millions of pounds by switching from branded to generic medicines. That saved a massive amount of money. On the same programme, a trade unionist referred to the figure being saved in that pilot project as equivalent to 1,800 jobs. By my calculation, those 1,800 jobs are almost half of the 4,000 jobs we are told that the Budget will cost the Health Service. I look forward to hearing the trade union say that. That trade union representative said that this is the way to go. I welcome that, because it shows that there are people in the Health Service who are determined to play their role in making efficiency savings and cost savings and in meeting and coping with the difficulties faced by all Departments, including the health Department. I welcome that very positive contribution, which I saw on television last night.

It is important to remind ourselves that the SDLP fought last year's election campaign almost exclusively on the basis that it needed to be returned to take its seats in Westminster so that it could stop the very savage cuts that everyone knew were coming. The First Minister referred to that a few minutes ago. That, of course, has been an abysmal failure. I do not fault the SDLP for not being able to reverse the cuts decisions of the British Tories and the Lib Dems. In fact, before last year's election, the First Minister and deputy First Minister invited all the parties to work together to challenge the British Government's proposed cuts. Where I do fault the SDLP's failure to stop the cuts at

Westminster, as it said it would, is that it has completely ignored the fact that those cuts were imposed on people here by the British Government in London. The SDLP has tried, for its own narrow political interest, to blame Sinn Féin and the DUP, which is incorrect and quite disgraceful. Instead of rolling its sleeves up with the parties that are trying to make sense of the cuts, find additional revenue savings and further explore what additional resources might be delivered in the time ahead by changing legislation if that is what is needed, the SDLP has criticised every proposal, recommendation or suggestion for the Budget.

The SDLP's contribution has been shameful. I am no fan of the SDLP. However, the juvenile, schoolyard behaviour and commentary of some SDLP representatives in the Chamber over recent weeks makes people such as Séamus Mallon, Bríd Rodgers and others seem like giants by comparison. Those Members' juvenile, immature expressions, catcalling and name-calling belittles the Chamber and demeans the party itself. I dearly wish that people who vote for the SDLP had the opportunity to read in Hansard the remarks, interventions and contributions made by a fairly small coterie of SDLP Members. Their remarks have been shameful.

The people we all represent want to hear what the Budget is about, what all the parties here are prepared to do, what we are trying to do and what we are committed to doing in the time ahead. This four-year Budget will evolve and develop. That will require all parties, whatever their size or mandate when they come back here, to face up to the challenges.

The SDLP has given no words of welcome or encouragement to anyone who has tried to ensure that a major focus of this Budget is job retention; the rate relief scheme, which is about redressing the imbalance in favour of local, indigenous small retail businesses as regards out-of-town shopping, arterial routes and town-centre shopping; and funding to ensure that we protect front line services in the education sector, through the school building programme, and the Health Service. It is interesting that the Budget proposes to provide more money to the Health Service than is contained in the UUP amendment. That is a startling illumination of how shoddily that party has behaved. Those in the Executive who are working collectively, sensibly and constructively are trying to

ensure that they protect the road building programme, build our infrastructure, look after special needs children, ensure that those who suffer from educational disadvantage and underachievement get the additional resources necessary to give them an opportunity in life, and deliver the childcare strategy contained in the proposals.

As I said, people in our community want to hear hope over negativity from the parties here. They want to hear proposals over criticism, and, more important, they want to hear maturity over juvenile politics.

Mr Attwood: I suggest that Alex Maskey listen to himself. He berates one party for what he refers to as juvenile and schoolyard behaviour and language. He should reread his opening remarks in Hansard and then draw a conclusion about who has been juvenile and who is of the schoolyard. It is certainly not the SDLP.

There is no doubt about it: this Budget could have been much better. This Budget, this vote and this moment have been coming for the past two years. We should have been preparing for this moment for the past two years, but it was not for lack of opportunity. Two years ago, the SDLP and a range of other economic commentators said that we needed to plan for this moment, reconfigure our Budget and explore other revenue-raising options. Two years ago, when the SDLP made that proposal, Sinn Féin and the DUP, in my view for political reasons, recklessly disregarded it.

As a consequence, we are now running to make up time. Rather than having in place the law that would enable us to take money from the Belfast Harbour Commissioners and rather than having in place the mechanisms that would allow for the responsible disposal of public assets in Northern Ireland, all the good work that could have been done over the past two years has not been done. Two years ago, when this budgetary situation began, the DUP and Sinn Féin refused to take up the opportunity provided by the SDLP and many others to get the Budget processed and fit for purpose in a way that would deal with people's needs.

I remind the Assembly what it endorsed on 28 September 2010. A resolution stated that, in supporting me in my negotiations in London on welfare, the Assembly urged:

"the introduction of appropriate measures to ensure that the proposed welfare reforms do not have a disproportionately negative impact on Northern Ireland." — [Official Report, Bound Volume 55, p326, col 2].

That is what the Assembly unanimously endorsed in the autumn of last year. That was to be translated into our Budget in Northern Ireland to ensure that our people were not disproportionately disadvantaged by what was coming from across the Irish Sea. I proposed a hardship fund of £20 million and £30 million each year over the next four years. What was the response of the Alliance Party, the DUP and Sinn Féin last Thursday? It was to endorse a hardship fund of £20 million in year 1 only, with no guaranteed funding and no Budget line in years 2, 3 and 4. How can we credibly go to London and argue that the Government should not pursue reforms that have a disproportionate impact on people in Northern Ireland when our own Government, when they had the opportunity to put money on the table to protect people in welfare need, did not take that opportunity?

At the same moment, when the Executive refused to endorse a significant hardship fund for people in welfare need, the Alliance Party, DUP and Sinn Féin raised their hands for another Budget line, a Budget line of £80 million for the so-called social investment fund. I suggest to the House that we drop the "I" in SIF in order to see the real tale behind that proposal. When the Executive voted for that proposal, they did so without a scrap of paper being produced, without any conversations with any other Ministers and in a way that was over the heads of the community. How can Members reconcile a proposal for a hardship fund for the many, getting £20 million in year 1 only, with a proposal to give £80 million to a select group over the four years of the Budget term? What message does that send to people in need in Northern Ireland?

Ms J McCann: Will the Member give way?

Mr Attwood: I will give way in a second. Only people in the know will have access to that £80 million. What sort of values, ethics and politics does that demonstrate to the people of Northern Ireland, especially those who are in need?

Ms J McCann: Does the Member not think it a contradiction that, when he is talking about protecting the vulnerable and those who are most disadvantaged and in need, his party's

amendment will take £80 million away from the moneys that are going in? That is additional money. The priorities will be set by local communities. Is that not a contradiction? The SDLP wants to divert money for that fund into eight different areas, and it will not make an iota of difference to the people and projects that really need it — those who are disadvantaged and in need and those who are vulnerable.

3.15 pm

Mr Attwood: Let there be no doubt about it: I endorse money going into areas of need in Belfast and elsewhere, but what I do not endorse is what a political representative said at a meeting in the City Hall, when those in the know were developing the proposal for the social investment fund. That political representative said, “I do not give a so-and-so about Tigers Bay. This is our money”. That is the thinking behind that proposal: to deliver money in an elitist and exclusive way —

Mr O’Dowd: On a point of order, Mr Deputy Speaker. Is it appropriate for a Member to quote from an alleged meeting without producing the actual document, quotation or reference point whereby other Members can confirm that quotation?

Mr Deputy Speaker: I have no idea what the document is, and I have no intention —

Mr O’Dowd: That is my point exactly.

Mr Deputy Speaker: Allow me to finish. I have no intention of getting involved.

Mr O’Dowd: Further to that point of order, Mr Deputy Speaker, it is the role of the Speaker to get involved. I asked, on a point of order, whether it is appropriate for a Member to refer to a quotation without —

Mr Deputy Speaker: Resume your seat, Mr O’Dowd. I cannot, as Deputy Speaker chairing this meeting, get involved in a debate. Continue, Mr Attwood.

Mr O’Dowd: Further to that point of order, Mr Deputy Speaker, I have asked a question — *[Interruption.]* If there were some order in the House, I could get my point across. I have asked whether it is appropriate for a Member to make reference to a quotation from a meeting without referring other Members to the meeting or to the document to confirm the quotation. I ask for

a ruling, not for anyone to involve himself in the debate.

Mr Deputy Speaker: The Member has made his point. I hope that he appreciates that I know nothing about the document, so how can I get involved? Continue, Mr Attwood.

Mr Attwood: It is highly revealing that Sinn Féin’s line of defence of this Budget is an attack on the SDLP. That is the level of conviction that it has for this Budget. Commentators have remarked that Sinn Féin’s contribution to the Budget debate — save for Mr O’Dowd’s intervention on my remarks, which seemed to irritate him — reveals a party that is unable to think and act boldly, has Ministers who are in government but not in power and has less and less to offer, except for what the DUP tells it to. That is the narrative that people are beginning to draw from Sinn Féin’s contributions.

My reply to the Member is that dozens and dozens of community organisations have come to me and others and complained about the elitist and exclusive way in which that proposal has been developed. That is confirmed by the fact that not one scrap of paper has been produced to government to date detailing how that money has to be spent. I rest that particular case.

Last Thursday, a senior Minister said to me:

“There is an argument to consult Ministers, but things happen at the last minute”.

Think about that as a concept. In what is meant to be a Government of five parties, dealing with the most severe Budget situation in a generation, the basis on which decisions are made is:

“There is an argument to consult Ministers, but things happen at the last minute”.

That means that, when £80 million was taken from the housing budget, which equates to 1,000 houses over the next four years, at a time when we will have increased housing stress and need, when people are going to lose their house because of mortgage arrears and the banks’ practice of repossession, the conclusion of this Budget is that, although there is an argument to consult Ministers about that kind of proposal, other parties and Ministers can impose their will, irrespective of the consequences.

The same happened on Thursday afternoon with respect to the jobs that would have been created by the Royal Exchange development in the city centre. The hundreds, if not thousands, of jobs that could have come on stream over the next number of years are impeded because the Finance Minister decided at the last minute and in a unilateral and arbitrary way, without consulting Ministers, to pull down the shutters on the development of Belfast.

This Budget process tells us one thing: the DUP and Sinn Féin believe that what is good enough for them is good enough for everyone. It is not. It is not good enough for those two parties to have buried their head over the past two years rather than take best advice about preparing for this budgetary situation. It is not good enough that 1,000 fewer houses will be built in Northern Ireland over the next four years because of arbitrary and unilateral decision-making. It is not good enough that the many in need will suffer because of the few in the know.

In the next few hours, many Members will dutifully vote for the Budget. I will not be one of them.

Mr G Robinson: On behalf of my party, I am pleased to speak today in the Budget debate, as I wish to expose the hypocrisy of some Ministers in the Executive.

To begin with, we must all remember that the Northern Ireland Budget has been cut by £4 billion over four years thanks to the UUP and Tory manifesto. Some Ministers have short memories. This time last year, they were campaigning for the Westminster election on the issue of cuts, but, now, they do not wish to take the responsibility for the unpleasant reality that they supported less than a year ago. I have listened to some Ministers, in media reports and in the Chamber, trying to distance themselves from the cuts that they supported and the damage that they are doing to Northern Ireland.

We have a health system that is better funded than any other in the UK. As almost 50% of the entire Northern Ireland Budget is spent on health, where does the Minister want to make cuts? Does he want to cut education, training or apprenticeships? Does he want to reduce investment in the water infrastructure? The Health Minister and his party want more cuts to bolster his budget. Tell this Assembly where to make them. Perhaps he supports his colleague Basil McCrea in calling for a cut to the Invest Northern Ireland budget.

The pill that the UUP and Tories have forced on Northern Ireland is bitter. The UUP and the SDLP have to understand that they are part of an Executive who have been partly starved of funding thanks to the Conservative-Lib Dem coalition in Westminster. That coalition is heaping pain on the people of Northern Ireland and strangling the Executive's ability to do everything that they hoped for. The Finance Minister finds himself in a thankless job that some parties criticise. However, he is doing a superb job in difficult circumstances.

Do the UUP and the SDLP not sit in a coalition Executive and a Budget review group, where they had every opportunity to have a responsible input into the Budget instead of making spurious criticism? In a challenging economic environment, the Finance Minister has managed his Budget well when you consider that he has to deal with £4 billion less than he hoped for from Treasury and its UUP cheerleaders. Any Minister or party who does not accept reality, threatens to resign or just complains is guilty of the worst type of electioneering and should be roundly condemned. This Budget is about the people of Northern Ireland, not the political advantage of individuals or parties.

I commend the Finance Minister for finding a way to deal with the cuts and still produce a four-year Budget, which some parties said would never happen. If all Members would only live in the real world and accept that fact, it would be much better for all of us. I commend the Budget to the House.

Mr Bell: Will the Member give way?

Mr G Robinson: Unfortunately, I am finished.

Mr Bell: Thank you.

Mr Deputy Speaker: I call Mr Fra McCann.

Mr Bell: Can I ask the Member —

Mr Deputy Speaker: I am quite sure that Mr Robinson was finished. There cannot be an intervention after a Member has finished speaking.

Mr F McCann: Go raibh maith agat, a LeasCheann Comhairle agus a chairde. I want to respond to something that the Social Development Minister said about his work on welfare reform with Lord Freud. Weeks ago, on radio, the Minister said that he was able to move the British Government into his way of thinking on incapacity benefit and ESA. When I

challenged him in the House, he admitted that it was on a minor technicality and that, at the end of the day, he was unable to move the British, who were going ahead with savage cuts under welfare reform.

It comes as no surprise to me that the SDLP has adopted this stance. In the past several weeks, we have seen the party's economic document torn to pieces by the Minister of Finance and others in the House. When challenged to put meat on the bones of their rantings, as they have been on numerous occasions, SDLP Members adopt the Ulster Unionist position of waffling rather than making concrete suggestions on how to deliver better services in this time of need.

Sinn Féin has been to the fore in arguing that, at all costs, front line services and those in need must be protected. We have argued with others and got £80 million over four years for the social investment fund to help those in areas of high deprivation. There is also £20 million for a social protection fund.

I have interrogated the Minister for Social Development and his officials at length about what their proposed budget will deliver over the next four years. Sinn Féin did so to see what picture is emerging from the Minister and his Department. I have to say that they gave depressingly little information. For example, they were uncertain about how many new social houses will be built during the lifetime of the Budget. I asked what impact the Budget will have on the maintenance of Housing Executive properties; they were uncertain about that as well.

The Minister and his Department said that they were guided by the Savills report for the Department, which stated that properties were maintained to the highest standard. Yet, 17% of Housing Executive properties do not meet the decent homes standard, and 11% of those failed because of inefficient heating systems.

Mr McGlone: Will the Member give way?

Mr F McCann: No thanks.

There are also 3,000 Housing Executive tenants with glass-fronted fires. Will homeowner grants, which are essential to the upgrading of homes, be maintained? Will Egan contractors, who supply replacement windows, kitchens and doors, be maintained? What will the impact of the cuts be on all other aspects

of maintenance? Those factors will have consequences for the condition of public and private sector housing. If such provision is reduced, there could be thousands of job losses in that part of the construction industry.

What are the consequences of the proposed job losses in the Housing Executive over the lifetime of the Budget? They are also unsure of that, yet the figure of at least 500 jobs going in the Housing Executive — a fifth of the workforce — is doing the rounds. What impact will that have on the Housing Executive's ability to deliver services? It may be that this is part of a long-term strategy to downgrade the Housing Executive as a regional housing body.

In the midst of all that, the Minister said that there would be no redundancies in his Department, which has grown significantly in the past four years. It seems that, except for his Department, everything is up for grabs. We have argued for some time for action on the mortgage protection scheme. How have the Minister and his predecessor responded, except by making some money available for advice and conducting a costly consultation process, which was confusing and delivered nothing? The Minister has applied for money in almost every monitoring round for a mortgage protection scheme. However, he made no effort to adjust his budgets to ensure that an effective scheme was delivered, despite the fact that, in the same period, multiple millions of pounds went unspent in other parts of his budget. Hopefully, he will apply to the social protection fund for money to protect those in danger of losing their home. I am sure that his Executive colleagues would support the fund's use in that way.

That brings me to the subject of the Royal Exchange. I read a press statement in which the Minister warned of the consequences of losing £70 million in the third year of the Budget for that project. What he does not say is that, during the present mandate, he and his predecessor twice handed back £110 million that was earmarked for the Royal Exchange.

We have argued that he should end the sequencing of developments in Belfast, but he ignored us. We also asked that he argue for the money that he had available for the Royal Exchange to be spent on clearing up the severe dereliction in the north and west sections of Belfast city centre in order to deliver economic regeneration.

(Mr Speaker in the Chair)

3.30 pm

The Minister for Social Development can run, but he cannot hide from his responsibilities. His cynical approach to the Budget has more to do with the election than with delivering a service. He should remember the old saying: you can fool some of the people all the time or all the people some of the time, but you cannot fool all of the people all the time.

Mr Poots: When looking at the Budget, one needs to reflect on the necessity for it to cover a wide range of areas. Although the debate has concentrated largely on Health, it is important that the Executive and the Assembly reflect the community's needs. Indeed, to have a healthy population, a wide range of areas need to be financed. Does anybody honestly believe that we would have a healthier population if we did not have clean air or water, which are very important issues for DOE and DRD? Does anybody believe that people would be less obese if they did not participate in recreation? Indeed, when Minister McGimpsey was in DCAL, he argued that Health should have less money and that more money should be directed towards DCAL so that people could engage in sport and recreation, which would keep them out of hospital.

The position that Minister McGimpsey took at that time was perfectly logical. Coming from a farming background, I know from looking after animals that prevention is better than cure. The same thing applies to the health of the population: prevention is better than cure. Keeping people out of hospital is more cost-effective and better for the population. Mr McGimpsey seems to want to spend all of his money on hospitals, but none on keeping people out of them. Should I do away with my road safety budget, given that we have halved the number of people killed on the roads last year and given that the number of serious accidents was reduced by 24%, both of which kept people out of hospitals? Should we not put money into those things, or should we only put money into clearing up the mess afterwards? I do not think so, but that is the line that the Ulster Unionist Party is promoting: everything should revolve around Health, and the other Departments have no consequence.

Mr Bell: I thank the Member for Lagan Valley for giving way. I invite him to comment on the fact that, on Friday, the Health Minister told us

on the radio that he had not lost any nurses, yet on Monday, on the radio, the Royal College of Nursing said that it had lost 200 nurses. Is it not the most shameful incompetence to lose 200 nurses in a weekend?

Mr Poots: I will leave it to Mr McGimpsey to pass comment on that matter.

In the past year, Tory Tom's team recommended that the people of Northern Ireland should support the Conservative and Unionist Party. That party then cut £4 billion from the Northern Ireland Budget, leaving the family in Northern Ireland with a smaller cake. What happens when we come to divide that cake among the Departments? The UUP's Ministers want more. Having ensured that we have a smaller cake, they then ask for more of it. Indeed, very generously, many of us allowed them to have more. In fact, Health now has 43.5% of the cake, which is more than when David Trimble was First Minister. Health now has a higher proportion of the Budget. If Minister McGimpsey wants to challenge that, I will give way to him. I hear silence, so it is quite clear — *[Interruption.]*

Mr Speaker: Order. Allow the Member to be heard.

Mr Poots: When the pack is howling, you know that the stones are landing, and I need no help to deal with the howling pack.

The reality is that the current Executive are putting more into Health than the Executive led by the Ulster Unionists and the SDLP.

Mr McGimpsey received an 8.3% uplift, which Mr McCallister earlier claimed was a cut. How does an 8.3% uplift in a budget transpire to be a cut? The Department of the Environment budget has been cut by 6.6%, which is a real cut.

How has Mr McGimpsey handled his budget? Recently, we had an announcement that people will no longer be able to buy branded drugs but will have to buy generic drugs. That will lead to a saving of £30 million per annum. Why was that decision not made at the start of the term? Why did Mr McGimpsey give £100 million of taxpayers' hard-earned money to the plcs? That is not a very socialist policy and is, perhaps, a way of supporting his Conservative friends. The Ulster Unionist Party's engagement in the Executive on this issue — particularly from Minister McGimpsey, because Minister Empey and Minister Kennedy engaged in a somewhat

different way — was irresponsible, opportunistic, duplicitous and hypocritical.

Perhaps after 5 May, Mr McGimpsey may not be the Health Minister, and he might be looking for something else to do. He may well consider, for example, taking up songwriting. Mr McGimpsey is very often down in the dumps and sad, and country music can sometimes be a bit sad. What about poor Dolly Parton? If Michael was writing the lyrics, he would say that the 'Coat of Many Colours' would become a body warmer, and instead of being in many colours, it would be all grey.

Mr McNarry: Dolly Parton could do with a body warmer. *[Laughter.]*

Mr Speaker: Order.

Mr Poots: He could always take up musicals and use a line from 'Oliver Twist' and say:

"Please, sir, I want some more."

Perhaps 'Les Misérables' would be more suitable for him, or perhaps he could go down the opera route, because that really is depressing. Perhaps he could try popular music and start off with 'Money, Money, Money' and the line:

"If I had a little money".

He could then move on to 'The Crying Game'. Then he would be 'All Cried Out' and, ultimately, after the next election, he will have met his 'Waterloo'.

However, the Ulster Unionist Party has been found wanting, and, in particular, the Minister of Health, Social Services and Public Safety has said the same thing every year over the past number of years. He has said that he does not have enough money, yet he was able to offer free prescriptions and give £100 million to the plcs to buy generic drugs. He has been caught out. He is the boy who has cried wolf. Had he come to the Chamber today to make the argument that he has identified savings for the NHS and the difficult decisions that he can make to deliver for the Health Service but that he needs £x million to supplement that, we could have looked at and addressed that argument. However, we have simply heard the same argument and rhetoric. He says that he does not have enough money and has never had enough money, yet he has engaged in stupid giveaways.

Danny Kennedy was making lots of threats over the weekend. If Michael had been writing a tune for him, it would have been 'Should I Stay or Should I Go'. *[Interruption.]*

Mr Speaker: Order.

Mr Poots: However, like the Art Garfunkel tune 'Bright Eyes', he is the rabbit caught in the headlights and, ultimately, as in the Squeeze tune, they have put the top on the bottle and bottled the decision that they could have made to step down from the Executive if they are not satisfied with the Budget.

We are coming into an election, and the Ulster Unionists have played a cynical game with the lives of the people of Northern Ireland. The Budget has been set out and seeks to deal with the difficult circumstances in which we find ourselves because of the cuts from the Conservatives/Ulster Unionists. As a result, we have sought to get the best possible deal out of what is on offer to us and to ensure that the people of Northern Ireland have a good and continuing Health Service.

I will lay it on the line today: this time next year the Health Service will not be bankrupt. There will be no chapter 11. It is an untruth, and we will not have a bankrupt Health Service. We may have a bankrupt Ulster Unionist Party because of the policies that it is putting forward, but the Health Service will survive. In fact — *[Interruption.]*

Mr Speaker: Order. Allow the Member to continue.

Mr Poots: Unlike the Ulster Unionist Party, it is more than likely that the Health Service will thrive, in spite of what Minister McGimpsey has left behind through his mismanagement and bad handling of the Health Department.

The Chairperson of the Committee for Regional Development (Mr Cobain): I do not know how I will follow that, Mr Speaker. I apologise in case I wake any Members from their slumber. They have been here all day.

As Chairperson of the Committee for Regional Development, I am pleased to make a contribution to the debate on the final Budget for 2011-15. Reflecting the importance of the Budget for the future development of Northern Ireland, the Committee for Regional Development devoted considerable time to scrutinising the Department's proposed spending and savings plans and engaging with

stakeholders and others on the likely impact of DRD's proposals. The Committee published a short report reflecting that work. I thank the officials, stakeholders and academic experts for helping the Committee with its work.

I welcome the additional £107 million announced by officials from the Department for Regional Development when they briefed the Committee yesterday. We were pleased to hear that the additional allocations will go some way towards addressing the concerns raised during consultation. It means that the rural transport fund, the transport programme for people with disabilities and the Rathlin ferry subsidy are protected. In addition, smaller savings are required from road maintenance activities.

Even with that additional £107 million, the Department for Regional Development faces a significant cut of 11.6%. That will have a severe impact on the most vulnerable in society. It will affect economic competitiveness and the accessibility and sustainability of transport throughout Northern Ireland.

I turn to the balance between investment in public and private transport. The evidence received was that the Budget will roll back the progress made in recent years on accessible and sustainable transport, discourage the use of public transport as an option for those with choice and lead to social exclusion for those without alternative transport services or access to a car. The Budget will lead to job losses in public transport. It will reduce the number and frequency of services as well as the number of people who use public transport. Unless we link land use and planning with transport planning, do something radical to take cars off the road and provide viable public transport options, the Budget will lead to increased transport-related emissions.

The Committee recognises the progress that the Department has made during this mandate to improve the accessibility and sustainability of transport in Northern Ireland and is particularly disappointed that that good work will be lost. Members were also concerned that the allocations to the water capital budget in years 3 and 4 do not meet the agreed levels in PC10, and the profile is not best designed to support the infrastructure delivery.

On the old Committee chestnut of structural maintenance, there are individuals and communities across Northern Ireland for whom

public transport is not a viable option. Many of those people live in rural areas, and the Committee is concerned that the inadequate investment in structural maintenance, particularly in rural roads, will have a significantly detrimental impact on people without viable transport options who depend on private car use to travel to education and work and to participate in social and cultural activities.

If we do not invest adequately in infrastructure, we will not grow the economy. The scale of the cuts to the DRD capital budget, with reduced levels of investment in road schemes, road structural maintenance, public transport initiatives and water and sewerage services, will place additional pressures on businesses across Northern Ireland and make growing the economy more difficult. There will be congestion, poor road maintenance, even longer and less reliable journey times and an increase in the cost of doing business in Northern Ireland. If road networks in rural areas deteriorate further, businesses that are based in rural areas and do business in rural areas will also be disadvantaged by less reliable journey times. The quality of our entire infrastructure, including public transport and water and sewerage services, is a key factor in determining the attractiveness of Northern Ireland as an investment location for foreign direct investment.

3.45 pm

The Committee heard from the Department and stakeholders that the proposed cuts will have a negative impact on all section 75 groups and will directly impact the most vulnerable in society, including people with disabilities, older people, people in rural communities, and people who do not have access to a car. The Committee is very concerned about that anticipated impact. Many people, such as older people, young people and people with disabilities, do not have access to a car.

At the Committee's evidence event on 23 January 2011, stakeholders demonstrated vividly that available and viable public transport options underpin their inclusion in and exclusion from society in Northern Ireland. Young people demonstrated the same at the launch of the 'Transport Matters' report on 12 January 2011. Such options provide them with a means to engage in social and cultural activities, with access to education and employment opportunities. The Committee is concerned that

the proposed spending and saving plans may lead to a social exclusion of those groups and may undo the progress that has been made in recent years.

Members are deeply concerned that the release of £40 million for Belfast Harbour continues to be assumed in the Budget. It has not been fully established whether it will be possible to release that revenue from the port or what the public expenditure impact will be. Belfast Harbour's view, based on legal advice, is that there is no legal means for the transfer of assets, including cash, from Belfast Harbour to the Government and that the opportunity costs of releasing revenue in that way will be detrimental. That being the case, perhaps the Minister could explain why the Executive increased the presumed revenue in years three and four from £15 million per annum to £20 million per annum.

The Committee heard from stakeholders that a considerable amount of transport resources are available across other Departments, such as Health, Social Services and Public Safety, and Education. The Committee recommends a cross-departmental approach to planning, utilising, as a matter of urgency, those existing transport resources in a flexible and responsive way. The Committee also heard from Translink, which has started work on this issue, although that is at a very early stage.

In the current climate, there is strong economic rationale to utilise existing transport resources more effectively. It is the Committee's view that strong political leadership will be required across Departments to drive forward a move to integrate the transport resources that are held across the public sector and to harness them to meet the needs of all groups in society, including young people, older people and people who live in rural communities. Members support that approach and recommend that Translink and the Department take forward work on that issue on a cross-departmental basis as a matter of urgency.

Finally, Committee members appreciate the evidence on the Budget that stakeholders and the Department provided, and the Committee will continue to work with the Department to secure the best possible outcomes for regional development in Northern Ireland.

Dr McDonnell: I know that this has been a long debate and that it has a bit further to go, but I

want to try to be serious, because people out there who are watching snippets of the debate will want us to take some of this stuff seriously, rather than reducing it to a schoolboy squabble.

We find ourselves in very challenging economic times, partly as a result of historical factors and partly as a result of the global economic downturn. There is a need for vision and leadership in how we move on from here. However, the first thing that strikes and concerns me about the Budget is that it needed to be tied to a skeleton Programme for Government with a robust programme for jobs. I understand the arguments against this, including those that talk about the new mandate, but it is very difficult to put a financial plan in place unless there is a strategy to which that plan pertains.

However, each of us in this House has a clear responsibility to rise to and meet those challenges and to do what it takes to enable people to get back into work. Each of us also has a clear responsibility to help those in work to progress and enhance their skills and the earnings that they receive for their work.

Similar to what the Minister said in his opening remarks today, I too want to be as creative as possible within the constraints and parameters imposed on us, and, like the Minister, I want to drive forward the efficiency and effectiveness agenda in our public service. The Budget is one of the key opportunities to make some levers available to the Northern Ireland Executive to fulfil the responsibility of getting people back into work.

I regret that the Budget has not gone as far as it should and could have to do that. That robust view is not only held by the SDLP but is confirmed by leading economists, businesspeople, many in the health sector, the voluntary and community sector, and trade unions. Indeed, outside the two main parties in the Assembly, it is difficult to find anyone who is unconditionally supportive of the draft Budget. They cannot all be wrong.

Mr A Maginness: I thank the Member for giving way. Would he also take into account what the Institute of Directors said on the Budget? It stated:

"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."

Mr Bell: It also said water charges.

Mr Speaker: Order.

Dr McDonnell: I fully accept my colleague's point. Over the past two months, I have had discussions with various interested parties. Certainly, the big hope, and, indeed, the big demand, out there is that we will get a programme for jobs that will operate out of the Assembly. That will require some financial underpinning.

We need desperately to begin to make the changes that are necessary to create a balanced, competitive and sustainable economy, with an unswerving focus on job creation. We need to make a concerted effort to stimulate growth and to do more than juggle around the margins of the finances that are available from what is, in effect, a hand-me-down Budget from a Tory-led coalition Government. The Budget has not put into place the measures that are necessary to grow and strengthen the private sector, upon which our recovery totally depends. To my mind, the severity of cuts to Invest Northern Ireland's budget from £56.3 million this year to £8.4 million in four years' time will sound the death knell for Northern Ireland's potential to secure future high-value-added direct investment and international company start-ups, as well as real growth in our indigenous companies.

As my colleague mentioned in his intervention, members of the business community have repeatedly asked why money is wasted on trade missions if Northern Ireland is not in a financial position to follow through on them. Why continue the existence of a body such as Invest Northern Ireland if it does not have the funds to follow through and back up jobs that are sourced round the world? Why have the big establishment, if there is no end product?

Mr Bell: I thank Dr McDonnell of South Belfast for giving way. Earlier, his party leader said that she was going into an alliance with the Tory/Ulster Unionists. The Tory/Ulster Unionist policy, as evidenced by Basil McCrea, is to cut the Invest Northern Ireland budget further. Is that the first crack in the SDLP/Tory alliance?

Dr McDonnell: Mr Speaker, I am not even sure that that deserves a reply.

Mr Speaker: Order. Before we continue, I am conscious that, as the debate goes on, we really should be calling parties by their proper names. I made that ruling in the House quite a while

ago. However, I am hearing all types of names bandied around the House. Let us stick to the names by which parties are known and under which they are registered in the House.

Mr B McCrea: On a point of order, Mr Speaker. Can I just register that I would like you to look in the Hansard report at the comments and allegations that Mr Bell made so that we can deal with the matter at another time?

Mr Speaker: I have been watching the proceedings from elsewhere. Quite obviously, Members have made a number of such comments on a number of issues. Once again, I ask the entire House: let us be in good temper. I would go almost as far as to say good cheer, although, perhaps, that is pushing it and expecting too much. It is a Budget debate. I know that, sometimes, things are said that, on reflection, Members might have said differently. Therefore, let us be in good temper in the House, irrespective of what the debate in the Chamber might be.

Dr McDonnell: Thank you for your comments, Mr Speaker. They reflect my attitude entirely.

My comments are in no way intended to be any criticism of Invest Northern Ireland as a body, and even less so of its highly committed and outstanding chief executive, Alistair Hamilton. However, what is the point of having a Rolls Royce organisation if there is neither petrol in the tank nor a driver to drive it?

I will give an example of one area in which jobs could be created. We need to expand our Belfast financial services cluster, which, at this stage, is small. There are a significant number of companies there, such as Liberty Mutual, Citibank and Santander, but we need one final push to push us past the tipping point where we will have the critical mass in providing a serious cluster of back-office financial service support for the various global institutions that require it and which are in the pipeline. My concern is very simple. Invest Northern Ireland has done a massive amount of work. There have been trade missions to the US and elsewhere in which many of our Ministers, including the First Minister and the deputy First Minister, took part. There are opportunities in the pipeline. If there is not the money to bed them in, they will not come or the deals will not be completed. That is a genuine concern. It is in the interests of everybody that it is addressed. There is an onus on every Member, regardless of what party they

represent, to ensure that we get an act together on that.

I want to make another point very quickly. As our local finances and sources of public finances dry up, Northern Ireland must look more to Europe to unlock available supplementary funding. There is still quite a bit of that available. Today, Members have said that we have unlocked or disconnected in many ways from Europe. However, I have taken a particular interest in the fact that there is €50 billion available in a large R&D pot to last for five years in the seventh framework programme. I have had quite a bit of dialogue with the Minister of Enterprise, Trade and Investment about that. When that €50 billion is finished, there will be another €50 billion in the eighth framework programme. We are not taking full advantage of that. Minister, I am arguing genuinely and sincerely that we need to find small bits of money to pump-prime some of those projects so that we can grow jobs.

Northern Ireland is lagging behind the Republic and other European regions in respect of successful bids towards Europe for money. We need to push Northern Ireland to the fore; we need to invest a bit of money. We need more people in Brussels who are focused on sectors across the range of industry, for example. It is not enough to have one or two jacks of all trades there. We need to have individuals there who are absolute experts in such fields as renewable energy and food and who can focus on those sectors. If we have that, we can build the partnerships with Europe, not only for making things but for selling things.

Mr Callaghan: Does the Member agree that one of the sectors that have been badly hit over the past few years is the construction sector? I agree with him that we need a balanced and competitive economy. It needs to be balanced not only between the public and private sectors but between west of the Bann and east of the Bann and in enhancing North/South co-operation. Does he agree that investment, through a Budget, in the radiotherapy centre at Altnagelvin, the A6 upgrade, the expansion of Magee and in social housing would be productive ways of increasing jobs in that sector?

Dr McDonnell: Maybe the Member wants to take over. He must have been reading over my shoulder, because I was just about to mention the construction industry. We need to recreate

10,000 jobs in the construction sector as soon as possible, and we need to do that by getting the funds. There are various ways of doing that. We need to explore ways and means of getting those funds in, but, equally, we need to be pump-priming tourism and looking at ways of getting something moving in the agrifood sector. If the Minister or anyone else wishes me to cost those proposals, I will be happy to do so. I am not running at them ramstam; they can be costed and worked out. A small amount of money would go a long way.

I do not want to run over my time, so I will make one last point. We need to remove some of the obstacles to renewable energy development.

Mr Speaker: The Member's time is up.

Dr McDonnell: Renewable energy can provide us with 20,000 jobs for very small amounts of investment here and there. That is the sort of issue that we need to be looking at. I beg the Minister to find ways and means of opening up some of those doors.

Mr O'Dowd: Go raibh maith agat, a Cheann Comhairle. I welcome the opportunity to speak during today's debate and to outline Sinn Féin's position. The Budget proves that we can achieve a better deal for our people when we work together. What started off as a terrible Tory Budget that was imposed on the people and on the Executive has been significantly improved by those who have engaged with other parties in trying to achieve a better outcome for our society.

I accept that we have much yet to do, but I believe that, where there is a willingness by parties in the Chamber to work together, we can improve the lives of the people we serve.

4.00 pm

Sinn Féin is a republican party. We envisage a future that is not based on partition or partitionist economics, which have not served the people of the island, North or South. We have a much higher aspiration than to be dealing with the ungraciously named block grant. Despite the claims earlier by a senior UUP MLA, all the money does not come from London. Billions of pounds of taxes leave this island every year and head to the coffers of the British Government. It is quite simple: the people of the North pay taxes.

The British Government have dominated the economy of Ireland for centuries through

economic, political and, when it suits them, military means. Sinn Féin wants to reshape those relationships. We want an economy on the island of Ireland run for the needs of the people, not bankers or greedy developers with no social conscience. We want an economy that works with our nearest neighbours in England, Scotland and Wales and is based on mutual respect and growth of our nations. In the short term, what is required is an all-Ireland economic recovery plan. We will not build our way out of recession by ignoring the Twenty-six Counties, nor will they by ignoring us, or by having two competing economies on this small island. It has not worked in the past and it will not work in the future.

This has been a significant day for our party in regard to republican politics. Our 14 comrades have taken their place in the Dáil, and today we will continue to defend citizens' rights here in the Assembly and in the Dáil. That is all-Ireland politics at work. Others told us that they would head to Westminster, swear an oath of allegiance to the English Queen and prevent Tory cuts, but we have shown that there is a better way here in Ireland. Our focus remains on a new Ireland.

Sinn Féin's TDs will continue to work in opposing the bad EU/IMF bailout and the attack on the low-waged, the poor and the vulnerable now being carried out by the Fine Gael-Labour coalition — an economic strategy that was endorsed in the Chamber yesterday by Conall McDevitt of the SDLP, despite his earlier assertions that the SDLP would not interfere in Irish politics.

His party leader, Margaret Ritchie, also endorsed the author of the economic collapse in the South, when she said:

"Brian Cowen excelled as Finance Minister."

Of course, Sinn Féin's party leader is in Leinster House and Margaret is getting on a plane heading to Westminster, where her challenge to the Tory cuts — mentioned earlier by Martina Anderson — has been:

"The impact of the CSR settlement ... can be assessed ... First, on current expenditure, we are facing a cut in real terms of 7 by the final year of the CSR. That is challenging, but it is not insurmountable."

It is not insurmountable: that is the challenge that was presented to the Tories.

We have listened with interest to the many contributions from the dysfunctional SDLP and Ulster Unionist Party axis. In particular, the SDLP leader claimed that we were engaged in "ostrich economics", but that party was telling us last week that all the improvements made to the Budget were actually based on SDLP revenue-raising plans. Either they are good ideas or they are bad ideas, but you certainly cannot have it both ways. The reality is that if Sinn Féin had not been to the fore in securing additional moneys, it simply would not have happened.

We clearly saw the outworking of the dysfunctional SDLP/UUP axis when they were the lead parties in the Executive. As a direct result of Sinn Féin working with parties willing to engage, the Executive Budget now has an additional £1.5 billion. The SDLP and UUP are set to vote against a Budget that includes an additional £1.5 billion for health, education, housing and the economy. Not one penny has been produced by those parties shouting from the sidelines. The SDLP and UUP position does not stand up to scrutiny. The proposed amendments to the Budget are too little too late. The only financial commitment made by the SDLP is to take £80 million from the social fund.

Members are presented with an option. They can vote for a Budget that is fully costed and runs to 130-odd pages, or they can vote for the amendments. That is the choice before Members here today: vote for a fully costed Budget or vote for a list that is not costed in any way.

Mr McDevitt: Will the Member give way?

Mr O'Dowd: No, I will not. Sinn Féin has set out in its economic paper, released on 20 October, its position in opposition to Tory cuts and, more importantly, its alternative, by addressing ways to promote economic growth and deliver public services.

That paper identified potential savings and revenue-raising mechanisms that would release £1.6 billion of additional moneys to the public sector. Despite repeated calls by the other parties to set a Budget based solely on the block grant and the Tory cuts, we have consistently advocated the need for additional revenue to be added to the block grant. We have been successful, and the parties that engaged with one other, worked together and took the difficult decisions made achievements beyond what the other parties wanted us to accept. An additional £1.5 billion is now available to the

public services, the private sector and all in this society. That is the result not of standing on the sidelines and shouting about the Budget or going into television and radio studios and scaring the life out of people, but of working together.

The amendments tabled today offer no costings whatsoever. They are wish lists that any of the parties in the Chamber could have drawn up. However, that is not where we are in this debate. We are in the eleventh hour before a Budget must be decided, and any party that tables an amendment must also bring forward a fully costed document.

The Executive's Budget presents us with major challenges as a result of Tory cuts, and the parties that worked together have made major improvements. However, as I said, Sinn Féin sees Irish unity as the economic way forward for the long term.

Listening to the contributions today, I find it increasing difficult to tell the difference between the Ulster Unionist Party and the SDLP. At this late stage of the debate, I appeal to the SDLP — *[Interruption.]*

Mr Speaker: Order. Allow the Member to continue.

Mr O'Dowd: I appeal to the SDLP to take a step back, before they, too, are identified as a Tory franchise in the North.

Mr Easton: I support the Budget. The truth is that the Department of Health, Social Services and Public Safety received the largest increase of any Department in the Budget. It will receive an increase of 8.3% over the next four years, and it will have 41% of the entire Budget in the first year, rising to 43% over the next four years. In monetary terms, the Department will receive an extra £189 million over the four years of the Budget, with an extra £20 million being moved from capital expenditure to revenue expenditure to help the Health Minister.

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

Two amendments were tabled today. The amendment tabled by the Ulster Unionist Party offers no new ideas on getting extra moneys for other budgets. The SDLP tabled the other amendment, and it seems that that party is opposed to the Budget, because the Minister for Social Development had a temper tantrum over the social investment fund. Had the SDLP

managed the budget for the Department for Social Development properly over the past four years, there may have been no need for a social investment fund, but it failed to do so.

Mr McDevitt: Will the Member give way?

Mr Easton: No. At a recent meeting of the Committee for Health, Social Services and Public Safety, Ulster Unionist Party members tabled a motion for the Committee to recommend that the health aspect of the Department's budget be protected. DUP Committee members supported the Ulster Unionists on that motion, and that is exactly what the Finance Minister delivered through the Budget. However, the Ulster Unionist Party moved the goalposts and changed the rules. It also changed the amount of extra money that it said was needed for the Health Service. The Ulster Unionist Party started off with a figure of £600 million and then changed that to £400 million. At a recent meeting of the Committee for Health, Social Services and Public Safety, it changed that figure again to £200 million, and today that figure is £165 million. The Ulster Unionist Party does not even know what it needs for its budget; it is a complete farce.

Last week, the Committee for Health, Social Services and Public Safety discussed the McKinsey report. The permanent secretary of the Department and the chief executive of the Health and Social Care Board appeared before the Committee. They reported on the £1.1 billion that McKinsey felt could be released from the Health Service. It was interesting that the Department and the board were very much up for looking at that report and exploring it, but they are not allowed to explore anything that is better for the Health Service, because the Health Minister will not allow them to look at it. Shame on the Health Minister from the Ulster Unionist Party that he will not even look at documents.

Mr McCallister: Will the Member give way?

Mr Easton: No. The Ulster Unionists canvassed with the Conservatives for the £4 billion cut at Westminster and seem to forget about that conveniently when the difficult decisions have to be made.

The Health Minister, as late as only last Tuesday, proposed the Health and Social Care (Reform) Bill. What is interesting about that Bill is that it is good because it is getting rid of bureaucracy

and quangos. That is part of the Tories' cuts agenda, yet the Health Minister is able to support that but not his own budget. There is quite a bit of contradiction there.

What is more interesting is that the draft Budget was announced on 17 December 2010. I enquired of the Finance Minister as to what meetings he has had with the Health Minister over the January and February period. Guess what: the Health Minister did not bother to contact the Finance Minister about the draft Budget over a two-month period, which shows how little he cares about the staff of the Health Service and the healthcare of the people of Northern Ireland.

The Minister and his colleagues were unable to present the Committee with even an efficiency plan, and the Committee was unable to reach a proper verdict on the draft Budget because we lacked information. Over the next four years, apart from the £189 million and the £20 million capital-to-revenue, the Minister will be able to keep any efficiency savings that he decides to make. He will also have the capital-to-revenue and be able to bid in monitoring rounds.

What galls me most is that I have made suggestions for efficiencies over the past four years and the Health Minister always pooh-poohed them. However, I will go over some of the again so that Members can be reminded about what can be saved in the Health Service without affecting front line services. In fact, the savings could be ploughed back into front line services.

The Health Service has more than 800,000 sick days each year costing it £1.1 million, yet the Health Minister is doing absolutely nothing about that. Independent sector providers for out-patients cost more than £6 million each year, yet the Health Minister is not doing anything to reduce the 14,000 out-patient appointments. If those appointments were tackled, more than £6 million would not have to be spent on independent sector providers to make up the shortfall.

Almost £40 million is being paid on agency staff, who cost three times more than ordinary nurses. If that money were ploughed back into nursing we would not have to have agency staff, and the Minister would have a better budget. The Minister likes to spend his money on art. Over £278,000 is being spent on art each year, and he has failed to tackle that. I would have

thought that the health of patients was more important than art.

Management consultancy fees are over £1 million. What is the Health Minister doing about that? Zero. There are medical negligence claims topping £13 million. Surely the Minister should be trying to stop those claims happening in the Health Service. Legal fees of £3 million: more wastage going down the drain. Phone bills cost nearly £9 million and mail costs nearly £7 million. You cannot say that efficiencies cannot be found.

Even staff travel claims can be examined: £32 million goes on travel claims in the health budget. You cannot say that the Minister cannot find savings of 10% in travel claims. That would save £3 million, yet the Health Minister does not want to tackle that. The energy costs are £28 million: surely, the Health Service can become more energy efficient. Bonus payments to managers are over £180,000, and bonus payments to consultants, as mentioned earlier, are £57 million, yet the Health Minister does not want to do anything about that.

The Health Minister does not seem to be too interested in sorting out the taxi situation, which costs £2 million over all trusts. The hospitality budget for the trusts over the past five years was over £500,000 yet the Minister does not want to tackle that.

The bed occupancy rate is 85% in the rest of the UK but is only 82% in Northern Ireland. Why can we not increase ours? It would mean that we could get more patients through the doors.

4.15 pm

The Minister makes a big play of saying that he is the only Minister to have done the RPA. Well, let me tell Members something. Management costs have increased by 13% following the RPA under the Health Minister. They have risen from £107 million to £120 million. That is hardly an efficient way to introduce the RPA. There are also unused buildings at a cost of £0.5 million. We are paying rates and heating bills for all those buildings, and nothing is being done about that. We are spending almost £1 million on suspended staff. What is the Health Minister doing about that? Absolutely zero. The cost of advertising in the Health Service is £6 million. What is he doing about that? Absolutely zero. The cost of advisers is £800,000. What is the Health Minister doing about that? Guess what

the hospitality budget for the Health Minister and his permanent secretary was in 2008-09: £22,000. Now we know what the Health Minister has been doing for four years: he has been drinking tea and doing little else.

Let us consider mental health services. Praxis Care has been in touch with every political party and, indeed, the Department. It is able to find a 30% decrease in costs if it were to look after the mental health section of our Health Service. Mr McGimpsey has known about that for years but has done absolutely nothing about it.

Mr Deputy Speaker: Order. The Member has the Floor, and I ask that other debates cease.

Mr Easton: I am going to wind up now. In conclusion, if the Ulster Unionists, the SDLP and the Health Minister want to vote against the Budget, to resign or to do whatever they want, I will be glad because I want the next Health Minister to be able to work with all the political parties and the Health Committee. The current Minister has not worked with any of us and has been a disgrace to the Health Service.

Mr B McCrea: I am grateful to the previous Member who spoke for his pitch for the job of the next Health Minister. He seems to know a lot about it. He seems to know how to make friends and influence people. If only we had asked him earlier, we would have known what to do. I cannot believe that we missed that.

I want to raise an issue about the party opposite. I listened to Mr O'Dowd and Mr Maskey, who went on about it being Tory cuts and it being nothing to do with them and they never touched it. Do Members know what that means? I am going to say to them what the electorate in the South said: Sinn Féin is economically illiterate and does not understand it. I do not know whether Members have had a chance to read the Budget document, but, if they look at page 15, they will see a very nice graph. The blue line represents expenditure; the green line represents receipts; and the difference between them is the gap that cannot be funded. If Members turn to page 16, they will find that it says:

"The UK public sector deficit in 2009-10 was the largest in its peacetime history at 11 per cent of GDP, and the Government was borrowing one pound for every four it spent."

That is simply unacceptable and unsustainable. It cannot be done. It is not Tory cuts. It is not anybody's cuts. It is economic reality.

I will give the party opposite some credit. At least, at some stage, it had the courage to take the Health Ministry. However, the party over here — its Members stand and jibe at the sides and come forward with all the answers — will not do it. It is the run-away party. It will not take it on. When will it stand up and meet its obligations? It is no good standing at the side and saying, "we could do better", if, when it comes to the first choice or the second choice or the third choice, you do not take Health. If you know all the answers and think that you can do better, you should do so. The rest of the country and I will be watching.

Mr Deputy Speaker: Order. All remarks should be made through the Chair.

Mr B McCrea: What happens quite often in this place is that there is an element of challenge. People ask about where the money that is being put somewhere else is being taken from.

The counter-challenge, which has not been put, is that need must be addressed, because it is either the right thing to do or it is a statutory provision. If there is insufficient finance, how to meet that need is the challenge.

As has been highlighted by others, the Budget is a shoddy, rushed and ill-informed piece of work. I can make those allegations, and the Minister will no doubt say that it is not. However, I think that it was Mr Maginness who said earlier that the Committee for Finance and Personnel said that the Budget does not work.

In the time that is available to me, I can address only a number of issues. I cannot quite understand why, in the draft Budget, the capital allowance for next year for the Department of Education was £127.4 million. We then had a statement from the Minister of Finance and Personnel in which he said that he had found more money and would be giving the Department of Education an extra £40 million. However, what did we find in next year's capital expenditure for the Department of Education? We found an allocation of £114 million, which is a reduction of £12 million. So, getting more money appears to mean getting less money. When I asked for an explanation, I got no answers or detail from the Minister of

Education. The entire Committee for Education has asked about that.

We can ask about the additional money that might go into revenue, but it is not clear to me whether that still includes the £41 million of capital appropriations that we were going to transfer into revenue. That is really important, because the aggregated budget for education affects each and every school. I cannot drill down the detail in the Budget to say exactly what the impact will be for education, but I can tell Members the figures that are bandied around about the aggregated school budget, which affects the employment of teachers, janitors, cleaners and classroom assistants, seem to be down by about 20%. Members may ask themselves whether that will mean that one in five teachers, classroom assistants and janitors will be made redundant. Will they be made redundant next year? I do not know, because when I ask for the information, it is not forthcoming.

One of the things that it quite strange about all this is that the Minister of Finance and Personnel talked about PEDU going into the Health Department, but he did not talk about it going into the Education Department. Two Departments were supposed to be finding efficiencies. There was supposed to be a timescale within which we would be told where the efficiencies in education would be found. We have no knowledge of whether any of that information came back. Why is that? That is symptomatic of the fact that the Budget cannot be relied upon, because it is all top-line stuff and we simply do not have the necessary information.

There are other issues that we might wish to deal with. *[Interruption.]* I observe Mr Bell having some light relief on the Benches to my left. Perhaps he will confirm — *[Interruption.]*

Mr Deputy Speaker: Order. There is banter across the Floor from all sides, but I ask all Members to respect the Member who is speaking and not to speak from a sedentary position.

Mr B McCrea: I now move to the policing and justice budget. One issue that has not come out in the Budget discussion is the agreement at Hillsborough that the first £12 million of police hearing loss claims would be met by the Executive and not by the police. The Treasury had made an arrangement that, if the £12 million was not available, land sales worth £60 million would be made available.

Imagine my surprise when I discovered that the PSNI main police grant was required to fund the first £12 million for hearing loss, not the Executive. The Department of Justice has currently provided only £6 million for next year and £3 million for the following year. That is an issue that gets through without property scrutiny. That is taking money away from front line policing, and we ought to have had more discussion and more detail on the issue.

Mrs D Kelly: I thank the Member for giving way. Does he not draw comfort from the promises made by Mr O'Dowd in his newsletter across Upper Bann that Sinn Féin is ready to fight the cuts?

Mr B McCrea: There are many things that provide a little bit of light relief in the Chamber during what is a serious debate. One of them is the fact that Sinn Féin continually campaigns on “fight the cuts”. It is all over the place. It shows that Sinn Féin members are absolutely illiterate: they do not understand it, and they cannot shake it off. I will have great —

Mr D Bradley: Will the Member give way?

Mr B McCrea: I am sorry; I will have to get through in my allocated time.

Other Members wear badges that support NIPSA. I wonder where that is coming from. This is incoherent economic policy, and it will be found out in the next four years.

Some people have mentioned my comments about Invest Northern Ireland. I invite Members to read the Hansard report, as I said to the Speaker. The issue was this, and it was admirably raised beforehand: is it right that we should not attack layers of management? We appear to have five or six layers of management between the chief executive and the coalface of Invest Northern Ireland. It is true that, as others have said, there is good news in the pipeline. However, one must ask whether that is because of the change in state aid rules or some artificial hiatus. What is the real argument for building long-term strategic wealth and well-being for our country? This is a country of SMEs. We should be widening the base.

We talk about reports. Do Members want to see where they might save some money? They should look at the Barnett report on economic policy, which suggests that the future of this place is in skills. Yet, when we look for 1,000

ICT students, we do not have them. There is no redressing of our people coming out. They are failing to tackle those issues. There was a suggestion that the Department for Employment and Learning and the Department of Enterprise, Trade and Investment should be combined. I, for one, would like to see that. At least we would have an Ulster Unionist looking after the place and the country would be well run, and not by a bunch of economic illiterates.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. May I speak on behalf of the Culture, Arts and Leisure Committee? If you do not mind, David, I will have a go here. I hope that you are keeping well, apart from that.

Throughout the Budget process, the Culture, Arts and Leisure Committee engaged with the Department and key stakeholders on a regular basis on the impact of budget cuts to the business areas of culture, arts, leisure and sport. I welcome the fact that a significant change to the Budget has occurred that will have a positive impact on a number of organisations. I refer specifically to the additional allocation of £3.5 million for arts funding and, very significantly, £4.5 million for libraries across the budget period. Perhaps, in his concluding remarks, the Minister of Finance and Personnel might confirm whether I have got those figures right. The £4.5 million for libraries interests me greatly.

I welcome the fact that the overwhelming views of approximately 5,000 supporters of the arts who contributed to the consultation process have been taken on board to some degree.

4.30 pm

Our Committee has continually campaigned for a fair deal for the arts, and we support the view that arts funding should not have suffered the large cut proposed. To support that argument, we consistently highlighted the fact that spend on the arts results in a net contribution to the economy and it is often said that for every £1 invested by the Arts Council there is a return of over £3.60 to the local economy.

Our Committee also noted with concern that we have the lowest arts spend per capita compared to other regions. Despite an additional allocation in this Budget settlement, that situation is unlikely to change. We also raised concerns about the use of lottery funding to substitute core funding for arts and sports. That

was a concern for more than 5,000 respondents to the draft Budget consultation. Although I welcome the Executive's acknowledgement of the importance of the arts in economic and social terms, I note that the issue of lottery funding has not been addressed by the Executive, despite that acknowledgement.

I turn to the creative industries. The Committee previously welcomed DCAL's commitment to nurture and support the creative industries, and I am pleased to see that the commitment to allocate £1 million per annum to support emerging artistic talent has remained in the Budget. I note that DCAL, in partnership with district councils, will continue to promote the community festivals fund and the Annual Support for Organisations Programme (ASOP), which is run by the Arts Council. Unfortunately, that support appears to have been reduced, and we want some additional final detail on that.

I turn to libraries. This aspect will interest many Members because current proposals by Libraries NI are to close 10 libraries in rural areas. Many Members will identify with the library in their constituency that is currently earmarked for closure.

Mr McNarry: Killyleagh.

Mr McElduff: David McNarry obviously identifies with the case of Killyleagh.

Earlier today in the Culture, Arts and Leisure Committee, we heard from children from St Mary's Primary School, Draperstown, who made a strong case for the retention of their library. On a constituency level and speaking personally, I am very exercised by the threat to Fintona library, which has mobilised that community. So, rural communities throughout the North are fighting for their library. That is important. I am pleased to note that £2 million of extra revenue has been allocated to libraries, and an additional £2 million has been allocated to the capital budget. On that, I seek confirmation from the Minister of Finance and Personnel.

In addition to that I am advised —

Mr Bell: Will the Member apply the comments that he makes to all libraries? We face a severe cut in Killyleagh library, to which your comments are pertinent. Some people say to me that libraries are only for children to read about Asterix and Sooty and Sweep and everything else, but they are much more important.

Mr McElduff: I agree with the Member. They are the lifeblood of many rural communities, and we heard particular evidence of that today in respect of the Draperstown community. Mr Bell has appropriately championed the cause of Killyleagh library.

I want assurance about a further £0.5 million which is to be set aside for much-needed capital maintenance. I hope that the Minister of Culture, Arts and Leisure is able to apply pressure on the arm's-length body, Libraries NI, to bin proposals to close 10 rural libraries.

Mr G Robinson: Let me remind the Member that a new library was opened in Dungiven in recent weeks.

Mr McElduff: More of the same is required. That is good news for Dungiven, but the prospects are bad for 10 rural communities, and that needs to be addressed.

I seek assurance that the additional money that has been rightly allocated to libraries will be used to stall plans to close 10 rural libraries. I accept that the consultation exercise that we are currently in the middle of will have to conclude. However, the Committee and I strongly hope that Libraries NI will go back to the drawing board in respect of the proposals to close those libraries, in the face of strong evidence from communities that they matter greatly, even more than Libraries NI thought.

The proposal to close 10 libraries is shocking when we consider that — this is an absolutely crucial point — there was £19 million of slippage in libraries spend over the past three years on capital build programmes as a result of changes to the governance structures of libraries when the education and library boards gave way to the new organisation, Libraries NI. That raises the question of whether the library closures at stage 1 in greater Belfast and at stage 2 in rural areas would have been necessary at all, had that slippage not occurred and the resulting £19 million been applied to capital infrastructure development.

In relation to museums, I particularly welcome the additional funds made available in this Budget for the new world development plan at the Ulster American Folk Park outside Omagh.

In relation to sport, the Committee has always felt that adequate funding was needed to implement the Sport Matters strategy for sport

and physical recreation. It is, therefore, good news that funding will be made available in year 1 for projects such as the Mourne mountain bike track and stadia safety. The Committee welcomes the capital budget allocation that will enable regional stadia development to progress, and it is positive that the £110 million allocated to the three stadiums — Casement Park, Ravenhill and Windsor Park — has been rephased to enable work on those projects to start sooner.

Mr A Maginness: The Member dwelt for some time on libraries. I note that page 43 of the Budget document states:

"Libraries Northern Ireland will seek to maintain viable libraries where possible. Funding has been secured to replace the electronic libraries system which underpins much of the body's operational activity".

There is not much hope of libraries being retained if that is all the revision that there is in the Budget.

Mr McElduff: I am grateful to the Member for his intervention. The Member's question would be best answered if he read the Minister's Budget statement from last Friday. That is why I seek confirmation of my notion that £4.5 million of additional money has been allocated to libraries. That is something that I would like the Minister to tidy up. I am reading it positively.

Mr Deputy Speaker: Bring your remarks to a close.

Mr McElduff: Do I get an additional minute? What way does this work?

Mr Deputy Speaker: No.

Mr McElduff: I will leave it at that, Mr Deputy Speaker. I am satisfied that I have been heard.

Mr B Wilson: I sympathise with the Minister on having to deliver this Budget. I have no doubt that he is aware of the negative impact that it will have on the Northern Ireland economy. I am sure that he recognises that the Westminster cuts agenda is ideologically driven and economically illiterate and will have a disproportionate effect on the most vulnerable people in Northern Ireland.

The Minister will also be aware that, whatever impact the cuts may have on the rest of the United Kingdom, they will have a much greater impact on Northern Ireland. The rest of the UK may have emerged from the recession, but there

is no evidence that we in Northern Ireland have. We are in a different phase of the economic cycle, and making further cuts when unemployment is still rising and house prices are continuing to fall will drive us back into recession.

I want to begin by welcoming the Minister's decision to introduce a levy on large supermarkets and out-of-town shopping centres. I proposed such a levy in my speech on the draft Budget, so I am pleased and surprised that the Minister has taken up my suggestion. A similar levy was proposed by the Scottish Green Party and the Scottish Government. This involves increasing the business rate for large retailers with a rateable value of more than £750,000 and will apply mainly to supermarkets and out-of-town retail parks. As well as raising extra revenue, that would support small traders and town centres. If it encouraged people to shop locally, that would be more environmentally friendly. A levy would also mean that expenditure in local shops would remain within our economy and not be transferred to shareholders in multinational companies. It will make a positive contribution to our economy and our environment.

During the Second Stage debate, I indicated that I could not support the draft Budget. My position remains the same. I am still concerned that the Budget is not credible and lacks detail and that some departmental figures do not add up. The Budget includes some extremely optimistic assumptions, particularly in the area of asset sales and revenue raising. Although it is a four-year Budget, it will have to be reviewed after the election.

I remain concerned that there is still no Programme for Government. That means that we have no objectives, outcomes or targets against which the Budget can be assessed. It basically accepts the Tory analysis and its solution to the UK's economic problems. The Green Party accepts the need to reduce public borrowing. However, the Tory proposals are vindictive and ideologically motivated and will create severe problems for the Northern Ireland economy. Taking demand out of our economy at the present time will inevitably lead towards recession.

The Tories claim that the cuts are fair and that everybody must share the pain. That is not the case. A recent report for the Institute for Fiscal Studies points out that the Budget is regressive and will hit the poorest hardest,

particularly those with children. As with so many previous Tory Budgets, it is focused on cutting services to the poor, the elderly and the most vulnerable. Instead of imposing taxes on the banks and financial institutions that caused the financial crisis, the Tories have increased VAT, the burden of which falls heaviest on those with a low income. Similarly, the cuts in welfare, housing benefit, disability allowances and tax credit will have the greatest impact on the most vulnerable. According to the IFS, it is the most regressive Budget in generations. The fact that we in Northern Ireland are more dependent on public services means that we will suffer disproportionately. We should not slavishly follow the Tory-imposed policies. The Minister could have shown some flexibility.

I welcome the Minister's commitment to the green new deal but am concerned by the lack of resources to implement that.

The budget for Invest NI is inadequate. I am concerned by that, because growing the economy and creating jobs remains a priority. The reduction in Invest NI's budget means that we may not have sufficient funds to support the foreseeable number of new investment projects. We are at risk of missing valuable job creation opportunities.

My fundamental objection to the Budget remains the Health Service allocations. I welcome the additional funding for health, but that will do little to redress the long-term structural underfunding of the service. As I pointed out previously, I have no political axe to grind with anyone on this issue. I speak as someone who has had a long interest in health economics since my appointment to the Eastern Health Board in 1981. My concerns about health spending are long-standing and began with the previous Budget, in which our Health Department received an increase of 2.6%, while the NHS in England was given a 4% increase in real terms. Our 2.6% increase did not meet inflation, was the lowest for many years and compared badly with the average of around 8% during the previous five years of direct rule. Unlike in 2007, when I was one of the few MLAs to highlight underfunding in the Health Service, NHS funding has, unfortunately, become a major political debate. We need a rational, objective debate on the present state of the Health Service. However, it has now become just a political football.

The 2007 Programme for Government included new programmes to reduce the suicide rate, promote healthier ways of living, halt the rise in obesity and implement the long-delayed Bamford report. However, the Budget did not provide any additional resources to fund those programmes. The Appleby report compared the standard of care in Northern Ireland with that in England and identified a shortfall of £500 million over the CSR period. Therefore, not only do we have lower standards of care, but the gap between entitlements and expectations, compared with those in England, continues to widen.

Appleby concluded that, at funding levels then, access targets and waiting times would not match English levels in the foreseeable future. When I voted against that Budget, I warned that it would mean NHS cuts, job losses and longer waiting lists. Those have all come about and will be accelerated if we accept the current Budget. I accept the Minister's assertion that health has received the biggest increase of any Department and that it consumes over 40% of the Budget. However, that does not address the funding of previous years. Funding should be based on need and not on what proportion of the Northern Ireland Budget it makes up. It has to meet increasing demand.

4.45 pm

There have been demographic changes. Compared to the rest of the United Kingdom, we have more elderly people. We have more young people and more children. We have a much higher incidence of disease and much higher rates of cancer and heart disease. We have more smokers and more obesity. The differential in health expenditure between Northern Ireland and England has reduced significantly in recent years. A recent study shows that, taking account of age profile and deprivation levels, the Health Service in Northern Ireland requires 10% more resources per head than England, owing to the higher levels of need. In 2007, the differential was 4%. We now hear that the differential has actually swung the other way and that expenditure per head in England is more than in Northern Ireland.

On that basis, I certainly cannot accept the Budget. The Health Service should be taken off the political agenda. Let us try to sort the thing out. There is a definite need. Anyone who looks at it seriously will see that need is increasing

because of demand. Demand, of course, is insatiable, but we have to provide more.

Mr Givan: The Budget is a serious issue. Having listened to speeches from the Ulster Unionists and the SDLP today, I am disappointed that they have not taken the matter seriously. They have attempted to play cheap party politics with a Budget of billions of pounds that will affect public services in the next four years. They have decided to engage in petty politics. Some of those Members have stepped into the gutter and thrown personal insults at the individuals and parties that have sought to take their responsibilities seriously. The public will see through the agenda that individuals in those parties have.

Earlier this afternoon, our party leader set out the context in which the Budget is being brought forward by the Stormont Executive. No one disagreed with his analysis that this was set at Westminster. Some £4 billion of cuts came through the block grant that the Ulster Unionist Party supported. It told people to vote for the Conservative Party. The Ulster Unionist Party has hundreds of Members of Parliament at Westminster through the Conservative Party, but it has shown absolutely no influence over its Conservative masters. One wonders what deal they get out of being a franchisee. It appears that the Ulster Unionist Party has sold its soul for 30 pieces of silver to bankroll its last election campaign. The Ulster Unionist Party has betrayed the people of Northern Ireland. Shame on it for taking that position.

In dealing with issues such as health, which is very serious, it is important that we do not play on people's fears. Sadly, the Ulster Unionist Party has sought to whip up people's fears about the Health Service. I was with a group of about 40 pensioners this morning. We discussed the Budget and health issues. They are frightened by the Minister of Health's statements. They are concerned and do not want to get ill because of the misrepresentation and untruths peddled by the Ulster Unionist Party. We need to be clear and provide the absolutely honest position when we deal with these matters.

Mr McCallister: Will the Member give way?

Mr Givan: No, I will not give way. That honesty has been lacking in the Ulster Unionist Party's position.

I should declare an interest when dealing with health matters. Members of my immediate family work in the Health Service. One family member is a consultant, one runs a GP practice, and another is a midwife. One is a nurse, one is a dietitian, and others work in Health Service administration. I am fully aware of the health issues that are important to people because I hear about them at first hand from those individuals. They have been let down by the Health Minister's mismanagement over four years, presiding over the Department but failing to take decisions.

The McKinsey report, which was commissioned by the Health Department and cost £300,000, was delivered over five months ago. We have to ask why the Health Minister has sat on that document. Why has he not taken any decisions that would drive through efficiencies which, the report states, will not affect front line services but benefit them? Only last week senior Health Service managers told me that the sooner the election takes place, the better, so that they can have a Health Minister who takes the position responsibly. They know that the Health Minister is playing party politics. He refuses to take decisions because of the election, and that is an indictment of him and the Ulster Unionist Party, which does not take its positions seriously.

For decades, the Ulster Unionist Party prided itself on being the party of government. Now, however, it does not take seriously the positions that it holds, nor does it act responsibly. It is not the party of government; it is the party of irresponsibility, and the public will see that. The Ulster Unionist party will set out its position in the election, we will set out our position, and the people will decide. That is democracy. However, people will not be conned by the spin that the Ulster Unionist Party is trying to put on this Budget process.

My colleague from Lagan Valley Basil McCrea talked about policing and justice. We need to clarify that point as well. The first £12 million for the call on the police hearing loss claims has to be found initially in the Department of Justice. If that Department cannot find the money, the call goes to the Executive and to other Departments. What Basil McCrea did not go on to say was that, as a result of the deal that was negotiated, any hearing loss compensation claims over and above the £12 million will be paid out directly by the Treasury.

That is why, this year, over £10 million is being paid out directly from Westminster, not by the Executive or the Department of Justice. He also failed to point out that, as part of the devolution settlement, we got access to Treasury funds for the police to deal with the dissident threat. Only in the past couple of weeks, the Finance Minister and the Justice Minister have secured £200 million over the next four years. That was as a result of what we secured through the talks at Hillsborough and the devolution package for policing and justice. I know that the Ulster Unionist Party does not like to pay tribute to our party when it comes to negotiations. That is no wonder, when it was that party that negotiated the Belfast Agreement. It does not want to point to our successes when it comes to negotiations.

The Ulster Unionist Party does not point out that, when policing and justice was being devolved, not only did we push on that issue but the First Minister secured a financial package for the Presbyterian Mutual Society. I do not particularly want to pay tribute to the deputy First Minister, but he played an important role in that. If the Ulster Unionist Party wants to put its hand up on this Budget, it can tell the Presbyterians who lost money why it is voting against a Budget that would provide security for small savers in the PMS. It can answer that question. I, for one, will put my hand up for a Budget that will help those people, particularly the small savers in the Presbyterian Church who are suffering because they cannot access their money, which was put aside, for example, to pay for funerals or to help them get through difficulty and hardship.

Mr Beggs: Will the Member give way?

Mr Givan: No, I will not give way. I have listened enough to the Tory boys on my right.

The SDLP needs to put a little honesty into its position and stop the pretence that it is somehow going to fight the cuts. When it had the opportunity, holding the positions that it did, it could have prevented Northern Ireland students having to pay fees. When the Westminster Government were pouring money into our institutions, what did the SDLP do? It decided to fall in line with whatever its sister party was doing in the British Labour Government. The SDLP can go to the students and tell them that it is just pretending and that it is not really in favour of students trying to pay fees that are as low as possible because, ultimately, it brought in the Farren

fees. However, it will not do that. It will not be honest with the public on that issue, and nor will it be honest when it says that it wants to privatise the water service.

Mr Bell: Now that Conall McDevitt has assumed his place on the Front Bench and the leader has been dispatched, is it time for the SDLP to give us a clear direction? The SDLP stated earlier that it will join the Ulster Unionists and become a Tory force. Is it now time for it to declare that it will not join the Ulster Unionist Tories in increasing student fees?

Mr Givan: It is interesting that the SDLP has aligned itself with the Tory cutters in the Ulster Unionist Party. It might want to change its name now and reflect the fact that it is aligned with the Conservative Party in Northern Ireland. It would not surprise me if the SDLP wanted to change its position.

The SDLP will not be honest, particularly in the north-west, when it wants to sell the airport in Londonderry. It will not be honest on that issue, but what it will not tell the public is that it will help the Executive —

Mr Deputy Speaker: Bring your remarks to a close.

Mr Givan: It will not tell the public that it will help the Executive and their Budget by selling something that the Executive do not even own. It cannot con people, and the Ulster Unionists cannot con people —

Mr Deputy Speaker: Order. Time. I call Mr Tommy Gallagher to speak for five minutes.

Mr Gallagher: I want to point out a few of the reasons why I oppose the Budget, as does my party. I have heard nothing all day to make me less certain that I need to oppose it.

First, this is a partitionist Budget. *[Interruption.]* It has absolutely no all-Ireland vision. John O'Dowd, his eyes glazed over, told us that Gerry Adams was in the Dáil today. I would like to wish everyone in the Dáil today well in their endeavours in the year ahead. Gerry Adams is smiling broadly in the Dáil today —

Mr Deputy Speaker: I gave leeway in allowing the Member five minutes to speak, but I ask him to keep to the subject of the amendments and the debate today.

Mr Gallagher: There is an absence of an all-Ireland vision, which is an important part of the Budget. Why would Gerry Adams not be smiling when he has abandoned his colleagues here so that they will trot through along with the DUP to vote in a partitionist Budget?

[Interruption.] There is no mention of any new North/South bodies anywhere in the Budget.

[Interruption.] We need such bodies for health, the environment and lots of other things.

[Interruption.]

So that not all the jeers come from the DUP, I am happy to make comments about how the Executive are dealing with the public purse and looking after the purse strings, which is their main responsibility. How the most loyal followers of Sinn Féin and the DUP must have cringed this morning. When an Executive looks after the purse strings, it is their job to add value to taxpayers' money. Whether they pay £1,000 or, if they are very wealthy, £10,000 or more each year, they are entitled to that. How those followers cringed this morning when they heard that two Ministers — one from the Finance Department and the other from the Agriculture Department — had conspired about Crossnacreevy. A figure of £200 million was mentioned. What value was added to that £200 million of taxpayers' money? It was frittered away to £2.5 million. That is one reason why I am happy to defend the SDLP's amendment.

5.00 pm

We heard the usual lines from the Alliance Party — there are not many of its MLAs here — about the SDLP being irresponsible in not backing the Budget. The Alliance Party asked how we could be in the Executive and not back the Budget. Given its mandate, I will not be dictated to by the Alliance Party. Our mandate is much stronger. I fully support and defend the course of action taken by the SDLP.

Not only are there no extra North/South bodies in the Budget —

Some Members: Hear, hear.

Mr Gallagher: As a representative of a border constituency, I know that people of all political persuasions there understand that we need good, strong North/South co-operation. There is nothing in the Budget about the North/South Parliamentary Forum, which is a shame, or about an all-Ireland civic forum —

Some Members: Hear, hear.

Mr Gallagher: — which is also a shame.

As the SDLP's spokesperson on health, I know that we have frequently highlighted the importance of an all-Ireland health strategy, which would mutually benefit all the people of Ireland. I have repeatedly called on the Health Minister to publish the feasibility study on all-Ireland health, and, as he is here, I repeat that call now. Given the huge spend on health in both jurisdictions, it is important that we continue to look at co-operating and improving working arrangements. The Belfast Health and Social Care Trust has given a practical example of that by saving £7 million over the next six years —

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

Mr Gallagher: — through important all-Ireland health arrangements.

Mr McDevitt: Can I say — *[Interruption.]*

Mr Deputy Speaker: Order.

Mr McDevitt: What has been most upsetting about today is not the words exchanged in here but the message sent from this place. That message is that when given the opportunity to discuss what we all agree is a grave Budget, we much prefer to spend our time — some 37 of us, including me, have had the opportunity to be heard — taking the mickey out of one another. What will that say to a new generation of so-called new Northerners whom this place is meant to promote? What will that say to the many thousands of young families who will bear the brunt of the Budget cuts? What does it say to the 9,000, and possibly more, public servants who face the dole as a consequence of the Budget? What does it say to the 7,400 public servants who are already on low pay and will get relatively poorer over the next four years because of the Budget?

It says two things. First, for regrettable reasons, Sinn Féin and the DUP would rather spend an afternoon attacking others than trying to explain how they ended up in this mess. The worst thing about today is the basic dishonesty at the heart of our debate. The most serious of cuts are heading the way of our community, and the people with the most political power in this region are either in denial about them or trying to deceive the population about their impact.

This is possibly the most serious day that we have faced as a devolved Administration because, until now, the money, to some extent, has flowed. After today, however, we face a new reality in which the students, who are out there in the Great Hall and have all the ambition in the world to go to university, will be forced into making false choices.

Mr McGlone: I seriously do not find it a topic of humour or mirth that people could find themselves on the dole queue as a consequence of what happens here today. I suggest that Members treat this with the gravity that is required and the respect due to people who will be affected by the Budget.

Mr McDevitt: It is pointless, at this stage, Mr Deputy Speaker, to engage in name-calling; not when you have put your name to billions of pounds' worth of cuts. Name-calling will not take people out of poverty. It is not going to improve this region. It is not going to reunite Ireland. In fact, all that it is going to do is confirm in the minds of people out there what they already feared about his place: that, in fact, it is twice as divided as our society; it cares less about our people's future; and it is more interested in the preservation of narrow, sectoral interest than in the transformation of the lives of the many.

That is the thing about this Budget. It is a Budget for the few. It is a Budget for the few who will benefit from £80 million which, as we all know, is a slush fund. The Budget document itself says that it is a slush fund. It states that the Executive had to cut back on the funding in year one because they did not know what they were funding. It is a budget that tackles and addresses nothing to make life better for the poor, and that is in the document. At the end of the Budget document, you will see written in black and white the fact that this Budget is bad for the disabled, the young and the elderly. That is what the Executive have had to put in the Budget. Yet, rather than debate it honestly and rather than prepare people with dignity for the impact of what is ahead, Members chose to come in here and take potshots, like in the olden days — *[Interruption.]*

Mr Deputy Speaker: Order.

Mr McDevitt: The way this place used to be in the old, bad Stormont, a place which was parodied all over the world for all the right reasons. Yet, two parties have come in here today and tried to turn it back into that place.

Mr Deputy Speaker: The Member has an extra minute.

Mr McDevitt: I commend the amendment because it is an attempt to put people back at the heart of budgeting; to do as much as we can to try to mitigate the impact of the cuts on ordinary people; and to give the one thing that has been missing from today's debate — a little bit of hope — to everyone.

Mr Elliott: We have heard quite a lot of bluster today, and I am pleased to hear that so many on the Benches to my left are glad to see me getting up to speak. Obviously, Budgets are about protecting essentials and priorities, and this one should be no different. If you have a household budget to draw up, you must protect the essentials and priorities, and that is why the Ulster Unionist Party had no difficulty in making health a priority. We had no difficulty putting health to the fore in this. Nobody that I have heard from out there in the community disagreed with that, because they know the difficulties that there will be in this Budget and its outworkings.

It is impossible to refer to all the contributions by Members who spoke in the debate, but I want to refer, in particular, to Paul Frew, who said that this Budget can make a difference. He is right, and you just wait to see the difference that it will make to the old, the vulnerable and the people who are most at risk in this society. That is who it will make the difference to. I want to see you people go then and tell your elderly friends and relatives and all the constituents who come to you: "Yes, I didn't support additional funding for health and social services".

Mr Deputy Speaker: All remarks through the Chair.

Mr Elliott: Tell them: "I didn't support health and social services funding". You can tell them that they are not going to get their domiciliary care or their healthcare package.

I also note that Paul Frew referred specifically to the construction industry. Let us remind ourselves what the construction industry — *[Interruption.]*

Mr Deputy Speaker: Order. There are a lot of conversations going on between Members across the Floor. *[Interruption.]*

Order. That applies to all Members. The only person who has the Floor is Mr Elliott.

Mr Elliott: Mr Frew talked about the construction industry, and he was quite right to do so, but let us remind ourselves what the Construction Employers Federation said about the draft Budget:

"Our community must now face up to the harsh realities that this budget is likely to result in the loss of a further 10,000 construction jobs on the back of the 26,000 that have been lost over the last three years."

That is what the draft Budget means for the construction industry and the Health Service. It is rich for the Sinn Féin/DUP partnership to tell us how responsible we should be, given that they could not even meet in the Executive for 152 days. They failed to meet and work for the community in Northern Ireland. That is how good they are, yet now they are trying to lecture us.

I noticed that the Chairperson of the Education Committee, Mr Storey, referred to the Ulster Unionist Party's support for ESA. Did we support ESA? Let me remind the House that the Ulster Unionist Party went through the Lobbies to oppose ESA; whereas, at the start of the process, the DUP supported it. We are the party that has held firm on ESA throughout the process. We saw that the Education Minister was making a mess of it, but it took others a long time to catch up.

I heard the allegation about relationship between the Ulster Unionist Party and the Conservative Party. They tell us that it is all our fault. Whose fault is it really? It was the Labour Party that put the United Kingdom into the mess that it is in, supported by the DUP, which kept them in Government for so long. The DUP then had the cheek to vote against the Labour amendments to the Conservative/Liberal Democrat Programme for Government.

Mr Deputy Speaker: Order.

Mr Elliott: Let me also remind the DUP about another Conservative link. I was at Hatfield with some of its members — the party leader and the Finance Minister — at the invitation of the Conservatives, and I can tell the House that some of those members were keen to do a deal. In fact, most of them were; they wanted an electoral relationship with the Conservatives, only to be snubbed by them. Maybe some of those members —

Mr Deputy Speaker: Order. Again, there are far too many conversations going on across the Floor.

Mr Elliott: Maybe some members of the DUP will want to ask their party leader and the Finance Minister who they were going to sacrifice to allow Ulster Unionist Party and Conservative Party candidates to run.

Ms Purvis: I thank the Member for giving way. Does the Member agree that there is very little analysis of the impact that the Budget will have? Given the cuts and changes in welfare benefits and the projected job losses in public services, the Budget will impact severely on some of the most vulnerable in our society, particularly women, children and young people. Where is the protection for women and children in the DUP/ Sinn Féin Budget?

Mr Deputy Speaker: The Member has an extra minute.

Mr Elliott: I thank the Member for her intervention, in which she clearly highlighted what I have been trying to say. We are highlighting the discrepancies in the Budget. The Ulster Unionist Party will always put the public first, and the public deserve a better Budget. I have heard no one in the public complaining about the Ulster Unionist Party putting vulnerable people at the heart of the Budget and delivering for them.

Ms Purvis: On a point of order, Mr Deputy Speaker, is it in order for someone in the House to say “What about David Ervine?” and speak ill of a dead Member? I ask the DUP Member who said it to withdraw his comment.

Mr Bell: I said that David Ervine would never have supported the Tories, which is exactly what the Member is doing now. She is shamefaced to ruin the reputation —

Mr Deputy Speaker: Order. All Members should restrain their language and co-operate with each other.

5.15 pm

The Minister of Finance and Personnel: I do not really know whether I am sad or glad to see the end of this very long Budget process. I notice that Mr Empey, now that he is in the clouds of the House of Lords, thinks that we did not have enough time to spend debating the Budget. We have had over 40 hours of debate in the Chamber. I am not so sure that there has been 40 hours of new material; maybe one hour of material has been regurgitated. Nevertheless,

we have had a long time to discuss it in the Assembly.

The one thing that has become quite clear is that, through all the hours of debate, no minds have been changed. Despite the fact that we have heard from those who oppose the Budget that they want to be convinced that it is worth supporting and that they want to have an input into it, this long process and their contributions throughout it have really been all about teeing themselves up for an election in May. As I said during my statement on the Budget, even when you say “yes”, they cannot take that for an answer and still want to find a reason to oppose the Budget.

We have two amendments today; one from the SDLP and one from the Ulster Unionist Party. Neither of those parties spoke to their amendments, and I can understand why they did not. In fact, even when Mr McDevitt had the opportunity to sum up about his Budget proposal, all he could do was give us the usual patronising, preaching and parsimonious attitude that we get from the SDLP on all of this. He said that we have had too much name calling. I can think of “ostrich economics”, “not-an-inch Budget”, “unimaginative”, “green Tory party”, reference to a Member’s tan, and so it goes on and on. When it comes to name calling, Mr McDevitt should maybe look at some of his party members before he starts preaching at the rest of us.

I want to try to deal with some of the issues in the Budget, because I believe that the Budget is defensible.

Mr McDevitt: Will the Minister give way?

The Minister of Finance and Personnel: I will give way in a moment or two; let me get started first.

Mr Elliott did not even mention what was in his amendment. He talked about ESA, Sinn Féin, 152 days and about justifying the Conservative link. His five minutes were used up ignoring the fact that he had put an embarrassing amendment before the Assembly.

The debate has been dominated by comments about health. That is a great pity. Mr Poots, in his contribution, made a very important point. One would have thought that we were discussing the health budget today. I reckon that about 70% of the time spent talking about the

Budget was about the health budget. The fact that the Health Minister has, over four years, created difficulties that have embarrassed the Health Service and embarrassed the party that put him into that position should not lead us to have a Budget debate that is dominated by the unfortunate consequences of four years of misrule in the Health Department.

However, Mr Poots made an important point that we have to bear in mind. This Budget is about the whole range of services that we have to administer in Northern Ireland. One criticism of the Budget has been that it is far too pigeonholed, that there is a silo mentality and that there has not been enough cross-fertilisation of ideas between Departments. Of course, by necessity, we have to allocate money to budgets. However, as Edwin Poots pointed out, when we spend on DCAL and on leisure and sport, it has an impact on the health budget because it helps to deal with obesity. When we spend money on road safety, it keeps people out of hospitals and, therefore, has an impact on the health budget.

When we put people into jobs, there is less likelihood that they will have mental difficulties and be reliant on the Department for Social Development as a result of living in poverty.

The Budget is joined-up, because, when we spend money on one Department, Ministers understand fully that there is an impact on spending in other Departments. It is an easy throwaway line to say that we have allocated only on a silo mentality and that we have not allocated on the basis of a new Programme for Government. We set priorities and spent money in Departments. The money that is spent on one Department will have an impact on another. It is naive to say otherwise, and those who try to make something out of the fact that we allocate money Department by Department do not understand. The common theme that has come through in the debate shows that Members fully understand the impact but do not want to understand it, because they are looking for ways, excuses and opportunities to make the Budget an electoral issue.

I honestly think that Mr O'Dowd was right in his assessment that, despite the terrible impact that it would have had on Northern Ireland, the SDLP and the Ulster Unionist Party would rather we failed. Rather than be successful, they would prefer to be sitting here towards the

end of March, with the permanent secretary of DFP having to put in place an emergency Budget that would have had more severe cuts than this Budget.

Mr McDevitt: Will the Minister give way?

The Minister of Finance and Personnel: I will give way in a moment or two.

The whole theme has been that the Executive are dysfunctional with dysfunctional parties and a DUP/Sinn Féin carve up and that it could not possibly work. It did work, and it did so because we were determined to make it work. I pay tribute to the First Minister and deputy First Minister in the role that they played in that. It worked because we knew that it had to work. We did not go for some shoddy, one-year deal that we would need to revise after the election. We went for a four-year deal, because that is what people said they needed for certainty.

The two other parties, which had every opportunity, really did not want this to work. They are miffed, so they are looking for holes. I will look at the criticisms that they made and the holes that they say are there, and we will compare and contrast that with what they offered in the amendments and in the paltry documents to which at least one of them keeps referring — the other is too embarrassed to refer to its submission. Let us see where the real meat of the argument lies.

I promised the Member that I would give way, so I will.

Mr McDevitt: I thank the Minister for giving way. I understand that he needs to resort to robust language to cover up what it says in his own document. It states the Budget will lead to widespread redundancies that will affect the most marginalised in our society and that it will lead to further job losses outside of the public service. How can the Minister not address the 7,400 public servants who will be worse off as a result of his Budget? What is his direct message to the 9,000-odd public servants who will lose their jobs because of the Budget?

The Minister of Finance and Personnel: The Member quoted from our own document. We have been accused of being dishonest and of trying to withhold and hide the facts from people on the Budget. We have not done that, and it would have been foolish to do that. We have openly accepted that, when you take £4,000

million out of public spending over a four-year period, there are bound to be consequences. We have sought to mitigate those consequences.

The Member talks about the 9,000 job losses that his party and the Ulster Unionist Party estimate will be lost in the public sector. I do not believe that that will be the case, but there will be job losses. However, one of the SDLP's policies was to freeze wages over £33,000 rather than wages over £21,000. What impact would that have had on public sector employment? It would have led to another 1,700 people in the public sector losing their jobs.

We have made hard decisions to try to safeguard employment in the public sector. Of course, we will get flak for it, and I have had flak for it already. People have told me that they earn £22,000 or £23,000, and their wages are going to be frozen, but prices will continue to go up. The easy thing for us to have done would have been to take the route that the SDLP took because it did not have to implement its proposals. That would have been the easy thing to do, but we did not do it because we were concerned about mitigating the effect of the £4,000 million that was coming out of the Budget and that would have an impact on the economy in Northern Ireland. Therefore, we have been honest in the document, and we have admitted that there will be impacts.

Mr D Bradley: Will the Member tell me who is right? Is he right or is Mr O'Dowd right? Mr O'Dowd said today that £1.6 billion of additional revenue had been brought to the table in the Budget, whereas the Minister tells me that £758 million of potential additional revenue will be factored into firm departmental allocations only when there is confidence that the measures can be delivered. Therefore, who is right? Is the Minister right or is Mr O'Dowd right?

The Minister of Finance and Personnel: I will come to the revenue that we have factored in to the Budget already, but the Member will know that when the draft Budget was first brought out in December 2010, we brought in over £800 million, and, in the final Budget, we brought in another £388 million. I will go through the revenue that we have raised. At least our revenue proposals are a bit more robust than the revenue proposals, which I am going to refer to, in the SDLP's document.

I will come now to the proposal and to the speeches that have been made. First, Mr

McNarry, who is not in his place, proposed the amendment for the Ulster Unionist Party. I like Mr McNarry. I like his style of debating. It is very similar to mine. You headbutt them, kick them and leave them lying on the ground, and I enjoy that. However, even he tried to work himself up into righteous rage today, but he could not do it because he knew that his heart was not in it. He started off by saying that he was opposed to the Budget because it is no plan for the way forward. That is why his party proposed the amendment.

The implication is that the amendment that he proposed contained a plan or even a cunning plan. However, the Ulster Unionist Party is not very good at cunning plans. It had a cunning plan to link up with the Conservatives, but it has renounced that. It had a cunning plan that it would become a franchise, but it has renounced that. Basil McCrea had a cunning plan the other night that if we cut the Invest NI budget, it will give us enough money for health. However, he forgot that the Invest NI budget does not even meet the amount of money that is required for health. Therefore, that cunning plan was discarded. The party had a cunning plan this morning to put one of its celeb candidates on 'The Stephen Nolan Show' to explain the Budget, but he could not make up his mind whether it was a good idea or a bad idea or whether the £4,000 million was a good cut or a bad cut. I think that Baldrick has had more cunning plans than those of the Ulster Unionist Party.

Do not forget that this is the Budget for the whole of Northern Ireland.

All that we have in that plan that refers to health is that 38% of the additional £432 million that has been identified should be given to the Health Department next year.

5.30 pm

As my party leader, the First Minister, pointed out, the cunning plan hit the buffers immediately because, of course, the £432 million to which the amendment refers is money that is available over four years. Thirty-eight per cent of it represents £164 million. In the first year, only £50 million-odd is available. Therefore, that party's cunning plan to save not only the Health Service budget but the entire Budget for Northern Ireland could not even meet the money that it wants to be available to fill the gap in the Health Service in the first year.

Mr McNarry goes on. I love this bit because it really shows the cowardice of the Ulster Unionist Party. The remaining 62% of those resources would be allocated to key public services. You would have thought that, since that party was keen to tell us what it would do with the first 38%, it might have been keen to tell us what to do with the other 62%. Of course, that would mean making decisions. It would mean telling us from whom it would take the money. It would mean telling us whose budget it would cut. It decided that it did not want to do that. Indeed, just in case it had to discuss it at the Executive before the election and it got caught out there, it decided to put it off until the new Executive are in place. Now, there is leadership for you. There is the party that leads the way and has a plan. There is the party that will show us how to balance the Budget. It is no wonder that Mr McNarry did not move the amendment with his usual bluster. I certainly would not have done so either.

Then, Mr McNarry talked about the DUP/Sinn Féin cuts. I do not know how many Ulster Unionist Party Members mentioned them. One thing that all of them said — every one of them — although they seemed not to see the inconsistency, is that, as part of the United Kingdom, Northern Ireland has to bear that pain. It is a national problem. The result of that national problem is that we have to experience reductions in our Budget. Therefore, are those reductions the result of a national problem that has been handed down by the Government at Westminster, or are they DUP cuts?

Mr McNarry talked about the pain being necessary. Mr Empey talked about not living in isolation because we are part of the United Kingdom. Mr Elliott talked about being part of the United Kingdom and having to bear that as well, as did Mr Kinahan. All of them accept that that is part of the national picture, yet they throw out the slur that the cuts are somehow the fault of the DUP and Sinn Féin. They do not even count in the Alliance Party. I would be miffed if I were in that party. It seems to be a nonentity with regard to the Budget, even though it voted for it.

Mr B McCrea: Will the Member give way?

The Minister of Finance and Personnel: I will give way in a wee moment or two. I just want to finish the point.

Therefore, as the First Minister pointed out, even though every one of them accepts that the cuts have come from Westminster, they say it is a Sinn Féin/DUP reduction.

We might have had a lesser reduction had there been a different policy in place for cuts. However, of course, during the election, the Ulster Unionist Party decided to ally itself to the party that wants to impose those cuts quickest and deepest and said, “Let us get the cuts done”. Therefore, it cannot divorce itself from the way in which the national Government responded to the problem. As a result, we have to bear the consequences, live with them and deal with the problem.

Mr B McCrea: I am grateful to the Minister for giving way. I just wonder about the point that he is making. I refer to paragraph 3.6 on page 13 of the Budget document, which states:

“The UK Government argues that it has prioritised the NHS, schools, early-years provision and capital investments...As a result Whitehall departmental budgets, other than health, education and overseas aid, will be reduced by an average of 19 per cent over the four year Spending Review period”.

Our argument with you, Minister, is based on the way in which those cuts were allocated. We argued, in the same way as it was argued by the Westminster Government, that the NHS should be prioritised because we think that it affects everybody. We are not seeking to deny the fact that cuts will have to be made; in fact, I have pointed out that they have to be made. All that we are saying is that we do not think that you prioritised the right things.

The Minister of Finance and Personnel: I find that response amazing. I will repeat the figures again, although I am getting sick and tired of repeating them. First, we are not simply a rubber stamp for Westminster. It is not a case of us merely making the same reductions as Westminster makes in its budgets. That is the whole point of having a devolved Assembly. We set our priorities. Secondly, let us come to the health issue. England was covered by the Conservative Party and the promise to protect the Health Service, but the National Health Service there will take a real reduction of 0.2%. In Northern Ireland, the Health Service will take a real increase of 0.1%. In Scotland, there will be a reduction of 2.3% and, in Wales, a reduction of 2.2%.

Mr B McCrea: Will the Member give way?

The Minister of Finance and Personnel: No. Let me finish this. The Member argues that it is not the cuts that he is against, though that is not the tenor of the debate that we have had from the Ulster Unionist Party. He argues that he is against the nature of those cuts. He says that we have cut one budget harder than has happened in other parts of the United Kingdom. The figures do not show that. They show that we have afforded health greater protection here than it received in England, Scotland and Wales. If that is the only reason why they are voting against the Budget, their argument has been wiped out. The Member wants in again, but I suspect that, since I have given him the figures time and again, I am not going to convince him. So, I am going to move from that issue.

Mr B McCrea: Will you not let me in?

The Minister of Finance and Personnel: I am going to move from it.

This is the ultimate irony: the Ulster Unionist Party has asked that we allocate 38% of £432 million to the Health Service, and, as I said, that amounts to £164 million. As additional spending, we gave health £189 million. I am not so sure that even the party will want to support the amendment. If it does, it is, maybe, coming round to my way of thinking.

Mr Beggs: Will the Minister give way?

The Minister of Finance and Personnel: I want to move on to contributions from other Members. I want to move to the leader of the SDLP, and I want to start with an apology to the SDLP. In previous debates, I have, it seems, wrongly accused Mr McDevitt of writing speeches for the party leader. They were appalling speeches. I got a message from the SDLP in which I was told not to make those claims again, because Conall McDevitt does not write the leader's speeches. I do not know if that came from Mr McDevitt because he was embarrassed by it or from some of the people in the SDLP's research department who thought that the speeches were brilliant and wanted to take credit for them. Whatever it happens to be, I apologise for it. However, I have to say to whoever wrote today's speech that it was no better than the speeches that were written previously.

The Member reminded us of the infamous evening in the Assembly on 14 February — I would have been embarrassed; I would not have reminded anybody about this — when they made lots of proposals, including one that was rejected by the Assembly. On that occasion, she proposed that we cut £22.8 million and then gave us a list of things that would have cost about £600 million. I would have forgotten about that one if I was her, but she seemed quite proud of that.

Having made the mistake once, the SDLP is at it again. Today, out of the £80 million to be taken from the social investment fund — I will come to it in a moment — it wants to fund a list of eight items. Of course, Members have gone through it all. It includes significant public sector reform, increased investment and adequate funding. I think that Members have been very unkind, actually. Although it refers to significant interventions, increased investment and adequate allocation for the social protection fund, Members have accused the SDLP of not actually giving any figures for those. However, if you look at the SDLP document, you can see that there are figures there. The SDLP must have thought that the miracle of the feeding of the 5,000 that it tried the other evening was very successful, because it is going to try the feeding of about 50,000 with this one. If you add up the figures that it has put for the eight items in its document, £800 million would not cover it, yet it has the audacity to bring that forward. No wonder — to use Mr McDevitt's term — the SDLP resorted to name-calling and petty point scoring instead of trying to explain its amendment in the Assembly today.

I want to have a little intervention here. I am going to diversify a wee bit. The one name-calling exercise that the SDLP seems to love is to say that those are the Tories — Sinn Féin Tories. I love that one. First of all, it seems a bit incredible, but, anyhow, as I read through the SDLP document, I wonder whether we have Maggie Ritchie or Maggie Thatcher as the leader of that party now. Maggie Thatcher did not privatise half the things that the SDLP wants to privatise, like the water service. I love this one: page 52 of the document states that the SDLP wants to outsource — it does not call it privatisation — a range of things, which means putting them into the private sector in education, health and everything else. The SDLP wants to privatise allotments, the Northern Ireland Housing Executive headquarters, the

forests, rate collection, the port, the agricultural college, car parks and MOT centres. They even want the Speaker's house — I hope it is the one down the hill and not the one he has in Londonderry, but you would not know, given the way the SDLP is going. I will come to the revenue raising in a moment. The SDLP has a bit of a cheek. I do not actually object to a lot of the things it is talking about, although I know Sinn Féin might, but the SDLP has a bit of a cheek, calling that crowd Tories when it has a document with that kind of stuff in it.

I have been told that we cannot be too light-hearted on all of this, but it comes down to this: really, the SDLP will hang on to any thread and make any argument to try to divorce itself from a Budget that it knows is the best stab that we could have made. The SDLP does not want to be identified with it. I am fairly sure that, when SDLP Members talk to their trade union friends, they do not mention allotments, the water service or outsourcing. I bet they keep that fairly low-key.

It was significant that, in Margaret Ritchie's speech, which was meant to be on the amendment — I said I would defend the Budget that we have — the leader of the SDLP hardly referred to her own amendment. She talked about the Budget and said we were taking a defeatist approach and were doing nothing. That is in spite of the fact that I have shown that we tried to raise additional revenue to fill the gap left by the reduction in the block grant.

5.45 pm

The Member also said that there was nothing in the Budget about job creation. Her sentiments are a bit like those expressed by Mr McCrea, and there are some synergies between the two parties. Indeed, when I look at the SDLP's document and its proposals for Invest NI, I see that it has joined the Mr McCrea wing of the Ulster Unionist Party, because, like him, it wants to cut Invest NI's budget to the tune of £95 million.

As I said, there are provisions in the Budget for job protection. We have also given the second and third biggest increases to DEL and DETI respectively, and giving that money to DETI will help to create 7,000 jobs over the four-year period of the Budget. Through the Budget we will also seek to reduce job losses in the Civil Service, reclassify money from current expenditure to capital expenditure to help the construction industry and provide money

for the green new deal. We will also provide money from the invest to save scheme for training and apprenticeship schemes, pay up to £2,000 for accredited training courses to help the unemployed get equipped and create a comprehensive package of assistance for those who want to consider self-employment. Therefore, the Budget has lots of opportunities for job creation, but Mrs Ritchie —

Ms Ritchie: Ms Ritchie.

The Minister of Finance and Personnel: Sorry, Ms Ritchie. Ms Ritchie seems to want to ignore all that.

The Member also spoke about the Budget being "unimaginative" when it comes to revenue raising. However, that is not a term that you could use about the SDLP's revenue-raising proposals. In fact, it takes a great deal of imagination to buy into what that party is suggesting — if not flights of fantasy. I do not want to go through all the proposals again, but it has proposed borrowing £690 million, which we are not allowed to undertake, and saving £250 million on cancelling trains that we have not ordered. It has also proposed — I like this one — raising £240 million by selling assets. I know that time changes things, but, when the SDLP did a report on the Budget, it referred to the failure of the central assets management unit, through which we wish to raise £100 million over four years, to raise any funds in the past four years and asked why we had included that figure in the Budget. The SDLP wants to raise £240 million, yet it condemns us for wanting to raise £100 million. As other Members have pointed out, it also wants to sell an airport that we do not own. This is the stuff that that party has proposed.

The SDLP also condemned us for proposing to take £20 million a year from the reserves of the housing associations, and it said that there was no ability for that money to be recouped from the housing associations. However, that idea came from its own document, which proposed that we should take £20 million a year from the housing associations for the first two years of the Budget.

I use those examples to illustrate that the SDLP has proposed ideas that sometimes go further than ours, but, because those ideas are included in the Budget and that party is looking for excuses to refuse to vote for the Budget, it rubbishes its own ideas. That is dishonest.

Mr O’Loan: Will the Minister give way?

The Minister of Finance and Personnel: I think that your party leader is telling you not to speak, but I will give way anyway.

Mr O’Loan: I welcome the attention that the Minister gives to the SDLP document. I know that he will not admit it, but the attention and seriousness that he gives to it represents his inner view that that document represents the most serious challenge to the Budget that he is presenting.

I ask the Minister to consider this: two years ago, we proposed in an earlier document that the money available in Belfast port be looked at because there were public funds there that might be better used in the wider public interest. His colleague Edwin Poots, who is a Minister for whom I have some respect — *[Interruption.]*

Mr Deputy Speaker: Order.

Mr O’Loan: At least, I have some respect for him when I do not think of the fiasco of RPA and local government. When we made that proposal two years ago, the now Environment Minister said that it would not be wise to touch the resources of Belfast port. Now he is a member of an Executive who are doing that very thing. I give that as an example to the Finance Minister and say to him that, if, instead of denigrating and attempting to score points on the 57 proposals in our document, he was prepared to be silent and reflect for a while, he might find things of substance that would be of benefit to the whole Executive.

The Minister of Finance and Personnel: Remind me not to take any more interventions from that man.

Let us take the point about Belfast port. It really does not matter where the idea came from. The charge in this and in previous debates was that Sinn Féin and the DUP locked everyone else out and did not want to hear their views. The SDLP wants it both ways. That was another reason for rejecting the Budget: we kept them out of it. Now we are told that we stole one of their ideas. I do not care whether they think that we stole one of their ideas; I also made it clear that I do not care where ideas come from. I wanted to make sure that we had robust, accessible sources of revenue so that we would not be left with holes in the Budget. Mr O’Loan cannot

have it both ways. If he now claims that that was input from the SDLP, I hope that its Members will retract the allegation that they have been throwing around all afternoon that they were kept out of the Budget. That is another reason why they do not have an excuse not to vote for the Budget.

Health has dominated the debate. SDLP spokesperson after SDLP spokesperson said that we did not give health a fair deal and they could not support the Budget because health was so important and we were very sore on the Health Minister. Yet between the draft Budget and final Budget we found £189 million for health. Let us look at what the SDLP wanted us to give health. Its document, under the heading “Protecting Frontline Healthcare”, states that it would have given £10 million in year 1, £10 million in year 2, £5 million in year 3 and £5 million in year 4. It justified those figures by stating:

“the Party understands that reports of services nearing collapse in certain areas may be exaggerated”.

On one hand, it says that the Health Service is on the point of bankruptcy, but, in its document, when justifying why it proposed to give only £30 million, it said —

Mr McDevitt: Will the Minister give way?

The Minister of Finance and Personnel: No, I will not give way. You had your opportunity, and I have been generous in giving way. You had your opportunity to justify your stance, and you did not take it. You preached, patronised and pontificated —

Mr Deputy Speaker: Order. Remarks should be made through the Chair.

The Minister of Finance and Personnel: — but you did not actually enlighten us. I am enlightening Members on your ideas. Again, it shows that, when we really dig down at the foundations of the SDLP’s opposition to the Budget, we find that it is not because of health, as we have given more than the SDLP wanted; it is not because of jobs, as the SDLP was going to take money off Invest NI and we have put money into it; and it is not because of revenue-raising, as our revenue-raising proposals are more robust.

The social investment fund is the other reason that the SDLP gives for its opposition.

The SDLP's document proposes that we have programmes for disaffected youths in disadvantaged areas, that we spend money on people who are not in employment, training or at school and that we spend money on areas of disadvantage. That is exactly what the social investment fund is all about. Mr O'Loan gave the game away — this is important — when he said that it should be in the Department for Social Department. So, it is not about spending the money; for the SDLP, it is about who owns the money. If that is the SDLP's opposition to this proposal, I think the public will see that it is totally shoddy opposition.

I will turn to another point, although I may come back to some points about the SDLP. Mr McKay, the Chairperson of the Finance Committee, raised the issue of the PEDU work plan, especially around DE and DHSSPS. We have made it clear and we already have agreement that we will put a PEDU team into DHSSPS to look at savings that might be made and to try to push through the savings that, to date, the Health Minister has refused to countenance. As for DE, we have scoped out a number of areas.

Mr Wells: Will the Minister give way?

The Minister of Finance and Personnel: I will give way in a minute.

We benchmarked things like school transport, the school meals service and school support. The benchmarking shows great discrepancies between one area of Northern Ireland and another. The next step in PEDU's work will be to see how savings could be made in education on the basis of trying to get some equalisation in the costs across the service. That will be important.

Mr Wells: The Minister referred to PEDU and the Health Department. Is he aware that, by moving from branded to generic drugs, one GP surgery in Castlederg saved £311,000 in five weeks? The move to generic drugs had no impact on patient care whatsoever. The amount saved is enough to cover every heart bypass operation required in Castlederg this year. Is that not the sort of saving that can be made, without affecting front line care, that the Department refuses to implement?

The Minister of Finance and Personnel: If the Minister had listened to Michelle O'Neill and Mr Easton's speeches, he would have heard a range of things that members of the

Health Committee have identified as ways of achieving savings, and I congratulate the Health Committee on the work that it has done. I find it amazing that a Minister should say that his Department is likely to go bust within the first couple of weeks of the new financial year. I am not quite sure how that happens, especially with a budget of £4.3 billion.

When a Minister says that, and then sits on the recommendations of a report that indicates that there is £5 million to be saved every month — already, five months have passed and nothing has been done — we have to question how serious he is.

6.00 pm

Mr Frew talked about a number of things, including commercial rates assistance, which was a very important announcement and will help a lot of small retailers in town centres across Northern Ireland. It will double the amount of money that is available in rates relief; it will increase by about one third the number of premises that will be covered by that relief; and, in some cases, it will save small businesses up to about £2,000 in overheads. I, or whoever is the Minister in the new mandate, will be bringing further proposals to the Assembly on that. On top of that, we give help to the manufacturing industry through the rates cap, and there are also other rates reliefs available.

Mr Frew also talked about the capital budget and the construction sector. Again, we have sought to help. A lot of Members have talked about the negative comments from the likes of the CEF and others. I would not expect otherwise, but it miffs me a wee bit in so far as we have tried to do our best for the construction industry in Northern Ireland, and the criticism from some is unfair. We have switched £256 million from current expenditure to capital. We have identified £600 million of capital receipts, which will add to the capital budget. By the last year of the Budget, we will be spending £1.5 billion, which is about the same as the long-term trend, in capital expenditure. Do not forget that, at present, as a result of public spending, more than 50% of people in the construction industry have employment. That was a result of proactive decisions by the Executive to bring forward contracts to try to fill the gap.

However, at the end of the day, I have to say that the construction sector cannot become totally dependent on the public sector. That is not a

healthy or sustainable way forward. All that we can do is fill a gap until the private sector picks up and until the construction sector looks for other opportunities that may be available.

Mr Farry raised a number of points, particularly around the role that the Alliance Party played in the Budget process. He made a very important point: in a mature debate on this Budget, it has to be accepted that not every party got its way. There are things in the Budget that I would prefer not to be there; there are things that I am sure Sinn Féin would prefer not to be there; and there are things that Mr Farry's party would prefer not to be there. There are also things that we would all have liked to be there. However, we have to accept that, in any coalition, there has to be compromises. I point out that the Ulster Unionist Party and the SDLP had exactly the same opportunities to argue their case.

Mr Empey talked about how we failed to live up to a report that he and the leader of the SDLP produced. Throughout the whole Budget process, from June onwards, I have given parties' individual Ministers the opportunity to talk to me and my officials. We set up the Budget review group, which included all parties, and on which all parties had an equal say. When the draft Budget was published, I talked again to Ministers to hear their difficulties. During the consultation —

Mr McDevitt: Will the Minister give way?

The Minister of Finance and Personnel: No; I am not going to give way.

We have sought to include people. I do not think that we could have done any more. The other thing that Mr Farry pointed out is that, when we spend money on health and social services, we spend less on something else. I know that I am going to be challenged on this at some point during the debate, but if we want to have a Health Service that is commensurate with the service in the rest of the United Kingdom, we cannot run away from the fact that, in other parts of the United Kingdom, the Health Service is partly funded by charges that are imposed on the people who use it.

People may say that that is perhaps not a wise thing to say before an election. However, if we are going to ask for parity, we have to accept that there are things that could be done. Mr Farry acknowledged that; he has at least always been honest in these debates. Indeed, let

us look at the deficit in the health budget. If the charges that are currently in place in the Health Service across the United Kingdom were imposed in Northern Ireland, the Health Minister would have an additional £120 million a year in his budget. He has chosen not to impose such charges, and that is fine, but he should not then complain about not being able to maintain the level of service that is available in Northern Ireland.

Mr Moutray highlighted that the consultation on the Budget was not wasted. It could be said that the Agriculture Minister either caved in on the issue of funding for young farmers' clubs or accepted that there had to be funding. She made a sensible decision on the matter, and that shows that the consultation process was worthwhile. The Minister responded, as other Ministers have responded.

Mr Moutray also mentioned the land parcel identification system, and I understand that the Agriculture Minister recently announced that new maps and guidance will be issued to farmers this summer. That should assist farmers to complete their 2011 claims more accurately. Most importantly, it will help to avoid the sorts of fines that we might get from Europe. That was a good example of where we used invest to save money.

Like a number of other Members, Mr McLaughlin pointed out that we still have a hole in the Budget as a result of the £4,000 million reduction. We have not filled it all, and we will continue to work at that. Despite the fact that there will be a bit of posturing on the vote, I hope that, once it is over, there will be proper engagement by the two parties that have dissented from the Budget so that we can look at ways to deal with the deficit that we still have.

Lord Empey reinforced a point that I have made on a number of occasions, which is that there is a national dimension to the Budget considerations that we face. He talked about the health budget and said that there was rising demand, that people outside were walking about with placards — I thought that he was talking about the Health Minister when he said that — and that we have to play our part nationally. If he believes that we have to play our part nationally, he is accepting that we will have less money available to us, not because of anything that we have done but because of what comes from London.

I have dealt with some of the points that Mr O'Loan raised, but I want to deal with two specific issues that he mentioned. He asked a reasonable question, and I think that an explanation is required, because a big part of the additional funding that we have made available in the Budget is the £240 million overcommitment over the next four years. As I have said time and again, I do not want to see figures in the Budget that we cannot stand over and that will cause problems.

The £240 overcommitment, which represents £30 million capital spending and £30 million current spending for each Budget year, was based on a number of factors and situations that have changed. First, EYF has been removed from us, so it is important that we spend all our money and do not give any back to the Treasury. Secondly, we looked at the historical situation, which showed that we were underspending every year. That is not the Executive's fault — in fact, it shows that there was very good financial management — but, still, we were spending between 99% and 99.5% of our Budget, which left an underspend of between £50 million and £100 million at the end of each year.

Therefore, it seemed sensible. Look at the experience of this year, where we did not have an overcommitment. As the Member rightly pointed out, I was keen that we should not have an overcommitment this year because we had, do not forget, reallocated £340 million at the start of this financial year. However, we really did have an overcommitment to deal with this year, in so far as we got a £127 million demand from the Treasury in June. We had the option of carrying that over until next year, but we decided that it was not wise to do that. Even though we took no money from health or education, we were still able to fund that £127 million demand.

Yes, the Departments of Health and Education were exempt from any slice of it: £30 million for health and £20-something million for education. We were still able to find the £127 million and carry over £23 million. On that basis, looking at how we had managed the Budget historically and at how we had managed what was basically an overcommitment imposed on us in the middle of this financial year, we believed that we could manage the Budget to carry the £240 million overcommitment safely. It is not slack management, as Mr O'Loan described it, but good management of the resource that

we had available, and we would be in a far, far worse situation had we found at the end of each year that we were handing money back to Westminster.

There was one other point that Mr O'Loan made that I have not dealt with. I know that he was scrambling around for reasons to oppose the Budget, and I noted what he said. He made a derisive, throwaway remark along the lines of, "We do not even find the word 'corporation tax' mentioned in the Budget."

Mr P Robinson: Two words.

The Minister of Finance and Personnel: I do not want to be pedantic, but the First Minister has already spotted the mistake: "corporation tax" is two words. *[Laughter.]*

Mr O'Loan is wrong about the number of words and he is also wrong to say that it is not mentioned in the Budget document. It is. It is not just the word that is mentioned; there are actually a couple of paragraphs on corporation tax. Of course, there is no figure for corporation tax because, first, there is not yet a figure that we know. Secondly, there is no point in putting it in figure until we know that it is going to be devolved.

He also displayed the kind of negative attitude that we have got from the SDLP when he asked what there is in the Budget for the people who responded to the consultation. He asked what the people who responded would say about it. Let me tell the Member what we did as far as the people who responded to the consultation are concerned. The arts community responded in very large numbers, and, as a result, we have given another £3.6 million to the arts. People affected by library closures responded, and, as a result — and Mr McElduff raised the issue — we have given £4.5 million of additional spending to DCAL for libraries.

People from the Health Service responded. I will use the figure again: £189 million extra for spending on health has been made available. The education sector responded, and, as a result, £154 million has gone to schools. Responses were received on the state of the roads and the water service, and, as a result, an additional £107 million has been given to DRD. There were responses about education and training in the higher and further education sector, and DEL got £51 million as a result. There were complaints about the lack of money

for a childcare strategy. As a result, we put £12 million into a childcare strategy. The Member talks about how we ignored the responses to the consultation. We did not ignore the responses; we actually tried to facilitate them within the budget that we had. In fact, 96% of the allocations that were made were made in direct response to the public consultation on the issue.

6.15 pm

Mr Neeson: In view of the fact that extra funding has been made available to DRD, does the Minister agree that the A2 scheme, which has been shelved, should go ahead as planned?

The Minister of Finance and Personnel:

The final decision will be for the Regional Development Minister, but money has been allocated to his budget. The A2 is far more heavily used than some of the other roads that are included in the Regional Development budget. I hope that the scheme will go ahead, especially given that £16 million has already been spent on it.

Lord Morrow raised a number of issues about the Department of Justice's budget and the additional £200 million that was secured to deal with the security situation. That is a good example of the point that I have been trying to make about Ministers working together. There was a problem in the Department of Justice. I will tell the House what the Justice Minister could have done: he could have gone on 'The Nolan Show' and spread all sorts of scare stories. He could have said that if he did not get the money, town centres would be blown up, people would get shot, we would go back to the bad old days — "I need this money; give me this money; I deserve this money; why am I not getting this money?". He did not do that.

I will tell Members what he did. He came to me and made the case. He then said that he wanted his officials, my officials, me, the First Minister and the deputy First Minister to raise his case in London. He made a comprehensive case, and he got the money. That is how a responsible Minister deals with budgetary pressures. That is how to get results.

I make the point again: apart from the shroud-waving that we get from the Health Minister and all his supporters, we are still waiting for a comprehensive argument as to why he needs money, where he needs the money, what

is being done to find the money already and everything else. In the absence of that, we will never have a proper debate on the funding that is needed for the Health Service.

Lord Morrow also raised the issue of the severance scheme for prison officers. In line with a number of other Departments, the Department of Justice is considering an invest to save scenario. That was recently announced by the Justice Minister. He is looking for an exit package for prison officers, and he wants to create the right grade mix and flexibility and look for longer-term savings in that. After the consultation, a business case should come to DFP.

Mr Brady raised the issue of welfare reform. The Minister for Social Development and his officials are engaging with the Department for Work and Pensions on the introduction of the universal credit in Northern Ireland and what the implications might be. Of course, there are some implications for my Department in relation to housing benefit, and I have already spoken to Iain Duncan Smith, the Minister in London, about that to have the exact implications spelt out to us.

Mr Storey raised the issue of the PEDU review of education. I have already said where that work is at present. He also raised the request to reclassify £51 million from current to capital. Although a request was made for £41 million, the Executive agreed that £25 million could be switched.

Mr Basil McCrea asked how education could get more money and yet actually finish with less money in the capital budget for next year. One of the reasons for that is that education was allocated an extra £17 million, but there was a capital-to-current switch of £25 million. Therefore, the net figure went down by £8 million. That is where the difference arose.

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

Mr McCallister raised the issue of the McKinsey report and talked about how introducing its recommendations would lead to more charging in the Health Service. I have made it quite clear to him that there will be charging issues that we will have to look at. If he wants to compare Northern Ireland with the rest of the United Kingdom, and the budget for Northern Ireland with that in the rest of the United Kingdom, he has to accept that there are certain things

that occur in GB that will have to apply here in Northern Ireland.

The issue of Desertcreat was raised by a number of Members. I was surprised when Mr McCallister indicated that, even though the capital had been made available, that project could not go ahead because the Health Minister could not provide the revenue. I do not think that he could not provide the revenue so much as that he would not provide the revenue. If Mr McCallister had thought before he spoke, he might have seen how silly his remark was. We have the Fire and Rescue Service, and the people in that service have to be trained. The training facilities, some of which are not very good, have to be maintained and paid for. To think, somehow or other, that when Desertcreat college arrives on the scene, there will be a demand on the public safety budget to train Fire and Rescue Service personnel for the first time is so much nonsense. Indeed, one could argue that having all of the Fire and Rescue Service training on a purpose-built site, with all the economies of scale, might make savings in the budget. Is this all about being obstructionist again, rather than trying to be helpful?

It is a bit rich that a complaint was made about there not being enough joined-up thinking in the Budget — I think it was Mr McNarry who made it. Nevertheless, when we do try to have joined-up thinking and put the police college, the Fire and Rescue Service and other public service training facilities in one place to have better and cheaper facilities through economies of scale, the party that complains that we do not have enough joined-up thinking in the Budget does not want to do it. Is that a responsible way to deal with budgetary issues?

Mr Ramsey raised the issue of Altnagelvin radiotherapy unit. The capital has been provided for it. I had difficulty in getting from the Health Minister his priorities for capital spending. It seemed that the capital spending priority changed depending on where he was speaking. If he was speaking in Dundonald, it was a priority; if he was speaking in the Royal, it was a priority; and if he was speaking in Londonderry, it was a priority. I got no list of priorities. Nevertheless, as we knew what the issues were, the capital money for the radiotherapy unit was made available.

Mr P Ramsey: Will the Minister give way?

The Minister of Finance and Personnel: I will give way in a moment or two.

It is up to the Minister to use his budget to fund the running costs of that. However, we know that, if the work is not done in Londonderry, it will have to be done somewhere else, so the running costs exist anyway.

Mr P Ramsey: Will the Minister outline exactly what stage the business case for the radiotherapy centre at Altnagelvin is at?

The Minister of Finance and Personnel: The business case came to my Department, as the Member knows that it should. There were queries on it, and those queries have been sent back to the Department of Health, Social Services and Public Safety and have not yet been responded to. Of course, no decision can be made until that is done.

I come now to the contribution made by the First Minister, although he was speaking as leader of the DUP. He went through all the issues. I am not going to go through all the facts, such as what caused the situation; what reduction we have; is it our fault; how do we deal with it; and what information has been given to try to alleviate the problems. When people want money spent, have they said where it will come from? Of course we got no answers to any of that.

Mr Lunn had concerns about the Budget. He also asked about the cost of division, as did Mr Farry. I have made it clear already that, although the costs of division as the Alliance Party presents them are well overestimated, nevertheless there is a cost involved. Even if we were not in austere times, Departments that want to free up money to spend on other services really should be looking at how those costs can be reduced. Hopefully, that will be the case.

I like Mr Kinahan. He said that he was disappointed that the debate had been about half-truths — I do not know whether he was talking about speeches from his own party — point scoring, shouting at one another, and he was appalled. He then said that of course he would probably engage in that as well, which he promptly did. So we move on from it.

Mr Kinahan spoke of his support for the Health Minister. However, I was surprised. Usually, he is one of the more thoughtful contributors from the Ulster Unionist Party. He was asked from where more money to support the Health

Minister should come? He replied that that was my job. I expect a reply such as that from some other Members of the House. However, that is not Mr Kinahan's style. He may be embarrassed by it, because he knows that he is ducking his responsibility, but it is typical of a party that is electorally afraid to put up its hand for anything unpopular. It wants to point the finger at everyone else and hopes that they make the unpopular decisions. That is not very becoming. At the height of his embarrassment, Mr Kinahan said that maybe I would find £400 million under the bed. Can I tell you, Mr Deputy Speaker, that if there was £400 million under my bed, I would not be here tonight. *[Laughter.]* I would be away into the great blue yonder. There is no £400 million under my bed, under any other bed or under a hospital bed. A sum such as £400 million is not easily come by. We have to work at it. Rather than it being somebody else's job, it is all our jobs to try to find that money.

I want to come quickly to Mr Attwood's contribution. He has left the Chamber now. He talked about the Royal Exchange project, about which he was not only dishonest but downright wrong. He claimed that 1,000 jobs could be created over the next number of years had that money been kept in. I had a conversation with him, and I accept that I had not raised the issue with him. A proposal went to the Executive, at which he had every opportunity to have a say about it, and he had a say about it in the Assembly today. The £70 million for the Royal Exchange happened in the very last year of the Budget, and it was to vest the property only. The money would have been spent purely on buying up property, and no building work would have taken place in that year. Time and time again, this money had slipped. Had it not been for my intervention against his party leader, who was the then Social Development Minister, there would not have been any money for the Royal Exchange. I refer to a letter from her dated 7 October 2009. She asked me to bring the £70 million from the Budget year 2010-11 into the year 2009-2010. Was it money to spend on Belfast city centre and the Royal Exchange project? Not at all; it was money for her to build new houses. As I pointed out to her — her grasp of economics is sometimes poor — if money is spent on that, it cannot be spent on the Royal Exchange. The money for the important Royal Exchange project would not have been in the Budget had Mr Attwood's party leader had her way in October 2009. So it is totally dishonest

of Mr Attwood to come here and rail against his budget being pillaged and jobs being lost. Had we left — *[Interruption.]*

Mr Deputy Speaker: Order, order.

The Minister of Finance and Personnel: Had we left that £70 million, knowing that it was unlikely to be spent, and then, in the last year of the Budget period, scrambled to find something to spend it on rather than putting it into a planned investment programme, it would not have been good value for money. I tell you — *[Interruption.]*

6.30 pm

Mr Deputy Speaker: Order. The Minister has less than five minutes left in which to speak, so please may we have the best of order?

The Minister of Finance and Personnel: We have heard of 'His Master's Voice', he is "The Mistress's Voice": "I will give the explanation for you, Margaret, just in case you do not get it right."

The truth of the matter is this: any doubt now being cast on the Royal Exchange project is not as a result of a Budget decision that the Executive made, because we have actually made it clear that the money would have priority in the first two years of the next Budget cycle. The person who is spreading that doubt in his attempt to again find an excuse for not voting for this Budget regardless of the consequences for Belfast is the Minister for Social Development. So, I think that, before he starts complaining, he should bear that in mind.

He also raised the issue of support for the vulnerable and the fact that he was opposed to the social investment fund. That fund actually does meet some of the things set down by the SDLP —

Ms Ritchie: Misrepresentation.

The Minister of Finance and Personnel: It is not. I will put the letter in the Library, and Members can judge whether or not the then Minister for Social Development asked for that money to be switched from being spent on the Royal Exchange to housing. She can then explain how money can be spent on housing one year and on a shopping centre the next.

Mr Attwood also raised the issue of the social investment fund, the social protection fund and of protecting the vulnerable. All that I can

say is that there is £100 million in the social protection fund and the social investment fund. There is also £12 million for the childcare strategy, and, of course, much of the money that goes into the Health Service is used to protect the vulnerable.

In conclusion, this long and lengthy process has been necessary but painful, and I do not think that any of us really wanted to be in this position. I want to again emphasise that we have done this against a background of £4,000 million being taken out of our Budget. We had the debate about that, and we can blame whoever was responsible for it. However, the fact of the matter is that we had to deal with it. Against that background, some Members said that this is a poor Budget. However, let me just remind those Members that, despite all the problems caused by that background, we have a Budget that seeks to foster economic growth through enhancing skills and providing support for local business —

Mr McDevitt: Rubbish.

The Minister of Finance and Personnel: Well, you say “rubbish”, but I have given you the figures, and you still will not listen. At the same time, better protection has been given to the Health Service in Northern Ireland than in any other part of the United Kingdom. We also have innovative proposals in the form of the childcare strategy, the social investment fund and the social protection fund. We have given —

Mr Deputy Speaker: The Minister has one minute.

The Minister of Finance and Personnel: We have given a commitment to major capital projects and have switched resources from current to capital projects to support the construction industry. This has been a tough Budget, but I believe that it has been drawn up honestly by looking at the needs of Northern Ireland. We have made our best effort at it despite the sniping from the sidelines by those who have been partly responsible for the situation that we are in. I, therefore, commend the Budget to the Assembly.

Some Members: Hear, hear.

Mr Deputy Speaker: Before we proceed to the Question, I remind Members that the vote on the motion, whether or not amended, requires cross-community support. However, the votes

on the amendments are by simple majority only. Before I put the Question on amendment No 1, I advise Members that, if this amendment is made, amendment No 2 will fall, and I will proceed to put the Question on the motion as amended.

Question put, That amendment No 1 be made.

The Assembly divided: Ayes 32; Noes 67.

AYES

Mr Armstrong, Mr Beggs, Mr D Bradley, Mrs M Bradley, Mr PJ Bradley, Mr Burns, Mr Callaghan, Mr Cobain, Rev Dr Robert Coulter, Mr Cree, Mr Elliott, Lord Empey, Mr Gallagher, Mr Gardiner, Mrs D Kelly, Mr Kennedy, Mr Kinahan, Mr A Maginness, Mr McCallister, Mr B McCrea, Mr McDevitt, Dr McDonnell, Mr McGimpsey, Mr McGlone, Mr McNarry, Mr O’Loan, Ms Purvis, Mr P Ramsey, Ms Ritchie, Mr K Robinson, Mr Savage, Mr B Wilson.

Tellers for the Ayes: Mr McCallister and Mr B McCrea.

NOES

Ms M Anderson, Mr S Anderson, Lord Bannside, Mr Bell, Mr Boylan, Mr Brady, Mr Bresland, Lord Browne, Mr Buchanan, Mr Butler, Mr Campbell, Mr T Clarke, Mr W Clarke, Mr Craig, Mr Doherty, Mr Easton, Dr Farry, Mr Ford, Mr Frew, Mr Gibson, Ms Gildernew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lyttle, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Mr McCausland, Mr I McCrea, Mr McElduff, Mr McFarland, Mrs McGill, Mr M McGuinness, Miss McIlveen, Mr McKay, Mr McLaughlin, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Murphy, Mr Neeson, Mr Newton, Ms Ní Chuilín, Mr O’Dowd, Mrs O’Neill, Mr Poots, Ms S Ramsey, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.

Tellers for the Noes: Mr McLaughlin and Mr Spratt.

Question accordingly negatived.

Question put, That amendment No 2 be made.

The Assembly divided: Ayes 31; Noes 67.

AYES

Mr Armstrong, Mr Beggs, Mr D Bradley, Mrs M Bradley, Mr PJ Bradley, Mr Burns, Mr Callaghan, Mr Cobain, Rev Dr Robert Coulter,

Mr Cree, Mr Elliott, Lord Empey, Mr Gallagher, Mr Gardiner, Mrs D Kelly, Mr Kennedy, Mr Kinahan, Mr A Maginness, Mr McCallister, Mr B McCrea, Mr McDevitt, Dr McDonnell, Mr McGimpsey, Mr McGlone, Mr McNarry, Mr O'Loan, Ms Purvis, Mr P Ramsey, Ms Ritchie, Mr K Robinson, Mr Savage.

Tellers for the Ayes: Mr Callaghan and Mr McDevitt.

NOES

Ms M Anderson, Mr S Anderson, Lord Bannside, Mr Bell, Mr Boylan, Mr Brady, Mr Bresland, Lord Browne, Mr Buchanan, Mr Butler, Mr Campbell, Mr T Clarke, Mr W Clarke, Mr Craig, Mr Doherty, Mr Easton, Dr Farry, Mr Ford, Mr Frew, Mr Gibson, Ms Gildernew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lyttle, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Mr McCausland, Mr I McCrea, Mr McElduff, Mr McFarland, Mrs McGill, Mr M McGuinness, Miss McIlveen, Mr McKay, Mr McLaughlin, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Murphy, Mr Neeson, Mr Newton, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr Poots, Ms S Ramsey, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.

Tellers for the Noes: Mr McLaughlin and Mr Spratt.

Question accordingly negatived.

Main Question put.

Mr Deputy Speaker: I sense keen anticipation.

The Assembly divided: Ayes 67; Noes 31.

AYES

Nationalist:

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, 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, Lord Bannside, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Craig, Mr Easton, Mr Frew, Mr Gibson, Mr Girvan, Mr Givan,

Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr McCausland, Mr I McCrea, Mr McFarland, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.

Other:

Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy, Mr Neeson.

Tellers for the Ayes: Mr McLaughlin and Mr Spratt.

NOES

Nationalist:

Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Burns, Mr Callaghan, 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, Lord Empey, Mr Gardiner, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr B McCrea, Mr McGimpsey, Mr McNarry, Ms Purvis, Mr K Robinson, Mr Savage.

Tellers for the Noes: Mr P J Bradley and Mr Kinahan.

Total votes	98	Total Ayes	67	[68.4%]
Nationalist Votes	39	Nationalist Ayes	25	[64.1%]
Unionist Votes	52	Unionist Ayes	35	[67.3%]
Other Votes	7	Other Ayes	7	[100.0%]

Main Question accordingly agreed to.

Resolved (with cross-community support):

That this Assembly approves the programme of expenditure proposals for 2011-15 as set out in the Budget laid before the Assembly on 7 March 2011.

Private Members' Business

Local Government (Disqualification)

Bill: Final Stage

Mr Deputy Speaker: A valid petition of concern was presented on Tuesday 8 March in relation to the Bill. Therefore, I remind Members that its effect is that any vote on the motion will be on a cross-community basis.

Ms Purvis: I beg to move

That the Local Government (Disqualification) Bill [NIA 7/09] do now pass.

I wonder whether it was something I said, or maybe something that I am about to say.

As Members are aware, the Local Government (Disqualification) Bill would disqualify any individual who is elected, appointed or otherwise selected as a local councillor while also holding the position of Member of the Assembly. As amended at Consideration Stage, the Bill states that disqualification would take place 60 days after an individual takes his or her seat as a Member of the Assembly. However, it is my sincere hope that, in practice, all resignations and co-options will be finalised well before that deadline so that there is no inappropriate burden on local councils or unnecessary delays in new councils beginning their work.

The Bill would come into effect at the next elections after Royal Assent. If it were not being derailed by the cowardly acts of one party in the Chamber — or one person at the minute — that would likely be the upcoming local elections in May. The Bill would still allow an individual to stand for two levels of office at the same time. I understand that that is disconcerting for some Members. I share some of that worry, but I also feel that creating any prohibitions on candidacy would be a worse choice. We will have to leave it to the voters to deliver any punitive measures that they see fit for those who are perceived to be pursuing multiple levels of public office out of self-interest.

7.15 pm

I am pleased to have reached this momentous day. It is one of the few times that a private Member's Bill has achieved Final Stage in the Assembly. I recognise all Members of the Assembly secretariat for their professional assistance as I attempted to navigate the

legislative process. I recognise the Committee for the Environment for its careful scrutiny of the legislation and the important matters that it raised and all of the Members of the Assembly who have played a key role in sharing and promoting the vision of the legislation. I also acknowledge and pay tribute to my senior policy adviser, Shannon O'Connell.

The vision of the legislation concerns the quality of our democracy. In the past 16 years, we have made great strides in establishing and embedding a truly democratic system of government in Northern Ireland. We are about to go to elections, having served the Assembly's first full term without suspension since 1998. Many Members have played key roles in those developments, and some have made their contributions while serving as MLAs and councillors. They are to be acknowledged and commended for that work.

However, democracy is not stagnant; it is a living, breathing entity that is malleable and shifting. Its preservation requires perpetual vigilance. Once established, the next step must be to examine its quality and the value of the representation and the participation that it offers to citizens. As I have noted already this evening and in previous debates on this topic, there are Members of this Chamber who served as councillors during extremely difficult times in this country. Many showed leadership and courage during our darkest days, and that has to be acknowledged.

I often think of my friend and mentor and former MLA and councillor David Ervine, who loved what he did as a councillor and as an MLA. He was very good at both jobs, but David also knew well the importance of participation and representation to our young democracy. He understood how vital it is that politics is inclusive rather than exclusive and that elections and political parties should be a means through which under-represented groups and individuals access decision-making. I think that it would have been as difficult for David as it is for others to pick one level of office to pursue, but I think that he would have seen the merits of doing so and of opening an opportunity for someone new to come in, for new ideas to find fertile ground and for the next generation to realise how essential their participation is.

The legislation really is about taking the next bold step in our democracy, ensuring that it is

of the best and highest quality that it can be. That means diversifying decision-making and promoting processes that bring people in rather than keep them out. It means preventing not only conflicts of interest but the very opportunity for those conflicts to occur. A conflict of interest is unambiguously defined as a situation in which someone in a position of trust has competing professional or personal interests that may make it difficult for that person to fulfil his or her duties impartially. A conflict of interest exists even if no unethical or improper act has taken place, and, by its very definition, a conflict of interest arises if a person is merely in a position to exploit a situation for personal or professional gain.

It is unavoidably true that Members of the Assembly make decisions that impact on local councils. Some of those involve remuneration and pay, some involve decision-making powers and authorities, and some involve additional responsibilities or professional opportunities for councillors, which can also include compensation. Transition committees, district policing partnerships, neighbourhood renewal partnerships, education and library boards, and even the planning powers that are currently under discussion in the Chamber are just a few examples of the areas in which the Assembly makes decisions that impact directly not only on councils but on councillors and often involve a degree of financial compensation. This situation cannot be allowed to continue; it is simply bad government.

On the subject of bad government, it seems that lightning does strike in the same place twice. The DUP had an opportunity to right a wrong from last year, but, unfortunately, it has chosen yet again to table a petition of concern against the Final Stage. That is a horrible misuse of the legislative process, and it sets a very dangerous precedent for this House. If parties and Members see fit from here on in to kill legislation at Final Stage with a petition of concern because they have lost all the votes during the stages at which the Bill could have been amended, essentially because the majority of the House voted against them, we are looking at very real problems for our democratic process. So much for their woolly words on wanting simple majority voting introduced to this House. If that happened, the Bill would pass.

It is one thing to disagree with this legislation, and the DUP and the Alliance Party have made

it very clear that they find the Bill distasteful; however, it is another thing entirely to kill the Bill at Final Stage, not with the majority of votes, but with a mechanism that is designed to prevent the representatives of any community riding roughshod over the other. It is essentially a safeguarding mechanism.

It is also an abuse of the electorate. The DUP is misusing a safeguard that is designed to protect citizens of this country from abuses of power by, ironically and tragically, abusing its power. The DUP's actions today are blasting big holes in the legislative process in this Assembly and in the public's confidence in that party's ability to lead. It is extremely worrying that the largest party in the Chamber is using a mechanism that is meant to safeguard the terms of a peace agreement to wreck legislation at Final Stage because it does not have the votes to defeat it properly or honourably.

I strongly urge the DUP to reconsider its actions, which can only be described as an abhorrent abuse of power. I question whether the DUP is capable of its leadership role. Leadership without vision or compromise is no leadership at all. The public mood on this issue is unequivocal. The electorate wants to see an end to double-jobbing and to all the loopholes in the system that allow a small number of people to have access to all the power and privileges that come with that power.

The question of fairness, which opponents of the Bill dismissed in earlier debates, is certainly undeniable at this point. With the Budget that we are facing over the next four years, and with some analysts projecting almost 40,000 job losses, there is no way to argue that it is acceptable for a single individual to hold more than one paid full-time position in office.

With that type of economic environment in front of us, we will also need all the talent and diverse decision-making in government that we can possibly get. Countless pieces of research that have been conducted since the onset of the recession have found that the more diverse and representative of the population a decision-making body is, both in the public and private sectors, the more sound financial and strategic decisions it makes. We will need new ideas, new voices and the perspectives of those who will be most affected by the spending cuts, which are about to hit with very severe consequences. Women, young people and the

most disadvantaged will be most affected, but very few of those individuals are genuinely represented in this House.

I cannot control what the political parties will do about candidate recruitment. Some of the choices that have been made over the past number of weeks have been astonishing, but I hope that all is not lost and that the move away from double-jobbing will breathe new life into our political system. I thank you, Mr Deputy Speaker, and I look forward to a positive and constructive debate.

The Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat, a LeasCheann Comhairle. I thank Ms Purvis for moving the Final Stage of the Local Government (Disqualification) Bill. The Committee welcomes the Final Stage of the Bill, which is designed to eliminate the practice of individuals holding the office of councillor and being a Member of the Assembly at the same time. The Bill is very short, but it has led to very long debates in the Committee and in the Chamber.

The Bill was referred to the Committee on 9 March 2010, and Members conducted detailed scrutiny of it, making recommendations and prompting amendments where it deemed necessary. The Committee considered that the key issues relating to the Bill were conflict of interest; eligibility for election as a councillor; timing of implementation; expanding representation; public perception and confidence; and the context of the Bill in relation to local government reform. As the arguments on each of those issues have been well rehearsed at earlier stages, I will not go into any great detail on them now. The Committee outlined its recommendations for the Bill at Consideration Stage. However, I want to take the opportunity to highlight members' particular areas of concern.

The first concern is the timing of the implementation of the Bill. At Consideration Stage, the Committee tabled an amendment that would allow 60 days to elapse between an election taking place and disqualification taking effect. The Committee's intention was to ensure that there was time for all council seats to be filled before councils held their annual general meetings. Members recognised the importance of that and agreed that a 60-day period would allow the co-option process to be completed. An amendment was tabled at Further Consideration

Stage to reduce that period to 14 days. The Committee was concerned that that gave insufficient time for all council seats vacated by newly elected MLAs to be filled. I was glad that the House supported that view when it rejected that amendment.

The other main issue was eligibility for election as a councillor. The Committee recommended that an amendment should be made to ensure that it did not disqualify any person from standing for election, even if he or she were currently an MLA. The sponsor confirmed that that was not her intention. Subsequently, she agreed to amend clause 1 to clarify that disqualification would prevent an MLA only from being a councillor and not from standing for election. The Committee agreed to the sponsor's amendment to address that issue.

As I mentioned earlier, for such a small Bill, much debate has ensued. It is time for that debate to end and for the legislation to proceed and be implemented. Public perception is that power is in too few hands. The Bill will end that perception and will ensure that those who want to get involved in local politics will have an opportunity to do so.

With your indulgence, Mr Deputy Speaker, I want to say a few words on the Bill on behalf of Sinn Féin. I thank the Bill's sponsor for the leadership that she has shown and the steps that she has taken in recent times. I commend her for that, and I am disappointed that we have come to this point. All this week, we talked about maturity and common sense. Obviously, common sense will not prevail in that respect. I want to point out why it is common sense. Clearly, no matter what anyone says, if we look to the future and the powers that will be transferred to local government, there is a potential conflict of interest. Yesterday, we spent all day discussing the Planning Bill. When we discussed the matter previously, Mr Weir said that when it comes to making decisions, a councillor — we were referring to the Minister at that time — could leave the decision-making process. If I were a member of the public who had voted for someone and had asked that person to represent me on council, I would want that person to be there.

Mr Weir: I thank the Member for giving way. At present, that is the position. For example, last night — Stephen Farry can testify to this — I believe that he almost chased two members of

my council out the door when the Down-Armagh tourist partnership was raised, of which they are members. There was a conflict of interest, and they had to leave. Therefore, what exists at present is not anything particularly new. A situation in which there is a direct conflict of interest is adequately covered at present.

The Chairperson of the Committee for the Environment: I thank the Member for his intervention. However, we are creating legislation. In the implementation of that legislation, it could be perceived that there is a conflict of interest.

People sat here all day today debating the Budget, and it would be easy to skip over the Local Government (Disqualification) Bill and leave without commenting on it. However, it is good legislation, and a lot of work went into it. The Committee put as much work into the Bill as any other that we have worked on so far. I want to give it more time.

We must consider the issue of proper representation by councillors. Over the past couple of weeks, we have been here until a late hour on Mondays and Tuesdays. Being a former councillor, I know that most council meetings, particularly on planning issues, are held on Monday and Tuesday nights. If anyone says that those people who are double-jobbing as councillors at present are making a contribution to their councils and to the Chamber, my answer is that they cannot be in two places at once.

7.30 pm

Mr Weir: Will the Member give way?

The Chairperson of the Committee for the Environment: No. I gave you an opportunity already.

I tried to do both jobs in the first two years of this mandate. Even if I left here at a normal time and tried to rush down to Armagh City and District Council to take a file into the council, it was difficult to contribute properly to the council meeting. I do not mean any disrespect to anybody, but there is a considerable amount of work involved.

Mr I McCrea: I am one of those so-called double-jobbers, and I am proud that the electorate elected me to both of the elected positions that I hold. I have one of the best records on my council for attendance and for the part that I play in anything that comes before

the council. I appreciate that the past couple of weeks have been more difficult, but if Ministers had not sat for a time on legislation and tried to rush it through the House at the last minute, I doubt if we would have been sitting here to all hours of the night.

The Chairperson of the Committee for the Environment: That is a fair point. I will not challenge the Member on his attendance. Good luck to him. However, a number of other MLAs were not at council meetings and maybe do not have your record. I have done it, and I know what it is like to drive back to Armagh to work on council business.

Mrs D Kelly: I listened carefully to what Ian McCrea said. His comments fall contrary to what Peter Robinson, the DUP leader, said last year, when he said that that party would end double-jobbing.

The Chairperson of the Committee for the Environment: I agree.

The Bill is a positive piece of work that has been brought forward by a Member, so let us not demean it. Some good work has been done to bring it forward. It is disappointing that a petition of concern has been presented. I hope that the Member is returned to the House, because this is good groundwork, and it may be continued. I think this is how it will happen in the future, but, unfortunately, it is not happening now.

I want to speak about expanding representation and giving people an opportunity. At the present time, we are not giving people an opportunity. Ian McCrea said that he had a good record, and fair play to him, but maybe he is slightly concerned that it would be a wee bit difficult for him to challenge for the central Government seat if he were to give up his council role. I know through my time on a council that some members believe that council work is worthwhile groundwork. That is fine; it is good groundwork. I would recommend it to anybody who wants to get into politics. There is no doubt that the local council is a good place to start off. I will be going out and rapping the doors again and taking another opportunity to see if I can come back here.

Sinn Féin fully supports the Bill. We are disappointed for the House that the opportunity has not been taken to move the Bill forward. I may stand corrected on this in a couple of years' time, but I have some confidence that it

will be brought forward in the very near future. With that in mind, I will finish.

Mr Ross: I apologise for not being in the Chamber for the sponsor's proposal. I was out in the Great Hall, as we were letting the people of Northern Ireland know the great successes that we have had in the Budget, following a lengthy Budget debate in which many parties adopted positions of hypocrisy. It is almost a year since the Bill was brought to the House, and the debate on the Bill has been ongoing since then. We have had debates on many issues, but the debate on this issue alone exposes some of the rank hypocrisy that there is among other parties in the House.

I listened to the Ulster Unionist Party, which I know has been very vocal on this issue. Its Members say that this issue is a point of principle for them and that there should be no dual mandates. If it is a point of principle, I cannot help but ask why, over the past four years, it has not ended all dual mandates for its MLAs who are also councillors. I have raised that before in the House. If it is a point of principle, which is the message that it is trying to tell the people of Northern Ireland, it should have taken that action voluntarily. The fact remains that it has not done that.

Mr Dallat: I believe I can supply the answer to that. The legislation by which one could co-opt somebody only came into being on 1 April. I know that, because I resigned from Coleraine Borough Council on 1 April. If I had done it earlier, there would have been a by-election that my party could not have won.

Mr Ross: Of course, the logic of that argument would be that, once that legislation came in, we would see all of those with dual mandates stand down immediately because the legislation was there to allow them to do that. However, that is not what we saw; that is not what happened. If it was a point of principle and they were waiting for the legislation to be in place, the logic is that once that legislation was in place we would suddenly have seen that dual mandate ending. That is not the case.

The Member has brought the SDLP into the argument —

Mr Weir: Before the Member gets on to the SDLP and we leave the Ulster Unionists, I appreciate the point that was made; it certainly would have been available from

1 April. Whatever the explanation for past behaviour, how does that explain the fact that, in my constituency of North Down, there is an Ulster Unionist who will be seeking a new dual mandate? He is currently neither a member of the council nor a Member of the Assembly, but intends to serve in both. They are actually creating fresh dual mandates.

Mr Ross: That further exposes the hypocrisy that we have seen from other parties. It is a poor show when certain parties are trying to tell the public one thing but are actually doing another. That will be exposed.

I will move on to the SDLP, as it has been very vocal on dual mandates. I recall that, at the last stage of the Bill, I raised the fact that that party's entire House of Commons team were still Members of this House and had not acted on ending that dual mandate. At the time, Mr McGlone helpfully said that Mark Durkan would be stepping down from this House within a matter of hours, and he duly did so, but the fact remains that two thirds of that party's House of Commons team are still Members of the Assembly. I do not think that either Alasdair McDonnell MP or Margaret Ritchie MP have any intention of standing down from this House. Again, that highlights the hypocritical position that the SDLP has adopted on the issue of dual mandates.

We can look at the MPs that Sinn Féin has in the House of Commons. Again, there is no indication from Sinn Féin that they will be stepping down from the House of Commons. Whether they take their seats or not, they hold two mandates, and that is what the issue is. It is not about double-jobbing; it is about dual mandates, and Sinn Féin Members hold dual mandates. Again, I think that that is a hypocritical position from Sinn Féin. I wonder if the Member wants to make an intervention.

The Chairperson of the Committee for the Environment:

Thank you very much. Sinn Féin members do not service two Parliaments at all in that respect. What we are talking about is this Assembly and local councils. I said the last day that I have freely stepped down from council, and we have co-opted. It is about giving people an opportunity. If people are afraid that they will not get re-elected on a council ticket or an MLA ticket, I say on behalf of my party that we will not be double-jobbing. We are going to change the system. I wish you would take on

board the piece of work that has been done. I suspect that it will happen anyway in the very near future.

Mr Ross: I thank the Member for his intervention. Of course, he highlights the fact that Sinn Féin MPs do not take their seats in the House of Commons, and I think that that is a shame.

Mr Deputy Speaker: Order. I think we have heard enough about MPs sitting in the House of Commons. This debate is about people's ability to stand for local government, not for the House of Commons, so please return to the subject at hand.

Mr Ross: Indeed it is, and the issue of dual mandates is particularly relevant, because if parties take a view on the dual mandate between local government and the Assembly, you would expect those parties to take the same view on dual mandates between the House of Commons and the Assembly. In relation to ending dual mandates, that is where I think our party is relevant. The Member for Upper Bann mentioned the pledge that the DUP has made. We did say that we would be ending dual mandates; we said that we would be phasing that out.

In fact, the two parties in the House that are sceptical of the legislation are the two parties that have acted on ending dual mandates. When the Alliance Party's Naomi Long won her seat in the House of Commons, the party immediately took action to co-opt Mr Lyttle. It did not need legislation to do that; it did it voluntarily, just as the Democratic Unionist Party has taken similar action on a voluntary basis. We have had Nigel Dodds, Ian Paisley Jnr, Jim Shannon, William McCrea, Jeffrey Donaldson and David Simpson all leaving this House to serve in the House of Commons. If we look at the dual mandate between local government —

Mr Deputy Speaker: Order. This Bill is about local government, and the debate should be about local government and not the House of Commons. Please return to the subject matter of the debate.

Mr Ross: I was just putting the issue of dual mandates into context, and I will go on to discuss the issue of dual mandates between local government and the Northern Ireland Assembly.

The fact remains that many Democratic Unionist MLAs have already stood down from local councils, and a number of others have indicated that they will not be standing for local government next time around. Again, we did not need legislation to do that. That was done on a voluntary basis, and a total of 25 dual mandates have been ended by this party.

Other myths have been brought up over the past year as the Bill has come to the House, in numerous guises. One of the first myths was that the Bill will bring more young people and women into the Chamber, but I do not accept that. I would like the Chamber to be representative of society, and having more young people and more women in the Chamber would be a good thing, as it would make it more representative of society. However, to suggest that ending dual mandates will achieve that is misleading. The whole selection process for candidates will remain the same. The electorate will also remain the same, and they will still have the choice to pick who they want to serve their local communities. Therefore, that is an argument that I have no sympathy with. There is no evidence that it would be the case.

The second myth that has been put forward about the issue is that the public are very angry about the issue of dual mandates and want them to be ended immediately. There are a number of things that could be said about that. First, fewer than 15 members of the public took the time to respond to the public consultation that the sponsor of the Bill did. If the issue was as big as the sponsor of the Bill has said, I would have expected many more members of the public to voice their concerns or opinions on it, but they did not do so. In addition, the evidence points to the fact that the electorate have not been put off from voting for Members who hold other mandates. If it was such a huge issue among the public, they would not vote for a candidate who either held another office or said openly that they wanted to stand for two offices. That is also worth bearing in mind.

There was also a media campaign about the dual mandate issue. More recently, the 'Belfast Telegraph' ran a campaign to keep Sammy Wilson in the Assembly because we need him as Finance Minister and do not want him to end his dual mandate, because we also need him to have a voice in the House of Commons. Therefore, even the media has changed its tune on the issue, and that same media expressed

concerns about many senior Members leaving the House as it could potentially leave a gap. Therefore, the public and media perception of things has changed dramatically.

I listened to the comments that were made by the Chairperson of the Committee for the Environment. He has left the Chamber at the moment, but he talked about not being able to be in two places at one time, and about how councillors wanted to be in their local councils giving their views and casting their votes on issues for their local communities. My colleague Ian McCrea talked about his own voting record at local council level, and it is worth putting on record the fact that the voting records of Members of this party who serve both on local councils and in the Assembly or elsewhere are favourable when compared to anybody else. Indeed, we have one of the best voting records of any of the parties. The greatest irony of all is that the sponsor of the Bill has one of the worst voting records in the House, and she does not hold another mandate. I think that that highlights the fact that the sponsor of the Bill —

Ms Purvis: You are talking about recorded votes, which, on many occasions, are on motions that are not binding. I do not vote on petty sectarian motions that tend to be tabled by your party simply to have a go at someone else on the other side of the Chamber.

Mr Ross: The Member should make that argument to the people of East Belfast. She should also explain why she does not bother to turn up to vote in the House, and I would be amazed if the people of East Belfast are —

Mr I McCrea: I thank the Member for giving way. Like me, the Member has listened to the excuse given by the Member from East Belfast about why she has such a poor voting record. Like me, the Member is in the Chamber on many occasions for votes whether or not they are petty, as the Member for East Belfast said, and he has eyes to see whether another Member is in the House —

7.45 pm

Mr Deputy Speaker: Order. That is all well and fine but has nothing whatsoever to do with the Bill. I ask Mr Ross to return to debating the Bill.

Mr Ross: I thank my colleague for that intervention, which highlights the fact that having a dual mandate is not impacting on a

Member's ability to be in the House and to vote on a number of issues. They are not all frivolous or silly, sectarian issues. Decisions on a number of issues may not be binding in the House and we may not have jurisdiction over certain issues, but there are still issues that the public want us to take a stand on, even if it is only to send a message to Westminster.

Mr Kinahan: Does the Member agree with me that voting records are not necessarily something to go by? Rather, it should be about how effective elected representatives are in their constituency. Similarly, we will learn from the forthcoming election what the public think about double-jobbing.

Mr Ross: The public will, of course, have their say. The Member is absolutely right that there are many roles in which MLAs must function. However, a primary role is that of a legislator, being in the Northern Ireland Assembly and being able to be here to cast their vote to represent the people in their community. The public bear that in mind at election time.

My party's position from the very beginning on the legislation has been that we want to end the practice of dual mandates. We have said that we will take the steps necessary to end dual mandates. We have already taken steps.

Mr Beggs: *[Interruption.]*

Mr Ross: I listen to comments from Councillor Beggs MLA, but he has not stood down voluntarily when he has been able to. That is a question that he will have to answer. If he makes such a big play of being opposed to dual mandates, why has he not ended his own?

We tabled amendments to try to find what we believed was a sensible compromise on the legislation. We said, first, that if people held a dual mandate between local government and the Northern Ireland Assembly, they would not receive their allowances and pay as a local councillor. The Assembly rejected that amendment. Our second amendment stated that we would end dual mandates by 2014. That would have allowed for a phased withdrawal of dual mandates, would have allowed new candidates to be identified and brought into local government, and would definitely — 100% — have ended dual mandates by 2014. The Assembly rejected that amendment also.

It was disappointing that a genuine, sensible approach from, and compromise by, this party was rejected by the Assembly. Therefore, that led us to the position where a petition —

Mr McFarland: Will the Member give way?

Mr Ross: I will.

Mr McFarland: Does it not strike the Member as a most unfortunate misuse of the Committee system that if the DUP was going to kill this Bill, it would have been better to kill it stone dead at Second Stage? There is something slightly unfortunate about leading it through Consideration Stage and Further Consideration Stage to Final Stage, at which point, because it did not get its way with amendments, the DUP presented a petition of concern?

Does it also not concern him, and it certainly should the Members of his party who were here at the beginning of this process, that the petition of concern mechanism was set up specifically to deal with controversial community issues where one part of the community, unionist or nationalist, felt that the other was getting an advantage or pushing through something that it did not like? It was then possible to present a petition of concern to protect that community.

It was never, ever designed to protect narrow party interests so that individual Members would be able to use the power of their big hitters to get others in afterwards or to try to up their votes. That is not what the petition of concern was designed for, and this is the most awful misuse of that system. Does the Member not agree that the way in which this has developed is most unfortunate?

Mr Ross: I listened to an SDLP Member talk yesterday about their concern about the petition of concern. It was the Ulster Unionist Party, which Mr McFarland was a member of at that stage, and the SDLP that drafted the petition of concern Standing Order. It is a tool that can be used, and, therefore, it is being used.

The Member asked why we did not kill off the Bill at Second Stage. As I have outlined, this party tried to find a genuine, sensible compromise on the issue. We brought forward amendments, first, to take away the salaries of those holding dual mandates and, secondly, to end dual mandates through a phased approach by 2014. So, it was not a matter of killing off

the Bill at an early stage. We tried to make the Bill better. We tried to use amendments, as is the case in the legislative process for a range of Bills. Unfortunately, the House rejected those amendments. It rejected ending dual mandates by 2014 and removing the salaries. Therefore, we were left with little choice.

As regards abusing or misusing the petition of concern, it is not the case that it has been used only for constitutional issues or issues of great importance to one community or the other. The petition of concern was used on the issue of the Civic Forum. That is not a huge constitutional issue nor is it one that will impact on one community over the other, yet the petition of concern was used.

Ms Purvis: The Member gives a great example of the use of a petition of concern, particularly in relation to the DUP. The Civic Forum was part of the Good Friday Agreement and was designed to include in decision-making voices that are excluded from the Assembly. It was used as a mechanism to ensure that those marginalised voices and those communities and people were represented in here. So, the Member gave a really good example of how his party wanted to concentrate power again.

Mr Ross: I would have thought that the people in this House are the ones who represent the community because we are elected by it. I do not want to get into an argument about the Civic Forum, and I am not going to defend something that was set up under the Belfast Agreement, given that this party has been opposed to the Belfast Agreement since the very beginning. The example highlights the fact that it was not a constitutional issue or one that affected one community over the other, yet the petition of concern was used. So, I do not buy the Member's argument either.

I conclude by saying that it is a shame that the Assembly was not able to support the amendments that this party put forward and that we are left in this position. We remain committed to ending the practice of dual mandates, as we have said on the public record, and that will be done in a phased way. We have proven that we have taken steps to do that.

Mr Beggs: I declare an interest as a local government councillor. As I have indicated, I will be seeking election to a single mandate in future. I will not be standing for local council elections in May.

Why is this Bill necessary? Stormont is changing. It appears stable. In the past, certainly in its first mandate, it was up and down, and then there was a large gap when it was not meeting at all. However, it has operated virtually continuously over the past four years, with the exception of the period when the Executive was blocked. I am sure that all Members are only too aware of the pressures on our time that recent change has brought, with real legislation going through the Assembly and the detailed scrutiny that that requires both at Committee and from Members individually. To read it carefully and to understand it is demanding on time. The number of Members' motions on what are, to a certain extent, wish lists, for which votes are not critical, has died away. There is huge pressure on Members' time, certainly over the past two months in the Assembly. It has been vital that Members have been active and have been here. I expect that to continue in the future with a working Assembly, provided that there are no more blockages in the Executive.

Changes are also occurring at a local government level. RPA was to have created a new super-council with new roles. Unfortunately, the DUP and Sinn Féin could not agree and finalise local government boundaries. It is hoped that reorganisation and the associated savings to the ratepayer will occur within the next four years; that is certainly what the present Environment Minister is indicating. Regardless of whether RPA happens, significant additional powers and responsibilities are being passed to councils as a result of recent legislation or legislation that is progressing through the Assembly.

I am thinking of legislation such as the Clean Neighbourhoods and Environment Bill, which could mean that councillors have to spend more time taking decisions and improving actions in their neighbourhoods. Other examples are the High Hedges Bill and the Welfare of Animals Bill. So, a number of pieces of legislation, which will soon be passed, will require additional work by councils.

Mr Weir: Will the Member give way?

Mr Beggs: Not at the moment.

Perhaps the most significant change expected, and again the Minister hopes that this will happen within the life of the next council mandate, is the devolution of planning powers,

which will be very significant. A completely new raft of responsibilities will fall on councillors, who will be much more accountable to the local electorate in their decision-making. They will also have to know the planning system very well and ensure that they can stand over their decisions. I am aware that that additional workload will fall upon councillors at some point.

Mr Weir: I appreciate some of the points that the Member has made. He mentioned the High Hedges Bill, which will result in additional powers being given to councils and council officials going out and arbitrating. I am not quite sure how those additional powers will affect councillors. Will they be out cutting hedges? How will the extra responsibilities on councillors differ from general complaints that would come to an MLA's office on such issues? The extra responsibilities from the High Hedges Bill will not take council time; they will take council officials' time.

Mr Beggs: It may do, but those council officials, whether as a result of the High Hedges Bill or the Clean Neighbourhoods and Environment Bill, will present recommendations to councils. Council officials may present reports and request that their councils take action. A responsible councillor will make sure that he or she is well briefed on the matter and will engage with the local community, where there will be arguments for and against certain issues. So, there will be extra time expected of councillors in the future.

Mr Kinahan: I heard recently that there are council members who are advising people to get their planning applications in, because they will have a say in the formulation of local development plans in the future. So, there are people on both sides. That is a definite example of the conflict of interest.

Mr Beggs: Conflict of interest is very difficult to manage for someone who is a councillor and an MLA. I have seen some MLAs who are also councillors behaving at Committees as though they have forgotten that their role in the Assembly is that of an MLA, because they appear to be acting solely in the interests of the other group that they represent. I have always endeavoured to take a balanced view on anything that I am presented with so that I can stand over my decisions and not be open to criticism.

The bottom line with dual mandates is that it is not possible to be in two places at the same time. New pressures, as I indicated, are emerging in councils and at the Assembly, and if someone is elected to two different bodies that happen to be meeting at the same time, he or she cannot be at both.

Would it not be better for new councillors to replace MLAs on councils at this election? That is what my party has decided to do. It is a responsible position for MLAs who are already elected to not stand for council. It will mean that new councillors will have an opportunity to learn the ropes before, as I indicated earlier, significant new planning powers are transferred. The choice is between doing that or keeping MLAs on councils with a dual mandate and at the end of the next term, just before the planning powers are devolved, drop the new people in. That will mean new councillors who are relatively inexperienced on planning issues having to start taking planning decisions.

Would it not be better for opportunities to be created today for fresh people to learn the ropes and get an understanding of the issues involved in planning so that, when councils are given the powers to take planning decisions, perhaps in two to four years, they have some experience and knowledge and are not coming to this issue cold and with all the associated difficulties?

8.00 pm

Mr Ross: I thank the Member for giving way. He makes a relevant point about trying to get people in to build up experience. Why then, when the co-option legislation was put in place last April, did he not stand down from his position as a councillor on Carrickfergus Borough Council and let someone else in to gain experience if he always intended to do that at this election anyway?

Mr Beggs: The Member is trying to use this as a smokescreen to protect his own position. Is it not honourable that if someone —

Mr Humphrey: Will the Member give way?

Mr Beggs: I have given way. I have the Floor, and I wish to answer the question. Is it not honourable for someone to wish to complete the term to which they were elected? I was elected to serve a term on council, and I wish to complete that term. Is that not an honourable thing to do? I have said that I am not standing again. Is that

not an honourable thing for an MLA to do? Nevertheless, my decision is being questioned.

People with a dual mandate have an advantage over their political opposition; they get two bites at the cherry. They can talk about issues in the Assembly, and they can go back to their local community and talk about local issues that are raised in council. There is a political advantage in serving on two public bodies. When people are honourable and decide to stand down from a second body, they are giving an advantage to their opposition. That is what we are doing voluntarily. It is sad that others are not joining in, because it would bring better governance to everyone. It is sad that some appear to want to take the advantage and continue to serve, yet there are some very practical time difficulties in trying to serve on two bodies.

As I said, I suspect that the difficulties will increase. That is why I am happy that this is a good time for me to finish my local government experience. I value greatly my experience on local government; it has given me a direct input into taking local decisions about local services, and it has allowed me to try to improve the lives of ratepayers. Like others, I highly recommend it to anyone aspiring to higher political office. It is a wonderful starting point for getting to grips with local issues. I am fortunate to have been elected on two occasions to local government, and I appreciate that. I recognise the limitations on my time and ability to serve on both. Therefore, I am standing down at what I think is an appropriate time.

I hope that I have answered Mr Ross's question as to why I did not stand down earlier. Perhaps if I had stood down two years ago, he might be happier, and he might have a greater chance of getting elected because I would not have been representing the wishes of the local electorate. Perhaps that is why he is so keen for me to stand down. I have decided to stand down at this honourable point in time.

I understood that the petition of concern was introduced to enable the Assembly to be created in the first place, as some were reluctant to come in here in case there was dominance; it was to create confidence that one community would not be dominated by another. It was not brought in to give an individual grouping a blockage over every issue that it came across. That is clearly an abuse of the petition of concern. Members may criticise it, as, at

times, I do. However, we must all recognise that if it did not exist there would probably not be an Assembly, because the cross-community support that enabled the Assembly to work would not have been brought in. It is easy to criticise its creation, but if people examine why it is there, they will find that to be a reasonable explanation.

The DUP lost the argument on the Local Government (Disqualification) Bill on the Floor of the Assembly, in the Committee for the Environment, and again on a number of occasions on the Floor of the Assembly.

I find it incredible that, having lost the debate on the Floor of the Assembly on a number of occasions and in the Committee, the DUP chooses to abuse the petition of concern to try to block this Bill. It is a terrible abuse of the democratic process in the Assembly to use the petition of concern in a way that, clearly, it was not originally intended to be used.

What is worse is that this abuse is not in the community's interest but in the narrow self-interest of both the party and the individuals concerned. They are using and abusing the mechanisms for narrow party political gain over opponents. That is very unhealthy for this Assembly and in any democracy. They seem to want to continue as full-time MLAs, and let us remember that full-time MLAs have publicly funded offices. These Members want to continue as full-time public representatives with publicly funded offices, enjoying that advantage over other part-time local councillors and those who aspire to become councillors. There is, therefore, an undoubted advantage to becoming an MLA. Very few MLAs who stand for local councils do not get elected. If they do not, it is because of a major problem and they probably will not get elected to the Assembly subsequently.

That is another important reason why this legislation should be approved by the Assembly. It creates a level playing field at councils so that political power does not rest in the hands of a very few, power will go back to the community and the people, and there will be less likelihood of party political power brokers at council level. On some councils, the politics are largely local, but, particularly when follow-ons from activity in the Assembly are taken down to local council, it has a poor effect on them.

I think it disgraceful that the petition of concern has been used on this Bill. I am very worried about the abuse of the petition of concern. That abuse gives cover for political opponents in the future to use and abuse the petition of concern to block some other piece of legislation that perhaps 70% of the Assembly is in favour of. Others may decide to abuse the petition of concern.

Mr Ross: I thank the Member for giving way. He will acknowledge that the position of my party is that we should move away from petitions of concern and the designation system, towards weighted majority voting, which gives that built-in safeguard. Does he acknowledge that my party's policy would be of benefit, and would he welcome it?

Mr Beggs: Most political parties would welcome such a move.

Ms Purvis: Will the Member give way?

Mr Beggs: I will give way in a minute.

However, the practicalities are that this is here at the minute and the DUP chooses to use and abuse it. Regardless of where you aspire to go in the future, you choose to use and abuse the petition of concern for narrow party political self-interest, and for that, you should be ashamed.

Ms Purvis: I thank the Member for giving way. Is he aware that, if Mr Ross's proposal were in place at the moment, the DUP would lose this vote and the Bill would pass anyway?

Mr Beggs: That is an interesting comment.

Let me move on to another area. Last year, as we are all aware, there was great concern as the public demanded higher standards from MPs and public representatives. I will quickly move on. With regard to double-jobbing, there are relevant issues in the DUP's 2010 manifesto. I quote:

"Following the Westminster election, successful DUP candidates" —

Mr Deputy Speaker: Order. Nowhere in this Bill is there mention of Westminster or the House of Commons. The Bill is about the Northern Ireland Assembly and its relationship with local government. Please return to the subject matter.

Mr Beggs: Its 2010 manifesto indicates that it will end double-jobbing:

"We also believe double-jobbing on quangos should end."

Those appear to be shallow words that were not delivered on. DUP members are not only double-jobbing, but they are double-jobbing on quangos, and I have not heard of any action on that either. The DUP was keen to say things to get votes but not to deliver. Of course, the DUP's nominating officer could decide not to nominate MLAs going forward for council as candidates for both bodies, and its party leader could decide to change the position should he so chose.

Mr Weir: In that spirit, will the Member give an assurance that no Ulster Unionist candidate will be nominated for a council and the Assembly? Leaving aside the situation alluded to in North Down, others may be doing that as well. My understanding is that two MLA candidates for East Belfast are also sitting councillors and that they will presumably remain on those councils.

Mr Storey: North Antrim.

Mr Weir: Indeed, that is also the case in North Antrim and in other constituencies. There has to be consistency. If the Member is saying that the right thing to do is to bar any MLA from being a councillor, his party should take a lead on that as well.

Mr Beggs: First, my party supports the legislation. This is not a hypothetical situation.

Mr McGlone: Will the Member give way?

Mr Beggs: I will, but I want to finish this point. We support the Bill. This is not a hypothetical situation. Secondly, —

Mr McGlone: Will the Member give way?
[Interruption.]

Mr Deputy Speaker: Order.

Mr Beggs: As indicated, I will give way in a moment. As regards the hypothetical situation that the Member mentioned, I think that he is seeking even further political advantage, because he wants some councillors who aspire to be MLAs to stand down from their council position and perhaps not even be councillors in future. He wants even further advantage over political opponents from which he and his party can benefit. The Ulster Unionist Party has decided that none of its sitting MLAs will run for local government, because that is an honourable thing to do. However, is it realistic

to expect councillors to give up their council positions even though they cannot actually be certain that they will be elected to this House? What we are doing is reasonable, and if the legislation is passed we will honour and support it. The Member's party is seeking further political advantage for itself.

Mr McGlone: I thank Mr Beggs for giving way. Given that consistency seems to be the theme here, does the Member accept that if every party were consistent on this, we would not need legislation? The legislation has the objective of delivering consistency and bringing an end to the anomalies that exist in all parties. That is the aim of the legislation; that is why we are here this evening. I therefore thank the Member for introducing the Bill.

Mr Beggs: I thank the Member for his contribution. The Ulster Unionist Party has decided voluntarily to honour the spirit of the Bill, whether it is passed or not.

It is important to demonstrate some of the practical difficulties for some Members who continue to double-job.

Mr Humphrey: Will the Member give way?

Mr Beggs: I have given way quite a few times, and I wish to move on with my speech. I wish to give some practical examples that I, as an Assembly Member, have encountered with some other Members. During my time on the Public Accounts Committee, I remember one individual frequently leaving early to attend council planning meetings, and MLAs elected to Committees leave to attend planning sub-committees of councils. That happened in the life of this Assembly. Another example of the difficulty of being an MLA and a councillor is that their work depends on exactly when a council might meet and on what Committees they are on.

8.15 pm

I notice, interestingly, that Alderman Gregory Campbell MLA was frequently absent, or left early, from PAC meetings on the second Thursday of each month. It was drawn to my attention that he is a member of Derry City Council's policy and resources subcommittee, which, guess what, meets on the second Thursday of each month. Interestingly, that council meets on a Tuesday, when Members should be here, and on a Thursday. That particular public representative would also have difficulty serving on an Assembly

Committee that meets on a Wednesday, because it is on Wednesdays that he occasionally flies to London and goes to Westminster. There are some very practical difficulties in being a double- or treble-jobber, depending on which council Members serve on.

Is it honourable that a Member of this House frequently leaves Assembly Committees to which they are appointed to go elsewhere? Is that honourable? I ask other Members to address that when they take the Floor later.

Mr Humphrey: I do not think, and perhaps it is because you have not thought of another word to use —

Mr Deputy Speaker: Order. Please refer all your remarks through the Chair. The only “you” in this Chamber is the Deputy Speaker.

Mr Humphrey: Thank you, Mr Deputy Speaker.

The Member should choose his words carefully. I do not think that it is dishonourable to be a member of a council and I do not think that it is dishonourable to carry out your duties. The Member should use his words very, very carefully.

Mr Beggs: Is it honourable for someone whose council meetings conflict with meetings of this Assembly to sign a petition of concern that would potentially allow that conflict to continue? Is that honourable?

Mr Storey: Will the Member give way?

Mr Beggs: No, I have given way liberally.

Let me give Members the full picture of the Public Accounts Committee. The Public Accounts Committee meets on a Thursday, generally at 2.00 pm, and those meetings could go on until 5.00 pm. The policy and resources subcommittee meets at 4.00 pm in Londonderry. It has been pointed out to me that, on 11 November 2010, Mr Campbell joined the PAC meeting at 2.14 pm and, keeping up his present rating, was marked present. He left after 10 minutes at 2.24 pm. The following month, on the occasion when the two meetings possibly clashed, he sent his apologies. The month after that, he left the PAC meeting at 2.51 pm; he must be able to drive quite fast to other places. On 10 February 2011, he sent his apologies. Therefore, there is a very practical problem for some councils in attempting to have dual or treble representation.

Mr Storey: Will the Member give way?

Mr Beggs: I have given way liberally.

It is obviously not possible for some councils to have dual or treble representation.

Mr Storey: The voters will make a decision.

Mr Beggs: Members are saying that the voters vote for them. Let us remember that individuals elected to the Assembly, or, for that matter, Westminster, are full-time politicians paid from the public purse. They also have ample office cost allowances for staff to back them up. Is it a surprise, with all that backup, that the public see those Members as higher profile and, in the past, have voted them for council?

We are about trying to move things on to bring about better governance, so that Members can be in their Committees here or elsewhere and, as was said earlier, have the time to carefully scrutinise legislation coming forward, the issues being discussed at Committee or the issues being discussed at council. There must be sufficient time for that. Believe you me, in travelling between three different locations, a big part of time is lost to travel or driving, never mind —

Mr Humphrey: On a point of order, Mr Deputy Speaker. Mr Beggs referred to Mr Campbell's attendance at a Committee. I got no evidence from what he said that Mr Campbell left that Committee to go to the council in Londonderry; absolutely none.

Mr Deputy Speaker: That is not a point of order, Mr Humphrey, but you have it on record.

Mr Beggs: I wish to congratulate Ms Purvis for her perseverance in carrying out the research for this Bill and bringing it through its various stages.

When the original Bill was debated, I complimented Ms Purvis on its brevity. However, it was necessary to amend that Bill, given the complexity of electoral law; a desire to avoid unnecessary by-elections being triggered by the very legislation that we are putting through; and the other changes to electoral law. The final shape of the Bill is not exactly as I would have wanted, but I recognise that it is a considerable improvement on what was in place in the past.

It would be possible to stand for both jobs, but there would be a 60-day window. I was concerned that that could be cynically abused.

People would vote for big hitters but, after 60 days, they would get Bs or others that they did not know they would get. There is the possibility of such abuse if individual parties choose to abuse it. It comes down to whether individual parties and public representatives choose to abuse it. Nevertheless, I recognise that the Bill would bring about improvements to our democracy by ending dual mandates relatively quickly.

I must express, once again, my disgust — I use the word “disgust” deliberately — at the DUP’s abuse of the petition of concern as it strives to axe the Bill. That party should bear in mind that it could come to regret that in a whole series of issues. It has created the precedent of the petition of concern being used for narrow, party political self-interest. Others may decide to abuse it in the same way in the future. The DUP has created the precedent. I support the Bill.

Mr Deputy Speaker: Before I call the next Member to speak, I remind Members that, since this debate is on legislation, every Member has an opportunity to speak on the Bill. I ask, therefore, that interventions are a lot shorter than they have been heretofore.

Mr Dallat: Where does one begin at this late hour? I will begin by extending my congratulations to Dawn Purvis for bringing this Bill forward. I understand why Dawn has done that. No one in the Chamber has worked harder to build democracy, particularly among people who, in a previous life, did not understand the value of democracy and, unfortunately, sought other ways to solve problems.

The law that allows co-option came into being on 1 April 2010. After 33 years on Coleraine Borough Council, I thought that I would avail myself of that law. That is the best decision that I have made, not because I wanted to give up my speedy journeys to Coleraine, but because I have created an opportunity for a younger person, a female, to take on the role of councillor. I am pleased that that person has performed extremely well. We are building a fledgling democracy. I was convinced that we had got there earlier today, when all the seats were filled with Members with so much to say. However, so many of those seats are empty now.

Mr Ross: One, two, three, four, five.

Mr Dallat: Sorry; I will take interventions from anyone, Peter. It is not a problem.

Mr Weir: I did not actually say anything. The Member will find that it was Mr Ross. He criticises the fact that there are empty Benches. However, given that only three Members from his own party have stayed, will he not take a little look around at his own party before he criticises others?

Mr Dallat: I am very happy to say that our party is in another room discussing the future of the Assembly — the Budget, largely, about which so much was said earlier.

The Bill refers to double-jobbing. There are Members of the Assembly — I suspect that one or two of them are across the Floor — who are treble-jobbing or quadruple-jobbing, if we take into account district policing partnerships, community partnerships and the committees that were set up for the reform of local government, which, of course, never happened after £20 million was squandered on it.

The Bill is important because there is a thin line between democracy and arrogance. What I have seen here tonight is the most extreme arrogance from people who have very short memories. It is not so long ago that it would have been impossible to even get people into this Building to peacefully discuss a political way forward. Now, the people on the opposite Benches want to stifle that opportunity for other people, who, I believe, are entitled to hold council posts for all sorts of reasons, but particularly because it builds and strengthens democracy.

I would hate to think that the day would ever come that I would feel so arrogant that I would refuse to believe that someone else could do my job on a local council. That is insulting. It is interesting that it is people in their own parties that those on the opposite Benches do not trust. I know that it is fashionable for politicians in the North to go around with a wing mirror on each shoulder, but I thought that we had got past that. Let any Member on the opposite Benches tell me that there are no people in their political party that could replace them on local councils.

Mr Weir: I am more than happy to acknowledge that there are plenty of people who could do Mr Dallat’s job just as well.

Mr Dallat: Arrogance and being flippant are two things that do not run well together. Members of the public are looking for encouragement to

engage in the democratic process. The Member might be a little bit concerned that, in some parts of the North, the turnout at elections is less than 20%.

I will finish by saying that I had the privilege of meeting Dawn Purvis many years ago at the reconciliation centre at Glencree in County Wicklow. I wonder how many Members on the opposite Benches have been there. I understand why the Bill is important to her. It is also very important to other people who have put their faith in democracy and want to see maximum engagement from people at all levels.

I will leave it there, except to say that the petition of concern is an absolute affront to democracy. It is a disgrace.

Mr Storey: Will the Member give way?

Mr Dallat: I am about to finish, Mr Deputy Speaker. It is with great pleasure that I deny the Member the opportunity to intervene.

Mr B Wilson: I declare an interest as a member of North Down Borough Council in addition to my role as an MLA. I assure the House that I will not stand for election to the Assembly in May, but I hope to return to the council. In fact, I am in demob mode, and I am looking forward to leaving the Assembly. I first fought a Stormont election 45 years ago, when I was working for David Bleakley against Roy Bradford in the Victoria constituency, and I feel that I am entitled to a break.

The Bill is unnecessary and uses a sledgehammer to crack a nut. I cannot support it. Indeed, if it is acceptable that councillors in Scotland, England and Wales can serve as Members of the devolved Administrations or as MPs, why is it so wrong in Northern Ireland? In practice, few councillors in the rest of the UK decide to avail themselves of the dual mandate. I have no doubt that the same situation will follow here, particularly if there is no financial incentive to remain as a councillor. I support the previously outlined proposal that councillors who are MLAs and who stand for council should not be paid. Most MLAs have kept the dual mandate in order to retain job security and their political careers. Now, because the Assembly appears to have a stable future, the dual mandate will no longer be necessary and most MLAs will stand down from councils.

However, because the Bill is subject to a petition of concern, there is no point in me voting against it, because my vote will be irrelevant and will not be taken into account. That is a real injustice. My unwillingness to reinforce the divisions in our community, by designating as either unionist or nationalist, means that my vote on the dual mandate is ignored.

More importantly, the 3,000 North Down voters who elected me are also disenfranchised. Such discrimination against MLAs who refuse to designate cannot be justified in any democratic society.

8.30 pm

I must confess to Members that I have been guilty of double-jobbing for nearly 30 years. For the past four years, I have double-jobbed as an MLA, and, for the previous 25 years, I doubled as a full-time lecturer. Many of my council colleagues are also double-jobbing as teachers, doctors, social workers, electricians and care assistants. Indeed, throughout Northern Ireland, many hundreds of people are double-jobbing, with a full-time job through the day and a part-time job as a councillor in the evening. If the Bill is passed, only MLAs will be barred from being councillors, and even MPs could remain in council. Such discrimination is difficult to justify. Indeed, I believe that it could be challenged under human rights legislation.

Mr Beggs: Is the Member aware that the Bill could not bar Members of Parliament from standing for council? That option was not open to the Member or to the Committee when we considered the Bill.

Mr B Wilson: I thank the Member for his intervention, but that is not my point. I was trying to make the point that MLAs would be the only people who could not become councillors. Everybody else could, and that discriminates against MLAs.

Some people have argued that MLAs cannot do both jobs efficiently, but there is no evidence to support that. There is great public hostility to the principle of double-jobbing. A councillor's role is a part-time one, normally one night a week, so it does not impinge very much on a full-time job. If properly organised, a councillor can also have a full-time job, whether that is as a teacher or an MLA.

The public are against double-jobbing, but I have topped the poll in six successive council elections in Bangor West. That does not suggest that the electorate of Bangor West feel that I am not capable of doing both jobs. I also reflect on the recent Westminster elections, when 17 of the 18 MPs elected were serving MLAs. That is unacceptable. The roles of both MP and MLA are full time, and it would be more appropriate to ban that form of double-jobbing.

It has been argued that double-jobbing as councillor and MLA can lead to a conflict of interest and give an MLA too much power. I cannot think of any example of that happening. In fact, the lowly Back-Bench MLA has little power and is merely Lobby fodder for the Whips. The main role of a Back-Bench MLA is to promote the interests of his or her constituents, which is exactly the same as the role of a councillor. Perhaps, councillors who are also MLAs can provide a better service because they have more facilities. However, should the MLA achieve a post in the Assembly such as Minister or Chairperson of a Committee, both of which involve the exercise of power, he or she should resign from council. The holding of a ministerial post is totally incompatible with being a councillor. However, on a positive note, an MLA who is also a councillor has access to Ministers and the opportunity to put forward a case on behalf of either the council or the resident.

In-depth knowledge of council operations is beneficial in examining legislation. Over the past year or so, we have looked at a lot of legislation, including the Planning Bill, Clean Neighbourhoods and Environment Bill and the High Hedges Bill. The expertise that we have gained as councillors is useful in considering that legislation. Not only do we know the legislative process, but we also know the practicalities of being involved day to day with people affected by that legislation. If councillors were no longer allowed to be MLAs, that expertise would be lost.

Many MLAs make an important contribution to local council business. Indeed, North Down Borough Council last night unanimously expressed regret that Dr Farry, having been a very successful chairperson of the council's finance committee over the past 10 years, is stepping down. His expertise on rates will be sorely missed, and he will not be replaced easily.

I do not believe that the public are against double-jobbing or dual mandates per se. Why would they continue to return the same politicians to multiple jobs if they felt so strongly about it? The public reaction is more against multiple salaries. If Members were limited to one salary, the public would lose that hostility and judge the Member on their effectiveness.

Mr Weir: I thank the Member for giving way. He mentioned the pay issue as it relates to MLAs. I do not know whether the Member is aware that a public consultation from the DOE has gone out in the past couple of months on the issue of anyone who is serving. Indeed, one of the options is the complete removal of any salary from a councillor who is also an MLA.

Mr B Wilson: I am very much aware of that, and I certainly support it. It should be introduced.

There is no evidence to support the argument that the Bill would attract a large number of new people and new blood into the Assembly or perhaps councils. Three female Members have left the Assembly and have been replaced by males. If you want to increase the number of females involved in the political process, you have to change the political culture and the adversarial, aggressive nature of politics. I think that most women do not like that. I suggest that they would not tolerate sittings going on until 1.00 am. There would probably be better hours for the Assembly if we had more female Members. They would not be attracted by the practices in the Assembly.

The Bill is unnecessary. The problem of double-jobbing will resolve itself over the next few years. MLAs will follow their counterparts in Scotland and Wales and resign from councils. That is already happening. If the financial benefits of remaining a councillor are removed, I have no doubt that the vast majority of councillors will stand down voluntarily. I cannot support the Bill.

Mr Savage: I declare an interest as a member of Craigavon Borough Council. I wish that this House had the same rules as Craigavon Borough Council about the length of time that you are allowed to speak. If we were to apply those rules here, maybe we would get through the business a bit more quickly.

It is clear that the multiple mandates of some elected representatives is an issue in the community. Some Members, including me, sit on

local councils. This is an opportunity. This place has established itself. People who were involved in local councils for quite a number of years did not want to give up their position until they saw what happened here. We have to understand and realise that Stormont is here and will not go away. It is the place of the future. However, one of the things, Mr Mayor — sorry; Mr Deputy Speaker. *[Laughter.]* The purpose of the Bill is to disqualify those who are elected to this House from holding office as a local councillor. People have been around long enough and are sensible enough to know what they want to do and what they cannot do. It is clear in everybody's mind that they cannot be in two places at the one time. Once they get over an initial period, they will soon decide for themselves where they want to be. However, there is strong support for the Bill in the community. Of the 16 substantive responses received, only two raised objections.

With that in mind, I am staggered that the Democratic Unionist Party has lodged a petition of concern on this matter. That flies in the face of public opinion. The DUP is good at that, and maybe other parties have not yet jumped on the bandwagon, so there is an opportunity there for other people to get —

Mr Beggs: Will the Member give way?

Mr Savage: No. I will not give way. I have listened to you long enough, and I want to get away home.

The record will show that there was an opportunity for many people to develop their political aspirations here and to move this thing forward. There is also a council system that allows us to gain office, move forward and be more professional. There are big opportunities there, and RPA is sitting on the sidelines. I am assured that, after the elections in a few weeks' time, RPA will probably move forward and there will be opportunities for people who want to be more deeply involved in councils.

In my time in local government, there have been great opportunities to get work done. Many people in this gathering here tonight have probably spent most of their political life in local government. It all comes down to which seat they would choose to give up. Mr Ross touched on many issues today that I could not disagree with him about. The opportunities are there for many people, but it comes down to the fact that you cannot be here and there at the one time; if you are, you do a disservice to your people.

Local planning is one of my big duties as a local councillor. If my constituents have a problem, it is nice for me to be able to come down here and speak to the Minister or put my hand on his shoulder to see if we can get that sorted out. That can be done, but — *[Interruption.]* Hold on a minute: that can be done if you go about it in the right fashion. I am not saying that I have an advantage over anybody else, but the opportunity is there, and not one of you is not doing it.

As we go forward, legislation will come about, and it cannot come about quickly enough. There are things that we would like to do but cannot do. Dawn, a Member for, I think, South Belfast —

Some Members: East.

Mr Savage: — has brought the Bill forward, and I congratulate her on the work that she has done. I only hope that she has a successful outcome to what she is trying to achieve.

I do not want to say anything more. Many people have put a lot of time and effort into their council and their work here. They have a choice to make. Sometimes that choice can be made for them, as happened in my case. However, no matter where we go, we go there to work for the electorate — the people who put us there — in whatever way we choose to serve. At the end of the day, they are the people who will decide where we go. Thank you very much, Dawn, for what you have done.

8.45 pm

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. I am sure that everyone in the Chamber will be glad to hear that I will be brief, and I am not going to talk about being brief to elongate things either.

I especially thank Dawn. We have worked in Committee together on many other projects, so it is good to see recognition being given — even if it is stymied tonight — to the good work that she does. Indeed, I thank her for introducing this private Member's Bill. Members might recall that the last private Member's Bill that we discussed was so accelerated that I thought I was at the Isle of Man TT. In fact, it passed so quickly that it went into a bit of a whirl and changed utterly in shape, form and direction. That was my preamble, but I am glad to say that this Bill is consistent, so it is unfortunate that a petition of concern will block it. However, we are where we are.

When Mr Beggs was speaking, I briefly made a point about what this is about. Everyone in the Chamber can put up their hands and say that there are moles in our eyes. We can all point at the other side and other parties and say that they are not being consistent. However, the point of the Bill is to introduce consistent practices and to prevent situations that those of us who have been or are in local government have experienced, such as the Assembly's oversight of local government when developing policies or, indeed, practical measures, where it is so difficult. Hand on heart, I have to say that, until just over a year ago, I was a member of my local authority in Cookstown, so I know that it is extremely difficult to properly attend and devote time to Assembly business and then leave in time to get to a council meeting to deal with other issues, especially planning issues, which, as Mr Savage rightly said, are very important to rural councils.

On the subject of rolling out measures to bring an end to double-jobbing, being honest to myself and to my electorate, regardless of party obligations, I felt that leaving here early to go to a meeting in Cookstown meant that I was not giving the electorate an adequate service. I was being pulled in two directions by two masters. The Bill will regulate and introduce harmony and consistency to that situation and prevent potential conflicts of interest, allowing us to devote ourselves to one mistress — democracy — whether in local government or the Assembly.

As Assembly Members, we are well enough paid. God knows we went into the ramifications of the Budget earlier, when employment issues were raised, so we know that, compared to the people who come into our constituency offices to seek help, many of us are more than well paid. For the first time in their life, many of those people have to face the ravages of unemployment, and that is not a good place to be. Therefore, in seeking to nurture and protect democracy, we are more than amply compensated, although, for many of us, money is not a requirement. I am sure that those of us who have served for many years will recall nights in council when, as community activists, we sat there for little or no recompense, and it is important to put that on record.

Ms Purvis's legislation will harmonise the situation and bring consistency, ensuring that Members are not torn between two masters, are dedicated full time to their work and do not have

a conflict of interest along the way. My colleague Mr Dallat more than amply outlined my party's position, and we are more than happy to support the Bill in its present form. Thank you, Mr Deputy Speaker, for affording me the opportunity to speak. Indeed, I feel honoured to speak to the motion to pass legislation that, ultimately, will benefit democracy and resolve people's allegiances to local and regional government.

Mr Deputy Speaker: I question the Member's definition of the word "brief".

Lord Empey: I give no such hostage to fortune. I may speak at great length; we will see how it goes.

In the past few years there has been a campaign, which my party and others have been involved in, to break up the political cartels that were accumulating huge resources from the number of jobs and income streams that they were receiving. At least one person was raking in over £500,000 in allowances and salaries, and another was raking in over £600,000 in allowances and salaries. Anybody can see that such a thing is not right, and the reason why it is not right has been recognised by the people who were involved. There are people sitting on these Benches today who would not be sitting on them were it not for the campaign against double-jobbing. They are the beneficiaries of it.

As Members have mentioned, the fact is that, at the beginning of devolution, when there was uncertainty about whether devolved politics would go or stay, local government was the only place in the democratic field that had worked for 20 or 30 years. There was nothing else, and there was nothing here. There was local government and MPs and nothing in between. It was perfectly natural that people would retain their positions in local government. Otherwise, if this place folded, they would be completely out. I fully understand that.

The salaries in local government are not the issue, although Mr Wilson drew attention to them. The issue is, fundamentally, the conflict. I do not care what anybody says; there is a conflict. Councils currently deal with a number of matters, let alone what they will deal with if RPA is implemented. Planning has already been mentioned, and I will come back to that. Waste management strategy is another obvious issue. We have issues concerning leisure, environment and heritage, and roads. We only have to think back to the bad weather at Christmas and the issue with Roads Service footpaths to see how

councils are involved. People may sit on the Regional Development Committee and deal with an issue there and sit on a council and deal with it there also. In that case, of course there is a conflict of interest. You do not need to be Einstein to see that. The most flagrant example of a conflict of interest was the situation where the former Environment Minister Sam Wilson sat on the planning committee of a council when he was in charge of the Department of the Environment. The officials at the other end of the table were answerable to him.

Mr Weir: When did the Member first notice that conflict of interest? Was it when he was sitting as an MLA? Or was it when he was sitting as a councillor? Or was it when he was a Minister in the Executive, both in the previous Executive and in this one? All those roles were simultaneous, yet the Member seems keen to lecture us on double-jobbing.

Lord Empey: I have recognised it for some time, and I said at the beginning that it was obvious at the early stages that people had a perfectly legitimate reason for staying on in here and in councils, because the future of this place was uncertain. If you have come to the conclusion that the future of this place is not uncertain, the rationale for remaining in councils diminishes. The obvious question of conflict of interest arises because, if you are in charge of a Department that makes decisions on an issue before a council — planning committees being merely advisory — and yet you are consulted by the Department you are in charge of as a member of the council, of course there is a conflict. That is blatantly obvious. It was recognised by previous Environment Ministers such as Sam Foster and Arlene Foster, who removed themselves from planning committees and local councils when they took that office. No argument can be advanced to say that that is right.

There is again a conflict when it comes to waste management and other things, where huge amounts of money are involved. In other parts of the United Kingdom, that is fully understood, and, as our local government hopefully becomes more powerful, the risk of conflict will rise. That is fairly obvious, and, as Mr Savage and other Members said, there is the burden and strain of trying to be in two places at once. If this place is mature and is here to stay, surely being a Member here is a full-time job. We are paid well and are given substantial office cost allowances,

travel allowances and other things. Of course, I accept that being a councillor is not a full-time job. There is a risk of conflict of interest. So why the big fuss? Why not accept that there will be national legislation to deal with these matters in any event?

Mr Humphrey: Will the Member give way?

Lord Empey: Just a moment, please.

There will be national legislation, because there will be recalcitrant elements who will not bow to it. There will be those who feel that they can continue to hold the different mandates, and, ultimately, it will be resolved only by legislation.

Mr Humphrey: Is the Member aware that the Secretary of State said that he would legislate on membership of this House and the national Parliament at Westminster? When will that legislation come forward in line with the legislation that he has just mentioned on membership of this House and local councils? The Secretary of State has failed to deliver on the other legislation, so is there any certainty that he will deliver on that?

Lord Empey: We would be delivering on this if it were not for the petition of concern, so we could have ticked the box to say that at least we had done our bit. The Secretary of State will deal with his matters in his own time, and he has indicated that, perhaps, before 2013, he will introduce legislation. I hope that that is the case. We could deal with our own things. We are happy to say that we are so pleased to have this place because at least we can control our own affairs. On this issue, we can control our own affairs, but we have decided that we will not control them. We have decided that we will block the Bill on the basis that we want to continue with a practice that is unnecessary.

I love local government. It is a great institution, and it kept the democratic flag flying in this country when all other institutions had forsaken it. Many of the types of people who used to go into local government, whether from business or from other activities, went away at the beginning of the Troubles, and it was populated by people who tried to keep the flame of democracy alive in this country. I was privileged to be part of that, and I am a great believer in local government. I hope that RPA gets implemented and that local government is strengthened. I am not making any criticism of local government, but the point is that being in here is a full-time job.

There are risks of conflict of interest that do not have to be run, and there is no reason to run those risks. I refuse to believe that there are not a couple of dozen people out in the country who could fill the places occupied by MLAs. The argument was that we could not lose all of the expertise, but I do not think that people out there take that view. There would be no shortage of people to fill the places on local councils vacated by MLAs. Therefore, the sensible thing would have been to take a lead and pass the legislation so that, whatever the Secretary of State did, we could say that we had taken the lead and delivered. In those circumstances, we would add to and enhance the reputation of the House, because it would be populated by people who were devoted exclusively to the work that needs to be done in here, and, let us be honest, there will plenty of that in the years ahead.

9.00 pm

In the past few weeks, I have had the experience of going to the House of Lords in Westminster, and I have seen that it is impossible to do two jobs because you literally cannot be in two places at once. You are back and forward on a plane, and it is impossible to do two jobs properly. I think that it does a disservice to our constituents and to everybody else. Therefore, we should simply say that we are MLAs, we have full-time jobs, we have plenty to do, and we have no shortage of problems to resolve. What is the big driver to say that we must retain our role in local government?

It would have been preferable if we had all done the whole thing voluntarily, and, as Brian Wilson said, the issue resolved itself. However, it is perfectly obvious that that is not going to happen. Hopefully, if the legislation is brought forward to implement the review of public administration, perhaps Ms Purvis will have another opportunity, if she is returned, to bring another Bill forward, or somebody else will bring it forward, and it might be possible to deal with it at that stage.

Money is not the issue. The issue is whether there is a conflict between being a councillor and an MLA. I think that there is a potential conflict, and I believe that the back-up to that is that being an MLA is a full-time job. The job of a councillor is not a full-time one, and I readily accept that. It is a good thing to have people from different backgrounds and people who work

at different things involved in local government because they bring expertise. Some councillors are businesspeople, teachers or farmers, and it is good to have that mix. However, for the foreseeable future, this place will need the 100% attention of Members who will be returned here on 5 May. I do not think that it is good enough to operate at 75% capacity.

Mr Weir: I declare an interest as a member of North Down Borough Council. There has been a lot of hypocrisy on this issue, and I could draw Members' attention to various things, but I will not go down that route. I expect that I would be chastised fairly quickly by the Deputy Speaker anyway. However, I will take one point that Lord Empey made about an MLA being a full-time job and it needing 100% of Members' attention. If we are to have legislation to make that the case, let us ban anyone from receiving any form of remuneration outside of this Chamber.

When I was elected in 1998, I became a non-practising barrister, and I have not taken a penny in that work subsequent to becoming a full-time MLA. I have to say that that practice has not necessarily been shared around the Chamber during those 13 years. I was perfectly prepared to have no safety net. If we cannot justify someone carrying out the fairly compatible roles of councillor and MLA, let us ban every other form of remuneration. Let us at least be consistent.

At Second Stage, I said that my guiding principle, which remains, is that democracy is about letting the people decide. We are told that there is an angry mob out there with pitchforks, and that they are ready to attack us over this issue. If it is such a key issue, it did not show up when there was public consultation on the issue, as we found at the Committee for the Environment. However, let us leave that aside. We are told that there is such anger, yet Mr Beggs said that if an MLA runs for council, they will get elected. Therefore, according to Mr Beggs, people are so stupid that, even though they are very angry about somebody being an MLA and a councillor, they will not vote them out of one of those roles when they are given the opportunity.

I have great faith in people. Let the people decide. Even if every party voluntarily ensured that not a single Member was performing more than one role, I still do not believe that it would be right to legislate for a ban. I believe that

parties should have the opportunity to select whomever they want, and the electorate should have the right to vote for whomever they want. That is the principle.

Reference was made to the fact that the petition of concern was not lodged at an earlier stage. Perhaps the Member who asked that did not realise that a petition of concern cannot be tabled at Further Consideration Stage. It is not allowed. Let us leave that aside.

This party was prepared to put some of the concerns that we had in connection with the issue. We did not divide the House at Second Stage, although we raised our concerns. We also raised concerns at Committee Stage. At Consideration Stage, we attempted to put down amendments, but they were ruled out. We put down amendments at Further Consideration Stage, and we offered a compromise of a phased withdrawal in 2014, which we felt that people could unite around. People rejected the opportunity for compromise, so they cannot complain to us.

Many of the parties or individuals who were responsible for tabling petitions of concern in the first place cannot complain when that parliamentary tool is used against them. We have no truck with that. To be fair, the other main opponents of the Bill, the Alliance Party, said consistently from day one that it is against petitions of concerns. Its position has been consistent. Members cannot use petitions of concern when it suits them and say that it is a terrible abuse at other times.

Mr McFarland: The Member was there at the time, so he knows perfectly well that petitions of concern were introduced in order to stop one side of the unionist/nationalist divide pushing through legislation against the wishes of the other. It was designed as a cross-community protection. It was not designed to protect DUP big hitters from being removed and trying to maximise their vote for party-political gain. That was not what it was for.

Mr Weir: I was there, and I am proud to say that I was the first person in Northern Ireland to say no to the Belfast Agreement, having read it, and I stick by that position. You cannot create a parliamentary tool and then complain when it is used against you. It was used very early on in respect of the Civic Forum. I do not believe that that is something that is cross-community.

The proposer of the motion castigated us for using a petition of concern, but I did not see the same concern at the use of a petition of concern when it was used to kill off the definition of victims in a particular Bill. There was silence then, was there not? There was no criticism then. I will not take any criticism of our use of the petition of concern.

I want to deal with other issues. I have served here for 13 years. I am in a relatively unusual position in that I was a Member of the Legislative Assembly before I was a councillor, so perhaps I see things from a slightly different perspective. Conflicts of interest have been talked about. I have not seen a great deal of conflicts of interest during my time, but I have seen complementarity of interest. I am perfectly happy to admit that I feel that I am a better MLA since I became a councillor in 2005. My work as a councillor has given me a perspective, which, perhaps, I did not have before 2005. Mr Farry, Brian Wilson, Mr Cree and Mr Easton brought something to North Down Borough Council, because of the perspective that they have gained as MLAs. There is merit in that, so I do not accept the argument about a conflict of interests.

We have been told about the unemployment figures in Northern Ireland. The unemployment situation is a terrible human tragedy. However, given the number of additional spaces that will be opened up for part-time jobs, our unemployment problems will not be solved by whatever we do on dual mandates.

There is an idea that power is concentrated in the hands of too few people. I think that we have 592 councillors in Northern Ireland, and about half our MLAs are not councillors now. We have about 650 representatives. Expanding that to 700 people will not make a major difference in the measure of success in that regard.

The issue of what happens when someone is removed from the Assembly, for instance, has been mentioned. All parties are guilty on this, and my party is as guilty as anybody else. Every co-option vacancy in the Assembly has been filled by a man. Therefore the idea that opening up additional spaces naturally leads to greater diversity is not borne out by the figures.

The one issue in which there is some merit is covered in the phrase that someone should not have more than one paid full-time job. I pay tribute to those who served in local government

quite a number of years ago. Local government has never been a full-time job; everyone in local government is doing another full-time job, unless they are retired.

Mr Beggs: The Member has said that he supports the concept that a person should not have more than one full-time job. Does he not accept that two of his party's Assembly team are full-time Assembly Members and, supposedly, full-time Members of Parliament, despite that party's 2010 manifesto promise to end that practice within weeks?

Mr Weir: I do not want to personalise it, but I will not accept criticism on broken manifesto pledges from members of that party. There appeared to be no conflict of interest for the Member during his time as councillor, or during the 18 years that his father served as both an MP and a councillor. There is rank hypocrisy in a lot of that.

The one thing that strikes me as being quite bizarre, which Mr Wilson also referred to, is that, as anybody will indicate, being a councillor is not a full-time job. It has a degree of complementarity. The most bizarre bit of the argument is the suggested evils of somebody who is a professional politician representing people on a council. Heaven forbid that we actually have professionals in local government; that would be a terrible crime. We can have any profession represented in a local council. We can have a solicitor, an architect, someone who has been a bin man or someone who is an estate agent, or whatever. We can have any profession under the sun, but, under the Bill, the one profession that would be barred from being a councillor is a politician: someone who is a full-time public representative. That strikes me as a bizarre piece of legislation.

As was indicated, my party has taken action to start to phase out dual mandates. Indeed, looking at the numbers, we have done more than any other party. I am not going to rehearse the arguments about the hypocrisy of a number of the parties here. We are committed to phasing out dual mandates completely by 2015, but it needs to be done in an orderly fashion.

Mr McQuillan: Does the Member agree that the party to my right has deselected one or two of its representatives, and so has started to end dual mandates?

Mr Weir: I am not going to risk commenting on that in light of who is sitting in the Deputy Speaker's position, but I note the issue. Removal of a mandate, which could happen to any of us, can either be voluntary or thrust upon us, but that is another thing.

There is an argument that people should not be paid twice for the same work. That is why, despite the fact that our amendment regarding payment of a councillor who is also an MLA was rejected by the House, our party has, through the Department of the Environment (DOE), put out a consultation on levels of remuneration and options relating to that, including the complete removal of any form of remuneration. That will be picked up by the next DOE Minister. That is the area in which there is proper public concern. With the best will in the world, there has not been overdue concern regarding dual mandates in recent years. The concern has been about the level of alleged abuse by parliamentarians, sometimes rightly and sometimes wrongly, of the expenses system. As such, dealing with the finance is the crucial issue.

Whatever we do today, we will soon all be going into an election. Various Members have referred to voting records and attendance records. My party leads the league table, both in attendance and voting records. My colleagues and I will be happy to put forward our record. Others should be more than happy to explain theirs.

Mr Kinahan: It concerns me that there is a holier-than-thou attitude, which I may be accused of at times. Many Members just go to Committees, click in and then disappear out the door having ticked the box. They may appear to have a good record, but whether they actually have a good record is for all of us to find out in due course.

Mr Weir: I take that point. However, the people who should make a judgment call on that are the electorate. They are sovereign in any democracy, and that is why we should be loath to put any impediment on who can and who cannot run in an election.

Mr Humphrey: Will the Member give way?

9.15 pm

Mr Weir: I will give way in a second or two. I know that the Member is a conscientious Committee member and a conscientious Member of the House, but a team of wild horses could not have dragged his predecessor to a

Committee, and every Tuesday he disappeared off to London, not on parliamentary business, but on whatever business he was doing. Therefore, I do not know whether the record of the Ulster Unionist Party in South Antrim is necessarily squeaky clean in that regard. However, I suspect that we could all be accused of being holier than thou.

Mr Humphrey: I thank the Member for giving way. I heard clearly what the Member for South Antrim Mr Kinahan said about attendance at Committees and our party's attendance at Committees. He made that comment the last time the Bill was debated in the House, and, as someone who sits next to him on the Committee for the Office of the First Minister and deputy First Minister, I am not going to take lectures. When the First Minister and the deputy First Minister addressed the Committee, neither he nor his party leader, the Chairman of the Committee, were in attendance. Indeed, when the Ulster Unionist Party's Armed Forces and Veterans Bill was down to be discussed, DUP Committee members forced it through when Sinn Féin opposed it, because Committee members from the Ulster Unionist Party were not there.

Mr Deputy Speaker: Order. That has absolutely no relevance to the subject matter.

Mr Weir: I take on board what has been said, and I will not get into private disputes. Ultimately, in six or seven weeks there will be an election, and the people will have opportunity to make their choice at council and MLA levels.

Mr Kinahan: I do not wish to go over this any longer, but the Member should know that we were at funerals that day, and I was actually supporting one of his party colleagues at one of them. He should be aware that Members are often not at Committee meetings for very good reasons, but there are those who are not.

Mr Weir: I thank the Member. As I said, it is not my place to comment on what individual Members attend. At least that is a better excuse than Members suggesting that they will not be in the Chamber to vote on petty motions. There can be legitimate reasons why Members are absent, but the bottom line is that whatever the position is, the electorate should be free to choose.

We did try to find some way that we believed the House could unite around. However, that was rejected, and some people are reaping what

they have sown. They had the opportunity to have something that we could all live with, even though it was not our ideal position. However, if Members will take absolutist positions, they may find that they get nothing.

For the sake of democracy, let us ensure that people have the opportunity to vote for whoever they want and parties have the right to put forward whoever they want. We have had a lot of lectures about democracy, but that lies at the heart of democracy, and that is why I oppose the Bill.

Dr Farry: I will try not to be too long, but that really depends on how many interventions I get as we go through things. I declare an interest as a member of North Down Borough Council, albeit an outgoing member. I am not quite sure whether that interest really applies; if the Bill is ever passed it will be a non-issue for me.

The Alliance Party will be opposing the Bill tonight. That reflects the consistent approach that we have taken throughout the process in terms of scepticism and opposition to the Bill as it has moved through its various stages. That said, the Alliance Party does not agree with or condone the use of a petition of concern as a device to kill the Bill. The party was happy to take its chances with the argument on the Floor of the Assembly, and to vote accordingly. The Alliance Party does see that there are limited circumstances in which a petition of concern can be viewed as a legitimate device, but I am concerned at the frequency with which it has been used in recent weeks. That is something that we, as an Assembly, are going to have to reflect on as we look to the new mandate. We will go through the No Lobby based on our judgement, and whatever will be will be.

To be slightly fair to the DUP, it could have killed the Bill off at an earlier stage if it was minded to do so. However, opportunities for a compromise were missed, parties stuck to a particular line the whole way through and there was no real shift. Unfortunate as it is, and however much I disagree with the device, there is, perhaps, an inevitability about what is about to happen given earlier indications.

From my party's perspective, a real conflict of interest lies in someone being a Minister and a councillor. With all due respect to the now Lord Empey, he was a Minister when he was on Belfast City Council, and was still on Belfast City Council after 1 April 2010. He did not take

the earliest opportunity to remove the perceived conflict of interest that he outlined today.

A problem also exists with the MP/MLA dual mandate. Those are two full-time elected posts. Naomi Long addressed that issue shortly after being elected as MP for East Belfast. It is greatly regrettable that parties continue with MP/MLA dual mandates. Although that might not be germane to the debate, it is part of the wider perspective in which the councillor/MLA issue has to be seen. We are addressing what may be viewed as the lesser of all evils, if one's perspective is that this is an evil, whereas the bigger evil goes unaddressed. Parties prepared to put their hands up to ban this today have the opportunity to address a dual mandate that exists elsewhere but stubbornly refuse to do so. Indeed, there are Members who are MPs and are intent on going forward for re-election as MLAs in a few weeks' time. However, it is for them to explain to the electorate the consistency of their approach.

My other point about attitude, complexity and contradictions is that I am aware, as are others with regard to the Ulster Unionist Party first of all, that there are councillors here who did not avail themselves of the opportunity to step down. If that is a problem today and will be a problem tomorrow and after the election, it is still a problem today. The legal opportunity exists to step down.

Mr T Clarke: Does the Member not agree that it is peculiar, given that they refer to some sort of voluntary opportunities, that they are putting forward candidates who are running for council and the Assembly in the next term?

Dr Farry: Yes indeed. That is to be the case in my constituency of North Down. I am not sure what the situation is elsewhere in Northern Ireland, but I find that bizarre, because, if you believe in the spirit of this Bill, even if it does not become law, and you think that it is wrong and are prepared to go through the Lobby because of that, the only logical conclusion that you can reach as an individual and a party is to voluntarily stop people from having a dual mandate.

That opportunity can be availed of today with utter surety because there is a guaranteed replacement through the party nominating officer. There will still be that surety after the election. I am not sure why anyone would be standing for two posts if that is the view of the party.

Mr T Clarke: I missed part of an intervention earlier when Mr Beggs indicated that he had not left because, I think he said, of the honourable reason that he was elected. How will that stack up in the next mandate when they are putting a candidate up for a council, the Assembly and suggesting that they will possibly stand down their councillor and replace them then but cannot replace them now?

Dr Farry: I agree with Mr Clarke. If people are going to run for the Assembly and council in the election in May, I would like to think that they are genuine about wishing to serve in the respective roles.

Mrs D Kelly: Will the Member give way?

Dr Farry: In just a second. I would like to think that if they are elected to both, they will fulfil those roles. The most cynical thing that anyone could do is put their name forward to the electorate, and for people to honestly and in good faith put their faith in them as their choice of public representative, bearing in mind that people still vote for individuals on ballot papers and not just party labels, and then step down for someone else who was not on the ballot paper to come in. That is quite cynical. I appreciate that there might be circumstances when Members, sadly, die or circumstances change so dramatically that they have to step down from those posts. However, if people are going into an election mindful of stepping down shortly thereafter, that is wrong. I give way to Councillor Kelly.

Mrs D Kelly: I am no longer Councillor Kelly. Mrs Kelly stood down from Craigavon Borough Council on 31 December and has been very ably replaced by Joe Nelson.

Mr Farry, based on what you have said and, indeed, the interventions by —

Mr Deputy Speaker: Order. Please refer all remarks through the Chair.

Mrs D Kelly: Sorry, Mr Deputy Speaker. Based on what Mr Farry has said and the comments from Members across the way in relation to the cynical cheating of the electorate, if you like, if people are going to run for two positions but not step down, is it safe to assume that those DUP Members who are currently MLAs and are going to stand again for council will run the four-year term?

Dr Farry: I am not entirely sure how I, as an Alliance representative, could possibly answer

on behalf of the DUP. Maybe Mrs Kelly should have intervened when a DUP Member was speaking. I am happy to facilitate a dialogue across the Chamber if necessary. All that I can say from my party's perspective is that, if people are running for election to two posts in May, they should be serious about both posts. I apologise for referring to Mrs Kelly as Councillor Kelly. I have to say that, if she only stepped down on 31 January, I am disappointed because she did not step down on 1 April, which was the earliest opportunity to do so. I am not sure why she would hang on for a further eight or nine months, but we will allow people to draw their own conclusions from that.

Mr Beggs: Does the Member accept that, if a councillor is in an area where their party does not have an MLA, it would be unhealthy if that local councillor could not at least aspire to become an MLA or try to do so? In your scenario, they would have to give up all representation with perhaps not a high probability of being elected. Would it not be unhelpful in any democratic society if a local councillor could not aspire to be a second candidate or even to be the first candidate for their party to qualify to be part of the Assembly? If they wished to try, they would have to give up the council seat that they may have held for some time and cherished. The distinguishing issue is that those who aspire to get to a higher body should have that opportunity, but existing Members should not.

Dr Farry: I have to say that I tend to agree with Councillor Beggs. He has set out a wonderful argument. However, the slight flaw in his approach is that that would be an argument against the Bill, as opposed to an argument for it.

Mr Beggs: If you read the Bill, you will see that that approach does not breach anything in it. The only issue is an undertaking, which we would get from any candidate who is not an MLA and is wishing to stand and we have already got from candidates, that they would maintain only one seat if elected.

Dr Farry: In that case, they would be stepping down a matter of weeks after being elected to the council post or as an MLA. I think that that is the height of cynicism. To my mind and from my party's point of view, it is possible for people to serve as both a councillor and a Back-Bench — I stress the words Back-Bench — MLA.

I will move on to briefly summarise my party's perspective on the Bill. I do not want to detain the House too long at this late hour. I have served in local government for 18 years. I am stepping down this year with considerable regret —

Mrs D Kelly: Reluctantly.

Dr Farry: And, indeed, with great reluctance; thank you, Mrs Kelly. I am doing that for several reasons. It is my own choice in terms of how I manage my work/life balance, what I want to do in the Chamber and looking to the future. It is also a reflection of my assessment of the strength of my local association, where I have an excellent young candidate coming through, Michael Barr, who will hopefully succeed in my electoral area when I step down. That is my personal choice based on my own assessment of what is in the best interests of me, my party and my electorate.

I will not stand here and preach and dictate to others about their judgement on the best way forward. Ultimately, the electorate will have their say on the judgements that people make about whether they stand in one election or two elections and whether they are taking the correct approach.

9.30 pm

I will not labour the point, but the job of councillor has always been understood to be part-time. Even if we implement the RPA, there is no suggestion that being a councillor will be anything other than a part-time job. We need to be careful about trying to give the impression that the situation is different. It is not just the case that the legislation will end up squeezing out other full-time elected representatives in paid posts; it will send out the message that anyone who works in any profession — in business, on a farm or in a school, for example — is not welcome in local government, because councillors have to have loads of time on their hands. Therefore, apart from students, we are essentially talking about people who are retired. That will mean that there is not a balanced representation among the pool of people in local government. Like others, I find it bizarre that we are saying that the only people who cannot serve as councillors are elected representatives in full-time positions elsewhere. I am not sure about the logic of that.

There is an argument about a conflict of interest for someone who is a councillor and an MLA. I

accept that for councillors who are Ministers. That is fairly clear, and I regret that, from a number of party perspectives, that was not addressed as quickly as it should have been. Frankly, those parties could have addressed that issue safely.

For a Back-Bencher, an overlap between the two roles does not create a conflict due to any personal benefit that may accrue. The approach that I have taken, as I am sure others have, is that I serve my community. If an issue comes up, I will try to work it in whatever way I can. An MLA has access to the Assembly and Ministers to work an issue. I would not go as far as Mr Savage, who suggested that he raises individual planning applications with the Environment Minister. I have never done that, although I am not sure whether I am alone and have been missing out on something over the past four years. I would like to think that, if I tried to do something like that, I would be given short shrift by the Environment Minister and that his officials would feel miffed that the proper processes were not followed. If that did happen, the integrity of our planning process would be drawn into question. However, MLAs can use the Floor of the Assembly and their ability to influence Ministers to work a local issue. Equally, being on a council gives you access and a greater understanding of local issues. Of course, the argument could be made that that could be done by someone else and through party colleagues working with one another. However, sometimes it is more efficient for someone to be well briefed at both angles. If that is what someone wants to do, subject to the electorate granting them the respective mandates, I do not see the harm in it.

In my 18 years as a councillor, including the past four as an MLA, I have rarely come across a situation, either here or in the council, where I have felt any discomfort or any conflict of interest because I serve in both chambers. There have been situations where I have had to declare an interest and where I have seen councillors declaring an interest.

Mr Humphrey: I am not comfortable with the point about conflicts of interest. Surely Members should behave properly and know when they could be exposed to a conflict of interest and either withdraw from the situation or declare the interest.

Dr Farry: Absolutely. Those interests can be many and varied. For example, if I am sitting on the council and receive a consultation document from a Department, it is not a conflict of interest. I will simply give a view on it as a councillor in the same way as I might give a view on an issue as an MLA on the Floor. It is just saying the same thing in two different bodies.

I do not think that we have had an instance in the Chamber where the interests of local government have run roughshod over the interests of central government. It is not true that there is greater localism in Northern Ireland than would otherwise have been the case if we did not have so many people with dual mandates. That has not come across. If anything during the past few years, there has been a growing tension in this place between central government and local government, notwithstanding the fact that we have people holding dual mandates, on issues such as the allocation of resources and the tensions between the two when new powers have come along. Perhaps we may be able to pour some oil on troubled waters, given some people's dual role. However, the point is slightly exaggerated.

The only point that I genuinely recognise as being legitimate, worth merit and worth engaging with is the diversity of representatives. It is important that we reflect on who we are bringing through and give people an opportunity to serve. However, going down the legislative route at this stage is not necessarily the right way to crack that problem, although I accept that there is a problem for all parties in ensuring diversity. I may be proud of some of the things that my party has done — promoting women, promoting ethnic minorities and promoting people of different sexual orientations, as well as its balance of religious background — but I am not prepared to pat myself on the back. There is much more that my party can do. However, the first challenge and where we should leave things at this stage is to ask the parties to do that sort of thing. I was reflecting on that issue earlier, and I cannot think of an example in my party of people from different backgrounds being denied opportunities to run for office. If anything, the opposite is true. The issue for all of us is to ensure that we bring through that diversity and encourage people. Parties do not have a blocking mechanism for that diversity, and we are all conscious of the need to promote it. That is the Alliance Party's perspective, and I will leave it there.

Ms Purvis: It has been a long day and a long debate, and I appreciate it that Members stayed to take part. I recognise and understand that there are some in the Chamber who would like to delay implementation of the legislation, as it creates real inconvenience for them. However, democracy and democratic processes are not meant to advantage one group over another; they are meant to be fair and equitable. Therefore, we will all have to meet the challenge of broadening our support and recruiting new members and candidates either in preparation for the May elections or the ones that will follow. Some parties have already made great strides in that direction, and others have not.

I will refer to some Members' comments. The Chairperson of the Committee for the Environment, Cathal Boylan, referred to the Committee process and its detailed scrutiny of the Bill. I thank the Committee for that, and I thank him for his encouragement. He pointed out that there is clearly a conflict of interest between being an MLA and being a councillor. It is important to point out that the petition of concern was submitted with 35 names from the DUP, and 31 of those names have a dual mandate. They not only have a dual mandate but have many other positions afforded to them by their membership of council: Sydney Anderson, councillor, Craigavon Borough Council, chairman of the development committee, member of Craigavon District Policing Partnership and so on; Jonathan Bell, councillor, Ards Borough Council, Committee of the Regions, EU working group, member of the South Eastern Education and Library Board; Allan Bresland, MLA and councillor —

Mr Spratt: Will the Member give way?

Ms Purvis: No, I am not giving way.

Allan Bresland, MLA and councillor, member of Strabane District Policing Partnership — *[Interruption.]* Sorry?

Mr Deputy Speaker: Order.

Ms Purvis: Thomas Buchanan, MLA and councillor; Gregory Campbell, MLA, MP and councillor; Trevor Clarke, MLA, MP — sorry, MLA and councillor *[Interruption.]* You were getting promoted; maybe you are running again. Jonathan Craig, MLA and councillor; Alex Easton, MLA and councillor; Arlene Foster, MLA, was a councillor; Paul Frew, MLA and councillor; Paul Girvan, MLA and councillor; Paul Givan,

MLA and councillor; Simon Hamilton, MLA and councillor — *[Interruption.]* He did not change his entry on the Register of Members' Interests, and it is his responsibility to do so. David Hilditch, MLA and councillor; William Humphrey, councillor, MLA and deputy lord mayor; William Irwin, councillor and MLA; Nelson McCausland, councillor and MLA —

Mr McCausland: No.

Ms Purvis: It has not been changed.

Ian McCrea, councillor and MLA; Michelle McIlveen, councillor and MLA — *[Interruption.]* This information is from the Register of Members' Interests as of today, and it is the responsibility of Members to change the register.

Adrian McQuillan, councillor and MLA; Lord Morrow, councillor, MLA and Member of the House of Lords; Stephen Moutray, councillor and MLA; Robin Newton, councillor and MLA; Edwin Poots, councillor and MLA; George Robinson, councillor and MLA — *[Interruption.]* The register was not changed.

The First Minister is still down on the register as an MP, so he has got that wrong too; Alastair Ross; Jimmy Spratt, councillor and MLA; Mervyn Storey, councillor and MLA; Peter Weir, councillor and MLA. What a list of things Mr Weir just gave up in November. Had he not given them up in November, there would have been five wage packets on top of his MLA salary. Jim Wells, councillor and MLA; and Sammy Wilson, who gave up his council seat, MLA and Member of Parliament.

Thirty five names —

Mr Weir: Will the Member give way?

Ms Purvis: I am speaking. Of the 35 Members named on a petition of concern submitted at the Final Stage of a Bill about local government, 31 have a dual mandate, and the majority of them, all but two or three, are councillors. Only one Member of the party opposite declared an interest in this debate. It is absolutely shameful. There is a clear conflict of interest. We are debating a Bill that will end dual mandates for the Assembly and councils, and it is all councillors who have signed the petition of concern to stop the Bill. *[Interruption.]*

Mr Deputy Speaker: Order.

Mr Humphrey: Will the Member give way?

Ms Purvis: No, I am not giving way.

I make my point again: that is the clear conflict of interest. A group of Members can vote against a Bill or table a petition of concern to kill at Final Stage a Bill that has gone through every democratic process in this Chamber and in Committee. That party could have killed the Bill at Second Stage. Earlier, Mr Weir referred to the Victims and Survivors (Disqualification) Bill, which was killed at Second Stage because there were Members opposed to the principles of the Bill. That is why it was killed at Second Stage. *[Interruption.]* The DUP was opposed to this Bill from day one, but it did not kill it at Second Stage. *[Interruption.]* It waited until Final Stage, when the majority of Members and a majority on a cross-community basis support the Bill. It is an abuse of power and of the petition of concern mechanism by the DUP. It is an absolute abuse.

The petition of concern is a mechanism from the Good Friday Agreement that was designed — *[Interruption.]* You can laugh all you want, but you have worked every structure of the Belfast Agreement; you have enjoyed all the privileges of the Belfast Agreement; and you are sitting here because of the Belfast Agreement. *[Interruption.]*

Mr Deputy Speaker: Order. Members continue to ask for the Member speaking to give way, but she has indicated on a number of occasions that she is not willing to give way, so the Floor is the Member's, and she will retain it.

Ms Purvis: The DUP has killed this Bill because it did not get its way. The majority, through the democratic processes of the House, voted against its amendments.

9.45 pm

Mr Beggs: Will the Member give way?

Mr Purvis: Yes, I will. *[Laughter.]*

Mr Deputy Speaker: Order.

Mr Beggs: We will see if they are still laughing in a minute. The Member clearly indicated that many of those who signed the petition of concern intend to stand again for local government. They have a direct financial interest in scuppering the Bill. Is the Member concerned about the failure of those Members to declare an interest and about the fact that they will be financially and personally better off if they

scupper the Bill? Does she think that that needs to be referred elsewhere?

Ms Purvis: I thank the Member for his intervention. He makes the point very well. I do not think that some Members in the Chamber really get what a conflict of interest it, so it is worth repeating: a conflict of interest is unambiguously defined as a situation in which someone in a position of trust has competing professional or personal interests that may make it difficult for that person to fulfil his or her duties impartially. A conflict of interest exists even if no unethical or improper act has taken place, and, by definition, a conflict of interest arises if a person is merely in a position to exploit a situation for personal or professional gain. Signing a petition of concern is, therefore, exploiting a position for personal and professional gain, just as Mr Beggs pointed out.

It is important to address some of the issues that were raised during the debate. Mr Alastair Ross said that his party had led the way and done most to end dual mandates. That is absolutely right, and here is why: it ended most dual mandates because it held most in the first place. In fact, it holds most dual, triple and quadruple mandates, and that is why it had the most to do. If it is ending such mandates, it obviously thinks that it is right to do so. During the debate, the Member defended his decision not to support the Bill. However, his party must think that it is right to end dual mandates because it has made strides to do so. As I said, it has ended most dual mandates because it had most to end, and yet it does not support the legislation.

Mr Ross: I thank the Member for giving way. Our position has been absolutely consistent throughout every stage of the Bill. We said that we favoured a voluntary, phased approach. The steps that my party has taken are totally in line with that position. Indeed, the amendments that we tabled at earlier stages of the Bill were in line with that. So the Member is totally wrong to say that there was any inconsistency in my party's position.

Ms Purvis: Actually, I think that there is a bit of inconsistency in that message. Last Friday, Gregory Campbell said on 'The Stephen Nolan Show' that the DUP was in favour of legislation to end dual mandates in order to ensure that no party had an unfair advantage. How is that consistent with "We are phasing it out"? By the

way, this Bill would ensure that no party had an unfair advantage. So, where is the consistency in that? It is a case of —

Mr Ross: Will the Member give way?

Ms Purvis: No, I have already given way.
[Interruption.]

Mr Deputy Speaker: Order.

Ms Purvis: The Member is pointing out the inconsistency of the DUP's approach. He talks about phasing out dual mandates, yet one of his party's senior triple-jobbers talks about supporting legislation. Here is legislation that will ensure consistency right across the board, with no unfair advantage. Gregory Campbell was in support of legislation being introduced this year: 2011. This legislation is to be introduced this year — May 2011 — and the DUP has not supported it. There is no consistency.

Mr Ross: Will the Member give way?

Ms Purvis: No, I am not giving way.

There is no consistency in the DUP's approach. The DUP referred to the electorate and to public voting. That point has been long rehearsed in all the debates that we have had on the issue. The public do not choose candidates; the political parties choose candidates. If Members want to move to primaries, in which the public select candidates, let us have a discussion about that. Let us see who the public would choose to be their candidates.

Alastair Ross raised my record on recorded votes. I need to repeat this —

Mr Weir: Your attendance.

Ms Purvis: No. It is not attendance; it is recorded votes.

Mr T Clarke: It is the same thing.

Ms Purvis: It is not the same thing.

Mr T Clarke: You are never here.

Ms Purvis: You would know, Trevor. You would know.

Mr Deputy Speaker: Order. Please refer all remarks through the Chair. We do not want a tennis match between one Member and another. Throughout the entire debate, after Ms Purvis made her opening speech, she did not interrupt anybody else. I ask that Members give Ms

Purvis the opportunity to make a winding-up speech on this debate.

Ms Purvis: Thank you, Mr Deputy Speaker.

I repeat that Alastair Ross referred to my recorded voting record. That is all that it is: a recorded voting record. I do not vote on the petty sectarian debates that take place in this Chamber. I have much more important issues to deal with for my constituents on a daily basis. I work hard for my constituents of East Belfast and represent them very well. I will not take part in any sectarian pettiness that comes from the other side of the House.

The amendments put forward by the DUP were not designed for compromise. If they had been, the DUP would have reached agreement with the other parties in the Chamber. The amendments were designed to kick the legislation into never-never land. They were designed to kick the legislation into touch. However, they were rejected outright by the majority of Members. That is the democratic process.

Mr Weir: Let us have majority rule then, Dawn.

Ms Purvis: I am happy to give way.

Mr Weir: I know that we have been looking to remove the ugly scaffolding of the Belfast Agreement. I wonder whether the Member has become a convert to believing that it should simply be majority rule in this place. That seems to be what she is advocating.

Ms Purvis: I made no mention of the ugly scaffolding of the Belfast Agreement.

Mr Deputy Speaker: Order. The scaffolding — ugly, beautiful or otherwise — has nothing whatever to do with this debate. I ask Ms Purvis to return to the subject of the debate.

Ms Purvis: I referred to the use of the petition of concern, which, as I outlined, comes from the Good Friday/Belfast Agreement that the DUP worked and has worked ever since quite well.

Roy Beggs talked about the changes in the Assembly and in local government. In particular, he talked about the additional powers that are going to local councils. He highlighted the conflict of interest, and I do not need to run through the Register of Members' Interests again. He talked also about the use of the petition of concern. He said that the DUP had lost the vote and abused its power in narrow

self-interest. He also pointed out, as did many Members throughout the debate, that being an MLA is a full-time job. Full-time. End of. Period. Full stop. It is not extra full-time, and it is not bigger full-time. It is a full-time job. Full stop. The point is not that being a councillor is a part-time job; it is that being an MLA is a full-time job. The public — *[Interruption.]*

Mr Deputy Speaker: Order.

Ms Purvis: The public deserve full-time representation from Members of the Assembly. Roy Beggs pointed out Gregory Campbell's attendance at meetings. Of course, as we know, you only have to show up at the start, middle or end of a Committee meeting to be marked present.

Mr P Robinson: The Member has spent some time emphasising that being in the Assembly is a full-time job. Should Margaret Ritchie resign from either the Assembly or Westminster? Should Alasdair McDonnell resign from the Assembly or Westminster? Should Martin McGuinness resign from the Assembly or Westminster? Will I go on? Is it just the DUP?

Ms Purvis: Should Sammy Wilson resign from Westminster? Should Gregory Campbell resign from Westminster? Yes, they should. Being an MLA —

Mr Deputy Speaker: Order. Membership of the House of Commons is not relevant to the debate. I ask the Member to return to the subject of the debate.

Ms Purvis: The First Minister raised it.

John Dallat stepped down from Coleraine Borough Council after 33 years. I am sure that he will be missed, but I also welcome the fact that a young woman was co-opted in his place. He referred to the many other offices that a councillor holds and said that it was extreme arrogance to exclude others and stifle voices. He thinks that DUP Members have wing mirrors on their shoulders and probably fear their own colleagues.

Brian Wilson declared an interest and said that he would not stand as an MLA again. He asked why, if double mandates are acceptable in other regions of the United Kingdom, they are not acceptable here. He got a bit confused. He said that he does not support the legislation and then insisted that MLAs should follow

their counterparts in other parts of the United Kingdom and resign from councils.

George Savage also declared an interest. He said that there is an issue with the public. He understands why, at one time, people wanted to hold on to two positions but said that that time and this place have changed. He said that there was strong support for the Bill in the community and that it was an opportunity to move forward. Patsy McGlone said that it was a good private Member's Bill that would introduce consistency to prevent situations in which conflicts of interest may occur and allow us to devote ourselves to one office. He also referred to how well remunerated we are for that office.

Lord Empey paid tribute to all those who served in local government. I, too, recognised them in my opening remarks. He said that, in the past few years, there has been a campaign to break up political cartels. He said that it is not right, that it is recognised that it is not right and, indeed, that many of those present on the DUP Back Benches have benefited from the recognition that dual mandates are wrong, as many of them are here because they were co-opted. *[Interruption.]* Lord Empey said that it is fundamentally a conflict of interest and that being an Assembly Member is a full-time job. He said that national legislation will come forward very soon and that the DUP wants to continue a practice that he believes is unnecessary. He said that there was no shortage of people who want to fill vacancies on local councils. He is probably right, but they just do not want to fill DUP seats.

Peter Weir declared an interest. He said that there was an awful lot of hypocrisy in the debate and that he found his roles as MLA and councillor compatible. He said that the people should decide. They will. Peter also said that his amendments were a form of compromise, but he did not work with other parties to reach a compromise on them. His amendments were defeated by the majority of Members. He lost in the democratic process and has refused to accept the will of the House. Peter said that he does not accept that there is a conflict of interest. He mentioned job losses but failed to recognise that he seeks to protect dual mandates in dire economic times, which is outrageous.

There is a concentration of power. I referred to the petition of concern. If you need any more

evidence of a concentration of power, you just need to look at it. You said that you had done most to phase out dual mandates. Again, that is because you had most double-jobbers.

10.00 pm

Mr I McCrea: On a point of order, Mr Deputy Speaker. Is it in order for a Member to continually refer to another Member as "You"? You have asked Members on a number of occasions to speak through the Chair, Mr Deputy Speaker. The Member is continually referring to Mr Weir as "You", and I presume that that is not in order.

Mr Deputy Speaker: You are quite correct: it is not in order for a Member to refer to another Member as "You". However, I recall, on a number of occasions, the accuser being guilty of the very same thing.

Ms Purvis: I will make a few comments about Mr Farry. He declared an interest as a member of North Down Borough Council, from which he is going to step down. He said that he was opposed to the Bill and that his party's opposition to it is consistent. I got a bit lost when he mentioned consistency versus absolutism, because I did not really know what he was talking about. He went on to criticise the DUP without naming them but was happy to name the UUP when he was accusing them. He said that the real conflict of interest was between being a Minister, a councillor, an MP and an MLA. During the consultation on the Bill, not everyone in his party agreed with his stated position. In fact, many of the councillors are opposed to dual mandates, and that may be why he is stepping down.

This is not the first country to ban dual mandates in regional and local government, and it will certainly not be the last. More countries, including the Republic of Ireland, are taking that step. Although there will be a few inconveniences now for parties, there will be benefits in the future. The Committee on Standards in Public Life's 2009 report, which looked into the controversy over MPs' expenses, noted that double-jobbing is

"unusually ingrained in the political culture"

of Northern Ireland. It is telling that an investigation into failures in government and the abuse of privilege by elected officials incorporated an assessment of dual mandates in Northern Ireland. It is so endemic that,

frequently, I find that local journalists assume that I am a councillor when, in fact, I am not, nor have I ever been. The Committee on Standards in Public Life recommended that the Government ban multiple mandates in Westminster and the devolved Assemblies as of the 2011 Assembly elections. Do the same reasons not make it inappropriate for an MLA to be a councillor? I think that they do. Being an MLA is a full-time job, full stop.

I cannot control the choices that political parties make. I can only seek to influence them through the Bill. I hope that they will see that the Bill creates opportunities for growth and renewal for themselves. That, by its very nature, will force the incorporation of new voices. Those of you who have already been out canvassing and meeting voters cannot tell me that you do not detect a strong degree of scepticism and disconnect among the electorate. Levels of voter registration and turnout are down, and we are slowly failing to inspire the people of this country to feel that we have an important and compelling role in their life. That is a mistake that we cannot afford to make. I commend the Bill to the House, and I hope that we can continue to work together to ensure that we offer the people of Northern Ireland the best possible form of government.

Mr Beggs: On a point of order, Mr Deputy Speaker. Who is entitled to vote on this issue? In the past, I have been given advice that Members should not vote on an issue from which they will personally financially benefit. *[Interruption.]* This is a serious point. It is clear to me that, if a Member has indicated that he or she is seeking to stand as an MLA and as a councillor, they will financially benefit from voting against the Bill. Will you clarify, Mr Deputy Speaker, whether such a vote would be against the code of conduct? *[Interruption.]*

Mr Deputy Speaker: Order. I thank the Member for that point of order. Members have declared any interests in the Register of Members' Interests. The motion before us is before the House, and all Members elected to this House are entitled to vote.

Mr Beggs: Further to that point of order, I have been given advice, when other issues were coming forward, that, if there were direct financial benefits to an individual, that individual should not take part in the vote. *[Interruption.]*

Mr Deputy Speaker: Mr Beggs, you asked the question; please listen to the answer. The advice that you have received is incorrect. Members' interests are included in the Register, and all Members are entitled to vote. *[Interruption.]* Order. After three hours of debate and nearly 12 hours in the Chamber, I remind those Members who retain the will to live that the vote on the Final Stage will be on a cross-community basis.

Question put.

The Assembly divided: Ayes 17; Noes 32.

AYES

Nationalist:

Mr PJ Bradley, Mr Dallat, Mrs D Kelly, Mr G Kelly, Mr A Maskey, Mr P Maskey, Mr F McCann, Mr McGlone, Ms Ní Chuilín, Ms S Ramsey.

Unionist:

Mr Beggs, Lord Empey, Mr Gardiner, Mr Kennedy, Mr Kinahan, Mr McFarland, Ms Purvis.

Tellers for the Ayes: Mrs D Kelly and Mr McFarland.

NOES

Unionist:

Mr S Anderson, Mr Bell, Mr Bresland, Lord Browne, Mr Buchanan, Mr T Clarke, Mr Craig, Mr Easton, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr I McCrea, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.

Other:

Dr Farry, Mr Ford, Ms Lo.

Tellers for the Noes: Mr Ross and Mr Weir.

Total votes	49	Total Ayes	17	[34.7%]
Nationalist Votes	10	Nationalist Ayes	10	[100.0%]
Unionist Votes	36	Unionist Ayes	7	[19.4%]
Other Votes	3	Other Ayes	0	[0.0%]

Question accordingly negatived (cross-community vote).

Adjourned at 10.17 pm.

Northern Ireland Assembly

Monday 14 March 2011

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

Members observed two minutes' silence.

Speaker's Business

Standards of Debate

Mr Speaker: I want first of all to again draw Members' attention to the standard of debate in the Chamber. I know that certain items of business can give rise to emotions, and, over the past number of weeks, the Budget Bill has certainly done that. I have to say as well that quite a number of Members sailed quite close to the wind with some of their remarks. I remind Members about my ruling of 24 November 2009, when we moved away from the notion of certain words and phrases being unparliamentary. The number of Members coming through my door to ask me to rule on various words that Members had used had become a wee bit ridiculous. Things had become quite difficult. In places elsewhere, different words are considered to be unparliamentary, so we moved away from particular words. It is all about the tone and temper of a debate; that is of more concern to me as Speaker. Quite a number of Members have made points of order simply to react to remarks on how other Members might be or are being abused. Of course, if Members feel very strongly about something said in the cut and thrust of debate in the Chamber, they have a number of ways, such as interventions or their own contribution, to take issue with it. We saw that last week with PJ Bradley, who felt strongly about an issue but was able to bring it up in the Chamber. I hope that I addressed it in a way with which the Member is reasonably content.

It is not the role of the Speaker to sit in judgement on disagreements between parties or on differing views of history. We have only two weeks of the mandate remaining, and I would like to think that we could set a standard of good temper at the end of this Assembly. That is all I will say on the issue.

I have an important announcement to make on the Justice Bill. I wish to advise the House that, when the Justice Bill was referred to me after Further Consideration Stage last week, it was brought to my attention that clause 104 of the Bill was not compatible with the EU weapons directive. Members are aware that a Bill is not competent if it is incompatible with European Community law. I am sure that it is the will of the House that the Final Stage should not proceed until the Bill has been amended to ensure that it is compatible with the weapons directive.

There has been quite a bit of discussion on how we should deal with the issue. The House has not had to deal with such an issue in the past. I intend to arrange for the Business Committee to schedule an exceptional stage of the Bill. We wondered what to call it. These are exceptional circumstances, and I hope that, when the Business Committee meets tomorrow, it will refer the Bill to the House to amend clause 104 next Monday 21 March. The Business Committee will then reschedule the Final Stage and, if Members have any queries, they should raise them with the Clerks in the Bill Office. These are complex issues. We dealt with them over the weekend and met this morning, and we think we have a resolution to the matter.

Ministerial Statement

British-Irish Council: Environment

Mr Speaker: I have received notice from the Minister of the Environment that he wishes to make a statement.

The Minister of the Environment (Mr Poots): I doubt that any issues will arise out of this item that will cause Mr Speaker to make a ruling in the days thereafter.

In compliance with the requirements of the Northern Ireland Act 1998, as amended by the Northern Ireland (St Andrews Agreement) Act 2006, I wish to make the following report on the eleventh British-Irish Council meeting, held in environmental sector format in Newport, Wales, on Friday 25 February 2011. The Northern Ireland Executive were represented by Michelle Gildernew MP, MLA, Minister of Agriculture and Rural Development and me. This report has been endorsed by Minister Gildernew, and she has agreed that I should make a statement on behalf of both of us.

The meeting was part of an ongoing series of meetings within the British-Irish Council since the first summit of 17 December 1999, which identified the environment as one of the issues for discussion. The British Government were represented by Lord Henley, the Minister for waste and recycling, who also chaired the meeting. The Welsh Assembly Government were represented by Jane Davidson AM, Minister for Environment, Sustainability and Housing. The Irish Government were represented by Michael Finneran TD, Minister for housing and local services. Jersey was represented by Deputy Robert Duhamel, Assistant Minister for Planning and Environment. Guernsey was represented by Deputy Peter Sirett, Minister for the Environment Department. The Scottish Government were represented by their official Dr Stephen Pathirana, head of Zero Waste Delivery, and the Isle of Man by John Shimmin MHK, Minister for the Environment, Food and Agriculture.

The British-Irish Council was established under strand three of the agreement reached in Belfast on Good Friday 1998 as a forum for its members to exchange information, discuss, consult and use best endeavours to reach agreement and co-operation on matters of mutual interest within the competence of the relevant member Administrations.

The meeting focused mainly on waste issues. Ministers visited Newport Wastesavers, regarded as Wales's premier community recycling organisation, and Sims Recycling Solutions in Newport, which is part of the world's largest electronic metals recycling business.

Ministers discussed a wide range of waste-related topics, including the definition of "zero waste"; the use of carbon metrics to calculate waste streams; the use of voluntary initiatives versus regulatory approaches; how to effect individual behavioural change, recognising that the financial drivers that motivate business do not apply to individuals; and what approaches have worked for reducing and managing food waste.

Ministers welcomed the opportunity to exchange ideas and case studies, and they gave a commitment to work closely together as Administrations developed their strategies for reducing and managing waste.

Ministers welcomed the news that the Isle of Man had recently joined the Marine Climate Change Impacts Partnership. They hailed the shared research vessel activity between Ireland and the UK, which resulted from the previous meeting, as an exemplar of co-operative working and shared procurement. Ministers also recognised the contribution that the integrated coastal zone management subgroup made to the British-Irish Council's work.

Ministers welcomed a written report from the UK Climate Impacts Programme, which provided an update of its activities since the previous meeting in July 2010. This outlined the work that the programme did with four of the Administrations — Wales, the Isle of Man, Scotland and Northern Ireland, together with some pre-emptive work with Jersey — on piloting a set of messages tailored for use in those Administrations that would help to express the main concepts and issues relating to climate change. Ministers asked for an update on that at a future meeting.

Ministers noted that the Republic of Ireland and the Isle of Man have prepared a joint discussion paper on Sellafield. The UK, which has government responsibility for Sellafield, has been invited to prepare a response. Ministers agreed to discuss the paper and to review progress at a future meeting of the Council.

Ministers agreed that the next ministerial meeting would be held in Scotland and that its theme would be biodiversity.

Ministers welcomed the continued close co-operation between member Administrations on environmental issues. They asked for an update on waste issues and for climate change adaptation messages to be provided to them at a future meeting. They also tasked officials to work together on the development and delivery of a work plan on biodiversity issues.

The Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat, a Cheann Comhairle. Thank you, Mr Speaker. On behalf of the Committee, I welcome the Minister's statement and his indication that the Administrations have been working together on piloting the key messages that have been expressed on the main concepts and issues that relate to climate change.

Will the Minister please tell the House whether he took the opportunity to discuss with other Administrations the change in policy on the carbon reduction commitment, which was brought about by the UK coalition Government? What are the Administrations' opinions, if any, of that? Will he also tell the House what progress he has made to reduce the financial impact of that change on the North?

The Minister of the Environment: That was not on the agenda. However, I have engaged in correspondence with the UK Government on the issue, as have my colleagues from Scotland and Wales. We do not see the issue as closed. The change in the carbon reduction commitment would be a huge detriment to reducing climate change. It will also be of huge financial detriment to Northern Ireland and the other devolved Administrations. So, it is something that is worth fighting about on this occasion.

Mr Kinahan: I thank the Minister and welcome his statement. The statement is a little thin on details on waste. Will the Minister expand on the other ideas that came up or what was learned from the meeting? Did he put across the idea of having a Tidy Northern Ireland day or week, which was the subject of a motion last year, or of having a special time of the year when we should all clean up our neighbourhood?

The Minister of the Environment: There was considerable discussion on waste and

particularly, as the meeting was hosted by the Welsh, a zero waste policy and moving towards zero waste. We have been challenging in some of the targets that have been set to test whether what other Administrations are doing is right for Northern Ireland. For example, Wales and Scotland are both looking at a 70% recycling target, but that figure includes bottom ash from incineration regasification units, which could account for 8% or 9%.

In Northern Ireland, we are heading towards a 60% recycling target in any event. So, we did quite a bit of testing of where the policies exist. Some of the differences are down to packaging, for want of a better word. There is no considerable difference between where any of us are on the issue. We are all heading towards having less than 10% of our waste going to landfill, and we are all looking for alternative means of dealing with that waste. The first way will be to recycle and compost, and the second will be to derive energy from that waste.

12.15 pm

Mr Dallat: I thank the Minister for his statement. It is timely that the issue is before us as we come to the end of the Assembly mandate, if only to concentrate minds in front of the electorate. The Minister has talked quite a bit about zero waste, which, presumably, is the same as waste prevention. What are his Department's ideas on how we can not move away from recycling but put a greater emphasis on waste prevention in the future?

The Minister of the Environment: The term "zero waste" refers to zero waste going to landfill. There will always be materials that can be used in some other way. Recycling or deriving energy from it is a means of using it. However, the Member is right that the reduction of waste is the best mechanism to reduce the pressure on virgin sources such as oil and to reduce the amount of material that then has to be used in some other way. So, first of all, we have been engaging with the British Retail Consortium on the packaging policies of the large supermarkets and others, and we have agreed a Courtauld commitment that will lead to a reduction in the packaging that consumers will acquire when they buy goods in the first instance. We are trying to encourage the public to, for example, deal with the food waste issue and the fact that over £600 in every household in Northern Ireland is wasted on food that is not

used. We want to encourage people to buy what they need and to use their money wisely and help save the environment at the same time. So, yes, we are very focused on driving down the amount of material that will come into waste streams in the first instance.

Mr Lyttle: I also thank the Minister for his statement today. The Minister mentioned the Marine Climate Change Impacts Partnership. Does he support the introduction of a marine Bill for Northern Ireland, and did he take the opportunity to discuss that matter with his British-Irish Council counterparts?

The Minister of the Environment: Yes, we had a discussion on that issue. Marine issues are a major element of our biodiversity and, therefore, need to be looked after correctly. Our marine environment accounts for over 50% of our biodiversity, and therefore the waters around our shores need to be properly conserved. That is why we have engaged in a marine plan that applies right across the UK and why we are setting the motions in place for a marine Bill to be introduced in the next session of the Assembly. We were never going to be able to introduce it in this session, given the timescale and the work that was scheduled, but the Department will wish to introduce a Bill in the next session. The rest of the UK will be slightly ahead of us, but that will, perhaps, work out to be a good thing. When people move ahead, you can sometimes learn from their mistakes, as opposed to learning from your own. That is always a little easier.

Mr W Clarke: Go raibh maith agat, a Cheann Comhairle. I, too, thank the Minister for his statement. Can he outline how our region compares with the other regions in giving financial support to local authorities to develop waste infrastructure?

The Minister of the Environment: We did not discuss what other regions are doing. However, in our region, we have had a number of tranches over the past year of Rethink Waste, which has been very well received by local authorities, as it has enabled them to develop some innovative ways of reducing the amount of waste that goes to landfill. We have been supporting not just local authorities but community organisations such as Restore, which is run by the City Mission, and Voluntary Service Lisburn and a range of other facilities around Northern Ireland. People are collecting

old furniture and refurbishing it. It then goes out to people who need it, sometimes from quite deprived backgrounds. That material does not go to landfill, and, very often, the people who are engaged in the restoration are ex-prisoners and people who are being rehabilitated into society. So, all in all, it is a real win-win-win story to support those facilities. It is good for the environment, good for people who maybe cannot afford to buy expensive furniture and good to get people rehabilitated into our community.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. My question relates to radioactive waste from Sellafield, which has been brought into sharp focus by hearing the news of the tragedy in Japan this morning. It is appropriate that the House extends its sincere and heartfelt sympathy to that country as it comes through that deep tragedy due to nature.

The Ministers noted in the statement that Ireland and the Isle of Man had prepared a joint discussion paper on Sellafield. That has been in the melting pot for some time. Will the Minister update us on the progress of that discussion paper, given its relevance and how it relates to here, especially the County Down coast? When will the paper be produced with solid recommendations to be worked through in the various jurisdictions?

The Minister of the Environment: In 2002, the Centre for Environment, Fisheries and Aquaculture Science carried out a survey of the habits of people who might be exposed, as a consequence of seafood consumption and aquatic activities, to the effects of radioactive waste discharged into the Irish Sea from Sellafield — that is, those of us who eat fish suppers on a Saturday night. The survey took place along the Northern Ireland coast from Belfast Lough to Carlingford Lough. A critical group of 800 relevant people were interviewed, and their answers were collated. The information obtained from 2007 indicates that the dose to the critical group from artificial sources was 15 microsieverts, which is less than 2% of the dose recommended by the International Commission on Radiological Protection. A typical person in Northern Ireland receives between 0.05 and 3 microsieverts a year from those activities. Therefore, it is identified that the risk to people in Northern Ireland from Sellafield is modest, and that message needs to be put out to the public so that unnecessary concerns are not

raised. Many people have serious concerns about their family's health that do not need to be exacerbated by something that may be unfounded.

Executive Committee Business

Clean Neighbourhoods and Environment Bill: Final Stage

The Minister of the Environment (Mr Poots): I beg to move

That the Clean Neighbourhoods and Environment Bill [NIA 31/09] do now pass.

I am delighted that the Bill has, at last, progressed to Final Stage. The Bill is a worthwhile and positive development. As I said at Second Stage, it is to be welcomed by all Members of the Assembly, and I am grateful that that has proved to be the case.

I express my gratitude to the Committee for the Environment for its broad support for the Bill. Following its detailed and thorough scrutiny of the clauses and its engagement with a wide range of key stakeholders, the Committee's constructive and helpful recommendations brought about some amendments at Consideration Stage that improved and strengthened what was already a solid and comprehensive Bill. I thank my Executive colleagues and Members for their ongoing support right from the start of the consultation process to Final Stage.

Members of the Assembly, Members of Parliament, district councils, Tidy Northern Ireland, the Northern Ireland Local Government Association, environmental health officers and other interests have been calling for the introduction of the Bill for years. It is easy to understand why so many wanted the Bill to be introduced and why it has been so favourably received. By providing district councils with an improved suite of powers — a proper toolkit — the Bill will help councils to deal more effectively with a range of problems that can have a degrading impact on the local environment. Those problems spoil the appearance of public spaces in towns and cities and in the countryside across Northern Ireland. They make the lives of local residents a misery and cost councils thousands of pounds to clean up. The Bill should help to reduce street cleansing costs. It is incredible that, last year, councils spent £34 million on street cleansing; that is around £100,000 a day on problems such as littering, graffiti, dog fouling, dog control, illegal fly-posting, abandoned vehicles, nuisance

parking, noise, statutory nuisance and nuisance alleyways. Those directly affect the quality of life for everyone in our local communities.

I am satisfied that the Bill, by strengthening and improving the law, will enable district councils to deal more effectively with all those problems. The Bill is an important first step in my Department's clean neighbourhoods agenda, and it will be supported by a comprehensive series of guidance documents, codes of practice and regulations to help district councils to get the most out of the new, improved powers at their disposal. The Bill is large and complex, and it has been thoroughly examined and spoken about in great detail during its passage to this point. Therefore, I will refer only briefly to the key provisions.

Part 1 gives district councils new powers to deal with alleyways affected by antisocial behaviour. That will be widely welcomed, particularly by communities who have been tortured by people engaging in antisocial behaviour and have had few means of dealing with it. It will also close off areas at times when that behaviour is taking place and, therefore, give people a little peace and quiet in their home.

Part 2 gives district councils the power to remove abandoned cars from the streets immediately.

Mr F McCann: All Departments and councils have different methods of dealing with antisocial activity. We need to start pulling the threads together to ensure that we have effective legislation and that everybody sings from the same hymn sheet when dealing with such activity.

The Minister of the Environment: Where councils identify a problem with antisocial behaviour, they will have the powers to implement the legislation, and, after consultation with DRD, they will be enabled to do that. I trust that DRD will be co-operative, and I do not see any reason why it will not be. Councils will have to develop a case and work with the local police, which will be of benefit.

In respect of abandoned cars, we created two new offences to help district councils to deal with nuisance parking. The first is offering for sale two or more vehicles, and the second is repairing a vehicle on the road as part of a business.

Part 3 amends the offence of dropping litter in a lake, pond or watercourse. It gives district

councils new litter clearing notice powers to require businesses and individuals to clear litter from their land, and it strengthens existing street litter control notice powers for district councils to require local businesses to help clear up litter that they generate. It enables district councils to restrict the distribution of flyers, handouts and pamphlets that can end up as litter. Part 3 also contains provisions concerning abandoned shopping trolleys, and it gives district councils the power to recover the costs of dealing with such trolleys from their owners.

Part 4 enables district councils to serve defacement removal notices requiring the removal of graffiti and fly-posters. It gives district councils powers to tackle the sale of spray paint to children and strengthens the existing legislation which deals with graffiti and illegal fly-posting.

Part 5 replaces dog by-laws with a new simplified system, enabling district councils to deal with dog fouling, to ban dogs from designated areas, to require dogs to be kept on a lead and to restrict the number of dogs that can be walked by one person.

Part 6 gives district councils powers to deal with audible intruder alarms and the annoyance that they may cause and powers to impose fixed penalty fines on licensed premises that ignore warnings to reduce excessive noise levels.

Part 7 restates and updates the law on statutory nuisances by bringing it into line with that which already applies in England and Wales.

Part 8 increases the maximum fine on summary conviction that may be provided for in regulations made under the pollution, prevention and control provisions in the Environment (Northern Ireland) Order 2002.

Throughout the Bill, greater use is made of fixed penalty notices as an alternative to prosecution. Stronger, stiffer fines are provided for in the Bill, and district councils are given the power to retain receipts from fixed penalty notices. In most cases, they are given the flexibility to set their own rates.

The Bill should also help to bring about positive benefits for tourism, reducing antisocial behaviour and making us all think more about the environment in which we live. The Bill is tangible proof that the Assembly is determined,

through the introduction of stronger legislation and stiffer fines, to effectively tackle people who continue to degrade the appearance of our public spaces and our towns, cities and countryside. The Bill will improve people's quality of life and provide district councils with the necessary toolkit of powers to make life in Northern Ireland better for all of its people. I commend the Bill to the Assembly.

12.30 pm

The Chairperson of the Committee for the Environment (Mr Boylan): Ar son an Choiste Comhshaoil, cuirim fáilte roimh Chéim Deiridh den Bhille um Chomharsanachtaí Glana agus an Timpeallacht.

On behalf of the Committee for the Environment, I welcome the Final Stage of the Clean Neighbourhoods and Environment Bill and, once again, thank the Minister of the Environment and his departmental officials for the close working relationship that we maintained throughout the Bill's passage, which helped to ensure that the Committee scrutinised it thoroughly and was able to reach agreement with the Department on proposed amendments. I also want to take the opportunity to thank the Committee staff, who have worked hard on the legislation. The Committee has dealt with a lot of legislation during the mandate. With the staff's help, we have been able to turn around all Bills in a timely manner.

The Clean Neighbourhoods and Environment Bill will, undoubtedly, contribute to an improvement in local communities. I remind Members that, following detailed scrutiny of the Bill, the Committee made eight recommendations. The Minister incorporated three of those as amendments, which related to fixed penalty notices to children; raising the age limit under which it should be an offence to sell aerosol paints; and the expansion of the definition of "owner". The Committee also took the advice of the Examiner of Statutory Rules on the Department's powers to alter the amount of a fixed penalty and made recommendations, which were accepted by the Department, that any changes were subject to draft affirmative procedure. It is important that the House has the highest level of scrutiny when it comes to changes. Those amendments will ensure that that occurs.

I believe that the Committee's recommendations and the subsequent amendments have enhanced

the Bill, which should bring about real improvement in people's lives by allowing local councils to tackle problems, such as graffiti, litter, nuisance alleys, fly-posting and abandoned cars. On behalf of the Committee, I am, therefore, pleased to support the Bill.

With your indulgence, Mr Speaker, I would like to say a few words on behalf of Sinn Féin. My party certainly welcomes this legislation. Key to all of it will be its roll-out and implementation on the ground. I hope that it will be properly implemented by local councils that get that authority. It should benefit local communities. My colleague will say a few more words on behalf of Sinn Féin.

On the Committee's behalf, I welcome this piece of work.

Mr Kinahan: I thank the Minister, Department, staff and everyone who has been involved in the Bill. It has been an extremely good example of people's working together that we could learn from with regard to other matters that go through the Chamber.

As someone who has been a councillor, I know — I am sure that most Members will agree — that matters that are dealt with in the Bill are the most frustrating that councils have to deal with constantly, yet have never had the power to do so, whether that be dog mess, litter, vehicles, graffiti, noise or any other matter that has already been touched on. We all welcome the Bill and everything that it will put in place; particularly, the raising of penalties where possible. The Bill links in with other legislation that is coming through.

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

I am pleased to hear the Minister speaking about his guidelines and codes of practice. We look forward to seeing those come through and matters being dealt with by councils as quickly as possible. There is still concern about the costs for councils and their need for resources; for example, for legal guidance on how to actually deal with a fixed penalty notice. Councils will be grateful to get funds from fixed penalties. However, as many of us know from dealing with matters in the past, often, when something goes to court, it costs the council a great deal more than the actual fine. Therefore, I hope that those codes of practice and guidelines will help councils and that we will keep one eye on what resources councils need, so that they can

implement the legislation as soon as they can. I very much support the Bill.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for the conclusion of the Bill. Those of us who saw it through the Committee were deeply engaged with it. As the Chairperson said, it is important that we have seen amendments to the Bill, which will, hopefully, bring about real improvement in people's lives by allowing councils to tackle problems, such as graffiti, litter, nuisance alleys, fly-posting and abandoned cars. In the middle of all that, the Bill has the potential to contribute, in a real and meaningful way, to the reduction of antisocial behaviour; to better and, indeed, more stable communities; to, in many ways, better visual appearance of some towns, villages and cities; and to better communities as a whole. That can be only a good thing.

I want to be brief, because it has all been said. However, this is a key point: political, civil, community and local involvement through leadership and role models will be required to ensure that the legislation is successful. The facility is there and the legislation and the outlet for it will be there, but leadership will be required to ensure that it happens. Hopefully, we as elected representatives in our areas will be doing what we can to work with the councils, communities and individuals to ensure that this enhancement of our society does happen.

In conclusion, I thank the Minister and his Department for bringing the legislation to conclusion and fruition in the House today. I especially want to put on record my tribute to the staff of the Environment Committee. As Members know, Departments have a lot of resources, but there are only four people in a Committee office. That Committee office has proved formidable in its support in ensuring that members were kept fully up to date and that legislation, not only this Bill, but the whole package of legislation, some of which was very heavy, was seen through the Assembly.

Mr Lyttle: I join my Assembly colleagues in welcoming the Final Stage of the Clean Neighbourhoods and Environment Bill. I agree that it will lead to tangible improvements in the quality of life of local people. I commend the Minister and his Department, the Committee and Committee staff for their hard work in introducing the legislation.

My local council's cleansing teams and environmental health officers have sought the powers that have been created by the legislation for some time. They will now be able to tackle more effectively the local issues that have been mentioned. Those issues include littering, graffiti, unkempt gardens and the perennial difficult issue of fly-posting. Such practices spoil the amenity of our local neighbourhoods, and they often lead to even more serious criminal damage. So, I wholeheartedly welcome the Bill, and I look forward to the improvements that it will allow council officers to make to local communities.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. I welcome the Final Stage of the Clean Neighbourhoods and Environment Bill, and I thank everyone who was involved in the legislation, particularly the Committee staff.

The Bill looks to address many issues, including antisocial behaviour, dog fouling, noise abatement and graffiti. It is an important Bill that will affect people's quality of life, and, as the Minister said, deals with issues pertaining to the environment. It will also make a real difference to people's lives. That is what the House is for: to make good legislation that will have a big impact on people's lives.

I will talk briefly on aspects of the Bill that some groups expressed concern about. As I said at Second Stage, there was considerable opposition to fixed penalty notices for children and young people. That concern came from many groups who were representing that section of the community. I am also concerned about fixed penalty notices for 10 to 11-year-olds. The Department has acknowledged that concern, and it will issue guidance that will be consulted on. Some groups stated that young people were not consulted enough on such measures as gating orders, in particular.

I welcome the legislation. It is another useful tool in councils' toolboxes with which to deal with antisocial behaviour, but the gating of alleyways at the backs of people's houses will have to a last resort. Children's organisations also raised that concern. Those organisations also said that there had to be greater supervision of children, better consultation with children and better engagement with children in schools. They also said that there had to be recognition of the fact that other social issues were the cause of young people gathering at other people's

houses. That has to be dealt with. Fra McCann touched on that in his intervention.

A multi-faceted approach has to be taken to deal with any issues of antisocial behaviour or to address why young children as young as 10 or 11 are loitering at the back of people's homes at midnight or 1.00 am. There are serious issues there that need to be addressed. It is about more than just putting up a gate, because that will just push the problem elsewhere. The young person will then be vulnerable in another location.

In developing good policy for gating orders, it is important that councils factor in those issues, because they are impacting on all our communities. We see it in our communities daily. We need to ensure that the resources are put in place to deal with young children who are very vulnerable.

In conclusion, we need to keep the legislation under constant review and continue to monitor how well it is working and how well councils are adopting it. There is no point in having the legislation in place if councils are not rolling it out. I support the Bill's Final Stage. Go raibh maith agat.

Mr Savage: I also welcome the Bill's Final Stage. I know that a wealth of knowledge and expertise has been put into the Bill, and I wish to associate myself with the remarks made about all the staff in the background for the amount of work that they have done in bringing the Bill to its Final Stage.

The bulk of our council staff will be glad to see the Bill passed, because, at present, a lot of our staff really have no teeth to do anything. The Minister summed it up well today when he said that, at last, this is the necessary toolkit that council officers will receive to carry out those works. That is a very important phrase, which council staff right across Northern Ireland will welcome.

I know that many issues have been raised concerning young people and waste. Let me tell you something, Mr Deputy Speaker: the young people do not need to be blamed for all of that, because we have to educate the older people to adapt to change. The days are passed when people can open a car window and flick out whatever they want to flick out.

Two or three weeks ago, when I was out on another mission, I saw young people coming out of some place where they were getting something to eat. They had waste, but they were looking for bins in which to put their waste. It is up to councils now to provide the proper facilities to enable our streets to be kept clean. It is a learning process for a lot of people. In closing, our council officers and staff welcome the Bill. It will give them teeth and, as the Minister said, it will give them the toolkit to carry out their work.

The Minister of the Environment: I thank Members for their contributions and their support throughout the process. As lawmakers, we are doing something that I believe will improve the quality of people's lives, but, as the old saying goes, you can lead a horse to water, but you cannot make it drink. We need the public to come with us to make Northern Ireland a cleaner place, a better place to live and somewhere where the quality of life is enhanced through looking after our environment in a much better, more structured way.

I thank my own staff and the Committee staff for their work in the process, and I commend the Bill to the Assembly.

Question put and agreed to.

Resolved:

That the Clean Neighbourhoods and Environment Bill [NIA 31/09] do now pass.

Mr Deputy Speaker: I ask Members to take their ease for a few moments, because business has moved faster than we expected. I see that the Minister for Social Development has now arrived.

12.45 pm

Housing (Amendment) Bill: Final Stage

The Minister for Social Development

(Mr Attwood): I beg to move

That the Housing (Amendment) Bill [NIA 32/09] do now pass.

Before I give a brief summary of what is in the Bill, I will make a number of opening comments. I want to acknowledge the work of a lot of people, the first group being those who work in the Office of the Legislative Counsel (OLC). Over the past short period, there have been a number of amendments to the original Bill and further drafting has been required. Between six and nine months ago, it was said to me that, because of the demands of other Bills and legislation going through the Assembly, the OLC was significantly stretched in its capacity to deal with other business. Through this Bill and other Bills from the Department for Social Development (DSD) and other Departments, the OLC has shown that it is able to turn over a large volume of work. That gives rise to a wider point, which is whether we would have sufficient capacity in the drafting side of the Assembly to turn over all the Bills that require drafting, redrafting, amending and re-amending were the Assembly to fully stretch its legislative function in the next mandate. Although the OLC does great work, I would question whether that work needs to be enhanced to ensure that the Assembly is fit, ready and able to complete all the legislation that is expected in the next mandate.

I also want to acknowledge the work of the Bill Office, which, apart from the drafting side of its work, provides a liaison between the draftsmen and Members and Departments. The Bill Office has also been overwhelmed with the burden of work over the past period, given the scale of legislation that has been tabled, particularly since the autumn.

I also want to acknowledge my own officials. As I said previously about this and other Bills, whatever the political direction from the Minister and whatever assistance is given by the OLC and others, a lot of the hard work and heavy lifting is undertaken by officials. My strong sense from the work on this and other Bills is that there is a good body of officials in DSD who work to resolve problems.

Before dealing with some of the substance of the Bill, I want to make a much broader point. The Assembly has rightly begun to address a matter that is much more substantial than it may previously have been: welfare reform and welfare cuts. A lot of that is coming across from Westminster as regards the impact that there will be on housing benefit, entitlement to housing benefit, housing benefit levels and the whole architecture and process around housing benefit. One of the areas in which we have not necessarily interrogated all that is being proposed on housing benefit is the private rented sector. In going forward, the issues of housing, housing benefit, housing benefit reductions and their impact on that sector is one that must be more fully interrogated. This weekend, officials provided me with a submission and a draft letter to Lord Freud that scoped out all the issues on how housing benefit adjustments, changes and cuts will impact on the growing number of people who rely on the private rented sector.

Mr F McCann: That is an important point. In Committee, the Minister said that he had raised issues with Lord Freud and others. However, another aspect of the private rented sector hurts many people. Over and above housing benefit or local housing allowance payments, landlords use top-up, which maybe costs people, many of whom are already being paid at poverty level, more than £100 on top of their benefits. Will that issue be taken into consideration?

The Minister for Social Development: Very much so. In the draft letter that I signed off on over the weekend, that issue was named specifically as needing consideration. There is evidence that the practice of top-up is significant in the Northern Ireland housing market, and, given the number of people on welfare, low pay or coming out of work, top-up will impact more and more significantly.

The wider point arising from Mr McCann's question concerns the fact that we may be unable to build the number of properties that we have built in the past year or two in particular, but in the past five years in general. At the same time, there will be an increasing demand for private rented properties because, on the one hand, we may be unable to deal with the level of housing stress and need, and, on the other hand, people risk losing their property because of mortgage debt and repossession. The need to monitor more tightly, if not regulate,

the private rented sector on top-ups as well as housing benefit changes and cuts as they impact on that sector is a crucial part of the narrative of DSD, the Housing Executive and the Assembly.

Although we are at the Final Stage of the Bill, it is not the final stage of the work that needs to be done. Over and above whatever further legislative intervention may be needed for the private rented sector, there will be —

Mr F McCann: Will the Minister give way?

The Minister for Social Development: Yes, I will.

Mr F McCann: That is all interesting stuff. We were canvassing recently in west Belfast and noticed that a huge number of private rented sector houses are lying empty. In Committee, we raised the question of the standard of houses in the private rented sector, which are let to the minimum standards expected. If a decision is taken about increasing the use of houses in the private rented sector, the standards should be raised to, say, the decent homes standard.

The Minister for Social Development: I thank the Member for that intervention, which gives rise to a number of points. As I said at Further Consideration Stage, the Department is already well advanced in drafting proposals on private rented sector fitness standards, which will hopefully become law. Those standards will include issues such as energy efficiency, which relates to decent homes standards.

Legislation is being proposed to make properties that are not rented out still liable for rates to try to create discipline or a penalty for landlords who do not bring properties back into the rented sector. There is not a licence to own property without having the responsibility of putting it on the market.

I also take the Member's point about voids. The Housing Executive drilled down on the issue of its voids because exaggerated figures existed about the number of properties that were or were not occupied. A much more realistic figure is now in circulation.

My final point on those matters is that the private rented sector, whether on the law side or the housing benefit and wider management side, needs to be addressed and carefully monitored. Given the potential loss of people's homes and the fact that the reduction in the number of newbuild houses over the next four or

five years will increase levels of housing stress, we need to be vigilant to ensure that we respond as quickly as possible to the increasing number of people who will rely on the private rented sector.

The Bill will enable the improved regulation of the private rented sector, introduce new tools to tackle fuel poverty, promote effective housing management and clarify existing housing law in a number of ways. The main focus of the Bill is on improving the regulation of the private rented sector, which has grown dramatically in recent years and now forms almost 20% of all housing stock. The provisions relating to privately rented housing will offer further safeguards to tenants and will help upgrade standards in what is becoming a modern, vibrant, private rented sector. The Bill will enable my Department to make subordinate legislation, create schemes for the mandatory registration of landlords and safeguard deposits paid by tenants. Those are two key steps forward.

The Bill will also improve the effectiveness of existing measures for regulating the private rented sector and improve the security of tenure of long-term tenants by extending the notice-to-quit period. A lack of information on the identity and location of private landlords currently makes compliance and enforcement activity difficult for councils. The Bill will, therefore, place a duty on the Housing Executive and the Department of Finance and Personnel (DFP) to share information on housing benefit and rates where that is necessary to support the enforcement of private rented sector legislation.

The Bill will ensure that the current system of regulation of houses in multiple occupation (HMO) continues to operate effectively in promoting the interests of tenants. Taken together, all those proposals, which include tough financial penalties for non-compliance, will, we trust, drive up standards and significantly improve protection for tenants in the private rented sector.

The Bill will also provide social housing landlords with new tools to address antisocial behaviour and enhance community safety. In particular, the Bill will enable all social landlords to access the information that they need to make key decisions about tenants with a history of antisocial behaviour, and it will allow landlords to withhold consent in exchanges involving such tenants. Importantly, the Bill will also encourage consistent decision-making by the courts in

cases where a social landlord seeks possession because of antisocial behaviour.

Today, I launched a new fuel poverty strategy, and the Bill supports that strategy by introducing important new powers for the Housing Executive to broker energy at a discounted price for its tenants. That gives the Housing Executive the ability to negotiate with energy suppliers on behalf of at least 90,000 tenants, who represent a large and attractive share of the domestic energy market. The scheme, which the Housing Executive will put out to tender shortly, will, I trust, not just be for the 90,000 Housing Executive tenants. Housing associations, which have been somewhat slow in using their current powers for energy brokering, will be able to piggyback on the Housing Executive's scheme in an effort, I trust, to ensure that any discount negotiated with energy suppliers applies to the biggest number of tenants, be that in the Housing Executive or the housing association sector.

Once the law is passed, we will receive Royal Assent within the next six to eight weeks. In parallel with that, the Housing Executive has been working up a tender to go to market, which will have to comply with European procurement practice. If the process is successful, the Housing Executive will have an energy brokering scheme in place by late summer.

In taking forward the energy brokering part of the fuel poverty strategy that was announced today, I acknowledge the assistance provided by former Congressman Joe Kennedy, who is the chief executive officer of Citizens Energy Corporation that works out of Boston and supplies discounted fuel to more than 20,000 homes covering 16 states in North America.

Joe Kennedy introduced that model in 1979, when he went to Latin American countries, bought fuel directly from the producer, imported that into Boston and then sold it to those in need at 42% below the market rate. I want to acknowledge his endorsement of the strategy that we have taken forward over the past period of time. I trust that that strategy will mature over the next six months to the point where as many tenants as possible in the housing association and Housing Executive sectors have the capacity, through the Housing Executive, to get fuels at a discounted rate that surpasses the discounts available in even the private domestic market at present.

1.00 pm

In my view, the issue of energy brokering, which this Bill gives the Housing Executive the authority to take forward, should extend, if at all possible, to the use of oil. It is the case that BP imports 70% of the oil that is used in domestic homes in Northern Ireland and that 70% of people in Northern Ireland continue to use oil for their domestic heating. Given those two facts, it seems that there is an obligation on oil importers and on BP more than anyone else to begin to acknowledge the level of fuel poverty in Northern Ireland and the potential for energy brokering, on either a one-by-one or broader basis, to reduce the cost of fuel for domestic homes. That is why I met the director of UK sales at BP last week, although there was some resistance to that meeting in the first instance. He has agreed to go back to senior management to discuss the broader issue of the responsibility on oil importers and on BP in particular to help deal with fuel poverty given the scale of that in Northern Ireland today, as outlined in the strategy. If there is anything further on that matter before I end my tenure as Minister, I will certainly report back to Members.

The Bill will also give councils powers to improve energy efficiency in residential accommodation in their districts. That complements the work being undertaken by my Department and the Housing Executive through the Home Energy Conservation Authority for Northern Ireland. I commend the Bill to the House.

The Deputy Chairperson of the Committee for Social Development (Ms Ní Chuilín):

Go raibh maith agat, a LeasCheann Comhairle. With your indulgence, I would like to make a few general remarks as Deputy Chairperson of the Committee for Social Development before addressing the content of the Bill.

As Members are aware, the Committee for Social Development carefully and seriously considered the provisions of the Housing (Amendment) Bill. The Committee's Bill report, which informed deliberations at Consideration Stage, was the sixth such report of this mandate. This is the last Final Stage of primary legislation that the Committee considered in this mandate. I would like to take this opportunity to thank the members of the Social Development Committee for their contributions at Committee Stage. I would also like to thank the witnesses for their useful written and oral

submissions and the departmental officials who, as usual, provided a fast turnaround on some very detailed Committee enquires. I would also like to thank the Social Development Committee staff who facilitated formal evidence-taking, the Bill's clause-by-clause scrutiny and the production of the Bill report.

The Committee's legislative programme was perhaps the second or third biggest of all the statutory Committees, and Mr Deputy Speaker, I trust that you will agree that the Committee has, indeed, discharged its responsibilities in respect of the legislation with diligence, care, occasional good humour and professionalism.

A LeasCheann Comhairle, as you are aware, much of the legislation considered by the Committee in this mandate related to tenancy and housing issues. In the case of the Housing (Amendment) Bill and as the Minister previously outlined, the Committee made a very obvious and significant contribution to the development and passage of the Bill. During Committee Stage, members suggested a large number of changes, most of which were subsequently approved by the Assembly at Consideration Stage.

Members welcomed insertions and amendments to the Bill that will improve tenure security for long-term tenants in the private rented sector. They felt that such a measure was a timely recognition of the changing patterns in housing choices and of the growing use of the private rented sector.

Members were happy to see a firm commitment to and a timetable for the introduction of a tenancy deposit scheme and a landlord registration scheme. As the Minister outlined, those two important schemes are seen as a key step in the enforcement of tenancy legislation. The Committee hoped that, when the related regulations come forward, they will limit the bureaucratic burden on good landlords and facilitate the identification and improvement of bad landlords.

The Committee considered evidence from local government that highlighted the problems that councils have and the costs that they incur when pursuing bad landlords through the courts. The Committee welcomed the introduction of information sharing obligations and fixed penalties for breaches of tenancy legislation. Members hope that those penalties will generate some additional resources for councils, while deterring those who flout tenancy legislation. As

I said at Consideration Stage, it is anticipated that, in the next mandate, the Committee will review the effectiveness of those penalties, as well as the other fines that are in the Bill.

A key part of the Bill is the extension of measures that relate to the control of antisocial behaviour. The Committee contended that exchanges of social tenancies have, wrongly, been used in the past to resolve antisocial behaviour issues. The Committee was very clear that it wanted to support communities that are blighted by the antisocial actions of a few individuals and families. Therefore, the Committee was pleased to see the inclusion at Consideration Stage of additional grounds under which social landlords can withhold agreement to the exchange of tenancies.

The Bill also includes provisions relating to the disclosure of antisocial behaviour information. The Committee felt that those provisions are proportionate and fair and would allow for joined-up actions to control any antisocial behaviour that is associated with social tenancies.

For similar reasons, the Committee welcomed provisions that relate to the development of guidance for the courts on possession orders.

The Housing (Amendment) Bill, as amended at Consideration Stage, contains many other measures, such as those that relate to the activities of the Housing Executive. The Committee was happy to support those elements of the Bill in so far as they lead to an improved service for tenants and to the more efficient management of social housing here.

Let me make it clear, a LeasCheann Comhairle, that I am now speaking as an MLA; I will depart as Deputy Chairperson.

Despite its good work and a general sense of common purpose throughout the Committee, there are issues on which Sinn Féin would have liked to see the Minister take a more robust approach, namely, the registration of private landlords. As it sits in the Bill, that provision takes a light-touch approach. Our concerns on that and other issues are well documented, and I have no doubt that Fra McCann will go into some of those in detail.

It is safe to say that there will be another Housing Bill for the new mandate and the new Social Development Committee to consider. However, it is my view that any new Housing Bill

would need to take a completely new approach to tackling the housing waiting list. It would need to consider the possibility that we will adopt our own selection scheme and seriously attack the legacies of inequality that prevail in housing.

It is well known and on public record that my constituency has one of the worst housing waiting lists. Rather than confront that head-on in the Bill, or by any other legislative path, both Ministers for Social Development chose to ignore that, despite the increasing inequality, by removing protections for people on the housing waiting list. Some of those people are in north Belfast, west Belfast and, indeed, Derry city. I urge any incoming Social Development Committee, and any new Bill that may come in the next mandate, to look at selection schemes, ring fencing and equality proofing.

I thank all members of the Social Development Committee, who have steadfastly and consistently contributed to the passage of the Housing (Amendment) Bill.

Mr Gallagher: As has been said, the private rented sector has experienced rapid changes over the past 20 years. It has been difficult even for government to keep up with those changes, which is why I welcome the Bill. I acknowledge the very good work that my colleague the Social Development Minister has done to bring it to this stage. I also commend all the staff who were involved in the underlying work.

The Bill will bring a sense of security to people who rent in the private sector. It also includes a range of protections for those in social housing who suffer from difficulties such as antisocial behaviour or fuel poverty. Antisocial behaviour makes life miserable for many of the good tenants. The improvements to its management, under the new arrangement, are most welcome. For too long, the solution has been to move the problem elsewhere and transfer the tenants who engage in antisocial behaviour to somewhere else. Rather than curtailing the problem, that approach has often allowed it to spread and escalate.

There have also been cases of abuse by landlords in the private rented sector. The system was open to that kind of abuse, but such practices are now being brought to an end. The curtailment of those undesirable landlord practices can only be good for tenants and, indeed, the vast majority of landlords.

I am fairly sure that the cost of energy is a topic that comes up on a daily basis in most households. The new powers contained in the Bill will allow the Housing Executive to broker energy for its tenants at discounted rates. That is a major step forward in the era in which we are living. About 57% of Housing Executive tenants live in fuel poverty. As the Minister said, given that there are about 12,000 homes in the social housing stock, there is huge potential for savings. The benefits of that measure will undoubtedly be widely welcomed. Those benefits will be passed on to tenants.

The Bill is about the reform of the private rented sector. It is the first major reform in a very long time and will be welcomed by everyone.

Ms Lo: Like others, I support the Bill. I also thank all the staff and stakeholders who assisted the Committee in its clause-by-clause scrutiny. As others have said, it is a very important Bill. It brings forward a number of very beneficial changes to social housing and the private rented sector in Northern Ireland. I particularly welcome the mandatory landlord registration and tenant deposit schemes.

Given the plan to build less social housing in the next four years, as contained in the new Budget, the waiting list for social housing, which is currently 38,000 strong, will get longer and longer. The number of tenants in the private rented sector is, obviously, going to increase, as young people in particular are not able to borrow money from mortgage companies and banks to buy their own homes. The private rented sector will grow over the next few years. It is, therefore, timely and very important that that sector will be better regulated by the Bill.

1.15 pm

The provisions for the prevention of the spread of antisocial behaviour in social housing are very important. As we all know as MLAs, very many people are affected by the blight of antisocial behaviour in their neighbourhoods. Indeed, whole neighbourhoods can be blighted by a small number of people who engage in antisocial behaviour, day and night. It is important that we prevent tenancy exchanges by antisocial tenants whereby we simply allow them to move from one area to the next. That rewards bad behaviour rather than tackling it on the spot and punishing it, and it means that law-abiding neighbours, who want peace and quiet but stay in the area, and who suffer day and night,

eventually can find no other way than to move out and find somewhere else to live. I applaud the inclusion of those provisions in the Bill.

I also welcome the provisions relating to energy brokering. I commend the Minister for Social Development for all his efforts in amending the Bill and for engaging with the energy companies to explore ways and means of helping with energy brokering. People in Northern Ireland pay more for fuel than people in other parts of the UK but have a lower average income, which means that a significant proportion of people here, approximately 40% of the population, suffer from fuel poverty. A large majority of people in social housing are living under the strain of increasing fuel costs. That is shameful. It is important that the Bill endeavours to help those people to meet the increasing cost of fuel and allows us to broker some form of leverage that will help them with their finances.

All in all, I welcome the Bill and I am delighted that it has reached Final Stage.

Mr F McCann: Go raibh maith agat, a LeasCheann Comhairle agus a chairde. Cuirim fáilte roimh an Bhille seo inniu. I welcome the passage of the Bill. The Sinn Féin members of the Committee for Social Development argued that the Bill did not go far enough on a number of issues. The lowering of the Bill's status from that of a full Bill to an enabling Bill concerned us. Some issues that would have been dealt with in the original Bill have been removed, although we have been assured by the Department that those issues will be picked up when any new legislation comes to the Committee in the new Assembly. We accepted the Department's assurances that much of what is in the Bill might have been lost had we not gone with the Bill as it stood.

Sinn Féin members of the Committee for Social Development wish to thank the departmental officials who gave evidence and guidance. We also thank Peter McCallion and the Committee staff for their hard work and guidance throughout the many meetings that we had in order to deal with the Bill, as well as Simon Hamilton, Chairperson of the Committee, for the helpful way in which he chaired meetings and allowed debate to flow.

It is true to say that the highlight of the Bill is the issue of the private rented sector. The mandatory registration of that sector is crucial for the protection of the many thousands

of people who live in it. The sector now provides more houses to the market than the Housing Executive and housing associations combined. Until now, that sector has been totally unregulated, even though it draws down payments of almost £100 million a year in housing benefit. That would not be tolerated in any other sector; for example, the community sector is frequently audited for small amounts of money.

During this term, Sinn Féin has brought two separate motions to the House to try to deal with registration in the private rented sector. The first was supported unanimously; the second was not. However, we set out our stall at the time. As a party, we wish to secure stricter controls over the private rented sector, especially in the form of mandatory registration and compliance regulations. We are glad that those are contained in the Bill.

We had reservations about some areas of the Bill in which we believed that additional protection should have been given to people, and some of those points came up during evidence given to the Committee. Those included ensuring that a private rented sector house meets the decent homes standard before it can be rented and the compilation of a register of houses in the private rented sector that meet the lifetime homes standard. That would have allowed people with disabilities to identify properties suitable to their needs.

We refrained from tabling amendments on those issues for fear that they would not have gained the support of the Committee or the Assembly at Consideration Stage, and we were concerned that any delay could endanger the passage of the Bill owing to the heavy workload that the Assembly faces in the remaining weeks. However, it is certainly something we can come back to if we are re-elected.

Landlords withholding deposits was dealt with in clause 2. Again, that is an important issue and had to be legislated for, given the record of many landlords. Even this week, I have dealt with people who have had deposits withheld and are having to stay with friends or relatives because they cannot afford the deposit for a new rental property. Many people whom I have dealt with accept that a deposit will be withheld, and accept that as the norm. They say that many landlords will find any excuse to hold back tenants' deposits. The vast majority of tenants

do not even complain about the practice. I have dealt with many people who have ended up in debt and cannot be housed because they cannot afford another deposit, which can sometimes reach up to £1,000. A proper mediation procedure needs to be put in place to investigate any breaches of tenancy that may warrant the deposit being withheld by the landlord. That measure would provide protection for the landlord and the tenant.

We also argued for strong compliance regulations, such as heavy fines to be given to landlords who do not comply with registration. If we look at the registration scheme for houses in multiple occupation, we see a sector that has been abused by some landlords who provide substandard, overcrowded accommodation. Some of them, when brought to court, were rewarded by being given a mere £100 fine. Clause 8 proposes to increase the fine to £20,000 so that those who do flout the regulations are properly penalised in order to ensure compliance.

It is hard to fathom why the Department would have a different view when dealing with the new proposals for the private rented sector. Some of us on the Committee believed that heavy fines should be used for those who ignored new registration regulations in the private rented sector also. In the end, the Committee took direction from the Department of Justice, which said that heavy fines would not be awarded by courts. Therefore, we accepted its advice to have repeated penalties for non-compliance.

We have argued for some time that we needed to review the powers available to deal with antisocial behaviour and how we can strengthen the hands of housing providers and the courts when dealing with such cases. Clauses 9 and 10 deal with the disclosure of information between statutory bodies and those who have been involved in or sentenced for antisocial behaviour. Those bodies can also withhold the right to buy and a person's right to request a transfer from someone who has been involved in antisocial activity.

There should have been legislation to deal with other elements of antisocial behaviour, such as vandalism, which is rampant in many areas and costs tens of thousands of pounds a year. The Bill deals with the issue of transfer of antisocial tenants from Housing Executive to housing association property without the other knowing.

Those bodies are now obligated to share information if the person requesting the transfer has been involved in antisocial activity.

The widespread intimidation of neighbours and the community by housing authority tenants in housing estates must be covered by legislation. During a debate on this subject, I asked the former Minister for Social Development about additional powers. She advised me that the Housing Executive had extensive powers to deal with that kind of behaviour. On inspection, she was proved to be right: the antisocial behaviour guidelines showed that there are extensive powers. However, they are not used. I am told that, before they can be enacted, someone in the community is required to give evidence. That makes them effectively worthless as most people are too terrified to give evidence against people who threaten and intimidate residents. We need to look constantly at how we deal with the issue. It has become the single biggest issue raised by our constituents.

In the area in which I live and which I represent, nine-year-olds, 10-year-olds and 11-year-olds terrorise parts of the area. They have no respect for their community. They attack buses, other service vehicles and the homes of residents. When you contact any of the statutory authorities, they say that there is nothing they can do as it is a policing matter. However, the police say that they cannot deal with the problem because of the age of those who are involved. It is an issue that falls between the stools. The statutory agencies pass the buck while local residents are left to suffer the consequences. In other jurisdictions, new legislation has been enacted to deal with those issues. It involves working with the parents of those children and developing different strategies to involve communities in tackling that blight. We need to seriously look at that in the next mandate. We should take the best legislation from other jurisdictions and legislate for those issues here.

Clause 12 generated a lot of debate because of the possibilities for reduced pricing of household fuel. Given that fuel prices are currently sky high, if that were to be delivered, it would be of great benefit to tenants. I thank the Minister for informing us of the meeting that took place recently between him and fuel suppliers. If some sort of deal can be done, it will be of great benefit to those who can least afford fuel. This legislation should be kept under review.

When we look at the Scottish example, we can see that it introduced mandatory legislation for the private rented sector purely to deal with antisocial behaviour. Now, it is strengthening its legislation to deal with compliance problems. We need to ensure that we do the same. We also believe that any scheme should be self-funding, with a levy per licence per house set.

The other issue, which my colleague touched on and which I have raised over the past number of years, is the common selection scheme. I think that I have met three different Social Development Ministers over the past number of years. It just does not work in areas of high demand. It condemns people to hostels for many years. Hostels in my constituency are full to capacity. People are being offered places as far away as Derry and Coleraine. Over the past number of years, I have been promised a review to deal with that matter. It is an issue that needs to be legislated for and that needs to be changed. We need to ensure that those who unfortunately find themselves in areas of high demand can go into a hostel with the knowledge that they will not spend three or four years in it.

I support the Bill.

The Minister for Social Development: I thank Members for their various contributions. I agree with the Deputy Chairperson that the Committee, in its attention to the Bill and all other matters before it, went about its business carefully and seriously. As I said on a previous occasion, it seems that the Social Development Committee has set standards against which it and all Committees should be judged. I again acknowledge the various contributions that Committee members made at Committee and through the various stages of the legislation and their contributions to the work of the Department and the proposals for legislation.

I welcome the comments that were made by Tommy Gallagher and Anna Lo about mandatory registration, energy brokering and antisocial activity. Those issues were also touched on by Mr McCann. I will make a number of comments about various other contributions.

1.30 pm

Mr McCann and Ms Ní Chuilín referred to acute housing need in parts of Northern Ireland, including north and west Belfast. I concur, but ring-fencing as a strategy was deemed to be inequitable, and there was evidence to suggest

that that was the case. Consequently, although a review is ongoing, in moving forward we may rework and adjust the common selection scheme, where appropriate, proportionate, consistent and legally proper, to recognise areas of acute need.

Mr F McCann: Will the Minister give way?

The Minister for Social Development: I will in a second.

I want to make it clear that neither I nor my predecessor, Margaret Ritchie, chose to ignore — the language used by Ms Ní Chuilín — that issue: far from it. The review of the common selection scheme and where, in time, all of that may or may not go is not ignoring an issue; it is trying to address an issue in a way that applies best practice, is based on evidence, addresses acute need and does so proportionately and legally.

Mr F McCann: Voluntary housing bodies in the city and many in the Housing Executive who have to operate the common selection scheme say that it is seriously flawed. The old A1 and A2 model, which was said to have been abused, has been replaced by a scheme that does not take into account areas that are under severe pressure.

Anyone who is unfortunate to go straight into a hostel with 90 points — 70 for being homeless and, maybe, 20 extra points — could sit there for years without the possibility of being housed. People have been able to use the system to their advantage. In areas that we represent, people may need 200 or 220 points before they are housed, and they have no chance of getting those points. In other parts of the city and of the North, people with 90 or 100 points may be housed.

The Minister for Social Development: I thank the Member for his contribution to the debate. I hear, know and acknowledge all that he said, but it is still wrong to conclude that I or my predecessor chose to ignore all of that. It is not backed up by the facts, the evidence or by the conduct of Margaret Ritchie or me as Minister. Furthermore, if anybody has chosen to ignore something, it is the fact that Margaret Ritchie was able to get more than 1,800 newbuild starts last year. I hope to surpass that this year. It will mean that over the past three years there have been around 5,000 new starts. Over the next three or four years, the number of new

starts will collapse to 1,200 or 1,300 a year. So, go to north and west Belfast, go to areas of most acute need and tell the people who are in hostels for longer than they should be and the people who are on 180, 200 or 220 points that the answer to their problems lies in the Budget that was passed by the Assembly last week, which will see public sector newbuilds collapse to 1,200 or 1,300 a year. Then ask them who they think is ignoring their needs.

Yes, something is seriously flawed. It is seriously flawed, when we have, as Ms Lo pointed out, 38,000 people in housing need and 19,000 in housing stress. In my view, those figures will escalate over the next four years, because people who lose their home through mortgage debt, mortgage arrears and home repossession will seek to be rehoused. The consequences of welfare changes and housing benefit cuts will increase stress and will see my successor in the next Executive living with figures for general housing need in excess of 38,000 and housing stress of more than 19,000. What was the response of our Government to all of that? It was not even to build the 2,500 houses a year that will be needed going forward but to reduce that number to about half, without putting into the equation the additional needs and stresses that will arise over the next four years.

I beg to differ from Members who say that Margaret Ritchie or I chose to ignore issues around the common selection scheme. It appears to me that this House last week and the Executive the week before chose to ignore the level of housing stress that currently exists and will exist in the next number of years. Remember that for £80 million we can build around 1,000 houses. So, if £80 million is to go into certain parts of Northern Ireland — it will be only certain parts of Northern Ireland under the social investment fund — let the people of those areas also understand that, although that fund may have some worthy intentions, the consequences of it will be that fewer houses will be built in those areas; people will be in hostels for even longer than before; and people on the waiting list will be waiting for longer than before.

Mr F McCann: Will the Minister give way?

The Minister for Social Development: I will in a second. If people want to say that things are seriously flawed, they should look not at an issue such as the common selection

scheme, which is being looked at, but at the fundamentals of the Budget, which, Mr McCann and Ms Ní Chuilín, will see people in your constituencies, as in mine, suffer more housing stress and more housing need.

Mr F McCann: I first raised this issue seven years ago, when it was the responsibility of a British Secretary of State. I then met Margaret Ritchie about it. I was given a guarantee both times. So, long before the decision was taken last week on the Budget, as the Minister says, we asked for major changes to be made to the common selection scheme in order to take people out of hostels.

The Minister knows that my two party colleagues on the Social Development Committee and I have supported at length his call for additional funding for social housing. We have done that continuously in Committee. There are two other issues that we have argued for. The first is the mortgage relief fund. In every monitoring round, the Department applied for £5 million, but, during that whole period, millions of pounds were handed back to the centre, and the Minister did not look at how it would be funded from his own budget.

Mr Deputy Speaker: Order. There are a couple of issues. We need to make progress on the Bill and to try to stay close to it. I remind Members that interventions are supposed to be brief.

The Minister for Social Development: I thank the Member for that class. There is not a Member in the House, whether in the Social Development Committee or anywhere else, who has not made the argument for more newbuild housing. Everybody has made that argument. The point is that, when people had to lift their arms, whether around the Executive table or in the Assembly — *[Interruption.]*

Mr Deputy Speaker: Order. I will not permit interventions from a sedentary position at all.

The Minister for Social Development: That is right: I did not raise my hand, but Members to my right happened to raise their hand, and, in doing so, they sent out the message about the newbuild budget for the next four or five years, they sent out the message about the other priorities that will be going over the next four or five years, and they sent out the message that the proposed reduction of £80 million in the housing newbuild spend in what was then the draft Budget was coincidentally — no doubt it was

purely coincidental — replicated in a different Budget line for OFMDFM for the so-called social investment fund.

When it comes to the mortgage relief fund, I welcome the Member's contribution. I remind him that, in the hardship paper that I submitted to the Executive in the autumn and, I presume, is now manifest in the Budget in the form of the social protection fund, one of the arguments that I made at that time and in two subsequent papers to OFMDFM was that part of the hardship money or, as it is now known, the social protection fund should go on a £5 million mortgage rescue scheme. That is what I argued for. Furthermore, I argued for specific interventions to help families and individuals who are in mortgage stress because of the ending of the scheme that gives support for mortgage interest (SMI) after two years. I have put in costed proposals to intervene to help those in mortgage stress, whether through a mortgage rescue scheme or individual payments for those who will lose SMI after two years and so on and so forth in respect of child tax credit.

I welcome Mr McCann's comments. I trust that, when the social protection or hardship fund is eventually worked through, those will be key elements in the distribution and spend of the money, low though the fund's overall budget may be.

Mr Brady: The Minister talks about mortgage relief schemes. Your predecessor first brought the matter forward in February 2008, long before we were talking about the current Budget. Why has it taken three years? You are talking about bringing forward a paper and doing this, that and —

Mr Deputy Speaker: Order. I remind Members that the only "You" in the Assembly is the Deputy Speaker.

The Minister for Social Development: I thank the Member for his question. There is a simple answer: time after time after time after time after time after time in monitoring rounds, Margaret Ritchie asked for money to be released for a mortgage rescue scheme. That is on record, and all your Ministers know it. They saw the monitoring round bids that went to DFP. Therefore it is not that it suddenly emerged two or three years later; it has been part of the argument presented by DSD month after month, quarterly return after quarterly return over the past two or three years —

Mr F McCann: You have handed back millions.

The Minister for Social Development: Yes, and, as Mr McCann should well know, in monitoring rounds —

Mr Deputy Speaker: Order. I remind Members, including the Minister, that all remarks must be made through the Chair. Moreover, we have gone completely off the Bill, so we need to get back to it.

The Minister for Social Development: I will return to the Bill shortly, Mr Deputy Speaker. However, I will address the last point: financial rules require that, where a budget line is not spent and approval has not been granted to move that budget line into an alternative budget line, the money must be returned to DFP. That happens in monitoring rounds: where moneys that are not and cannot be spent in the financial cycle and where DFP will not grant approval to move them to a different budget line — desirable though that may be — they have to be returned. What happens to those moneys? They fund the fiasco that is Crossnacreevy, where a £200 million budget —

Mr F McCann: On a point of order, Mr Deputy Speaker. When I was a member of the Committee for Finance and Personnel, I raised the issue of mortgage relief. At that stage, I raised the point about continually applying for the £5 million and was told that —

Mr Deputy Speaker: Good try, but that is not a point of order. The Minister should stay on the subject of the Bill.

The Minister for Social Development: To conclude that point, in my view, Crossnacreevy — *[Interruption.]*

Mr Deputy Speaker: I ask Members to cease making comments from a sedentary position.

The Minister for Social Development: To conclude the point, Crossnacreevy was a capital receipt —

Mr Spratt: On a point of order, Mr Deputy Speaker. What has Crossnacreevy, which is a matter for the Department of Agriculture and Rural Development, to do with the Housing (Amendment) Bill?

1.45 pm

Mr Deputy Speaker: I have repeatedly asked Members and the Minister to stay on the subject of the Bill, and I must insist that we do that.

The Minister for Social Development: I was simply replying to a point made by Mr McCann about monitoring rounds by giving the full story of monitoring rounds and how one Department can make such a grave error as to say that it will get a capital receipt of £200 million and end up with the potential — it is still not sold — of a receipt of 1% of what went into the budget line four years ago.

I acknowledge the points made by Members about the new powers on antisocial behaviour in the Bill. That matter was raised at various stages, including at Second Stage on the Floor of the House. I want to acknowledge that it was the application of Members' minds and views on the matter which resulted in it appearing in the Bill to be passed today. However, I want to make one point: the Housing Executive has extensive powers but, as with all powers, whether for the Housing Executive, government or any other public body, it falls to the individual to make issues of concern known to the public body in order for it to exercise its powers. You cannot have a situation where a public body, without due process and good evidence, acts unilaterally or arbitrarily or ends up imposing summary justice on people against whom allegations have been made but not proven. It is a difficult situation, and there is, in parts of our community, a culture where that may lead to difficulties, troubles and problems for those who take that stand. We must appreciate that. However, you cannot have a situation where the powers granted to any public body or to government should be used in a unilateral, arbitrary or summary way, and I trust that we will not go down that road.

Mr McCann raised the issue of fines. I made representations to the Justice Minister about trying to deal with penalties in the way that Mr McCann suggested. I understand that the Justice Minister was advised by the Northern Ireland Courts and Tribunals Service that the magistrates and the judiciary frowned upon some of that approach. However, I had sympathy with it, and, through officials, I interrogated and had exhaustive conversations with the Justice Department in that regard. However, at this stage, that is where the issue resides.

As I understand it, there were concerns about whether the proposed fines were disproportionate to fines in other legislation enforced by the courts.

All that said and save the cross words that I uttered in the direction of Mr McCann and a few others, I think that the Bill is a substantial piece of legislation. It is an advance on what was in the original Bill. I acknowledge the work of all those involved in drafting, preparing and considering the Bill as it went through the Assembly. I commend the Bill to the House.

Question put and agreed to.

Resolved:

That the Housing (Amendment) Bill [NIA 32/09] do now pass.

Departments (Transfer of Functions) Order (Northern Ireland) 2011

The junior Minister (Office of the First Minister and deputy First Minister) (Mr G Kelly): Go raibh maith agat, a LeasCheann Comhairle. I beg to move

That the Departments (Transfer of Functions) Order (Northern Ireland) 2011 be affirmed.

The statutory rule has been made under powers contained in article 8 of the Departments (Northern Ireland) Order 1999, which provides that the 2011 Order must be laid for approval by affirmative resolution of the Assembly. The Order under discussion today seeks to give effect to a decision of the Executive to create a more coherent tribunals administration delivered by the Courts and Tribunals Service, which is an agency of the Department of Justice. The Order will transfer to the Department of Justice certain statutory functions relating to the administration of a number of tribunals which are presently the responsibility of other Departments.

The effect of the Order will be that the Department of Justice will assume responsibility for the administration of the following tribunals: the mental health review tribunal, the care tribunal and tribunals under section 11 of the Health and Personal Social Services (NI) Order 1972 from the Department of Health, Social Services and Public Safety; the special educational needs and disability tribunal from the Department of Education; the lands tribunal from the Department of Finance and Personnel; the traffic penalty tribunal from the Department for Regional Development; and the health and safety tribunal from the Department of Enterprise, Trade and Investment. All relevant Assembly Committees have been consulted on those proposed transfers, and I appreciate their support. I commend the Order to the House.

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister (Mr Elliott): The Committee was briefed by officials from the Department of Justice on the Departments (Transfer of Functions) Order on 15 December 2010. The Order allows the Department of Justice to assume responsibility for the administration of a number of tribunals. At the Committee's meeting on 16 February 2011, it considered correspondence from the Office of the First Minister and deputy First Minister, which confirmed which tribunals would be transferred.

The Committee considered further the statutory rule on 2 March 2011 and resolved that it be affirmed by the Assembly.

The Chairperson of the Committee for Justice (Lord Morrow): I am pleased to speak to this motion as Chairman of the Committee for Justice. I confirm that the Committee has agreed to the transfer of statutory responsibility for the administration of tribunals from relevant Departments to the Department of Justice as is set out in the Departments (Transfer of Functions) Order (Northern Ireland) 2011.

The Committee was first briefed in May 2010 by officials from the Northern Ireland Courts and Tribunals Service on the tribunal reform programme and the proposal for the Department of Justice to assume statutory responsibility for the administration of tribunals. The tribunal reform programme is focused on creating a unified administration for tribunals that is more independent, efficient and customer-focused.

Prior to devolution, the transfer of tribunal administration to the Court Service could be achieved only by way of agency arrangements that allowed the sponsor Department to contract the Court Service for the performance of tribunal functions on an agency basis by leaving its statutory responsibility in the hands of the Department. The devolution of policing and justice provides the opportunity for the Department of Justice to assume full statutory responsibility for the administration of tribunals.

The Committee for Justice agreed that it was content with the proposal, but, before responding to the Department on the matter, it sought the views of other relevant Statutory Committees, including the Health Committee, the Education Committee, the Committee for the Office of the First Minister and deputy First Minister, the Regional Development Committee, the Social Development Committee, the Committee for Finance and Personnel, the Committee for Employment and Learning and the Committee for Enterprise, Trade and Investment.

All the Committees indicated that they were content with the proposals, but the Committee for Health, Social Services and Public Safety raised some concerns about the proposal around perceived criminalisation of the two health tribunals, especially if individuals with mental health problems thought that the tribunal was criminal-based. The Health Committee

advocated that steps should be taken to ensure that people who use the care and mental health tribunals do not feel stigmatised. The Committee expressed the view that courthouses should not be used for health tribunals because they intimidate people and give the perception of criminalisation. In taking forward the proposals, the Committee for Justice asked the Department of Justice to address the issues that the Health Committee raised. The Department responded on two occasions to clarify the position.

On 16 December 2010, the Committee for the Office of the First Minister and deputy First Minister wrote to seek the views of the Committee for Justice on the proposed transfer of functions or tribunal reform Order. The Committee sought and received an assurance from the Department of Justice that satisfactory agreement had been reached with the relevant Departments on the functions and, in particular, the resources — budgets and staff — to be transferred. It received an assurance that tribunals would transfer only where a transfer of appropriate funding is needed.

The Committee for Justice agreed at its meeting on 27 January that, in light of the information provided by the Department of Justice, it was content with the proposals made in the Departments (Transfer of Functions) Order and supports the motion.

Mr Deputy Speaker: I call the junior Minister Mr Gerry Kelly to conclude and make a winding-up speech on the debate.

The junior Minister (Mr G Kelly): Go raibh maith agat, a LeasCheann Comhairle. I commend the House for affirming the Order, and I look forward to further progress on tribunal reform.

Question put and agreed to.

Resolved:

That the Departments (Transfer of Functions) Order (Northern Ireland) 2011 be affirmed.

Departments (Transfer of Functions) (No. 2) Order (Northern Ireland) 2011

The junior Minister (Office of the First Minister and deputy First Minister) (Mr G Kelly): Go raibh maith agat arís, a LeasCheann Comhairle. I beg to move

That the Departments (Transfer of Functions) (No. 2) Order (Northern Ireland) 2011 be affirmed.

The statutory rule has been made under powers in article 8 of the Departments (Northern Ireland) Order 1999, which provides that the 2011 Order must be laid for approval by affirmative resolution of the Assembly. The Order under discussion will transfer certain statutory functions of the Department of Enterprise, Trade and Investment under the Statistics of Trade and Employment (Northern Ireland) Order 1988 to the Department of Finance and Personnel.

The functions that are being transferred relate to the requirement to undertake an annual census of production, the option to conduct a census of distribution and services and matters related to the conduct of such surveys. The transfer will enable the production of economic and labour market statistics to be centralised in NISRA, which has a primary focus on the production of high-quality official statistics, independent of the policy areas to which the statistics relate.

Such an arrangement will help to strengthen public trust in official statistics. That will facilitate increased standardisation and harmonisation of methodologies between the main economic and social official statistics series. All the relevant Committees have been consulted about the proposed transfer, and their support and co-operation in the prompt consideration of the matter is appreciated. I commend the Order to the House.

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister (Mr Elliott): The Committee for the Office of the First Minister and deputy First Minister first considered the draft Departments (Transfer of Functions) (No. 2) Order on 16 February 2011. The Order will transfer responsibility for the collection of data from businesses and the production of the official labour market and economic statistics from the Department of Enterprise, Trade and Investment to the Northern Ireland Statistics and Research Agency, which is

part of the Department of Finance and Personnel. The Committee further considered the statutory rule on 2 March 2011 and resolved that it be affirmed by the Assembly.

The junior Minister (Mr G Kelly): Go raibh maith agat, a LeasCheann Comhairle, especially for an easy day. I thank the Chairperson for those comments. I commend the Order to the House, and I look forward to further progress on the production of official economic and labour market statistics.

Question put and agreed to.

Resolved:

That the Departments (Transfer of Functions) (No. 2) Order (Northern Ireland) 2011 be affirmed.

Energy Bill: Legislative Consent Motion

The Minister of Enterprise, Trade and Investment (Mrs Foster): I beg to move

That this Assembly agrees that the UK Parliament should consider amendments to the Energy Bill to provide powers for the Department of Enterprise, Trade and Investment to establish a scheme to facilitate and encourage renewable generation of heat, including the administration and financing of the scheme.

We are here today to consider extending primary legislative powers for renewable heat to Northern Ireland to ensure that my Department can bring forward proposals to incentivise this important market in the near future. Ensuring a more diverse, sustainable and secure supply of fuel for Northern Ireland is one of the key priorities for my Department.

Northern Ireland is overly dependent on imported fuel, leaving customers vulnerable to price fluctuations that are beyond our control. That is especially true in the heat market. Heat energy accounts for close to half the energy consumed in Northern Ireland; however, 98% of our heating fuels are imported. In order for the Northern Ireland heat market to become more sustainable, it is vital that renewable fuel sources are developed and that the uptake of renewable heating technologies is encouraged. The strategic energy framework includes a target for Northern Ireland to achieve 10% renewable heat by 2020. That is an ambitious and stretching target, especially when we consider that only 1.7% of our heating demand is met from renewable sources.

2.00 pm

In order to reach that target, it is essential that support mechanisms are developed to encourage the uptake of renewable heat technologies in the domestic, commercial, industrial and public sectors. The Department of Energy and Climate Change (DECC) has made clear plans to incentivise the renewable heat market in Great Britain through a renewable heat incentive.

Northern Ireland's heat market is very different to that of Great Britain. Northern Ireland is largely dependent on oil with a developing natural gas market, whereas in Great Britain, the gas market is well established and is the predominant fuel source. There are also differences in fuel prices between Great

Britain and Northern Ireland and the amount of people's income that goes towards heating their homes and businesses. As a consequence, the levels of fuel poverty tend to be higher.

Finally, Northern Ireland's geography is very different to that of Great Britain, with Northern Ireland being more rural, having fewer larger cities and, therefore, having a very different heat density. All of those factors have meant that it has been appropriate for separate consideration to be given to how the heat market here might be encouraged and incentivised, so that a Northern Ireland solution can be developed for the Northern Ireland context.

In September 2010, I announced that my Department would seek to support the renewable heat market in Northern Ireland by developing a renewable heat incentive scheme similar to the Great Britain proposals, but specifically designed and tailored to incentivise the local market. Work on that is already under way.

In response to that announcement, Her Majesty's Treasury has allocated £25 million for the spending review period for a Northern Ireland renewable heat incentive, should one be introduced. That is a significant level of funding, which will have a positive impact on the emerging industry. In order for an incentive scheme to be introduced in the future, the Department for Enterprise, Trade and Investment (DETI) requires appropriate legislative powers to create tariff structures, set eligibility standards and make payments. At present, DETI does not hold any primary powers in that area of work. DECC took primary powers for renewable heat via last-minute amendments to the Energy Act 2008. Those are general, enabling powers that, in turn, will allow the GB renewable heat initiative to be designed and implemented through specific secondary legislation. I now seek the Assembly's consent to enable DECC to amend the current Energy Bill to provide powers for DETI to introduce and administer a Northern Ireland renewable heat incentive in due course.

Taking those powers through that route will allow my Department to introduce an incentive scheme via detailed subordinate legislation in a timely manner. If that opportunity is missed, there could be significant ramifications for the date on which an incentive scheme could be introduced, which, in turn, would have a negative impact on the local market and result in the loss

of an element of the funding that is provided by Treasury. The Executive are content with the course of action that we are taking today.

I should stress that the powers to be taken by DETI will be general, enabling powers for renewable heat similar to those in section 100 of the Energy Act 2008, which grant DECC with the necessary primary powers. A future renewable heat incentive for Northern Ireland will require secondary legislation in due course. In addition, there will be a full public consultation on the design of the renewable heat incentive in advance of implementation. It will be vital that consumers, industry, local representatives and, indeed, other relevant stakeholders get a chance to contribute to the policy-making process.

Financial incentives have already been successful in the Northern Ireland renewable electricity market. Since the introduction of the Northern Ireland renewables obligation (NIRO) in 2005, the level of electricity that has been generated from renewable sources has increased from 3% to around 9%. It is now important for a similar commitment to be made to the renewable heat market. I am confident that by supporting and developing the renewable heat market there will be positive opportunities for Northern Ireland to reduce its dependence on imported fossil fuels, cut carbon emissions and develop the emerging renewables industry with new green jobs. I ask the House to pass the legislative consent motion to allow us to take a further important step in that process.

The Chairperson of the Committee for Enterprise, Trade and Investment

(Mr A Maginness): The Committee for Enterprise, Trade and Investment supports the Minister's motion that the UK Parliament should consider amendments to the Energy Bill to extend powers to permit Northern Ireland to legislate on renewable heat, including a renewable heat incentive scheme. We regard the latter as an important step in the incentivisation of that particular sector of the renewables market.

On 2 February 2011, the Minister wrote to the Committee to make known her intention to bring forward the motion. Members of the Committee welcomed her proposals, as we had long considered the issue of renewable heat and pressed the Department to bring forward proposals that would allow Northern Ireland to legislate for it. During Committee Stage

of the Northern Ireland Energy Bill, which is now the Energy Act (Northern Ireland) 2011, the Committee considered the possibility of including powers to legislate for renewable heat. However, that was not feasible because of the remit of that Bill and the protracted timescales that would have been involved.

The Committee made a specific recommendation after its recent inquiry into renewable energy. Its report stated:

"In the short-term, Government policy on biomass should concentrate on renewable heat to assist in meeting the Strategic Energy Framework target of 10 of heat from renewable sources by 2020."

Members may wonder why it is so important for Northern Ireland to have powers to legislate for renewable heat. It is because those powers will allow Northern Ireland to create an incentive to ensure that the energy market is encouraged to generate renewable heat.

As many in the Chamber are aware, the coalition Government announced funding of £850 million for a renewable heat incentive scheme in the UK, of which Northern Ireland has been offered 20%. In its renewable energy report, the Committee also recommended:

"DETI should also give favourable consideration to the Treasury offer of £25 million for a Renewable Heat Incentive for Northern Ireland."

The motion before the House will facilitate amendments to the UK Energy Bill to enable DETI to take up the Treasury offer of £25 million and to bring forward a renewable heat incentive bespoke to Northern Ireland by the end of this year. The only alternative to that would be to introduce primary legislation, which would lead to unnecessary delays.

As the Minister said, the motion is timely, and it is right and proper that the Assembly should support it. It is imperative that Northern Ireland create its own renewable heat incentive scheme, as that will ultimately lead to the achievement of the goal of 10% of heat from renewable sources by 2020, as stated in the strategic energy framework.

At its meeting of 24 February, the Committee took oral evidence from departmental officials on what implications for renewable heat in Northern Ireland would result from the Bill. Members were satisfied that the motion was

a necessary step in implementing a renewable heat incentive in Northern Ireland.

Before I conclude, I wish to thank the Minister. This is an appropriate opportunity to thank her for her co-operation, courtesy and, indeed, good humour throughout my chairmanship of the Committee over the past two years. A lot of constructive work was done by the Committee in co-operation with the Department and the Minister. I also thank the departmental officials who attended the Committee on various occasions and carried out their work in an exemplary manner. I hope that that good working relationship will continue in the next mandate.

On behalf of the Committee, I urge the Assembly to support the Minister's motion.

The Minister of Enterprise, Trade and

Investment: I thank my Executive colleagues for agreeing to the motion coming to the House, and I thank the Committee for Enterprise, Trade and Investment and the Business Committee for the way in which they considered the matter. They did so in a timely fashion, which allowed the motion to come before the House today. I appreciate the positive manner in which the issue has been dealt with by all sides of the House.

The development of renewable heat is a key objective of the Department. Indeed, as the Chairman said, it has a lot of synergies with last month's Committee report on renewable energy. Our wider policy aims of increasing fuel security, reducing carbon emissions and creating green jobs all fall into line with the creation of a renewable heat incentive specifically for Northern Ireland. By passing the consent motion today, we will highlight our intention to incentivise that market and highlight the priority that the Executive and the Assembly have given to renewable energy.

I thank the Chairman for his kind words about the workings between my Department and the Committee and between him and me. It has been a great honour for me to hold this portfolio. It has been challenging at times, but very varied, and I thank him for the Committee's support and scrutiny for all that we have done in the past three years. I commend the motion to the House.

Question put and agreed to.

Resolved:

That this Assembly agrees that the UK Parliament should consider amendments to the Energy Bill to provide powers for the Department of Enterprise, Trade and Investment to establish a scheme to facilitate and encourage renewable generation of heat, including the administration and financing of the scheme.

Categories of Tourist Establishment Order (Northern Ireland) 2011

The Minister of Enterprise, Trade and Investment (Mrs Foster): I beg to move

That the Categories of Tourist Establishment Order (Northern Ireland) 2011 be affirmed.

I am seeking the Assembly's affirmation for the Categories of Tourist Establishment Order (Northern Ireland) 2011. The Order amends article 12(1) of the Tourism (Northern Ireland) Order 1992, which lists the statutory categories of tourist establishments that are inspected and certified by the Northern Ireland Tourist Board. At present, there are five categories of tourist accommodation listed in the 1992 Order: hotels; guesthouses; bed-and-breakfast establishments; self-catering establishments; and hostels. Article 12(2) of the 1992 Order provides for that list to be amended by adding or removing categories by statutory rule made by the affirmative resolution procedure before the Assembly.

The Department of Enterprise, Trade and Investment and the Northern Ireland Tourist Board have identified a number of changes required to the 1992 Order and associated subordinate legislation, including the addition of three new categories of tourist accommodation to the current list. Those are bunkhouses, campus accommodation and guest accommodation. The purpose and nature of those three categories is as follows. A bunkhouse offers simple overnight accommodation for use by walkers and backpackers. Campus accommodation is provided by educational establishments for their students during term time and is made available to visitors at other times of the year. The primary focus of guest accommodation is the provision of bedrooms for visitors. That category would, for example, facilitate restaurants that wish to provide rooms for visitors. The introduction of those three new categories will facilitate tourist accommodation providers. A separate set of regulations setting out the detailed criteria to be met by those three new categories will come into operation during April.

Question put and agreed to.

Resolved:

That the Categories of Tourist Establishment Order (Northern Ireland) 2011 be affirmed.

Draft Insolvency (Monetary Limits) (Amendment) Order (Northern Ireland) 2011

Mr Deputy Speaker: The next three items of business are motions to approve statutory rules for matters relating to insolvency and debt. There will be separate debates on each of the statutory rules; however, Members will be allowed some latitude to address the broad policy issue that is clearly common to all the motions during the first debate. I hope that Members will find that useful.

The Minister of Enterprise, Trade and Investment (Mrs Foster): I beg to move

That the draft Insolvency (Monetary Limits) (Amendment) Order (Northern Ireland) 2011 be approved.

I am seeking the Assembly's approval for the draft Insolvency (Monetary Limits) (Amendment) Order (Northern Ireland) 2011. The Order is one of a group of six statutory rules being made in conjunction with the Debt Relief Act (Northern Ireland) 2010. Three of the six statutory rules require Assembly approval. Of the three that do not, one is subject to the negative procedure, one is a straightforward commencement Order and is not subject to Assembly proceedings at all, and the third is being taken forward by the Department of Justice and is subject to negative procedure.

After the debate on this Order, and subject to its being approved by the Assembly, I will ask the Assembly to approve a second draft Order and to affirm a third Order.

2.15 pm

First, I will set out the general policy objective behind the Debt Relief Act (Northern Ireland) 2010 and the purpose served by each of the three statutory rules for which Assembly approval or affirmation is required and which are being debated today. I will respond to any points raised by Members in my closing remarks.

The Debt Relief Act (Northern Ireland) 2010 received Royal Assent on 15 December 2010. It paved the way for my Department to set up a debt relief scheme in Northern Ireland, similar to the one that has operated in England and Wales since April 2009. The scheme will provide for those who are burdened with debt that they cannot pay and who cannot afford the cost of

petitioning for bankruptcy to apply to the official receiver for a debt relief order, which will offer similar relief at less than a third of the cost. Applications for debt relief orders will be made through trained debt advisers. That will provide an opportunity for the applicant's financial circumstances to be assessed and for checks to be made to ensure that they meet the eligibility criteria that will apply. Debt advisers will have to be approved by competent authorities that are designated by the Department.

A debt relief order will provide a one-year moratorium to protect debtors against legal proceedings or enforcement actions by their creditors. Liability to repay debts covered by the order will be completely cancelled at the end of that year. It will be possible for those found culpable to be placed under continuing restrictions for between two and 15 years regarding their taking of credit or the name under which they can trade. Such restrictions can either be put in place by the High Court through the making of a debt relief restrictions order or through acceptance by my Department of what is termed a debt relief restrictions undertaking. It is estimated that there will be approximately 1,000 applications for debt relief each year.

Among the eligibility criteria that will apply is that the applicant's debt, sizeable assets and surplus income do not exceed limits that will be specified in subordinate legislation, and the Order that the House is now considering will establish those limits. It specifies the maximum amount of debt that an individual can have to be eligible for the scheme as £15,000, the maximum total value of their assets as £300 and their maximum surplus income as £50 a month. Questions on those limits were included in a consultation exercise that was carried out between February and May 2009 on the proposals to set up a debt relief scheme.

Of 460 people and organisations that were notified about the consultation, 22 responded. Of the 14 respondents who answered a question on whether there should be a limit on the amount an individual could owe to obtain entry to the scheme, 13 agreed that there should be one. Of the 18 respondents who answered a question about the amount of debt, eight were content with a £15,000 limit, one felt that the £15,000 limit was too high, and six thought that it was too low. Of the 14 respondents who answered a question on a limit

of £300 of realisable assets, only two felt that £300 was too low. Of the 15 respondents who answered a question on whether there should be a cap on surplus income, 14 agree that there should. Of the six respondents who answered a question on what the amount of that surplus income should be, only two expressed a view that £50 was too low.

The limits that are specified in the draft Insolvency (Monetary Limits) (Amendment) Order (Northern Ireland) 2011 for maximum debt, asset value and surplus income are exactly the same as the scheme that operates in England and Wales, which is as it should be. The problems facing individuals who are in debt in Northern Ireland are no different from those that are encountered, at an individual level, in England and Wales.

It is expected that most of those who will avail of the debt relief scheme will be in receipt of benefits. Benefit levels in Northern Ireland are at parity with those in England and Wales, and keeping the eligibility criteria the same will ensure that those who need to make use of Northern Ireland's debt relief scheme will be treated no differently from those who need to make use of the scheme in England and Wales.

The Debt Relief Act (Northern Ireland) 2010 makes it an offence for a person who is subject to a debt relief order, a debt relief restrictions order or a debt relief restrictions undertaking to obtain credit without disclosing that he is subject to such an order or undertaking. However, there is a proviso that no offence will have been committed if the amount of credit is less than is specified by the Order. The draft Insolvency (Monetary Limits) (Amendment) Order (Northern Ireland) 2011 specifies that amount as £500.

I will deal separately with the other two Orders when the remaining two motions are moved. One deals with the fee payable on application for a debt relief order. The other provides that conduct prior to commencement of the Debt Relief Act is not to be taken into account in assessing whether a person should be made subject to a debt relief restrictions order or undertaking.

I am grateful to the Committee for Enterprise, Trade and Investment and the Examiner of Statutory Rules for their scrutiny of all three Orders. I hope that I have provided the House with sufficient explanation of their purpose, and

I will, of course, respond in my closing remarks to any points made by Members.

Mr Deputy Speaker: No Members have indicated their intention to speak.

Question put and agreed to.

Resolved:

That the draft Insolvency (Monetary Limits) (Amendment) Order (Northern Ireland) 2011 be approved.

Insolvency (Fees) (Amendment) Order (Northern Ireland) 2011

The Minister of Enterprise, Trade and Investment (Mrs Foster): I beg to move

That the Insolvency (Fees) (Amendment) Order (Northern Ireland) 2011 be affirmed.

The Order sets at £90 the fee payable on an application for a debt relief order. That includes £10 for the cost of the debt advisers who will act as intermediaries to help to administer the scheme. The balance will be paid into the insolvency account to help meet the scheme's running costs.

A £90 fee enables the Insolvency Service for England and Wales to operate its scheme on a full-cost-recovery basis owing to the much higher volume of cases and a more fully automated IT system. If I were to ensure full cost recovery, my Department would have to charge a fee of £207, which would mean citizens in Northern Ireland having to pay £117 more than in England and Wales to obtain a debt relief order. I have, therefore, decided to keep the fee at the same level as that in England and Wales even though my officials advised me that charging a fee of £90 will result in a shortfall to the Department.

As there will be no differences in the benefits offered by debt relief orders made in Northern Ireland compared with those made in England and Wales, it would be unfair to charge a higher fee to applicants in Northern Ireland solely because the Northern Ireland scheme costs more to administer owing to its smaller scale. Furthermore, it has been a long-standing convention that, where possible, insolvency law be kept in parity with that in England and Wales. Therefore, I ask the Assembly to affirm the Insolvency (Fees) (Amendment) Order (Northern Ireland) 2011.

Mr Deputy Speaker: No Members have indicated their intention to speak.

Question put and agreed to.

Resolved:

That the Insolvency (Fees) (Amendment) Order (Northern Ireland) 2011 be affirmed.

Draft Debt Relief (2010 Act) (Transitional Provision) Order (Northern Ireland) 2011

The Minister of Enterprise, Trade and Investment (Mrs Foster): I beg to move

That the draft Debt Relief (2010 Act) (Transitional Provision) Order (Northern Ireland) 2011 be approved.

There is a great interest in debt relief here today. I ask that the Assembly approve the draft Debt Relief (2010 Act) (Transitional Provision) Order (Northern Ireland) 2011 in a similar manner. Under the new schedule 2ZB, inserted into the Insolvency (Northern Ireland) Order 1989 by the Debt Relief Act (Northern Ireland) 2010, my Department, or the Official Receiver acting on the directions of my Department, can, in cases in which there is evidence that someone subject to a debt relief order is culpable, apply to the High Court for a debt relief restrictions order. Alternatively, my Department can accept an undertaking from the person, and that has equivalent effect.

A restrictions order, or undertaking, can last from two to 15 years. It places individuals under restrictions as regards the amount of credit that they can obtain without disclosing that they are the subject of a restrictions order or undertaking. It also places restrictions on their ability to trade under any name other than that by which they were known on the original debt relief order.

The draft Order 2011 provides that the court, when deciding whether to make a debt relief restrictions order, and the Department, when deciding whether to accept a debt relief restrictions undertaking, is to take into account the debtor's conduct subsequent only to the date of commencement of the scheme. I ask the Assembly to approve this Order as well.

Question put and agreed to.

Resolved:

That the draft Debt Relief (2010 Act) (Transitional Provision) Order (Northern Ireland) 2011 be approved.

Private Members' Business

Single Use Carrier Bags Bill: Further Consideration Stage

Mr Deputy Speaker: I call on Mr McKay to move the Further Consideration Stage of the Single Use Carrier Bags Bill.

Moved. — [Mr McKay.]

Mr Deputy Speaker: As no amendments have been tabled, there is no opportunity to discuss the Single Use Carrier Bags 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.

As Question Time commences at 2.30 pm, I suggest that the House take its ease until that time.

On resuming (Mr Speaker in the Chair) —

2.30 pm

Oral Answers to Questions

Regional Development

A5 Dual Carriageway: Funding

1. **Mr Ross** asked the Minister for Regional Development how much funding his Department has earmarked for the A5 road scheme. (AQO 1253/11)

The Minister for Regional Development

(Mr Murphy): The draft Budget allows my Department a total of £675 million for the A5 dualling project over the four-year period from 2011-12 to 2014-15.

Mr Ross: Does the Minister agree that it is now looking increasingly likely that the money pledged by the Irish Republic for road schemes in Northern Ireland will be withdrawn by the new Government south of the border? Does he, therefore, agree that the money that he had earmarked for the controversial A5 project, coupled with the £107 million of additional funding in his budget, would be much better spent on the much-needed and less controversial A2 scheme in east Antrim? Will he give the House that commitment today?

The Minister for Regional Development: I do not think that I have come across a major road scheme that has not been controversial in some shape or form. I disagree with the Member's first assertion that it is increasingly likely that the money pledged will now be withdrawn. We have received no indication whatsoever that the Government in the South have changed the approach to that. Indeed, I know that the new Taoiseach, Enda Kenny, has expressed his support for the project in the past. I will be seeking an early engagement with the newly appointed Transport Minister to discuss some of those issues as soon as possible.

The A2 scheme, to which the Member refers, is a very good one, and I am very disappointed that we do not have resources earmarked in the four-year period to go ahead with that. Nonetheless, he will know that the Executive worked very hard to identify additional moneys

that we were able to allocate as part of the final Budget, which was put to the Assembly last week. The Budget review group will continue to try to identify additional moneys over the four-year period, and I certainly expect that it will have some success in doing so. If that is the case, it will hopefully allow additional money to go to the Department for Regional Development (DRD) for significant projects. Some of the projects that we have had to put on hold at this moment in time may, therefore, come back into play during those four years.

Mr Callaghan: Go raibh maith agat, a Cheann Comhairle. Does the Minister acknowledge the concerns of those in the north-west and, in particular, Derry city about the talk that the scheme might be downgraded? Will he give an assurance that that is not within the contemplation of the Department and that he will raise the issue with the Transport Minister? Has he already spoken to him by phone about the scheme?

The Minister for Regional Development: I am not sure where the Member heard the concerns that the scheme will be downgraded. Every statement made on the back of a North/South Ministerial Council plenary meeting has included a commitment to the A5 project, and that commitment remains as is. I have not yet had an opportunity to discuss that with the newly appointed Transport Minister, who is in office only a couple of days, but I intend to seek an early meeting with him to discuss that and a range of other projects.

The North/South agenda that I, as Minister here, and the Transport Minister in the South operate is a very wide-ranging one. The A5 is probably the single biggest project underneath that, but there is quite a range of areas of co-operation and collaboration between us and the Transport Department in the South. So, I will be seeking an early meeting to pick up on all of those issues. However, as I said in response to previous questions, I have received no indication that there is any change in approach. Certainly, as far as Roads Service and I are concerned, that project remains as planned.

Mr McElduff: Go raibh maith agat, a Cheann Comhairle. Will the Minister detail the proposed timeline for the completion of the A5 project? I speak as a local MLA who believes that that project is of huge strategic importance in

providing access to opportunity, investment and jobs in the wider north-west.

The Minister for Regional Development: The A5 project is progressing well, and the third key milestone for the scheme was achieved on target with the publication of the draft statutory Orders associated with the environmental statement in November 2010. That was followed by the formal public consultation period that ended on 21 January. Given the interest in the project and the level of objection raised, I have decided that a public inquiry will be held to consider the objections.

Mr K Robinson: I listened very carefully to the Minister's earlier replies and his mention of the A2. Will he explain why a worthy scheme such as the A2, which will carry 30,000 vehicles a day, compares so unfavourably with the £850 million scheme for the A5, about which there is obviously a lot of dissension and which carries only about 14,000 vehicles a day?

The Minister for Regional Development: The A2 was a very good project. The Member will know from the debates that we have had over the past number of weeks that there has been a 40% cut in our capital budget, which means that not all the projects that we would like to go ahead with in the next Budget period can do so. That has left difficult choices to be made. The decision to remove the A2 project was very difficult.

The A5 project has been agreed by the Executive and the Government in the South. It has been progressed jointly by us and the Southern authorities and is of key strategic importance to the north-west. Although the Member will make a very good argument, and very good arguments were made about the A2, it was not a matter of two competing projects. We had to look at a range of projects that we could go ahead with. Funding has been committed to the A5 by both Administrations, and, as I said, the project is of significant importance to the north-west.

There is a commitment in the Programme for Government to address the infrastructure imbalance that we find. The same commitment comes from Dublin as well. If anyone looks at a map of Ireland, they will see very clearly where the infrastructural imbalance is and that there are huge gaps in the north-west. That commitment is from both Administrations. It was not a matter of one project competing on the same scale as another. It was a matter of

making difficult choices in the face of a difficult Budget allocation.

Railways: Sustainability

2. Ms Ní Chuilín asked the Minister for Regional Development for an update on his Department's investment in sustainable rail transport. (AQO 1254/11)

The Minister for Regional Development: In launching the review of the regional transportation strategy, I set out my commitment to ensure more sustainable transport arrangements in providing a proper balance between the needs of people, business and the environment. In support of that review, and recognising the important role of park-and-ride facilities in promoting sustainable transport, my Department is carrying out a strategic review of park-and-ride facilities, including those at rail stations, with the aim of developing proposals for future provision that offers the best prospects for encouraging modal shift. Although funding for park-and-ride development has been secured, the review is ongoing and final decisions have not yet been made.

My Department's investment in rail transport has been as follows. From 2001-02 to 2009-2010, we have funded £303 million of capital works on the railways network. Some major projects include the purchase of new trains, the first of which arrived today; the construction of a new train care facility at Fortwilliam; an upgrade of railway lines, such as the Bleach Green to Whitehead line; construction of a new railway station at Newry; a track-life extension project on the rail line between Ballymena and Derry; and improvements to stations and halts across the network that bring them into line with disability discrimination action legislation. In the current Budget, we expect to see the delivery of 20 new trains, as well as the construction of a new stabling facility and an extension of some platforms across the network to accommodate the new trains. That investment has resulted in more comfortable and reliable services and has led to a 60% increase in passenger journeys between 2001-02 and 2009-2010 across the local railway network. That totals over 10 million journeys annually.

Ms Ní Chuilín: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his response. What sustainable rail projects is the Department

planning over the next comprehensive spending review period, from 2011 to 2015?

The Minister for Regional Development: Final Budget figures give allocations for railway capital of £92.1 million, £18.6 million, £11.3 million and £30.4 million over the four years of the Budget period. The bulk of funding will be used to pay for the purchase of 20 new class 4000 trains and projects associated with the introduction of service to new trains, such as the extension of some platforms on the railway network and the construction of a new train care facility at Adelaide station. Essential safety-related work will be taken forward, leaving the remainder of the funding to finance other high priority railway improvement projects, including essential safety.

The Budget makes provision for the commencement of the Coleraine to Derry track relay in 2014-15, an overhaul of class 3000 trains and Enterprise trains, as well as work at Ballymoney footbridge and Antrim bus and rail station.

Mr Campbell: The Minister referred to the Coleraine to Londonderry line. Will he ensure that Translink and the Department examine very closely the need for passing loops in the Ballykelly area to ensure that more than one train can transport between Coleraine and Londonderry, rather than the Londonderry train having to wait until the Coleraine train has arrived?

The Minister for Regional Development: That is part of the scheme. Obviously, there has been a very lengthy assessment over the past number of years, of which the Member will be familiar, into what is required and where exactly the passing loop would be. There have been differing arguments, and it will come down to a technical decision and assessment of where the best place for a passing loop is. However, the intention is to keep the Derry to Coleraine railway track open, because the clear advice from Translink and its engineers is that, should we not invest in that line over the next four years, that would lead to the closure of the Derry-Coleraine line. The clear intention is to keep that open, make a very significant investment of more than £70 million, improve the service between Derry and Belfast and allow commuters to get into Derry before 9.00 am for the first time.

Mr McDevitt: I join the Minister in welcoming the arrival of the new trains and the capital investment in that new rolling stock. What assurances can the Minister offer the House that the Dublin-Belfast Enterprise service will be improved during this comprehensive spending review period and that we will reverse the fact that, in certain parts of that service, train speeds are slower today than they were during the Second World War?

The Minister for Regional Development: I am glad that the Member welcomes the new trains that arrived today. He has issued a statement saying that some of them will be mothballed, but, yet again, he is incorrect. The new trains will be put into service in their entirety by the end of next year. It would probably have been better if he had welcomed the new trains without trying to put a negative slant on the issue. I assure him that all 20 of the new trains will be put into service.

We will continue to invest in the Dublin-Belfast Enterprise service. Through the work of the North/South Ministerial Council, we have assessed a broad range of improvements up to a very high end, which could require investment of anything up to about £1 billion. Some of the improvements relate to the issue at Knockmore, which causes a delay of about three or four minutes in the journey between Belfast and Dublin. Some of the other significant work relates to congestion issues north of Connolly station, for which the Dublin Government are also struggling to find investment.

We have agreed a programme of incremental improvements around the reliability of the trains themselves, the service provided and the introduction of Wi-Fi on the train service. We have already introduced a stop at Lisburn. At the end of this month, we will introduce a stop where the early morning commuter service goes from Newry to Dublin, rather than from Dundalk to Dublin. That will attract more passengers. The programme to incrementally improve the service will involve work with both Iarnród Éireann and Northern Ireland Railways. If Budgets North and South will allow it, the aspiration is still to make much more significant improvements and follow through on the Enterprise 2020 vision, whereby we have an hourly service and reduce the journey time.

A5 Dual Carriageway

3. **Lord Morrow** asked the Minister for Regional Development what discussions he has had with the Minister of Agriculture and Rural Development and the Minister of the Environment in relation to the impact of the proposed A5 road scheme on the farming community and the environment. (AQO 1255/11)

The Minister for Regional Development: I have had discussions with the Minister of Agriculture and Rural Development on road schemes in general. Similar underlying issues apply across all major road schemes, including the A5 dualling project. The Minister raised a number of concerns with me regarding issues affecting the farming community, particularly concerns regarding the impacts on farms and communications. I assured the Minister that those impacts were being minimised as far as practicable and that there has been widespread consultation with affected farmers throughout the entire process. I have not had a direct discussion with the Minister of the Environment regarding the A5 project, although my Department's Roads Service and its scheme consultants have had very useful discussions with officials from the Department of the Environment.

The A5 project has wider benefits for the region. Roads Service is working towards providing the best solution when considered against all standard assessment criteria, which include economic, engineering, integration, accessibility and environment issues. Both the Department of Agriculture and Rural Development (DARD) and the Department of the Environment (DOE) have had major influence on the route selection. When consulted as part of the formal consultation process, they responded by highlighting issues to be considered during the further development of the scheme.

Lord Morrow: I thank the Minister for his reply, but it strikes me that there is no joined-up thinking on such a major road scheme that will have a detrimental impact on the environment. Indeed, we discover that the Minister has never spoken his counterpart in the Department of the Environment about it. Will he take that on board and make it his business to have a meeting with the Department of the Environment to ascertain its views and how it feels the scheme will impact the environment in that locality?

The Minister for Regional Development: I have no issue with talking to the Minister of the Environment about it. Probably no other Department, outside of the Department for Regional Development, has more of an input into major construction schemes than the Department of the Environment, which, obviously, has planning responsibilities. The environmental statement crafted in relation to the A5, which will be subject to public inquiry, was done so in consultation with the Department of the Environment. There has been no shortage of consultation on, and discussion and assessment of, the route options. The two Departments that had most input into the selection of the preferred route were DARD and DOE. One of the criteria for selection is environmental impact. As I said, I have no issue with talking to the Minister of the Environment, but I am not sure that our talking together would add much light to the situation, whereas properly qualified officials in both Departments have been in regular contact since the inception of the scheme.

2.45 pm

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answer. What mitigation measures are proposed for the scheme?

The Minister for Regional Development: The environmental statement was published in November 2010 along with the draft vesting and direction orders. The statement outlines the proposed mitigation measures to protect the environment, including planting, screening, wildlife and fauna provision and pollution prevention measures. The formal consultation process for the scheme ended on 21 January 2011, and issues that are raised in relation to the proposed mitigation and access to farmland will be heard at the scheme's public inquiry, which is scheduled for 9 May 2011. More detailed accommodation works will be discussed with individual landowners when the scheme is defined following the outcome of the public inquiry. Impacts that are not mitigated may be addressed through compensation, which, if necessary, would be a matter for the Department of Finance and Personnel through the Lands Tribunal.

Mr Savage: I have listened carefully to the Minister's answers. My party and I have been inundated with representations from farmers,

homeowners and commuters concerned about the A5 proposal. Will the Minister detail why his Department feels it necessary to build a completely new dual carriageway through virgin countryside instead of updating the existing road?

The Minister for Regional Development: I do not think that it would be possible to update the existing road to a dual carriageway. Like me, the Member regularly travels on the A1, and he will know that it has probably cost more to put safety works along the A1, including new flyovers and stopping-up junctions, than it cost to build the A1 in the first place. Building a road with so many access points will not create the standard of dual carriageway that, it has been agreed, is necessary to service the north-west, not just in the Derry area but into Donegal as well. A high standard dual carriageway has to be taken off the line of the existing road.

I understand the issues that farmers have; the same issues arose with the A4, the Newry to Dundalk road and the Newry bypass. All major road projects will have an impact on virgin farmland if they go off the line of the existing road. It is a difficult issue, and that is why it takes such a long time to work the issues through with local farmers to ensure that people are properly compensated for any lands that are taken and that proper mitigation measures are put in place to allow people, in the case of a farm that is split in two, to have access either side of the road. If we want to create connections between major cities on the island of Ireland, that is the approach that we need to take.

NI Water: PAC Report

4. **Mr Molloy** asked the Minister for Regional Development for his assessment of the procurement failures identified in the Public Accounts Committee's report 'Measuring the Performance of NI Water and Procurement and Governance in NI Water'. (AQO 1256/11)

7. **Mrs D Kelly** asked the Minister for Regional Development for his assessment of the Public Accounts Committee's report 'Measuring the Performance of NI Water and Procurement and Governance in NI Water'. (AQO 1259/11)

The Minister for Regional Development: With your permission, a Cheann Comhairle, I will reply to questions 4 and 7 together.

It would be inappropriate for me to comment in detail on the Public Accounts Committee's

findings at this time. My Department will consider the report and contribute to the official Government response. In line with established protocol and procedures, that will take the form of a memorandum of reply, which is laid before the Assembly by the Minister of Finance and Personnel.

Mr Molloy: What positives have there been in NI Water over the past years? Will the outcome of the report mean that businesses that have been working with the water service will continue to be able to get contracts?

The Minister for Regional Development: More often than not, I have been to the Assembly to give negative answers about NIW issues, but there have been many unremarked-on positives. NIW has received £1 billion in capital investment from the Executive over the past four years. The vast bulk of those construction schemes have been completed to a very high standard, on target and on budget, and they have made a significant improvement. Many Members will know that, having lobbied on planning restrictions and the availability of sewage treatment works and the like, there has been a significant improvement.

The investment has helped to move us further away from the position that we were in four years ago when the Department and the Executive were on the verge of incurring infraction costs for pollution issues. NIW's work has resulted in significant positive outcomes, on the back of a protracted period of neglect of the water and sewerage infrastructure. There has been a sea change in how contracts are procured and in the standards that are expected, and not just in NIW. My opinion, from talking to people in other Departments, is that the experience of the procurement issues in NIW has led to a general tightening up across the public sector, which is to be welcomed. I believe that contractors and others who tender to provide services to NIW and other public sector outfits and Departments have more confidence about being on a level playing field than they might have had before.

Mrs D Kelly: Question 7, please, Mr Speaker.

The Minister for Regional Development: Mr Speaker, I have just answered questions 4 and 7 together.

Mr Speaker: I will make it clear to the House. Mrs Kelly, your question was grouped with

question 4, so you are allowed to ask a supplementary question.

Mrs D Kelly: I apologise, Mr Speaker. I am sure that the Minister is by now well aware of the damage caused to the reputation of the directors whom he sacked on the back of a flawed report by an independent review committee, which has now been totally discredited. Will the Minister take this opportunity to apologise to Declan Gormley and the others whom he sacked?

The Minister for Regional Development: The report clearly confirmed that there was a culture of disregard for procurement processes in NIW, which led to serious failings in procurement procedures totalling £46 million. That was not challenged by the Public Accounts Committee. I think that this is a matter on public record, although I am unable to respond in any great detail.

Members of the Member's party sat on the Public Accounts Committee. I am surprised that no conflict of interest issues arose as a result of that, because while two of her party colleagues sat on the Public Accounts Committee, they continued to lobby for the reinstatement of directors who were dismissed as a consequence of a report that established that there was a culture of serious disregard for procurement processes. That has not been challenged by the Public Accounts Committee. In light of that, I am not sure how her party has the brass neck to continue to lobby for those directors to be reinstated, and I would question, in relation to —

Mr McDevitt: No apology, then?

The Minister for Regional Development: Mr McDevitt is asking for an apology.

Mr Speaker: Order. Allow the Minister to continue.

The Minister for Regional Development: I think that Members who sit on a Public Accounts Committee inquiring into these matters, while privately lobbying for the very people who are the subject of the inquiry, should perhaps owe an apology to the other members of the Public Accounts Committee. *[Interruption.]*

Mr Speaker: Order. Allow the Minister to continue.

The Minister for Regional Development: I think that an apology might be due on that given that a member of the Public Accounts Committee

submitted questions to that Committee in his name as part of that investigation. Those questions were previously refused under the Freedom of Information Act 2000 by the Department when Mr Gormley submitted them, and they then reappeared in the name of a member of the Public Accounts Committee, who submitted them to the Committee investigation into the matter. That leads to serious concerns. In the face of evidence of procurement failings, given the persistent lobbying of the SDLP Members for apologies and reinstatement for those people, I would ask whether that party needs to declare any conflict of interest in relation to that issue.

Mr Bell: I am cautious about speaking about severe weather conditions on a day when our thoughts and prayers are with the people of Japan, who most readily know the effect of the severity of weather. However, whatever difficulties and failures there have been in the past, the public want to know whether the Minister is satisfied that we are fit for purpose to tackle those conditions more effectively than we did in December and January if we were again to face such conditions, which were the worst for 120 years.

The Minister for Regional Development: I have received assurances about short-term resilience measures that NIW has already put in place, so I am satisfied that those conditions would be tackled more effectively. However, I am not completely satisfied that we would not have a recurrence of any type of incident in such severe weather again.

Last week, I spoke to the Assembly about a report that contains some 60 recommendations. I want the implementation of those recommendations to be completely satisfied. I am satisfied that there has been a significant improvement. However, I want to get to a stage at which we are prepared for the unexpected as well as the expected. As the Member quite rightly said, given the experience in Japan and elsewhere, the weather can throw conditions at people with which no system can cope.

I want those 60 recommendations to be worked through. When the Executive discussed the issue last Thursday, they asked that a regular report be made to them about the implementation of those recommendations and issues that the regulator pointed out in his report. I think that there will be ongoing very close scrutiny not only

from the public and Members but from the Executive and from me, or whoever becomes the Minister for Regional Development after the election, to make sure that the lessons are very clearly learned and that the recommendations that have been put forward by the regulator are put in place.

Mr Kinahan: The Minister touched on the tightening up of procurement irregularities. I am sure that he is aware that those occurred as far back as the time of the Water Service. Does he acknowledge that senior civil servants must also accept a level of responsibility for the issue?

The Minister for Regional Development: I do not think that senior civil servants were responsible for the culture of disregard of proper procurement procedures. I am a former Deputy Chairperson of the Public Accounts Committee, and I do not think that there is a Public Accounts Committee report that does not challenge civil servants, which is quite correct. In this case, the report also challenges the Department to make sure that it carries out its procedures in a very efficient, effective and upfront way. I do not doubt that there are lessons to be learned. As I indicated, the response to the report will obviously be worked out through the normal processes of responding to a Public Accounts Committee report, but there are challenges for the Department in that. It still does not underline the fact that unacceptable practices were going on in NIW. It is not unique in that regard, but, as painful and difficult as the issue has been, it has shone a light on procurement processes across the public sector. I hope that we see a significant improvement right across the public sector as a result.

Water: Governance

5. **Ms S Ramsey** asked the Minister for Regional Development for his assessment of the Regional Development Committee's decision to reject his proposed short-term water governance legislative arrangements. (AQO 1257/11)

The Minister for Regional Development: Naturally, I am disappointed by the Committee's decision. The Committee seemed to agree that the Bill cannot be progressed other than by accelerated passage and that it would take some time — years, indeed — to make fundamental changes to water governance structures. The Committee also seemed to support working level agreements and MOUs in

a revised governance letter that reflected the predominance of public expenditure controls. However, the majority of members of the Committee do not support providing a legislative basis for the arrangements that they seem to support at a working level and a funding regime that they appear to agree is inevitable. I can only suppose that there is an unstated desire to leave open the possibility of introducing arrangements other than public funding of water and sewerage services in the short term. However, that is not feasible as it would take some time to implement any self-funding arrangements and the Executive Budget does not anticipate additional revenue from water. There can be no doubt that water and sewerage services must be majority public funded in the short term — the period that is covered by the Bill.

The interim measures in the Bill would help to stabilise the governance arrangements during the period by providing my Department with the temporary powers necessary to ensure that NIW complies with public expenditure controls and disciplines. The Bill would not prevent the consideration of more fundamental changes to governance arrangements, and I have advised the Assembly that I plan to shortly bring forward proposals to deal with longer-term governance.

Ms S Ramsey: Go raibh maith agat, a Cheann Comhairle. I have listened to the Minister's response to my question and to the answers that he gave to previous questions. It shows that there is a need for change. Some parties have argued for the need for immediate change and then, as you highlighted, rejected the changes at Committee. You have given some sense of the importance of the changes, but will you expand on the importance of the immediate changes that are needed?

The Minister for Regional Development: I agree with the Member that change is necessary. It seems that most parties agree that change is necessary. The problem is that, when it comes to making the change, a degree of cold feet appears to enter the equation at that stage. In relation to the specific proposals in the Bill for which I requested accelerated passage, the need for the changes arises because the existing go-co governance structure is at odds with the continued majority public funding of water and sewerage services. The proposals will ensure that public expenditure considerations retain precedence. The hybrid system of governance has led to risks and complexity

that are not sustainable. Currently, two models are operating at the same time: a regulated utility model, funded by customer payments and a public sector model, which is funded by Government. The legal status of NIW, as set out in the Water and Sewerage Services Order 2006, reflects the former position and the financial position reflects the latter because Treasury classifies NIW as a non-departmental public body. Those are the complexities that could have been resolved in the short term by legislation, but it does not seem that that legislation will prove to be doable.

3.00 pm

Social Development

Housing: East Londonderry

1. **Mr G Robinson** asked the Minister for Social Development what expenditure is planned for newbuild projects in the East Londonderry constituency in 2011-12 and 2012-13. (AQO 1268/11)

Housing: South Antrim

3. **Mr T Clarke** asked the Minister for Social Development what housing projects are planned for the South Antrim area in the next financial year. (AQO 1270/11)

The Minister for Social Development

(Mr Attwood): With your permission, Mr Speaker, I will answer questions 1 and 3 together.

The answer to Mr Robinson's question is that it is still a work in progress. When the Housing Executive comes to me with its draft programme for newbuild over the next number of years, I will be in a position to confirm what might be intended for any area of Northern Ireland. If that happens on the far side of the start of purdah, I will lodge that information in the Assembly Library.

Mr G Robinson: I thank the Minister for his answer. Will he outline the policies that he is following to maximise investment in the public sector?

The Minister for Social Development: I would like to maximise investment in the public housing sector. However, as I said during the Final Stage debate on the Housing (Amendment) Bill, Northern Ireland needs 2,500 houses a

year to be built to meet demand. In such a situation, the decision of the Executive and the Assembly to reduce newbuild housing over the next four years to 1,200 or 1,300 means that there will not be sufficient investment in public housing. The number of those in housing need and housing stress will increase, and all that will happen in the context of people losing their homes, having less money, less welfare and fewer jobs. It is not a healthy environment in which to go forward. On the far side of the election, I hope that people will think more wisely of the judgements that they made last week.

Mr T Clarke: I thank the Minister for his answer. However, given that he is in the early stages of going into the next financial year, what plans has he brought forward? I appreciate that he may not have the money, but what plans did he have drawn up for newbuild in South Antrim?

The Minister for Social Development: The Member might be aware that a moratorium on capital newbuild was laid down by the Executive and reported to the Assembly. Therefore, Ministers had to be very careful going forward. Nonetheless, housing associations are aware of where housing need is in Northern Ireland and of where resources should therefore go. That includes each and every area where there is housing need in Northern Ireland.

Year to year, there may be peaks and troughs in newbuilds in any given constituency, but, taken over a four- or five-year cycle, the evidence confirms that newbuild goes to where need is identified. That will include South Antrim, East Derry or any other constituency in the North. Given that Margaret Ritchie was able to have 1,800 newbuild starts last year, which I hope to surpass this year, it is critical that we ask what the consequences will be of any future Social Development Minister having those top-line figures for newbuild starts cut by 300, 400, 500 or 600. I think that the consequences for people in need are self-evident.

Mr Dallat: Returning to the subject of East Derry, where the question originated, will the Minister give a flavour of the work that the Department for Social Development (DSD) has done in that constituency over, say, the past three years?

The Minister for Social Development: In the past three years, there has been an investment of £6.5 million in newbuilds, which means 60 houses. There has been an investment of

£4.07 million in other housing Executive work in Coleraine and Limavady. That does not take into account all the other spend of the Department on voluntary and community and development moneys in East Derry, South Antrim and all the other constituencies. If all those figures are put together, it can be seen that, when it comes to issues of need, DSD is showing the way in each and every constituency in Northern Ireland.

Mr Kinahan: Does the Minister have any plans for the unused military homes in South Antrim or, indeed, anywhere else in Northern Ireland?

The Minister for Social Development: That is also a work in progress. Mr Kinahan and my colleague Mr Burns have brought that matter to my attention, and they were right to do so. Good evidence over the years shows that former military housing that becomes available to and that can be accessed by the Housing Executive and housing associations provides good value for money in the housing budget and meets housing need. Just look at Pond Park in Lisburn, where former military housing has gone into the public sector at good value, given that two housing associations competed for those properties. As a consequence, housing need in Lisburn has been mitigated. If we are able to do that in other parts of Northern Ireland, including in South Antrim, I would encourage any Minister to go in that direction.

Housing: Girdwood

2. **Mr A Maginness** asked the Minister for Social Development what stage he is at in developing proposals for housing on the Girdwood site, North Belfast. (AQO 1269/11)

The Minister for Social Development: I thank the Member for his question. He and other Members will be aware that I confirmed this morning that, following a lot of work over the past six months, 200 public sector newbuild houses will be built on the part of the Girdwood site that is appropriate for newbuild housing. I confirm that, over the past months, a housing association was appointed to take forward that work and a design competition was run. A design outcome was agreed, and it has now been worked up to the point where a planning application could be made in the next two months. As a consequence, the acute housing need in North Belfast will be addressed.

I know that there are issues, sensitivities, concerns and anxieties around the Girdwood site, but this should not be a zero-sum game. It should not be the case that a gain for nationalists is a loss for unionists and a gain for unionists is a loss for nationalists. That is zero-sum politics. We should have the maturity and wisdom to move beyond that. In the lower Shankill, lower Oldpark, Mountainview and Girdwood areas, that is the way to go.

Mr A Maginness: I thank the Minister for the very good news for the long-suffering people of North Belfast who have suffered long waiting lists and acute housing need. That very good news is thanks to a Minister who actually delivers.

What other housing projects are being undertaken or are under consideration in North Belfast?

The Minister for Social Development: If I may go back to the Girdwood issue, I must ask Members across the parties in the Chamber some simple questions. If we are able to build housing on land that we own with money that we have for needs that exist, whether it is for unionists or nationalists, will people please explain to me why we are not in a phase of our history where we should go down that road? If we cannot do that in the lower Shankill, lower Oldpark, Mountainview, Girdwood, or other parts of north or west Belfast, where some of the most acute housing need exists, I do not understand why, when we have a level of political stability in this Chamber and greater stability in the community, we are not at a stage of development where we are mature and wise enough to go in that direction. I believe that we are. The message that I get from unionism and nationalism on the ground is that that is where we want to go.

Mr Humphrey: Earlier this morning, I spent some time in the lower Oldpark area with the Moderator of the Presbyterian Church prior to the Minister's announcement that 200 homes would be built at the Girdwood site. It is very clear that the Minister has abandoned the concept of a shared space, a shared future and a shared site, as set out in the report by Dunlop and Toner. Today, the Oldpark community feels fearful, angry and betrayed. It has made absolutely no gain. Does the Minister accept that the concept outlined today can happen only with intercommunity and Executive approval?

The Minister for Social Development: I will deal with the latter point first. The Member

and others have to ask themselves a simple question: why was it that the proposed conflict transformation centre at Long Kesh was not a matter that the DUP considered to be controversial enough to be brought to the Executive table? That is what happened last autumn. A conflict transformation centre at the Maze/Long Kesh site was an issue around which there was a lot of controversy and concern, and some people thought that it was a partial and exclusive initiative. However, unionism, in particular the DUP, did not consider it to be controversial enough to go to the Executive. If that is the case, why do the same standards not apply to housing for those in need in Girdwood? When it comes to standards, you cannot pick and choose. In my view, what was demonstrated in respect of the Maze —

Mr Speaker: Order.

The Minister for Social Development: — was maturity beginning to grow in this society, and I believe that the same maturity will grow in respect of housing in north Belfast.

Shared housing is the preferred option, but are we saying that, four or five years after the development of master plans for Girdwood, when housing need is so high, nothing should happen pending the future development of the Girdwood site? I do not think so. In any case, as the Member is fully aware, over the past six months, I have demonstrated that money should go where there is housing need, such as to the lower Shankill, the lower Oldpark and Mountainview. Government should go there, and that is where this Minister will go.

Mr Speaker: Members should continue to rise in their place.

Mr F McCann: Go raibh maith agat, a Cheann Comhairle. I welcome the Minister's announcement that 200 houses will be built at Girdwood, and I know that a housing association has been appointed to oversee that development. Will the Minister give us a completion date for the houses?

The Minister for Social Development: I thank the Member for his question. I spoke to the housing association's development team this morning. As I indicated, the planning application is being developed. It is anticipated that it will go to the Planning Service within two or three months and that, subject to planning consents and approvals, planning permission should be

granted within, let us say, another four months. Consequently, before the beginning of the next financial year and, in my view, within ten months, builders will be on site and building will have commenced.

Mr Speaker: I remind Members that question 3 has already been answered.

Mixed Housing

4. **Mr Lunn** asked the Minister for Social Development for an update on the development of mixed housing. (AQO 1271/11)

The Minister for Social Development: I thank the Member for his question. I confirm that there are a number of parallel initiatives in the Department to take forward the development of mixed housing. First, all newbuilds are deemed to be shared schemes so that people try to live up to the aspiration of all newbuilds being shared schemes. Secondly, when the Housing Executive consults tenants, it asks them explicitly whether they would like to live in a shared neighbourhood. As the Member is aware, we now have a situation in Northern Ireland where 30 existing areas, with a population of 90,000 people, are deemed to be shared neighbourhoods. During the next number of months, I hope to announce that there will be a common landlord area in Belfast, whereby those who want to live in shared housing will have the opportunity to do so. Over and above all that, the Housing Executive, working with the Rural Development Council, has recently acquired through Peace III significant millions of pounds in an effort to drive forward the concept and practice of shared housing.

Mr Lunn: I thank the Minister for his answer. I understand that the International Fund for Ireland (IFI) has been quite heavily involved in funding those schemes. I also understand that the US Congress is to stop funding the IFI. Will that have a dramatic effect on the future of those schemes?

The Minister for Social Development: I thank the Member for his question. He is quite right to acknowledge the IFI's role in the shared neighbourhood scheme. It has been an essential partner — financially and in other ways — in taking the initiative forward. I wish to correct an error that I made: 70,000 rather than 90,000 people now live in the 30 areas. I understand that contact with the American

Congress is ongoing in an effort to ensure that funding for the IFI might yet be made available.

Mr Gallagher: Will the Minister outline his position on shared housing? Furthermore, in the future, what is his Department's position on shared housing likely to be?

3.15 pm

The Minister for Social Development: I acknowledge the Member's final point about the future. There is a sense that, although we now have a more settled form of devolution, sharing responsibility at the heart of government is a necessary co-existence rather than a value and ethic driven into and embedded in the way that we conduct our business. If our society is to go forward, it must be without prejudice to the national aspirations of any one Member or community and without prejudice to whatever choices the people in the North of Ireland and on the island of Ireland make on the future constitutional position. We will be a better, more enriched and more diverse people the more that we adopt a shared approach and a common way of doing business in government, in our communities —

Mr Storey: In education.

The Minister for Social Development: Yes, indeed, potentially in education also. I will not shirk that issue. Society and we, as political leader, must ask ourselves questions about shared schools and how they make sense economically. Shared schools may be an economic imperative, and they may also be part of how society develops in the image of something better than what went before. That need not diminish in any shape or form the great achievements of all the schooling sectors in Northern Ireland, including the state, Catholic and integrated sectors. The challenge that faces us is whether we, as a political leadership, can embed the standards of a shared and common approach in all that we say and do in a way that characterises the next Government as different from the previous one.

Social Investment Fund

5. **Mr McGlone** asked the Minister for Social Development for his assessment of the governance arrangements for the social investment fund. (AQO 1272/11)

The Minister for Social Development: I have difficulty answering that question because, as I have said repeatedly, today — the best part of a week after the Budget was endorsed by the Assembly and the best part of two weeks after it was endorsed by the Executive — we still do not know how it will be targeted, what criteria will be applied and how decisions will be made. We do know that the First Minister and deputy First Minister have failed to consult other Ministers, government officials and the community and voluntary sector generally. As a consequence, there is much speculation without any concrete details. That is not a healthy way to go forward. That is why, on Friday of last week, I wrote to the First Minister and deputy First Minister. Now that there is an £80 million fund for the next four years, I outlined my view on what the shape and character of that fund should be to enable it to achieve what it should, which is to tackle need and disadvantage over that period.

Mr McGlone: In many ways, the Minister answered the question about the slush/secretcy fund. He may well give the same answer to my next question. Is he in a position to establish or set priorities in his Department for any form of spending under the social investment fund, be it collaborative or internal to the Department?

The Minister for Social Development: It might be helpful to indicate in broad terms what the priorities should be. In my view, neighbourhood renewal is the preferred programme for tackling disadvantage in areas of need in Northern Ireland, and it was unanimously endorsed by the Assembly in a recent motion. Over the past number of weeks, I have directed an increasing percentage of moneys towards those in the nought-to-three and three-to-six age groups. In any effort to give families and children the best opportunities, intervention at the earliest possible stage is the best strategy. It is a way of ensuring that, in the period between childhood and adulthood, there is less risk and less danger to them and to the communities in which they live. Therefore, given that young children come to school and do not know how to hold a pencil, nurture classes and primary 1 classes are a priority. It seems to me that a way to go forward is to use the integrated services initiative in west Belfast and north Belfast to help people who live in difficult circumstances with children who behave in a difficult manner. The GRIT project gives the opportunity to those aged 16 and older who are not in education, training or work and who, in many instances,

have dropped out of the system, to improve their skills and increase their self-esteem. Those are examples of where money is spent on vital interventions in areas of need. In that context, I wrote to the First Minister and deputy First Minister on those specific proposals.

Mr K Robinson: I am delighted to know that the Minister is also in the dark about some of those arrangements. He will know that my party has some concerns about the social investment fund and how it might be administered. Can he indicate whether there will be measures in that fund that will deal specifically with small pockets of deprivation (SPOD)?

The Minister for Social Development: I simply do not know whether the social investment fund will do that. I have said that the family of neighbourhood renewal interventions, which includes neighbourhood renewal funding, SPOD funding and communities at risk, is ring-fenced. Indeed, as I said previously, the current baseline funding on the revenue side will be enhanced. There is an ongoing process of evaluation, and announcements will be made in the very near future.

Mr McLaughlin: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his pre-election speech in response to Mr McGlone's question. Given his repeated commitment to the most vulnerable in society, why was he proposing the scrapping of the social investment fund, which was his party's position in last week's Budget debate? Is that really the best way of defending the most vulnerable in our society?

The Minister for Social Development: I always find it quite curious how other parties reduce everything to electioneering and to the lowest common denominator. *[Interruption.]*

Mr Speaker: Order.

The Minister for Social Development: It is revealing of other parties that the words that come out of their mouths most quickly on any matter to do with the Budget or how we go forward over the next four years are reduced to the language of electioneering. It says everything about what they say and little about what others might say.

Mr Speaker, let me ask Mr McLaughlin about the social investment fund. Has he seen a scrap of paper about how that £80 million has been spent? Has he been in any meetings

with people up in Derry in respect of how the money might be spent? Is he satisfied that he put his hand up for an £80 million fund without any detail, budget line, information, application process or any sense of what it should really mean? Is he saying that, when DSD is responsible for neighbourhood renewal as the flagship programme to tackle disadvantage, DSD — never mind the Department of Health, Social Services and Public Safety, the Department of Education or any other Department — should be completely unsighted on that proposal?

Of course I support money going into areas of need, and that is why I have protected the budget line for neighbourhood renewal. Indeed, I have enhanced it. However, there is a difference between helping people in need and helping those in the know. It seems that the social investment fund is very much about helping those in the know and not about helping those in need.

Village, Belfast: Regeneration

6. **Mr Spratt** asked the Minister for Social Development for an update on the regeneration of the Village area in Belfast. (AQO 1273/11)

The Minister for Social Development: I thank the Member for his question. A community design team that includes 10 local residents is now working through the design of the new Village in the event that the scheme proceeds. It has met on a number of occasions, and I understand that it will meet again this month. It is having discussions around a draft concept plan, a phasing plan and how to build eco-efficiency into the new properties. It is anticipated that a formal design team will be in place by 2011.

In parallel to all that — this is what Mr Spratt may rightly be concerned about — is the fact that 60 properties in the Village are in negative equity, with an average negative equity of £50,000. I continue to explore that issue with the Attorney General, and a meeting is scheduled for next week in an effort to identify whether any legal obligation falls to the Executive in relation to vesting, given that the sale of a person's property is happening without their consent.

At the same time, there continues to be conversations with the Council of Mortgage Lenders to help property owners to flip their

properties with their existing mortgage in respect of a different property in a different location in order to ensure that they can move out of their property, that vesting can go ahead, and that they can continue to deploy their existing mortgage on a new property in a different place, without the consequences of negative equity that are being visited upon the people in the Village.

Mr Spratt: We have now established that this morning's announcement about Girdwood army base was not an electioneering ploy. The Minister has acknowledged that people are in negative equity, but will he give some indication as to when building may start in the Village, as the people there have been long-suffering? They have seen their whole area devastated, and there are people in that area who want to continue to live there.

The Minister for Social Development: I thank the Member for his question. The Housing Executive has vested 534 properties in the redevelopment area. Some 338 have been vacated and are blocked up, while 196 still require to be relocated. To answer the question more specifically, there were properties built by the Fold Housing Association at Roden Street that were overspill. I inspected them some time ago, and they are of a very high standard and add to the character and quality of housing in that area. I know that Mr Spratt will agree with me on that. That has resulted in the Housing Executive relocating households from the immediate clearance area into those properties, with the consequence that demolition in that area is expected in the next four to six weeks.

In respect of Mr Spratt's first comment, I could have moved some time ago on the housing at Girdwood, but I knew about the anxieties and issues in that neighbourhood. Therefore, as his colleague Mr Humphrey, who is sitting next to him, will be aware — I see Mr Humphrey is shaking his head — over the past three or four months, I have heard from residents and political representatives in lower Oldpark and from the community in the lower Shankill last July, and, as a consequence of that, mini master plans were developed for those areas. There have never been mini master plans like those that the Housing Executive and DSD have produced. I accepted that those areas have been neglected, that there are needs in those areas, that the people have suffered disproportionately during the years of conflict,

and that there is a responsibility for the Government to step up to the mark. Therefore, I tried to put my authority where my mouth was, and now I am trying to put my money where my mouth is in respect of all those areas, and Girdwood deserves no less.

Mr McDevitt: I join with Mr Spratt in welcoming the progress that has been made in the Village, and I acknowledge the Minister's efforts to try to address the minority of people who are caught in negative equity. As it is his last time before the House, I thank him for his efforts generally since he became Minister. What is the status of DSD regeneration in other live urban renewal areas in Northern Ireland?

The Minister for Social Development: The Member will be interested to know that when I was not down here voting for the Budget last Wednesday, I was upstairs meeting all my officials from the Department for Regional Development and from Belfast to discuss public regeneration across Northern Ireland.

Mr Dallat: It was time well spent.

The Minister for Social Development: I agree with Mr Dallat; it was time well spent. My belief, and I think that it is a growing view across Northern Ireland, is that investment in town centre and urban regeneration on a pound-for-pound basis and on a job-for-job basis is arguably as good an economic tool as any other economic investment.

Given that fact, I met officials in an effort to drill down to see how we would spend the money that was allocated in the Budget, on which Members voted last Wednesday, and how it would be rolled out in an effort to regenerate town centres, neighbourhoods and cities.

3.30 pm

I want to make a final point. As we go into the next CSR period, it is not only time that the practice of urban and town centre renewal be more fully acknowledged as an economic driver but time that we begin to develop neighbourhoods in cities and towns, not just their centres. In that way, there can be balanced development of Northern Ireland's towns and cities, urban and rural areas, neighbourhoods and town centres. That is the best way to go forward.

Adjourned at 3.31 pm.

Northern Ireland Assembly

Tuesday 15 March 2011

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

Members observed two minutes' silence.

Matters of the Day

Lance Corporal Stephen McKee

Mr Speaker: Mr Stephen Moutray has sought leave to make a statement on the death of a soldier who was killed in Afghanistan, which fulfils the criteria set out in Standing Order 24.

I will call Mr Moutray to speak for up to three minutes on the subject. I will then call a representative from each of the other political parties, as agreed with the Whips. Those Members will also have up to three minutes in which to speak on the matter. Members will know that 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 shall proceed.

Mr Moutray: Once again, Northern Ireland has lost a brave young soldier to the conflict in Afghanistan. Lance Corporal Stephen McKee from Banbridge laid down his life for the people of Afghanistan and in defence of our safety and the maintenance of our liberties and way of life. Whatever one's view of that conflict, there is no doubting the dedication and valour of those who, on a daily basis, place their life in jeopardy to, on our behalf, build a better future for the Afghan people.

Brave young people from all parts of Northern Ireland have served or are serving today in that theatre of conflict. From across the Province, families have shared in the loss of loved ones. Tears have flowed from beyond our land border. From Macosquin all the way to Mayo in the Irish Republic brave young soldiers have made the ultimate sacrifice while serving as part of the British commitment to that troubled land.

My constituency of Upper Bann has borne a terrible load of sorrow and loss in recent times.

Last July, we had the killing, also in Afghanistan, of young Gurkha Lieutenant Neal Turkington from Portadown. Now another family in our midst mourns a young life cut short and a brave young man taken away from them. The McKee family has a distinguished legacy of service that spans several generations. As Lieutenant Colonel Colin Weir, commanding officer of 1st Battalion of the Royal Irish Regiment, said:

"It is families like the McKees that make this Regiment what it is; they are the fibre that runs through us and what gives us our fighting spirit."

In the Chamber today I want to give voice to the sincere prayer of many people across the Province that, in the midst of their tears and loss, the McKees will know that all around and underneath them are the everlasting arms of the God of grace, the God of mercy, of compassion, of comfort and of infinite tenderness. To Lance Corporal McKee's wife Carley, his parents and his wider family circle, we extend our deepest sympathy at this sad time.

Mr O'Dowd: Go raibh maith agat, a Cheann Comhairle. I too add my expressions of sympathy to Stephen McKee and his family on my own behalf as an MLA for Upper Bann and on my party's behalf. Another tragedy has been visited on a family, and a young man has lost his life. Regardless of the circumstances of the initial invasion of Afghanistan and the conflict there, we as a society have to reflect on the continuing death toll in that country, whether it be young men such as Stephen McKee or other young men from the area who have lost their life.

There is a duty on us to call for an end to conflict in such areas, whether among NATO soldiers or Afghan combatants. As always in such conflicts, it is the civilian population that suffers most. I hope that this is the last time in the Chamber that we have to comment on the death of young men such as Stephen McKee or

reflect on the terrible carnage in Afghanistan. As I said, I have no hesitation in adding my sympathies and those of my party to the McKee family.

Mr Kennedy: On behalf of the Ulster Unionist Party — in particular, on behalf of my colleagues in Upper Bann, Mr Gardiner and Mr Savage — I join others in paying tribute to Lance Corporal Stephen McKee from the Royal Irish Regiment, who was tragically killed in Afghanistan last week.

Stephen McKee was a dedicated and determined soldier serving in his regiment along with his brother Michael and other members of his extended family. I have known the McKee family personally for many years. They have given significant service in both the military and police over many years. Indeed, tragically, in April 1981, Stephen's uncle Richard, also aged 27 and also holding the rank of lance corporal, was cruelly murdered by the IRA while serving in the UDR. I understand that Richard's service and sacrifice inspired Stephen to pursue a military career.

The McKee family has known service, sacrifice and sadness, but, in the midst of their unimaginable grief on the loss of a dearly loved son, they are entitled to take considerable pride in what Stephen stood for and sought to achieve. The death of Lance Corporal Stephen McKee has yet again brought home the sacrifices of those who serve the Crown in Afghanistan. Stephen McKee represented the very best of the long and historic military traditions of this part of the United Kingdom. The tributes paid to him by his commanding officer and comrades testify to that.

It is also right that we remember the Royal Irish Regiment as it continues to serve bravely in Afghanistan. Men and women from across the entire community in Northern Ireland serving in the RIR and other regiments put themselves in harm's way to protect the people of Afghanistan against the forces of terror. They deserve our deepest respect, gratitude and support. The death of Lance Corporal Stephen McKee has, I know, brought immense grief to his wife, his parents, his family and his wider family circle. I trust that none of us in Northern Ireland will forget his sacrifice and their loss.

Mrs D Kelly: On my behalf and that of my party, I add our sincere sympathies and condolences to the family of Lance Corporal Stephen McKee. I thank Mr Moutray for bringing the issue to

the Chamber this morning; it gives us all an opportunity to express publicly our sympathies and prayers to his family and his regiment. I am sure that his loss is felt not only by his colleagues but by the wider family that he had opted to be part of.

As other Members said, the McKee family has a long history of military service. One often wonders what sends young men to war. Some years ago, I recall being horrified at the sight of women being routinely hanged in Afghanistan from makeshift gallows. I am sure that such a sight would make many of our young men and women go to fight to bring democracy to those who suffer such oppression. It behoves all of us politicians to prevent wars. I hope and trust that Governments and politicians will try to bring this cruel war in Afghanistan to an end. Stephen McKee's wife and family will be in our prayers for some time to come.

Mr McCarthy: On this very sad occasion, I join, on behalf of the Alliance Party of Northern Ireland, with Assembly colleagues to offer our deepest sympathy to the family and relatives of the young Royal Irish Regiment soldier, Lance Corporal Stephen McKee, who unfortunately lost his life on the battlefields of Afghanistan. Members who knew Stephen spoke very highly about him and his bravery and about his colleagues. Our thoughts and prayers are with Stephen's family, friends and relatives at this dreadful time.

Assembly Business

Justice Bill

Mr Speaker: Order. I want to say something about the Justice Bill. Further to my announcement in the House yesterday in respect of the Justice Bill, I can advise the House that, in my view, the Justice Bill, as amended at Further Consideration Stage, is outside the legislative competence of the Assembly.

Standing Orders do not make specific provision for the House to remedy such a defect at this stage. I therefore rule that an exceptional Further Consideration Stage may be held with the sole purpose of allowing the House to debate the vote on a corrective amendment prior to Final Stage. That decision is, of course, subject to the House supporting a motion to suspend Standing Orders 39(1) and 42(1).

At today's Business Committee I will ask that a revision be made to the Order Paper to debate a motion to suspend the relevant Standing Orders to take an exceptional Further Consideration Stage of the Justice Bill next Monday 21 March. If the House agrees those items of business, the Final Stage will take place on Wednesday 23 March. I advise the House that I will not select any amendments other than those designed to render the Bill competent. I intend to issue a Marshalled List on Wednesday 16 March. I hope that that is clear to all sides of the House.

Ministerial Statements

Road Safety Strategy

The Minister of the Environment (Mr Poots): I wish to make a statement to advise Members formally of the publication of the new road safety strategy for Northern Ireland. I further wish to provide an update on the position with regard to consultation on proposed changes to the learner and restricted driver schemes and on graduated driver licensing.

Before I turn to my statement, I should say that four people died on our roads yesterday and over the weekend. I must first pass on my sympathies and, I am sure, those of the House to the families and friends of those who died and to all those who lost loved ones on our roads over the year. This occasion is particularly personal, Mr Speaker: on Sunday evening, my son came home and informed me that a young man he had spent the weekend with had been killed on his way home. It is sad and tragic when someone so young loses their life in such circumstances. My son told me that the young lad concerned did not have the opportunity to say "Cheerio" to his mother before he left for the weekend and that, because of that, he went to Newcastle to buy her favourite sweets to take home to her. He never got home. The loss is greatly felt by that family and all those who were with that young man in the run-up to his tragic death.

10.45 am

Trying to move forward a road safety strategy in Northern Ireland that will bring about safer roads for our people is personal for me. I recall that, when I was a young man, I attended the funeral of a cousin who was tragically killed on the roads at the age of 19. I will never forget that funeral service or the grief that his parents, particularly his mother, expressed. Therefore, it is incumbent on us all to seek to make our roads safer and better places for everyone to travel on and to reduce the number of deaths and serious injuries that are caused on our roads. We have done that quite successfully. However, we should not be complacent, and we should always seek to improve. That is why we are moving ahead with the road safety strategy two years ahead of time. We achieved the targets that we set for 2012, but it is good that we revisit them, drive them further downwards

and reduce further the number of deaths and injuries on our roads.

The House will know that, although the previous road safety strategy was designed to run until 2012, it was decided to bring forward this new strategy. Much has been done since I announced formal consultation on a draft strategy around this time last year. At that time, I published proposals for consultation, including over 170 potential measures that led to wide discussion and debate on numerous issues with stakeholders from across the country. The significant and positive response to the consultation exercise was encouraging, and it underlined the continuing importance of road safety to so many people in Northern Ireland. In all, over 2,000 responses were received, and Members will, no doubt, be interested to know that more than 800 of those responses came from children and young people.

Respondents believed that the road safety priorities identified in the consultation paper were right and appropriate, and they were broadly content with the substance of the proposals presented. There was broad agreement with the vision, and there was support for the proposed casualty reduction targets for fatalities and serious injuries. However, even with such broad agreement, the debate throughout the consultation led to the consideration of more than 300 refinements and proposals. The result of that is that I now present a document that contains 199 measures and was produced with the broad support of our community in Northern Ireland. I want to record my thanks to everyone who took the time to meet us or to reply to the consultation.

All views and comments were considered carefully as part of the development of the road safety strategy that is being launched today. Throughout the consultation, the Committee for the Environment frequently engaged with stakeholders, and it gave detailed consideration to the evolving strategy during its period of development and the related consultation. That culminated towards the end of last year with the Committee's scrutiny of the final draft strategy, and I thank the Committee for its support. I believe that it conducted a very important piece of work that has contributed greatly to the process and the quality of the final document. I presented the final draft to the Executive, and ministerial colleagues agreed its contents,

including commitments made by several Ministers. I extend my thanks to them.

The document is presented under the title 'Driving Road Safety Forward'. It is our vision:

"To make a journey on Northern Ireland's roads as safe for all road users as anywhere in the world."

That is neither an unrealistic nor an overoptimistic aspiration. I simply note that, in 2008, we would have been placed around sixth in the table of the 27 EU countries ranked by fatalities for each million of the population. Along with many who responded to our consultation, I believe that we must seek to improve that position.

Last year saw the lowest number of road deaths since records began in 1931. Provisional figures show that there were 55 road deaths in 2010, which was 60 fewer than in 2009 and equated to an unprecedented fall of over 50%. The latest provisional figures indicate a fall of around 17% in serious injuries. However, we must remember that 55 families grieve for loved ones whom they lost last year, and already this year 13 families are suffering a similar loss, including those of the four people who lost their life over the weekend and yesterday. Many more are coping with life-changing disabilities. That is why we must strive for the day when there are no deaths on our roads. That is the only acceptable level.

The strategy was developed and is presented using the safe systems approach. That considers roads, vehicles and road users together and seeks to ensure that each of those three elements takes account of the limitations or potential weaknesses of the other two. The key road safety challenges to be addressed over the lifetime of the new strategy include continuing to reduce road deaths and serious injuries; improving safety on rural roads; protecting younger drivers and motorcyclists; reducing inappropriate and illegal road user behaviours including speeding, drink- and drug-driving, and careless and dangerous driving; improving our knowledge and broadening involvement in solving road safety problems; and working within funding constraints and future uncertainties.

What will probably be of most interest to Members and the public are the strategy's casualty reduction targets. The targets, for achievement by 2020, are to reduce the number of people killed in road collisions by at least 60%; to reduce the number of people seriously injured in road collisions by at least 45%; to reduce the

number of children killed or seriously injured in road collisions by at least 55%; and to reduce the number of young people killed or seriously injured in road collisions by at least 55%. The fatality target has been amended since the consultation from 40% to a more challenging 60%. I took that decision to reflect the significant achievements in fatality reductions. Those new targets are more challenging in two ways. First, obviously, the actual percentage reductions proposed are higher than in the past. Secondly, we are starting from much reduced baselines.

The 199 measures to be delivered over the 10-year lifespan of the strategy were developed and agreed in partnership with other statutory road safety bodies, including the Department for Regional Development, the Department of Education, the Police Service, the Fire and Rescue Service and the Ambulance Service. I thank the representatives of those organisations who worked on the strategy project board and ministerial colleagues for their unanimous support for and interest in the board's work.

The strategy includes short-, medium- and long-term timescales for the implementation of each measure. The timescales form the basis of implementation plans to support oversight, monitoring and reporting of the delivery of the strategy. It is, of course, important not to lose sight of the significant role that non-statutory partners will have in delivering road safety, and we will encourage wider involvement in future planning, advising and delivering of road safety. That will include local authorities and the private and community and voluntary sectors. It will also include the wider public, who are ultimately affected by the decisions and actions that we take.

Statutory partnerships and engagement with stakeholders will continue to be crucial to the success of many measures as they are rolled out in the months and years to come. I trust that the commitment from all Ministers, Members and many other interested parties will continue.

Like all Members, I am only too aware of the financial position in which we find ourselves. The current and future economic conditions within which the strategy will be implemented are clearly uncertain. This is a 10-year strategy that is flexible and can embrace new ideas and measures that are desirable or, indeed, necessary, given the times that we are in. It will be essential to examine and report on such

issues every year to ensure that we continue to move in the right direction.

Today may be the formal launch of the new strategy, but much has already been done to move ahead with initiatives that will make a real difference. There can be no one in the House who is not aware of and does not share my concern about the unacceptably high number of young and new drivers involved in fatal and serious collisions on our roads each year. That is why we have a target in the new strategy to reduce by at least 55% the number of young people killed or seriously injured on our roads. This will be the only part of these islands to have such a target.

It is clear that, if we are to achieve that target, we must improve how we train and test drivers to ensure that they are competent and safe. Currently, only the ability to control a vehicle and perform a range of basic manoeuvres is tested. That training and testing regime is not fit for purpose. We also need to improve how we allow new drivers who have just passed their test to gain experience in as safe a manner as possible. I do not accept that it is too complex or difficult to fix the problem and there is nothing that we can do. I simply will not accept our young people being allowed to continue to die and be seriously injured at today's rates, nor will I accept that they should be allowed to kill and seriously injure other road users.

Make no mistake: young people are particularly vulnerable on our roads. In Northern Ireland, between 2004 and 2008, 17- to 24-year-old drivers were responsible for one in four road fatalities and one in five serious road injuries, which amounted to 163 deaths and 1,237 serious injuries. Young drivers were responsible for 41% of road deaths and 34% of serious injuries caused by car drivers over that period. That is why I tasked my officials with researching and developing a detailed paper on how we might change that and improve the safety of new drivers. I announce the launch of that paper and the start of consultation on amending the 45 mph speed restriction on learner and restricted drivers and on options for a system of graduated driver licensing (GDL) to build on the current R-driver scheme. Evidence from countries that use such systems supports the view that allowing new drivers to gain crucial experience in low-risk conditions can dramatically reduce the likelihood of them being involved in a collision.

A GDL scheme might include raising or lowering the age for a provisional or full licence; setting minimum learning periods; requiring learners to take a minimum number of driving lessons or complete a minimum number of miles or hours of supervised practice; allowing learner drivers to drive on motorways; applying post-test restrictions on passengers; introducing restrictions on night-time driving; increasing the duration of the current 12-month restricted period; and introducing an offence-free period. At its simplest level, it will be about teaching appropriately, testing rigorously and, while drivers gain experience, reducing risk.

The consultation paper will be available for all stakeholders to consider, and I hope that everyone, having taken the time to consider the issues and the measures that we might take, will provide us with their views. I urge Members to get involved and to encourage their constituents to do the same — everyone has an interest in the issue. I look forward to meaningful debate. For now, I simply ask that no one jumps to conclusions about decisions already made or restrictions already planned. I also ask that people do not decide that some ideas are unworkable or unacceptable and should not even be up for debate. Rather, they should study the significant scientific evidence for the measures cited in the paper, read about the practicalities and consider whether they have the support of communities where they dramatically reduce road deaths among young people. People should read the paper, and, if they do not like the ideas, they should tell us their suggestions. It would be truly unacceptable for us to do nothing.

Today, I have published the new road safety strategy. We have identified the problems and issues and the measures to address them.

We have set targets and gained commitment, but let us be clear: this is not the end. It is one step in a journey to make our roads safe. With the announcement today of the next step, I encourage you to move forward with us. Our new strategy will improve the safety of everyone who uses our roads: pedestrians; cyclists; riders; drivers; children; new drivers; and people with many years of experience.

I thank all of you for your continued interest in road safety and for the support that my Department receives in that area from this House.

11.00 am

The Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat, a Cheann Comhairle. On behalf of Sinn Féin, I offer my condolences to the families who were tragically bereaved in the road traffic accidents at the weekend. There were people killed in my constituency, and our thoughts and prayers are with those families at this time.

The Committee has been kept well briefed on the Minister's policy proposal for a new road safety strategy and welcomes its launch today. One death on our roads is one death too many. We must all strive to reduce the carnage on our roads, and I hope to see the implementation of the measures in the strategy doing just that. As the Minister told the House, the Committee engaged significantly in the development of the strategy and welcomes it today. I would like to ask the Minister about his consultation on proposed changes to the learner and restricted driver schemes. The Committee recognises the importance of engaging with young people to hear their views on how to improve training and how to gain experience in driving. However, it was concerned about the impact of the changes on young people in rural areas. Can the Minister tell us how he intends to engage with young people, particularly those who live in remote areas?

The Minister of the Environment: As the Member is well aware, we have been using organisations, such as the GAA and the Young Farmers' Clubs of Ulster, to drive road safety messages out to young people. Those organisations are in regular contact with young people in rural areas. We intend to continue to use organisations that have assisted us in recent years to get the messages to young people and to hear what they have to say.

Already, 800 young people have contributed to the road safety strategy. However, let me make it absolutely clear: this is not about targeting young people. Young people are entitled to be on our roads, and they are entitled to drive on our roads. It is a great liberty and a great opportunity for them. We simply want to make the roads safer, and we want to ensure that everyone who travels on our roads can do so in a safer way. We will be very happy to listen to young people.

I do not believe that some of the proposals will come into place after the consultation exercise.

Some of the proposals are very radical, but let us get them out there, let us debate them, and let us identify the best way forward. We are not simply consulting for the sake of consulting. We are consulting so that we can listen to the responses, take them on board and move forward in a united way and in the best way for the people who use our roads.

Mr Ross: The Assembly can be proud of its efforts and achievements on the issue of road safety over the past four years, although the fatalities on our roads in recent days are a reminder to all of us that we cannot be complacent about the issue.

I welcome the fact that the graduated driver licensing (GDL) scheme will go out to public consultation. I proposed the scheme in the House a number of years ago. The Minister will know that the graduated driver licensing scheme is a concept, and it would allow us to pick and choose which elements are relevant to Northern Ireland, after we deem which bits are practical, desirable, and, importantly, enforceable, after the consultation process. Will the Minister tell the House what evidence exists from elsewhere in the world of the impact that GDL has had on reducing the number of serious collisions and fatalities on the roads, particularly for novice drivers?

The Minister of the Environment: We have taken significant evidence from many other parts of the world, including the United States of America, New Zealand and various other jurisdictions, and it has been identified that GDL makes a real and significant difference. For example, in many states of America, young people are not allowed to carry other passengers in the early days.

We know that driving behaviour changes when there is a large number of people in a car, and there is evidence to support that. The conclusion that we reach will have to be appropriate and balanced against the needs of people; that is why we need to have this discussion and why people need to be consulted. Therefore, we are going ahead with the consultation to enable us to garner fully the information available about the needs of the people of Northern Ireland. Nevertheless, there is evidence from other jurisdictions that the behaviour proposed in the GDL can make a significant difference to driving behaviour.

Mr Kinahan: I welcome the statement, particularly the target of making our roads safer. However, as always, I point out that many young people are among the best drivers, and I know that the Minister does not intend to attack them. I congratulate the Young Farmers' Clubs and the GAA for their involvement in promoting safe driving. Will the Minister keep in mind the poor public transport in rural areas and that if he restricts night-time driving, the number of passengers and other matters, he will make it harder for young people to get into the towns and cities for work or leisure? Will he ensure that the Department for Regional Development is included so that we look at improving the transport system in our rural areas?

The Minister of the Environment: The hours that we are talking about for night-time driving are the small hours of the morning, as opposed to night-time driving; therefore night-time driving is probably not the appropriate wording. I suspect that the Department of Regional Development (DRD) will not be running bus trips to rural areas at 2.00 am or 3.00 am. Unfortunately, that is when many single drivers are killed on country roads.

Seventy-two per cent of roads deaths happen on rural roads; that is where the major problem lies. Much of this is about educating people, which is why the Department of the Environment (DOE) has been working so hard to get effective, hard-hitting messages across. That is why there has been a substantial fall in the number of deaths on our roads, from 170 10 years ago to 55 last year. We need to keep working to get that message across. DRD has a role to play in making our roads safer, such as dealing with dangerous bends, corners and junctions. Roads can be made safer. For example, extending the M1 from Dungannon to Ballygawley, the Newry bypass, and other roads where accidents happened regularly, will transform the number of road deaths. DRD also has responsibility for public transport provision, so we will continue to work with it on those issues.

Mr Dallat: As a former teacher of road safety studies for many years, I welcome the document and endorse it entirely line by line. I am conscious that one of those who lost their lives in the past 24 hours came from my constituency, and my sympathy goes to their family. Families lost more loved ones through road traffic accidents over the years than through the Troubles. What message has the Minister for those families to reassure them that their loved ones did not die

in vain? Will he assure us that any future cuts will not skimp on road safety initiatives?

The Minister of the Environment: The message to those families today is that it is the number one priority of our Department to ensure that other families do not find themselves in the same circumstances. That is why we have concentrated on the issue and why we will continue to concentrate on it beyond the lifetime of the current Assembly into the future Assembly.

I cannot guarantee that the finance to deal with the issue will always be on an upward trend. However, I guarantee that we will employ every device possible to ensure that we get best value for money in putting our messages across.

At this point, we are getting considerably better value for money from advertising than previously. Members know how extensively young people in particular, and people in general, use Facebook and a lot of other new technologies to convey their messages. Therefore, we will use whatever new technologies we can to get our messages across. Even if our funding is not as good as we would like it to be, we will still maximise its use to ensure that we get the maximum from it.

Mr Lyttle: On behalf of my party, I extend my condolences to all families bereaved due to accidents and collisions on the roads. I wholeheartedly welcome today's statement and the announcement of the new road safety strategy, not least given the unacceptable number of deaths among young people on our roads. I also welcome the challenging targets that the Minister has set to address that. Given the recent debate generated by the private Member's Bill on cycling helmets, has the Minister considered including enhanced cycle training in the new road safety strategy, to provide practical learning on the roads similar to that provided by the Bikeability scheme and enhanced driver training to promote motorist awareness of cyclists?

The Minister of the Environment: I had a number of discussions with Sustrans on that issue. On a personal level, I see the benefits of better preparing young people for cycling on the roads. The Assembly pays a lot of attention to people using transport other than private cars to travel to and from work and school. If that attention is to be more than lip service, then we must ensure that the conditions are conducive to people travelling safely. To encourage people

to cycle, we need to ensure that they can do so safely; and in some respects, changing the system of testing is one method of doing that. I do not believe that the current system of testing deals adequately with the ability of new drivers to overtake other cyclists, those in slow-moving vehicles or on horses, or, indeed, pedestrians. So, that is one of the areas that we need to look at.

Sustrans wants the cycling proficiency scheme to be run alongside a further scheme in which young people can practise on the roads. That is a challenge, and we need the support of the DRD, education bodies and the schools to meet it. However, I think that that is well worth delivering, because it will provide young people with confidence to ride their bikes to and from school and, indeed, to work when they get older. It will also reduce the number of vehicles and casualties on our roads, which the Assembly desires.

We need to get the message across, because people perceive cycling as being dangerous. Cycling, of itself, is not dangerous, nor should it be. Cyclists and drivers need to be prepared properly and show the proper respect and courtesy to each other so that both can travel to their destinations safely.

Mr Weir: I thank the Minister for his statement. As has been indicated, the scale of the reduction in road deaths has been a success story. However, I join other Members in pointing out that we cannot rest on our laurels given the tragic events of the past few days. The Minister indicated how important it is to get the detail and implementation of the consultation right on the graduated driving licensing, in particular, which is very much welcomed. What is the timescale of the consultation, and, depending on the result, how long will the implementation period be?

11.15 am

The Minister of the Environment: The GDL scheme will go out to consultation. Normally, consultations run for 12 weeks, and sometimes that period can be extended, depending on the number of responses coming in. It will be a matter for whoever holds this position to give adequate consideration to over the summer and come back to the Assembly in the autumn with proposals on the way forward. I trust that we will have someone in position who will come forward with proposals that can make real change and better prepare our young people for the pleasure

that is driving and the responsibility that comes with it.

Mr W Clarke: Go raibh maith agat, a Cheann Comhairle. I welcome the statement and thank the Minister for launching the consultation. Will he outline what co-operation there has been between the Department and insurance providers on giving incentives to young people to improve their driving behaviour?

The Minister of the Environment: I am somewhat disappointed with insurance providers. This year, we are seeing insurance premiums go up, when the reason for raising them does not exist for drivers across the board, and for young drivers in particular. Last year, the number of people killed on our roads was halved and there were 25% fewer serious injuries and road collisions. Therefore, I think that the insurance companies are ripping people off by driving up premiums when we are making such improvements in road safety. I lay down a challenge to insurance companies that, when we are making significant steps in improving the collision record in Northern Ireland, they should be responding by reducing premiums. That would be an incentive and an encouragement to people to continue to drive in a safer way.

Mr Spratt: I welcome the Minister's statement. In any road safety strategy, enforcement of road traffic legislation is probably one of the most important elements. Given the perception in the Police Service that its roads policing department has become nothing more than a glorified motorway unit, will the Minister, in future discussions with the Chief Constable, impress on him that there should be no further dilution of roads traffic policing so as to ensure the proper enforcement of road traffic legislation across the Province?

The Minister of the Environment: I thank the Member for his comments. Last year, I engaged in a long discussion with senior police colleagues on that very issue. As I said, 72% of deaths happen on rural roads. Therefore, pulling people in on the motorway and fining them because their number plate happens to have letters that are slightly smaller than they should be is, to me, not the best use of police time. Engaging in what could be described as turkey shoots, where speed limits exist in locations at which there are very few accidents and no history of road collisions taking place, is not a good use of police time. Police time would be

better spent on roads where serious injuries and deaths occur regularly. I made that very clear to the head of the road traffic division. As a result, the number of rural roadside checks has been increased and the division is moving away from motorways and those other roads. I urge that that continue to be the case.

This is not about putting points on people's licences but about saving people's lives. There must be an absolute focus from the PSNI on how it can assist us in saving people's lives. I believe that the PSNI is making a significant contribution to saving people's lives. In all this, we all have work to do to do it better, and that includes the PSNI. However, I respect what it has done thus far.

Mr Savage: I also welcome the Minister's statement. It is good news for all who use our roads. The new road safety strategy is very welcome. If it can do anything to cut out the kind of tragedies that we have had over the past number of weeks, it will be a big bonus. The Minister has practically answered my question already, but who will have sole responsibility for policing the new strategy?

The Minister of the Environment: Responsibility for policing our roads rests with the PSNI, and it is exclusive to the PSNI. Responsibility for carrying out road engineering works rests with DRD. Responsibility for the educational aspect, getting the messages across and developing road safety strategies and schemes rests with the DOE. Therefore, it is a joint effort, although regulation enforcement is very clearly a task for the PSNI.

Mr P Ramsey: I also thank the Minister for bringing forward the road safety strategy publication. As chairperson of the all-party group on road safety, I thank the Minister and departmental officials for their help in highlighting and advocating good measures during this mandate. It is important to acknowledge the Minister's leadership role in reducing deaths on our roads by 50% last year. That is good, and it is because of his commitment and determination.

There have been three pedestrian deaths in my area over the past few days, one of whom was a close neighbour of mine. Will the Minister consider reducing the 30 mph speed limit as part of the road safety strategy initiative? We have clear evidence that one in five people is killed when hit at 30 mph, but that the figure

is one in 40 at 20 mph. Such a reduction in densely populated residential areas would give much greater comfort and peace of mind, especially to families with children.

The Minister of the Environment: Speed limits are an issue for DRD, but I do not think that the current speed limit system is the right one for road safety. For example, as a couple of Members said, there are 14 different changes in speed limits in the seven- or eight-mile journey from Carrickfergus to here. I would be content to look at and address a reduction in the speed limit within the urban footprint and, particularly, within highly pedestrianised zones. I would also be content to raise the speed limit on our motorways. Those speed limits were set in the 1960s and were appropriate when the cars on our roads were Ford Anglias, Hillman Imps, and so forth. Today's vehicles are not at all reflective of those vehicles. On many motorways outside Northern Ireland, cars travel at speeds considerably higher than 70 mph without causing a major risk to the people using them.

Speed limits should be set on the basis of risk assessment. A 30 mph speed limit is not appropriate for every urban footprint, and a 70 mph speed limit is not necessarily appropriate for our motorways. It is an issue for DRD to look at in the new mandate, and I trust that whoever is responsible will do so.

Mr Beggs: I thank the Minister for his statement and for launching the strategy. Research suggests that one in five new drivers crashes in the first six months. Therefore, I accept that more needs to be done to build on the progress that has already been made. However, does the Minister recognise the fact that a total night-time curfew would prevent new drivers, young and old, from taking up new forms of employment and that such a move would be hugely risky to the economy and people's search for work? I accept the fact that there is evidence that a new driver with a car full of passengers brings increased risks. The associated risks should be explored further.

The Minister of the Environment: Yes, I agree with the Member. That is why we are having a consultation, rather than putting forward a set of proposals to be introduced. We will consult on those ideas to determine what is achievable. I have absolutely no doubt that even a short night-time curfew from 1.00 am to 5.00 am would still come with difficulties and problems.

For example, there could be problems for young people who take up employment in jobs that require them to start very early in the morning, or those who work late into the night in the hospitality industry may not be able to do their jobs. I am fully cognisant of that, and that is why we have produced a consultation and discussion document that will help us to arrive at the best suite of policies to best meet road users' needs, from both a road safety point of view and for the practical necessities of daily living.

Mr Callaghan: Go raibh maith agat, a Cheann Comhairle. The Minister said that hard-hitting messages had helped to reduce the numbers of fatalities and serious injuries on our roads over the past several years. He will be aware that many of the hard-hitting images to which he referred were the result of joint North/South initiatives to address road safety problems. What consultation has the Minister engaged in with the Southern Government up to now in the development of the road safety strategy? How does he intend to move forward on the basis of co-operation and harmonisation with the new Administration in Dublin to enhance road safety throughout the island, especially along the border region?

The Minister of the Environment: We have worked very closely with the relevant Ministers on that issue. The departmental officials have worked closely with each other to develop strategies and to consider what is being done on joint advertising in other places, including the Republic of Ireland. Without there being any political connotation whatsoever, it is about getting the best value for money and the best delivery from the resources that we inject into those efforts.

There is a success story in the Republic of Ireland, in that the numbers of road deaths and serious injuries have fallen in that jurisdiction, as well as in our own. I am very happy to continue to work with others on those issues, whether they are in the rest of the United Kingdom or in the Republic of Ireland. Where drink-driving is concerned, we have worked very closely with the Republic of Ireland to reduce the number of milligrams of alcohol that would be allowed in the blood. Both jurisdictions are bringing forward proposals to lower those limits.

Proposed Discontinuance of Stranmillis University College and Merger with QUB

Mr Speaker: I have received notice from the Minister for Employment and Learning that he wishes to make a statement.

The Minister for Employment and Learning (Mr Kennedy): I welcome the opportunity to update the Assembly on the launch of a consultation on the proposed discontinuance of Stranmillis University College and its proposed merger with Queen's University Belfast to create a world-class centre of education on the Stranmillis site. Many Members will be aware of the significant and historic links between Stranmillis University College and the controlled sector. It is my intention and desire that those links will be maintained, and, in a few moments, I will set out how that can be achieved through appropriate legislation.

Members will recall the announcement that was made in April 2008 by the chairperson of the governing body of Stranmillis University College on its proposal, in principle, to merge with Queen's University. At the time, concerns were expressed that that was a done deal. However, the previous Minister for Employment and Learning, now Lord Empey of Shandon, gave an assurance that that was not the case and that any such merger could take place only after the completion of due process, including a public consultation and a full debate in the Assembly. The Minister also stressed that he would not seek any form of accelerated passage for the legislation that was needed to discontinue the college.

The decision that was taken, in principle, to merge, was not taken lightly, and it reflected the very challenging circumstances facing the college, as well as the desire to create a world-class centre of education at Stranmillis as part of a Russell Group university.

To appreciate the context in which the governing body took that decision, it is important to understand the provision of initial teacher education (ITE) in Northern Ireland.

11.30 am

There are currently five providers in the sector: Stranmillis and St Mary's university colleges, Queen's University, the University of Ulster and the Open University. The two university colleges differ significantly from the other three

institutions in that their primary business is teacher training. Any factors that may impact adversely on teacher training could, therefore, not be mitigated as easily as they could in the other three institutions.

The intake of initial teacher education places at all five institutions is set by the Department of Education each year in response to the demand for teachers. I understand that the Department of Education has a teacher demand model that informs its decision on numbers each year. However, the intake numbers have been affected by the falling number of schoolchildren overall and the declining number of schools, particularly in the primary sector. That has inevitably led to fewer job opportunities and a need for fewer teachers.

To help Stranmillis and St Mary's to remain financially viable as teacher training colleges, they have since 1998 been permitted to diversify into areas of provision other than teacher education. Stranmillis implemented a BA in early childhood studies and a BSc in health and leisure studies, and St Mary's developed a BA in liberal arts. However, to ensure that the colleges' primary role as teacher training institutions is preserved, the number of non-initial teacher education places at both colleges has been regulated. Those places currently account for approximately one third of the places at each college. That is in line with a recommendation previously made by the Committee for Employment and Learning, and I welcome the Committee's continuing interest in this important issue.

Stranmillis is an autonomous body, as are the other four institutions. It is responsible for its own governance and financial affairs. However, for academic purposes, Stranmillis is a college of the Queen's University of Belfast. The conferment of university college status by Privy Council was a direct consequence of academic integration and the unique relationship with Queen's. Academic integration means that Stranmillis has, in effect, operated as a school of the university since 1998, and that its quality procedures are those of Queen's. Its students are fully registered students of Queen's University. That is an important point, as the proposed merger could be viewed as the logical extension to the already existing academic integration. St Mary's University College is likewise academically integrated with Queen's.

The funding provided to all Northern Ireland higher education institutions by my Department is directly related to the number of students enrolled. The current level of funding per student at Stranmillis compares favourably to rates paid for similar provision across the higher education sectors in Northern Ireland and England. However, funding associated with the declining student numbers does not generate sufficient income to permit the college to maintain its estate in a fit-for-purpose condition.

One of its main buildings is not currently in use due to health and safety concerns. The college has estimated that the cost of putting its estate into a proper, fit condition would be in the region of £9 million. The scale of the problem can only be grasped when one considers that its recurrent annual funding from my Department is less than £6 million. In the current financial climate, it is unlikely that sufficient funding could be provided to the college to both fund its ongoing activities and address its infrastructure needs.

In 2007, the governing body engaged David Taylor, an education consultant and formerly director of inspection at Ofsted, to provide a report on the long-term strategic options for Stranmillis. It was following consideration of the options shortlisted in the Taylor report that the governing body took the decision in principle to merge with Queen's. I understand that our other university college, St Mary's, is also considering its future strategic options.

Legislation is not normally required to effect the merger of two independent higher education institutions. However, to transfer the property, rights and liabilities of the governing body of Stranmillis to Queen's requires that the college be formally discontinued by subordinate legislation, subject to the affirmative resolution of the Assembly. To take matters forward, the college was required to develop a full business case to relevant Treasury standards to support the proposal. That was submitted to my Department and, subsequently, to the Department of Finance and Personnel for consideration and was approved by both Departments. The college's governing body has also carried out a consultation on an equality impact assessment (EQIA) on the proposed merger. Having considered the responses that it received, the governing body concluded that there would be no adverse impacts on any of the section 75 categories or on good relations

generally as a result of the proposed merger. The equality impact assessment, along with the Taylor report and the business case, is already in the public domain.

Although the outcome of the equality impact assessment was satisfactory, the Department and the governing body have been aware of the concerns of some stakeholders around issues that relate to the ethos of the college and the protection of its estate in any post-merger situation. My predecessor and I have made it clear that we shared those concerns, particularly around ethos, and would not support any merger unless the newly merged entity can, through appropriate legislation, guarantee respect for the ethos of the controlled sector and the college. That has been discussed in some detail with Stranmillis, Queen's and the Transferor Representatives' Council, and legal advice has been sought. The resulting proposal is to provide for relevant key stakeholders, including the transferors and the wider controlled sector, to have a direct advisory role in the proposed Stranmillis school of education at Queen's. That would mean the establishment of a stakeholder forum on which interested parties will have guaranteed representation. The stakeholder forum would have an advisory and consultative role in the governance of the new school of education. The legislation to discontinue Stranmillis would require that of Queen's.

Furthermore, Queen's University has given an assurance that there will be no change to the teaching of the agreed religious education curriculum should the proposed merger take place. The programmes to ensure that all primary teachers in the controlled sector are prepared for their statutory duty to teach the religious education curriculum will continue post-merger. The legislation to discontinue Stranmillis will require that of Queen's. Likewise, the legislation will include safeguards to protect the Stranmillis estate in the public interest. That will cover the use to which the estate is put and any future disposal of all or part of it. As Members may be aware, the estate is a designated conservation area and is subject to a wide range of planning restrictions, which may further limit the feasibility of any disposal or change of future use.

In the business case, Queen's has undertaken to transfer its school of education to the Stranmillis site to form the Stranmillis school

of education of Queen's University Belfast. The university has also agreed to take over the existing maintenance backlog of £9.4 million on the Stranmillis estate and to invest an additional £7 million to develop the new school of education. As a result, that significant asset will be more fully used for the benefit of the wider educational community in Northern Ireland while maintaining the significance of Stranmillis for the controlled sector.

Having clarified the legal position regarding the ethos and estate issues, and subject to the outcome of a public consultation, I am fully supportive of the proposal to merge the two institutions. The governing bodies of Stranmillis and Queen's have a shared vision for the future merged entity, which is that the Stranmillis school of education at Queen's will be a world-leading centre for initial teacher education and for professional development and research in education.

At Stranmillis this afternoon, I intend to launch the consultation on the proposed merger, and I look forward to seeing the Stranmillis school of education become a reality. I have always recognised the importance of giving the Assembly and the public a say on significant issues. I remain committed to doing that through further engagement with Members and through the forthcoming public consultation process.

The Chairperson of the Committee for Employment and Learning (Mrs D Kelly): I thank the Minister for his statement. For the past three years, the Employment and Learning Committee has been considering the proposed merger of Stranmillis University College and Queen's University, including as part of its inquiry into teacher education. Members are very much aware of the arguments for and against the merger, and the Committee will welcome the opportunity for stakeholders and those with an interest to have their say on this important issue.

Did the Minister's officials make any attempt to assist Stranmillis in the development of plans for its continued viability as an independent university college, for example, by allowing it the flexibility to copy the extremely successful American model of small liberal arts colleges?

The Minister for Employment and Learning: I am grateful to the Committee Chairperson for her remarks. My Department and officials have been engaged in this process for a considerable

time, during which they discussed the best options in detail with the governing bodies of Stranmillis and Queen's. The option agreed and supported by the respective governing bodies — indeed, it has their unanimous support — is the proposed merger. We have sought to protect the ethos and other matters related to the Stranmillis estate, but in the prevailing circumstances, that represents the best possible option for the future of Stranmillis college and for Queen's University.

Mr Bell: I thank the Minister for his warm words of affection for Stranmillis, which will be shared. It was a college, to which I was accepted way back in 1988, that is known for its educational excellence, quality of teaching and quality of learning. Many of us have a strong view on the Christian ethos of Stranmillis college, particularly its references to our Protestant Reformed faith. Can the Minister advise the House that there will be no change in the status of Stranmillis college without legislation and, therefore, without the consent of the House?

The Minister for Employment and Learning: I am grateful for the question and I, also, acknowledge the significant teaching role and preparation for teachers performed and provided by Stranmillis college since it first opened in 1922. Members of my family have availed themselves of that teaching quality, which has always been excellent. The Member raised the important point of the continuing ethos of Stranmillis college and its importance in and to the controlled sector, particularly in delivering the RE curriculum. We are seized of the need to protect that ethos, have sought to do so and will continue to do so. In fact, it is only on that basis that, as Minister, I want to move forward. Therefore, protective measures will be in place to give voice and legal commitment to the historic position of Stranmillis in the controlled sector and in the religious education element of teaching, which is so important to it.

Ms S Ramsey: I thank the Minister for his statement, in which he said:

"concerns were expressed that that was a done deal."

The Chairperson of the Committee mentioned that we have been dealing with this for over three years.

The statement made it clear that the Department has supported the merger all along and that a waiting game has been played out to ensure that

we get to the point at which the Department can go ahead with it? How will the Minister and his officials ensure that the future of the other teaching college, St Mary's, will not be compromised by the proposed merger? Will he send out a clear message that Queen's will not eat up St Mary's at the same time?

11.45 am

The Minister for Employment and Learning:

I am grateful to the Member for her question. I assure her that, in my view, the original assertion that there was no done deal remains true today. It is true that, at an early stage, both governing bodies agreed to the merger in principle. However, significant details had to be worked out, including the protection of the ethos and, indeed, assurances concerning the future of the overall estate. Let me also say that I do not believe that the merger will impact adversely on the other university college, St Mary's, which is also an autonomous body.

Like Stranmillis, St Mary's University College is integrated academically with Queen's University. The Department of Education will continue to allocate teacher training places to St Mary's, and my Department will continue to fund those places. Presently, St Mary's is considering its strategic direction and examining its financial sustainability. I am not yet aware of what path St Mary's will take to ensure its continued sustainability. Initially, the decision is in the hands of its governing body. Nevertheless, I assure the Member that, as it has done in the past on such issues, my Department will continue to work closely with St Mary's.

Rev Dr Robert Coulter: I thank the Minister for his statement, and I congratulate him and his departmental officials for their work on this protracted issue. Does he agree that the controlled sector would benefit greatly from initial teacher education being delivered within a Russell Group university?

The Minister for Employment and Learning: I am grateful to the Member for his comments and his question. I am very much of the view that delivering the college within Queen's University, which is part of the Russell Group, will afford significant opportunities and benefits.

The Russell Group represents the 20 leading UK universities. It is committed to retaining the very best research, outstanding teaching and learning experiences and unrivalled links with

the business and public sectors. Therefore, having vocational teachers trained for the controlled sector in such an institution can only benefit future generations of schoolchildren taught by graduates of the Stranmillis school of education at Queen's. Stranmillis and Queen's share a vision of a high-quality, fully-integrated approach to teacher training that will benefit from world-class research in education. I see it as a unique opportunity for children and students who attend schools in the controlled sector in the years to come, and it is one that we should not miss.

Ms Lo: I thank the Minister for his statement. He is quite right to point out that we currently have five teacher training providers. Should we not be thinking about fundamental reform to bring the five providers together into one institution? That is one option in the Taylor report.

The Minister for Employment and Learning:

I am grateful to the Member for her question. She raises significant issues about attempting to unify all five colleges. Not least, we see them played out in the affairs of the Department of Education and the various sectors involved, including the controlled, maintained and integrated sectors.

I am conscious, however, of the condition of the Stranmillis College estate. I want progress to be made, and this is an opportunity for Stranmillis, in conjunction with Queen's University, to provide a world-class facility for teacher training that will enjoy a high reputation and to improve its estate. The college is in the Member's constituency, and she is aware of some of its failings. I am anxious that we move forward on the issue, particularly at this time.

Mr Weir: I thank the Minister for his statement. He identified that one of the key issues and sensitivities in any merger is the protection of ethos. Will the Minister provide more detail on the potential composition or structure of the proposed stakeholder forum? He said:

"The resulting proposal is to provide for relevant key stakeholders, including the transferors".

Will he assure Members that there will be positions, as of right, for the Transferor Representatives' Council on the stakeholder forum?

The Minister for Employment and Learning:

I am grateful to the Member for his question,

which goes to the very nerve of the protection of the ethos of the controlled sector, which is what we seek to achieve. In my view, and this has been accepted by Queen's University and Stranmillis, it will be essential that any key stakeholder group, including the Transferor Representatives' Council, have a place on the forum so that they can bring forward their views on the range of issues affecting the college in its new format. However, that role will itself be significant and, for the first time, enshrined in law. That is an important consideration. The Transferor Representatives' Council welcomes the proposals on which we seek public consultation. It is important, therefore, that they are given a meaningful place and role in discussions on the future. .

Mr P Maskey: Go raibh maith agat, a Cheann Comhairle agus a Aire.

The Minister said that the proposal did not have an impact on St Mary's. I was glad to hear him say that the Department would continue to work closely with St Mary's. What was his Department's response to the consultation on an 81-page report produced by the PA Consulting Group, with the support of the Strategic Investment Board (SIB), which aims to set out a pathway to ensure the long-term sustainability of St Mary's University College?

The Minister for Employment and Learning:

I am grateful to the Member for his question. As he may know, I visited St Mary's and have had regular contact with its principal, Professor Finn. I will seek to continue that contact. My Department and I will work constructively and positively with St Mary's on any proposals that it may have for its future. It is on that basis and in that spirit that I want that developing relationship to continue.

Mr S Anderson: I also thank the Minister for his statement. He is aware of the history of the proposed merger. One could say that it has caused controversy from the start and that it has been badly handled by the Stranmillis management. What is the Minister's current assessment of staff morale at the college in light of the proposed way forward?

The Minister for Employment and Learning: I thank the Minister. Sorry, I thank the Member for his question — I am not sure who is who today.

Over recent years, staff morale has been affected, particularly by the conditions in which

they work and the general condition of the overall estate. Through this proposal, it is clear to me that there is an opportunity to address that in a very significant and meaningful way.

As for the issue of staff morale, all staff, all public representatives and anyone with an interest in the future of Stranmillis University College and the proposed merger into Queen's University as a college of teacher training will now be given the opportunity to have an input as part of the 12-week public consultation period. I encourage people, whatever their view, to share it with me and my Department so that we can, hopefully, address any issues of staff morale that need to be looked at or, indeed, what is best for the future of Stranmillis.

Mr K Robinson: I had better declare an interest as a former student at Stranmillis Training College, as it was in those days. In fact, while I listened to the Minister, I worked out a little sum. I went into the college in 1960, so I have 50 years of long service there. I am looking for my medal at the end of this, Minister.

I am glad that the process has moved forward. I certainly would have liked Stranmillis to be able to stand on its own two feet, but the situation has moved on, and the demographics and the building are against it. It was all right when I left it; I do not know what has happened in the intervening period. Can the Minister perhaps provide more details on the investment package that Queen's is liable to put into the Stranmillis college of education should this all proceed?

The Minister for Employment and Learning:

I am grateful to the Member for his question and also for his lifelong commitment to education. It is appropriate, as we come near to the end of this Assembly session, that we formally record the huge contribution that Ken Robinson has made to education, not only as a practitioner through his role as a teacher, but also through his interest and abiding commitment to education in his public role.

The interesting and important thing about the proposal is how it can improve significantly the present condition of Stranmillis University College. As I have said, there is a maintenance backlog valued at about £9 million. I understand from the business case prepared by the college that Queen's is willing to take over that backlog and to address the existing maintenance issues. I also believe that Queen's has indicated that it plans to invest a further £7 million in the

new Stranmillis school of education at Queen's University after the merger has taken place. That is a significant investment and a significant proposal that will be warmly welcomed by anyone connected with Stranmillis, either former students or, indeed, those who served on the staff. There is a positive future available for Stranmillis as part of Queen's for a considerable time.

Mr P Ramsey: I also welcome the Minister's statement, within which there are clearly two areas. The legislation will include safeguards to protect the land bank in south Belfast, and it is clear and obvious that there are concerns about that, particularly in conservation areas. Also, I acknowledge the assurance from Queen's University that the faith-based education ethos in Stranmillis will continue as a priority, and it important to acknowledge that from the Minister's perspective as well.

However, I will follow on from other Members' comments about St Mary's. We received a briefing from St Mary's at a recent Committee meeting, and that college clearly wants to make itself much more sustainable as it enters the next four years. However, there are concerns that the merger will compromise that safety. Can the Minister outline to the House any departmental efforts that there have been and will be to ensure that St Mary's will get that comfort from the Department and will be sustainable for the future?

The Minister for Employment and Learning: I am grateful to the Member for his question, and I accept the points that he raises. I have tried to deal this morning with my commitment to an open-door policy for St Mary's. I am keen to work with St Mary's at all levels to bring forward any proposals that it may have and to address any concerns that it may have.

I do not think that there are adverse implications for it from this announcement. I hope that it will see this as a good opportunity for Stranmillis to further develop and enhance its facilities, notwithstanding the desire of St Mary's University College to continue to produce excellence. My officials and I are at the disposal of St Mary's to work together on all those issues.

12.00 noon

Mrs McGill: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. I, as other Members have done,

register my concerns about the future viability of St Mary's if the merger goes ahead. I was heartened to hear the Minister say that the Department continues to work with St Mary's. If the merger goes ahead, when will it be in place?

The Minister for Employment and Learning: I am grateful to the Member for her question. I hope that she has taken some comfort from my answers on my commitment and that of my Department to working with St Mary's.

The consultation for the proposal is for 12 weeks, so it will run until the middle of June. Whoever is Minister then will have responsibility for assessing the responses. If there is agreement on and widespread support for the proposal — I hope and expect that to be the case — the appropriate legislation will be brought to the House. The House will have to pass subordinate legislation having fully debated it. My view is that we should hold with the view that was held by my predecessor, Lord Empey, and not seek accelerated passage but bring the legislation through all the proper procedures of the House. That way, it would be properly debated, fully assessed and brought to its logical conclusion.

Mr Spratt: I thank the Minister for his statement. As a former Deputy Chairperson of the Committee for Employment and Learning, I have to say that the Minister has not convinced me that the merger was not always a done deal between his Department and the board of governors. Indeed, the board of governors has treated the staff disgracefully.

The Minister acknowledged that there are real concerns about the open space in the Stranmillis complex. What safeguards will be put in place in legislation to protect the Stranmillis estate in the public interest and, indeed, to ensure that it will not become another building site in south Belfast? That is the last thing that people need.

The Minister for Employment and Learning: I am grateful to the Member for his contribution, and I acknowledge his concern. The legislation to discontinue Stranmillis will include safeguards to protect the Stranmillis estate in the public interest. As he knows as a representative for South Belfast, the Stranmillis estate is subject to a wide range of planning restrictions that may impact on the viability of any alternative use, whether by the existing governing body or, indeed, by Queen's University. In particular, he will know

that the estate is within the Stranmillis conservation area. Such a designation introduces controls on the demolition of unlisted buildings, provides automatic protection for trees and introduces certain additional limitations on the exercise of permitted development rights.

Many of the buildings in the Stranmillis estate are listed by the Northern Ireland Environment Agency as being of architectural or historical interest, and any development proposals that affected those buildings would be subject to the relevant Department of the Environment Planning Service policies. Such policies may place restrictions on changes of use, extensions, alterations or demolition, even where changes to listed buildings are not proposed.

Developments that would adversely affect the setting of a listed building may be subject to restriction. Under the draft Belfast metropolitan area plan, the college grounds are used as a historic park, garden and demesne, which, again, places potential restrictions on any development. Significantly, the estate is protected for use for educational purposes. That is an important factor in any plans that Queen's University or any governing body may have for future usage.

Mr Gardiner: I join other Members in expressing gratitude to the Minister for his statement. Does he agree that it is essential to acknowledge the transferors' role in initial teacher training in the controlled sector?

The Minister for Employment and Learning: I am grateful to the Member for his question. I very much agree that, over many years, the transferors have played and continue to play an important role in the education of teachers for the controlled sector. Their input and influence has helped to shape the sector and give it its unique ethos. Therefore, it is essential that the transferors are given a voice in new arrangements for the proposed Stranmillis school of education at Queen's University. In fact, I would not be prepared to support the closure of Stranmillis and its merger with Queen's University if the role of the transferors were not to be recognised. That is why my predecessor and I have insisted that the transferors are given a role and that they have guaranteed representation on the proposed stakeholder forum in the new school.

Executive Committee Business

High Hedges Bill: Final Stage

The Minister of the Environment (Mr Poots): I beg to move

That the High Hedges Bill [NIA 15/09] do now pass.

As Members are aware, immediately after I took office, I stated my intention to bring forward high hedges legislation as a matter of urgency. I am delighted that the High Hedges Bill has reached Final Stage. On 26 April 2010, the Bill was introduced in the Assembly. On 16 December 2010, the Committee agreed its draft report. I want to take the opportunity to thank the Chairperson of the Committee for the Environment and other members for their detailed scrutiny of the Bill. In addition, I thank Members for their contribution to debates on the Bill throughout its passage and officials in my Department and the Committee office for their efforts.

I am certain that the Bill will help many people throughout Northern Ireland who have suffered for so long because of problems associated with evergreen or semi-evergreen high hedges. It will give the owners of domestic properties a means to compel their neighbours to manage their hedges, so that they can both reasonably enjoy the benefits of their home and garden. It establishes a system that will be regulated by councils and will ensure that all parties to the dispute are treated fairly. The legislation will not mean that all hedges that are above a certain height will need to be cut down, nor will council permission be needed to grow or retain a hedge along the boundary of a property. Councils would intervene only in circumstances where a complaint is made and it can be shown that other efforts to resolve the dispute have failed. Even then, cases will be determined on their own merits.

The Bill will make an owner of an evergreen or semi-evergreen hedge that is over 2 m in height maintain that hedge in a responsible and reasonable manner, taking account of their neighbours' needs, or face the prospect of being legally obliged to do so. I hope that the very existence of the legislation will encourage neighbours to work together to resolve their disputes and avoid the need to involve councils. Councils will have discretionary power to charge

a complaints fee. That should help to deter people from making frivolous or vexatious complaints while ensuring that account is taken of ability to pay. To ensure fairness and in line with the polluter pays principle, when a remedial notice issued by a council takes effect, the council will refund to the complainant any fee that was charged. The council will then be able to recover the fee from the hedge owner.

In order to maintain this fair process, the development of the fee transfer mechanism will be the subject of public consultation and will be brought to the Assembly for approval. My Department is working closely with NILGA and local councils to produce detailed guidance, provide training and seek views on appropriate complaints fees.

Although subordinate legislation must be made before the Bill becomes operational — I trust that whoever is in this ministerial role will do that as soon as they come into post after the May election — I am convinced that it moves Northern Ireland a significant step closer to providing a means to solve many high hedge disputes, and I therefore commend the High Hedges Bill to the House.

The Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat, a Cheann Comhairle. Ar son an Choiste Comhshaoil, ba mhaith liom fáilte a chur roimh Chéim Deiridh den Bhille um Fálta Arda. On behalf of the Environment Committee, I welcome the Final Stage of the High Hedges Bill. As is traditional, on behalf of the Committee, I once again thank the departmental officials and the Minister for the close working relationship that we maintained throughout the passage of the Bill. That helped to ensure that the Committee scrutinised the Bill thoroughly and was able to agree proposed amendments with the Department. I take this opportunity also to thank once again the Committee staff who worked on the legislation and the Bill Office.

The High Hedges Bill may have a small number of clauses, but, as we witnessed at Further Consideration Stage, it generated plenty of debate. The Committee's detailed scrutiny of the Bill led to recommendations for amendments in relation to the inclusion of single evergreen and semi-evergreen trees and for fees to be refunded to a complainant in the event of a complaint being upheld.

I do not intend to rehash the debate about single trees. Suffice it to say that I was glad to hear the Minister state at Further Consideration Stage that a review of the legislation would happen further down the line. If the review finds that there are significant problems with evergreen and semi-evergreen trees, I hope that a future Minister will introduce the necessary legislation to address those.

I was glad to see that, at Consideration Stage, the House supported the Committee's recommended amendments on fees. The amendments are in the interests of fairness and will prevent vexatious complaints. I welcome the agreement of the Department's further amendments at Further Consideration Stage, as they take account of human rights and public consultation requirements. I believe, as does the Committee, that we now have a stronger Bill as a result of the co-operation between the Department and the Committee, and, on behalf of the Committee, I am pleased to support the Bill.

I would now like to say a few words on behalf of Sinn Féin. Funnily enough, I watched a television interview last night in which people talked about rushing legislation through at this time. The Department of the Environment and the Committee have pushed through nine or 10 Bills during this mandate. That has been good, progressive work, and I commend all those associated with it.

This Bill highlighted that there is an issue with single trees. I hope that a future Minister and the Department will look at that. On behalf of Sinn Féin, I hope that that will be taken on board because it was an issue that we definitely could not have dealt with in this mandate. On that note, I support the Bill on behalf of Sinn Féin.

Mr Weir: I welcome the passage of the Bill. I commend not only the officials but the Minister for his strong personal commitment to getting this Bill through the Assembly. I think that it will be important to people. It is unsurprising, from a media point of view, that we in the Chamber often concentrate on big set-piece occasions. Last week, for example, we debated very important issues around the Budget, and there was clearly a lot of focus on and controversy around that. That is not altogether surprising. However, it is also important to note that, sometimes, the things that do not get the same media attention, such as this legislation, are vital to many people. I believe that this Bill

will make a positive impact on people's lives. If everyone behaved entirely responsibly and acted as a good neighbour, it could be argued that there would be no need for this legislation. There would be little need for the legislation if people acted with a degree of social responsibility, but, unfortunately, that is not the world in which we live.

12.15 pm

Mention has been made of the number of Bills that have gone through. I suppose that this legislation is particularly welcome, because it relates to something on which, I suspect, Members from all sides of the House have been lobbied for years. There was a degree of frustration about the fact that legislation on high hedges had been put in place in England yet it had taken some time for similar legislation to appear in Northern Ireland. The legislation that we have got shows the merits of devolution. It was achieved not simply by way of the co-operation between the Department and the Committee, which, I think, helped refine the Bill in the best possible way, but through the great care that was taken to get something that is right for Northern Ireland.

One thing that arose from the legislation in England was that the legislators there got a number of things wrong and there were unforeseen circumstances. As a result, decisions have been taken here that will benefit our legislation. For instance, we have ensured that there is a fees cap here. Hopefully, that will help us avoid the situation that pertained in England, where there were massive variations and people did not have access to the same services.

We have also taken a position that tries to differentiate between unmerited and vexatious applications and situations in which an individual is genuinely suffering as a result of the ill-considered behaviour of a neighbour. We have followed the polluter pays principle or costs-follow-the-event view. At the moment, we take the view that the legislation should be restricted to hedges and groups of trees. For the time being, it does not include single trees. All those decisions have been right. Broadly speaking, we have the right legislation.

As the Minister indicated, it is also important that, in moving forward, we have something that is cost-neutral to councils and is implemented in a proper fashion. That being the case and as the Minister also indicated, it is important

that time and care be taken to ensure that the detail of the implementation is got right in the work that departmental officials, NILGA and local councils will do. At this juncture, it would be remiss of me not to declare an interest as a member of North Down Borough Council. There are a few high hedges dotted around North Down, so the Bill will be particularly welcomed in my constituency. It is important that that time and care be taken to ensure that the detail of implementation is got right.

Even given the very wise figures on all sides of the Chamber, I cannot guarantee that we have a monopoly on wisdom. Some Members, present or absent, may be keen to claim a monopoly on wisdom, but, thinking about it objectively, I do not think that we can guarantee that we have a monopoly on wisdom. However, we have taken a degree of care in the legislation to get it right for Northern Ireland. Time and the full implementation of the Bill will tell whether everything is right. It has been indicated that there will be a review of how the Bill is operating following its implementation. At that stage, we will see whether further tweaks need to be made, and that is to be welcomed.

This will be welcome legislation for many people up and down the country. It will lead to an improvement in the quality of people's lives. It may well lead to the ending of several long-running sores in society and, in particular, neighbourhood disputes that, in many cases, have rumbled on for years. The issues have been fairly well covered at the various legislative stages. This is good legislation for Northern Ireland, and I commend it to the House.

Mr Kinahan: Everyone here can welcome the Bill, even if there is a chance that councils will have to touch on that little bit of wisdom of Solomon as they sort out some matters. Every council and every MLA will be pleased to see that this mechanism to resolve disputes has at last been put in place.

At Consideration Stage, I mentioned one person whom I was trying to help. She was shaking in fury with her neighbour. Not everyone has the ease of being able to deal with a neighbour. Here, we are putting in place a very necessary mechanism to resolve disputes. Those of us who are on councils will probably be surprised at the build-up of the queue of people who have hedge disputes that they want resolved. I welcome the fact that, at this juncture, we have

not included the single-tree problem, although we really need to take that issue on board, and I welcome the Minister's comment that that will be reviewed.

I should have started by congratulating the Department, the Committee and the Minister on working well together to get the Bill through. I also welcome the fees cap in the Bill and the variation of fines, refunds and provision for multiple owners that will be possible. A lot of good thought was put into the Bill and, as was said, a lot of wisdom put together as we improved on the English and the Welsh system. I hope that it turns out to be cost-neutral for councils. I look forward to seeing the guidance from the Minister and the Department. We warmly welcome the Bill, which is a great addition to the legislation that we have passed.

Mr Dallat: I also welcome the Bill. It was certainly an enjoyable aspect of the Committee's work, bringing us to lots of exotic places, like Carrickfergus, where we had a meeting in Carrickfergus Castle. I was most impressed by the fortifications there. There were certainly no evergreens, but loads of walls that had stood the test of time for hundreds of years. I take this opportunity to encourage anyone who has not been to that castle to go and see it. It is a wonderful example of Norman Irish history.

While we were at Carrickfergus Castle, we got a lot of helpful advice from the officers of the local council on how the Bill should be shaped. We certainly came face to face with many of the difficulties that would arise. The public have been asking for a high hedges Bill for many years and, of course, such legislation has existed in a different form in other islands close to here for at least eight years. Like other Bills, this Bill is certainly very useful, but it will not meet the expectations of everyone. Speaking as a member of the SDLP, I am disappointed that the single trees issue was not accommodated, although I can understand the difficulties. There is also some concern about the costs involved. In most cases, I accept that people have genuine concerns, and those can, hopefully, be resolved by mediation and so on. However, there will be times when individuals will perhaps use the Bill as an opportunity to sort out their next-door neighbour.

If I have any advice for anyone about trees or hedges, it is to give serious thought before planting the things. I have personal experience

of that. My late mother presented us with a small leylandii when we moved into our new house, and I planted it in the middle of the lawn. That was 30 years ago. It is still there but, some day, someone will have to make an important decision about what to do with it. My colleague will probably cover all the environmental aspects of what to do with trees when they have reached the end of their life. Do you leave them standing or cut them down with those horrible chainsaws?

All in all, the Bill is useful. The Minister is to be congratulated on pursuing it and, hopefully, the 26 councils dotted around Northern Ireland will not be inundated with grudging neighbours who just want to sort each other out. It will, in fact, offer daylight to people who have been denied it, perhaps for years.

Mr Lyttle: I join my colleagues in wholeheartedly welcoming the legislation, and I thank the Minister for its progression through the House. I welcome the power that will be given to councils to enforce appropriate maintenance of high hedges and share the Minister's hope that the very existence of the legislation will encourage voluntary maintenance of high hedges.

I have placed on record my regret that the Minister was unable to include provisions for appropriate and neighbourly maintenance of single trees in the Bill. I sincerely regret that the Minister, who is a self-professed man of integrity, sought, if we are to be honest, to misrepresent my position on the issue. He said that I was attempting to get single trees removed, which is not the case. My party and I have done extensive work in my constituency and across Northern Ireland to preserve historic trees.

Mr Weir: I thank the Member for giving way. Would the Member, therefore, take responsibility for John Dallat's leylandii? Is there an appropriate place to shove it in east Belfast?

Mr Speaker: Order. I should perhaps remind the House that the Bill is at Final Stage. Members should discuss only what is in the Bill now and not what they think should have been in it.

Mr Lyttle: Thank you, Mr Speaker. I welcome the commitment to re-examine that problem, and, if I am returned to the House, I will work with anyone on the issue.

Many local people, particularly in my constituency, have suffered a loss of enjoyment

of their property and a significant negative impact on their quality of life because of poorly maintained high hedges. I am particularly glad for those people that the Assembly has intervened in a positive way to tackle the problem. I look forward to local council officers restoring that enjoyment of property and quality of life through the Bill.

Mr Humphrey: I support the Bill. All Members will have dealt with constituents who have issues with gardens and, more particularly, trees, hedges and bushes in their neighbours' gardens that have caused them stress. I declare an interest as a member of Belfast City Council. I know through my work with the council that its environmental health service is hugely frustrated when it attempts to address those issues, as it does not have the power to deal with them. I was speaking to a constituent in church on Sunday who has been dealing with a problem with a neighbour who can no longer look after trees that are now encroaching on his property. When council officers went out, they did not have the power to do anything about it. The public do not understand the demarcation lines between councils and the DOE, and they feel frustrated when the work is not carried out.

I welcome the cap on fees. It is a common-sense approach that will lead to the Bill delivering for people out there by addressing the issue and their concerns. I also welcome the co-operation between the Minister, the Committee for the Environment and the Department in securing a Bill that is a significant step forward for the public.

Perhaps all Members who are keen on gardening should take some advice so that we do not run into the situation in which Mr Dallat found himself. They should, therefore, attend the reception in the Long Gallery to celebrate community gardens and allotments, which begins in the next few minutes.

Mr W Clarke: Go raibh maith agat, a Cheann Comhairle. I also welcome the Final Stage of the High Hedges Bill. I want to thank staff from the Department, the Assembly's Research and Library Service, the Bill Office, the Committee and Committee members. I particularly thank the Minister for bringing forward the legislation very quickly after taking office. The Minister must have been inundated with these issues in his constituency.

The Bill is good legislation that will make a real difference to people's lives. As Peter Weir said, the Bill may not get the media attention, but it will make a huge difference to people's quality of life. I will touch on the negatives. The media and some Members criticised the Bill for coming forward too quickly. However, we are here to progress legislation as quickly as possible, and people elect us to create good legislation, such as this Bill, to improve their lives.

As an elected representative, I am acutely aware of the problems that high hedges can cause, and I have been involved with a number of cases in my constituency. They can lead to a complete breakdown of neighbour relations, and local authorities and elected representatives have tried to mediate without any tools to do the job. Some may think that the issue is light-hearted, but they fail to understand that it affects people's mental and physical health and well-being.

I still say that mediation, which I think the Minister touched on, would be the first option. A mediation process will now carry extra weight; that is the difference. We have the tools in the box to deal with the issue. An alleged offender will have to pay the complainant's fees as well as the costs involved in reducing the height of the hedge. That is good leverage to get a resolution to the problem.

Devolution is working, and this Bill proves that it is working.

12.30 pm

Mr Savage: I declare an interest as a member of Craigavon Borough Council. The progression of the Bill represents a working, textbook example of how the House took a Province-wide problem and found an acceptable solution. It is important legislation, which has attracted the interest of many households across Northern Ireland, especially in my constituency, where it will have a great impact, particularly on those who have issues with neighbours and their high hedges.

The Bill introduces a system whereby hedge difficulties and disagreements between neighbours can be resolved through discussion and mediation. Should that fail, there remains the facility for a formal complaint to be lodged with the local council. The council effectively acts as an independent third party and will make a decision based on the merits of the

case presented to it. The Bill represents real progress on a troublesome issue and will be welcomed by householders across Northern Ireland. However, many issues remain, including the single tree issue. That will probably be on the agenda for the new Assembly.

I pay tribute to all those who brought the Bill to where it is today. I commend my colleagues on the Environment Committee. I also pay tribute to the Committee staff, who do a sterling job and are sometimes taken for granted. It would be remiss of me not to thank the key stakeholders for their interest in bringing the Bill about. I support the Bill and congratulate the Minister.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. I will be brief because much has already been said, although I remember the last night I said that I was going to be brief and maybe it did not turn out that way.

I welcome the legislation. Although high hedges may not be as contentious in some rural areas, they can intrude on people's amenities and privacy and affect the light going into homes in urban areas. Hopefully, the legislation will make a difference to people's lives and alleviate some of their burdens in trying to address issues with high hedges.

I will add a wee caveat. I hope that my colleagues on councils will not now see an avalanche of issues portrayed as council responsibilities that are, in fact, neighbour disputes and will lead to all sorts of contentious issues coming down the line at them now that they have been empowered with those responsibilities. There will probably be a role for mediation along the line.

The issue of single trees proved to be vexatious. I ask one point of the Minister. The debate that we had the last night became a wee bit surreal. However, there is a serious aspect to that debate, namely, whether a tree is dying or dead and the scientific basis for retaining a tree that has been proved scientifically to have a biodiversity benefit and to be of much use in the overall scheme of things scientifically. So, I ask that the Minister commits to more research into that matter with a view to having it reviewed down the line, so that we do not treat that vexatious issue as dismissively as in the past. There are good grounds — maybe I should say good roots, but I will not go there either — for that argument.

I thank the Committee staff because they, as the Chairperson kindly said, were shoe-to-the-floor on the raft of legislation that came before the Committee in assisting members to get to the point of making decisions and helping us on every occasion. And with that, complementarity was offered by the Department.

Seeing well-briefed staff from the Department is refreshing for those of us who sit on the Committee. Sometimes they are not so well briefed, but that did not apply in this case. It is good to see complementarity of accountability with democracy work in the interests of the community, which, I hope, the Bill will do. I thank the Minister for bringing the legislation before us.

The Minister of the Environment: I am delighted that we are at the Final Stage of the Bill. I would like to have reached this stage sooner, because I might have been able to introduce the subordinate legislation as well, but we are where we are.

A few issues were raised by Members. In the earlier part of his speech, Mr McGlone made a strong argument against including provision for single trees, when he talked about the potential for an avalanche of complaints and the vexation that such a provision could result in. We will implement the provisions of the High Hedges Bill and see how they pan out. I know that a limited number of cases involve single trees. However, it is important that we do not get to a situation where someone, for the sake of complaining, wants to cut down their neighbour's monkey puzzle tree and the council feels duty-bound to ensure that that happens.

I regret that Mr Lyttle felt a little offended on the last occasion, but this is a debating Chamber, and one should realise that in debating Chambers there can sometimes be a fair degree of cut and thrust. He was keen to cut down some of the single trees and therefore got referred to as "Chopper". The next day, the Alliance Party submitted an amendment to the Planning Bill for dead and dying trees to be kept. So, one day it wanted to cut down healthy monkey puzzle trees, and the following day it wanted to keep dead trees. One can understand why we do not always take the advice of the Alliance Party, although it does get it right on occasions.

Mr McGlone was referring to the Planning Bill when he spoke about dead and dying trees. We will deal with that issue in due course in the Planning Bill rather than today.

This is a good news story. I was committed to the Bill some time ago; when I was a Back-Bencher I wanted to see it brought forward. On too many occasions, I have spent time in the back gardens of people who have no light in their back garden as a consequence of other people's behaviours. I was with senior citizens who were heartbroken that they could not enjoy their property in the way that they wanted to because other people did not look after their properties. Ultimately, we are doing something that is good for ordinary people. It may not be headline-grabbing, but it will make a real difference to the quality of life of hundreds of people across Northern Ireland over the next number of years. That is what this Assembly is about. As Peter Weir said, it is not always the big things that improve people's lives; sometimes it is the small, incremental things. That is why it is good that we can come together as representatives of the people of Northern Ireland. A direct rule Minister may not have been remotely interested in a subject like this and may not have wanted the hassle of taking this legislation through Westminster. We can get our teeth into legislation like this, which will make a real difference to the lives of ordinary individuals whom we represent.

I am delighted that the Bill has reached its Final Stage, and I look forward to Her Majesty putting her stamp of Royal Assent on it, which will allow us to proceed.

Question put and agreed to.

Resolved:

That the High Hedges Bill [NIA 15/09] do now pass.

Mr Speaker: The Business Committee has arranged to meet immediately upon the lunchtime suspension. I propose, 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 sitting was suspended at 12.40 pm.

On resuming (Mr Deputy Speaker [Mr Dallat] in the Chair) —

2.00 pm

Oral Answers to Questions

Agriculture and Rural Development

Mr Deputy Speaker: Questions 1 and 11 have been withdrawn, and written responses are required. Question 3 has been transferred.

Forests

2. **Mr Molloy** asked the Minister of Agriculture and Rural Development to outline what action she has taken to expand forest cover. (AQO 1283/11)

The Minister of Agriculture and Rural Development (Ms Gildernew): Go raibh míle maith agat, a LeasCheann Comhairle. To encourage more farmers and landowners to create their own woodlands, I announced increases in grant rates of up to 30% in November 2009. Since then, there has been an increase in applications for the woodland grant scheme. In addition, woodland creation has been encouraged through implementing beneficial changes to the single farm payment scheme (SFP), allowing farmers to continue to receive their SFP, as well as forestry grant payments, on land converted to woodland.

We are engaging with a wide range of landowning bodies, such as local councils and other central government Departments, encouraging them to consider woodland as a viable economic alternative to their current land use. We are engaging with afforestation stakeholders to identify barriers to woodland creation and possible solutions. We are extending the funding of the short rotation coppice scheme until the end of the current rural development programme in 2013, and we are publicising the woodland grant scheme through the Balmoral Show and other shows. We are talking to interested groups and having press articles, open days and targeted mail drops. In addition to the woodland grant scheme, participants in agrienvironment schemes may avail themselves of funding for planting small areas of native trees on farmland and

managing existing woodland. Those schemes include the countryside management scheme and the environmentally sensitive area scheme.

Mr Molloy: The new forestry Act will help. Are there any plans to create training for people who are going into forest farming to develop linkages between good land that is being used for farming, which could be diversified into forestry in the future?

The Minister of Agriculture and Rural

Development: I do not think that a lot of training is required. A lot of landowners often bring in contractors to plant the trees, and they will advise on an ongoing basis as and when necessary. There is not a great deal of training available, because, by dint of the subject that we are talking about, most of the time, once the trees are planted, a small bit of maintenance is as much as is needed.

Mr Kinahan: I thank the Minister for her answer. Can she give an update on sudden oak death disease and whether any compensation has been organised as yet?

The Minister of Agriculture and Rural

Development: There has been quite a bit of concern about sudden oak death in parts of Britain, but we do not have as big a problem with it as other parts of these islands. The big issue for us at the moment in terms of tree diseases is phytophthora ramorum in Japanese larch. That is exercising us a lot in the current scheme. However, I am aware that sudden oak death is an issue, particularly in the south of England, and I will keep a close eye on what happens there.

Common Agricultural Policy

4. **Mr McQuillan** asked the Minister of Agriculture and Rural Development for an update on her recent meeting with the Secretary of State regarding the reform of the CAP post 2013. (AQO 1285/11)

The Minister of Agriculture and Rural

Development: The meeting with Owen Paterson took place on 28 February, and it provided me with another opportunity to continue making the case, on behalf of the agriculture industry and rural communities in the North, for the continuation of common agricultural policy support. During that meeting, I pressed four key issues. First, I stressed the importance of CAP to the viability of our agriculture industry for the

foreseeable future. Secondly, I pointed out the need for the British Government to take a more pragmatic approach to CAP budget issues. We need the Department for Environment, Food and Rural Affairs (DEFRA) to focus its efforts on securing a fair and proportionate share of the budget, rather than pursuing issues that are not even in the remit of the agriculture council. Thirdly, DEFRA needs to take on board and reflect properly the views of the devolved Administrations in its dealings with Brussels.

Finally, I stressed the need for regional flexibility to be built into the CAP settlement. Overall, the meeting was cordial. Although there has been a very small shift in the British Government's position following the formation of the coalition Government, in that it is now calling for a gradual, rather than an immediate, removal of direct payments, it is still a position to which I will not be subscribing.

Mr McQuillan: I thank the Minister for her answer. Did the farm modernisation scheme come up during the meeting? Will the Minister agree that there is a built-in religious bias in the way in which the farm modernisation programme is being administered?

The Minister of Agriculture and Rural

Development: I absolutely do not agree with the Member, and that will be proven in the coming weeks. I want to use this opportunity to make a point, because I did not finish my original answer. I assure the House that I will personally be presenting my submission to the EU Commission on CAP reform post-2013. I will make that submission publicly available, and it will be informed by the views presented to me by stakeholders in recent weeks. I convey my thanks to everybody who responded to the consultation.

Mr Doherty: Go raibh maith agat, a LeasCheann Comhairle. In some ways, both the question and the previous answer touched on what I am going to ask. Are there essential differences between the stance of the Department of Agriculture and Rural Development (DARD) and that of the British Government as we move beyond 2013?

The Minister of Agriculture and Rural

Development: There are a number of very obvious differences between the two positions. First, the British Government argue for a substantial cut to the CAP budget. Secondly, I support fully the continuation of the single farm payment, where they do not. Although they are

no longer calling for an immediate end to the SFP, I cannot see how those payments can be phased out in the foreseeable future. Thirdly, I support the continuation of existing market mechanisms, such as intervention and aids to private storage, while the British Government want to see those rolled back. Given the important role that such mechanisms have played during the recent dairy crisis, I could not support their removal.

Mr Deputy Speaker: Jonathan Craig is not in his place to ask question 5.

Single Farm Payments

6. **Mr Gibson** asked the Minister of Agriculture and Rural Development for an update on the legal action her Department is taking against the European Commission's decision to levy disallowances in relation to single farm payments. (AQO 1287/11)

The Minister of Agriculture and Rural

Development: In my statement to the Assembly last autumn, I advised that the Department had lodged a challenge with the European Court. The Commission has now responded to that and has presented a plea for inadmissibility. We believe that our case is admissible and have replied accordingly. This is an important procedural test, as we are seeking to establish our standing and right to bring a challenge before the court. Although I am confident that we will be able to satisfy the court that we have standing, the problem would not have arisen had DEFRA taken the case from the outset. Consequently, the secondary issue has now become an important principle in itself, in that a paying agency in a devolved Administration should be able to challenge a Commission decision that unfairly affects it. The process moves slowly, and I understand that it is unlikely that the European Court will make a decision on that point much before the end of this year.

Mr Gibson: I thank the Minister for her reply. Will she inform the House of the cost incurred so far in pursuing the legal action?

The Minister of Agriculture and Rural

Development: I do not have the exact figures, but the cost is quite minimal at this early stage. Although we have a costing of around £100,000 over the entire court case, I believe that it is money well spent. In the current case, we can potentially save £9 million on current

disallowance and also save money in the future. It is a risk worth taking.

I am most anxious that, throughout the process, it is obvious that English interests in the EU supersede those of the devolved Administrations and our framers. I question the British Government's ability to represent properly our views at EU level.

Mr Gardiner: Will the Minister provide an update on the farm mapping process and indicate to the House when she expects the process to be completed.

The Minister of Agriculture and Rural

Development: Again, those things tend to move extremely slowly. There will be some update by the end of 2011, but it could be 2012 before the case is heard.

Just to clarify the point that I made to Mr Gibson: the cost of the case, which is in the region of £150,000, will be met by DARD. I hope that that clarifies the issue.

Mr Gallagher: Why does the Minister's Department disallow single farm payment claims for hedgerows that are more than 4 m wide? Does she accept that that is unfair and, indeed, contrasts very sharply with the Republic of Ireland, where all hedgerows, regardless of width, are regarded as an environmental enhancement? Will she tell us why she does not apply an all-Ireland policy on the matter?

The Minister of Agriculture and Rural

Development: I think that the Member is all too aware of where I stand on such issues and of my feeling that the current application of EU rules is, at times, unfair and very difficult. However, we have had the very real experience of payments being disallowed because the interpretation of EU rules in Europe is different from the interpretation here. Indeed, my Department has been criticised for being too lenient with farmers on that issue.

We recognise the importance of single farm payments to the economy here; we could not do without them. At the same time, application can lead to difficulties for farmers, and I will continue to do all I can in my role to press for a fair and equitable solution. However, it is certainly difficult when a change is applied retrospectively, and we end up with a significant disallowance on the back of that.

Farm Mapping

7. **Mr O'Loan** asked the Minister of Agriculture and Rural Development for her assessment of whether there will be any significant problems when the new farm mapping exercise is completed. (AQO 1288/11)

The Minister of Agriculture and Rural

Development: Although I am not anticipating any major problems with the land parcel identification system (LPIS) after the mapping project is completed, the process is not straightforward. The mapping project will be carried out in two phases. Phase 1, which will be substantially completed by early 2012, will deal with the issues that are of most concern to the EU auditors and will remove areas from fields that are ineligible to receive area-based payments. It is essential that farmers check their new maps carefully to tell us about any changes. If they do so, the risk of their facing penalties and our facing further disallowance will hopefully be substantially reduced. Phase 2, which will be completed in early 2013, will amend the DARD farm maps to align them with GPS technology. If farmers carefully check their maps again, the risk of disallowance should be further reduced.

We are all in this together. My Department will provide an updated map, but farmers are responsible for ensuring that the maps are correct and that they claim for eligible land only. Given the dynamic nature of maps, we cannot become complacent. After the mapping exercise is completed, farmers will need to tell us about any changes to their maps in the future. My Department will continue to improve the maps and, to that end, is developing long-term linkages with Land and Property Services (LPS). That will include provisions for LPS and DARD to share information on mapping changes, which will help to synchronise both sets of maps and to keep them up to date as far as practical. Although we hope that that minimises the risk of farmers' penalties and further disallowance related to the LPIS project, that ultimately depends on the EU Commission being satisfied that we have the required controls in place.

Mr O'Loan: I thank the Minister for her answer. Has she ensured that an independent quality control mechanism is used for the mapping exercise? I ask that question advisedly because I have seen the operation being carried out and believe that there are distinct limitations to it.

However, that is not a criticism of the LPS staff who are involved in it.

The Minister of Agriculture and Rural

Development: I certainly feel that we need to keep a very careful eye on that and to ensure that proper monitoring is in place. We have received significant investment for that through invest to save. We need to ensure that it is done right. However, the best mechanism of quality control is basically farmers telling us when the maps do not correlate with a feature on their land.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. Just for clarity, will the Minister indicate whether the mapping exercise is on target for completion?

The Minister of Agriculture and Rural

Development: As I said, our aim is to reduce the risk of disallowance as far as possible by the start of the 2012 single farm payment scheme year, and we are on target to achieve that.

Phase 1, which corrects the main issues in the maps, will be substantially complete by that stage. Phase 2, which aims to bring the maps into line with GPS technologies, will not finish until early 2013. However, we anticipate that the effects of that at farm level will be generally small. Therefore, it represents a much lower risk of disallowance.

2.15 pm

Mr T Clarke: Is the Minister satisfied that those maps, in comparison with the previous maps that her Department spent many thousands of pounds setting out, will be more accurate?

The Minister of Agriculture and Rural

Development: As I have said in the House before, technology changes all the time. I expect that the maps will be of a better quality and will show more. As technology increases, we have to get better with it. However, I expect that there will be some changes to people's maps. What would be the point in carrying out another costly exercise if we are going to reproduce the same maps?

Mr T Clarke: They were your fault anyway.

The Minister of Agriculture and Rural

Development: No, they were not.

Mrs D Kelly: As some Members will be aware, across council chambers, the SDLP has been committed to the promotion and retention of

the use of townland names. Will the Minister confirm that townland names will be used in the mapping exercise for the townlands and fields on which farm holdings are located?

The Minister of Agriculture and Rural

Development: Absolutely. In every area of work, we will do all that we can to promote the use of townland names.

It is interesting that the Member should ask that supplementary question. I had a visit last night from someone on behalf of the census team, who was insisting on getting my road number. I was equally insistent that I do not use a road number and that I use my townland. It was a wee bit difficult to persuade that person that my townland was a genuine way of identifying my address.

I hope that other Departments are as proactive on that as we are.

Single Farm Payments

8. **Mr Moutray** asked the Minister of Agriculture and Rural Development how many single farm payments are outstanding in relation to applications that were submitted in 2010. (AQO 1289/11)

The Minister of Agriculture and Rural

Development: As of 10 March 2011, my Department had finalised 94.7% of 2010 claims and paid out over £250 million to farmers. That means that 36,150 claims have been paid and that 1,915 claims have not yet been finalised. There are a variety of reasons for that, including queries on the claim that need to be completed, the processing of on-farm inspection reports, challenges by others of the right to claim the land and the need to await probate. It should be noted that, because of the application of penalties under scheme rules, not all remaining claims will necessarily be due a payment.

We have met our 2010 published targets, but I appreciate the difficulties that are experienced by many of those claimants who have not yet been paid. Although my Department is working to clear those cases, they tend to be more complex and, by necessity, take longer to work through. In recognition of that, I have arranged for additional staff to move to the single farm payment branch to accelerate the payment of the remaining claims.

Looking ahead, I hope that the remapping exercise will reduce many of the errors that are currently being found in on-farm inspections. That exercise will speed up the inspection process. Over and above that, I have asked officials to begin the process of a review of the entire inspection and payment procedure to see how it can be improved.

Mr Moutray: I thank the Minister for her response. It is encouraging to hear that approximately 95% of single farm payment claims have been sorted out. However, that still leaves 5%. Will the Minister give an assurance that the outstanding single farm payments will be dealt with expediently and that there will be no delay on behalf of her Department? Many farm families are suffering financial hardship as a result of the delay.

The Minister of Agriculture and Rural

Development: Absolutely. In common with the Committee Chairman, I have pointed out that 1,915 claims are still outstanding. It is great to get 95% of claims paid, but we need to concentrate now on getting that 5% over the line.

One reason for our not being able to process farmers' money is that we have moved to a system whereby all transactions are done under BACS, that is, automatic account transaction, and some farmers have still not shared their account details with us. We would like everybody to give us that information. Their accounts do not have to be in a bank; they could be in a credit union. We encourage farmers to give us that information. I want to pay out that money as quickly as I possibly can. The review will be very important, in that we can look at all the issues on the timing of inspections, the use of satellite imagery and everything else to try to pay those people quicker.

Mr Beggs: I understand that some other EU countries provide advance part-payment. Will the Minister indicate why that has not happened here? If there are delays attributable to her departmental officials, will she indicate whether an interest repayment will accompany the final payment? That will ensure clear accountability where undue delays have been caused by departmental officials.

The Minister of Agriculture and Rural

Development: Again, I assure the House that, as part of the review, I will look at the fact that some other member states make 50:50 payments and consider that as a mechanism for

the future. If we decide to go down that route, we will have to follow all the rest of the inspection procedures and everything else. That is why a review of the process is important. We must try to build in the ability to allow us to be flexible. The vast majority of farmers were paid before Christmas. However, we are now into the spring, and some have still not been paid. We want to pay those farmers as quickly as possible. Everything is on the table to ensure that the process is as painless as possible for farmers.

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. The Minister referred to the fact that a number of inspections are outstanding. Will she elaborate on that and outline whether those inspections have to be completed before payments are made?

The Minister of Agriculture and Rural

Development: Yes; unfortunately, that is one of the difficulties. In line with EU legislation, we have to finalise all verification checks, including land eligibility inspections, before we can make payments.

Mr PJ Bradley: We have often heard that delays in payments can be caused by the farming community omitting information, giving incorrect information or making errors. Will the Minister give an assurance that no mistakes in her Department, including Orchard House, led to any delays in payments being made?

The Minister of Agriculture and Rural

Development: A dedicated team works out of Orchard House and has a great deal of experience in this matter. I commend those people for the way in which they process the claims. However, the Member raises a welcome point. Mistakes can occur when the forms are completed on paper, and it can take more time to iron out those mistakes. We encourage the use of online application forms and, in fact, online application forms will be mandatory by 2015. The reason for that is that the online forms are self-correcting. If someone makes a mistake on an online application, that person is told that that is not the answer that should have been given.

We want to reduce the amount of mistakes, and we want to pay farmers. I would love to be able to pay 100% of farmers as soon as that payment window opens. The more farmers who work online, the better it will be for them, as it will reduce the number of mistakes.

Rural White Paper

9. **Mr O'Dowd** asked the Minister of Agriculture and Rural Development to outline the progress made on the rural White Paper. (AQO 1290/11)

The Minister of Agriculture and Rural

Development: I am pleased to be able to report to the House that work is developing on the rural White Paper. It is now at an advanced stage, and I hope to publish a draft rural White Paper action plan for consultation on 21 March. I expect the consultation document to contain a wide range of actions aimed at improving the well-being of rural communities, such as addressing difficulties in accessing services, public transport, broadband quality and speed, and the development of effective community development structures.

The rural White Paper has been developed to provide a strategic rural policy framework for the next 10 years and will help to guide the work of the Executive in that significant and challenging area. Our rural areas face particular challenges as regards growth, jobs, infrastructure provision and access to services. The provision of good communication infrastructure and connectivity is vital to the sustainability of our rural areas and important in providing the isolated and vulnerable in our community with much-needed access.

The rural White Paper shows that our rural areas and people are important; that they have rights that must be respected; that they provide enormous value and untapped potential; and that government will do what it can to help recognise those rights, support that potential and address the real challenges that exist in our rural communities. It will provide an opportunity to look at what we do to support our rural areas and to think innovatively about how we target our limited resources for the betterment of our rural communities. It is an initiative that is close to my heart, not only as a rural elected representative but as a rural dweller who understands the challenges that living in rural areas can and does bring.

Mr O'Dowd: I welcome the progress thus far on the rural White Paper and the policy. As part of the policy development, will the Minister hold public consultation events in which rural communities will be able to feed into the policy development?

The Minister of Agriculture and Rural

Development: Absolutely. The public consultation will last for 12 weeks, during which my officials plan to hold a number of consultation events in rural areas throughout the North. My officials will work with rural representatives to ensure that there is full engagement with rural communities and a good geographical spread of events. Everyone with an interest in rural issues is welcome to attend. I ask them to come along and give us their feedback and their opinions and make sure that the document is as good as it possibly can be.

Mr I McCrea: The Minister will be aware that rural proofing, which she has highlighted and brought forward, is something that needs to be addressed. Have her officials raised the issue of Libraries NI with their counterparts in the Department of Culture, Arts and Leisure to ensure that rural proofing of Libraries NI is taken into consideration during the consultation?

The Minister of Agriculture and Rural

Development: I wrote to Minister McCausland for clarification on that issue and asked whether the decision to close a number of libraries, including some in both our constituencies, had been rural-proofed. A lot of people in rural communities do not have broadband at home and rely on the library for Internet access, for example, as well as for borrowing books and using the valuable resources that a library can provide. I am hopeful that the consultation, along with the additional money that has been made available for libraries, will save a number of libraries that have been earmarked for closure.

Mr McDevitt: I am sure that the Minister will want to join me in paying tribute to PJ Bradley, who is attending his last agriculture Question Time as an MLA, and who has served the SDLP for the past decade in that portfolio.

Can the Minister assure the farming community that the rural White Paper is also about understanding and maximising the potential role that farming will continue to play in rural communities as an economic, social and environmental driver?

The Minister of Agriculture and Rural

Development: Absolutely. I believe that the agrifood sector has weathered the worst of the storm, but, as I said in my original answer, I believe that there is still untapped potential for rural communities and for farmers. I would

like to take the opportunity to thank PJ Bradley for his helpful and constructive critique of my performance over the past four years. It is the last agriculture Question Time for us all, so I thank the Committee and the House for their support over that period. I wish PJ well in whatever he decides to do in the future.

Agritourism

10. **Mr Neeson** asked the Minister of Agriculture and Rural Development to outline the action she is taking to develop agritourism.
(AQO 1291/11)

The Minister of Agriculture and Rural

Development: Unfortunately, under axis 3 of the rural development programme, we cannot fund anything that is associated with agricultural production. However, under measure 3.1 of the rural development programme, farm diversification, farm families who wish to diversify into tourism can avail themselves of funding to develop non-production-related infrastructure such as, for example, self-catering units or activity-based tourism, and, in doing so, provide activities and accommodation that could complement a wider tourism project.

As I said previously in the House, the work that is ongoing through the rural development programme is delivering the tourism infrastructure that will help rural communities to provide a better tourism offering in the future. Agritourism and social farming are innovative ways of increasing the farm family income. My officials are examining whether those farming innovations could be supported by my Department and how it can do so.

Mr Neeson: The Minister will be delighted to hear that I have just left my farewell lunch to be here to ask my question. *[Laughter.]* To what extent does her Department work with the Northern Ireland Tourist Board to promote agritourism in Northern Ireland?

The Minister of Agriculture and Rural

Development: We work with all agencies. I have attended a number of North/South Ministerial Council meetings at which Tourism Ireland has highlighted how rural agritourism and the better use of forests and our rural communities have the potential to attract visitors to this island. We will work with all and any organisations, not just the tourist bodies, but local government with private partners, to determine how we can

better develop agritourism. I welcome the fact that the Member left his farewell lunch to be here. He can go back to it now. *[Laughter.]*

Mr Deputy Speaker: That concludes questions to the Minister of Agriculture and Rural Development for the last time.

2.30 pm

Finance and Personnel

Mr Deputy Speaker: Question 6 has been transferred, and question 9 has been withdrawn and a written response is required.

Altnagelvin Area Hospital: Radiotherapy Unit

1. **Ms M Anderson** asked the Minister of Finance and Personnel whether he has corresponded with the Minister of Health, Social Services and Public Safety in relation to advancing the business case for the proposed radiotherapy unit at Altnagelvin Hospital.
(AQO 1297/11)

8. **Mr P Ramsey** asked the Minister of Finance and Personnel for an update on the business case for the proposed radiotherapy centre of excellence at Altnagelvin Hospital.
(AQO 1304/11)

The Minister of Finance and Personnel (Mr S Wilson): As this is also my last Question Time, I thank all the Members who have interrogated me and sought to trip me up as well as those who have come for enlightenment. I hope that they found it during Question Time.

With your permission, Mr Deputy Speaker, I will answer questions 1 and 8 together, as they are similar. I have had no correspondence from the Health Minister on the issue. However, my officials have looked at the business plan that was submitted by the Department. They asked questions about the plan on 7 January 2011 and only in recent days have we had a partial response from the Department of Health.

Ms M Anderson: Go raibh míle maith agat. I thank the Minister for that answer. It is news that at least part of the questions have been answered. Were the questions that his officials asked too complicated to allow stage one of the business case to proceed? Does the Minister feel that the Health Minister is playing politics

with the most vulnerable in our society — cancer patients? As he will appreciate, the radiotherapy unit at Altnagelvin is needed for patients across the north-west, and there is a lot of cross-community and cross-party support. It is absolutely unforgivable that we are at this stage —

Mr Deputy Speaker: Question, please.

Ms M Anderson: — and a number of questions have not yet been answered.

The Minister of Finance and Personnel: First, the Department of Finance does not ask complicated questions; it asks simple questions and always gives simple, clear answers.

We asked a number of very straightforward questions. The first related to what commitment had been given by the Irish Republic for its input into the Altnagelvin scheme. As Members know, one third of that scheme was to be funded by the Government in the Republic, and we wanted to find out the level of commitment and how the Department of Health in Northern Ireland had sought to nail that down. The second question was whether the capital project could be afforded if the Department of Health in the Republic decided not to pursue the project in collaboration with DHSSPS in Northern Ireland. The third question was about comments made by the Minister. The capital cost was funded in what was then the draft Budget, and the Member will be aware that the Minister said he could not afford to run the unit. Therefore, the question of money being available from the Department of Health, Social Services and Public Safety in Northern Ireland was raised with him.

The project was meant to be top priority. In fact, when the Minister visited Londonderry, he said that it was a priority. It surprised us that, suddenly, funding has not been made available, and the only conclusion that one can draw is that this was yet another attempt to create a crisis that would be used as leverage to get more money into the Health budget.

Mr P Ramsey: I thank my colleague from Foyle for asking the original question. I acknowledge the Minister for meeting all MLAs from the city some weeks ago, and he has agreed to meet us again. This is the most important subject to affect not just the people of the north-west but ultimately the provision of healthcare across Northern Ireland. We are aware that the cancer unit in Belfast is at capacity —

Mr Deputy Speaker: Question, please.

Mr P Ramsey: As regards the business case, has there been any indication from the Health Department, for example, that the project is not affordable?

The Minister of Finance and Personnel: I thank the Member for that important question. The argument has been that the Department of Health, Social Services and Public Safety does not have the money to fund the project. It was asked whether the unit could be run and funded solely by the Department here in Northern Ireland, if the Republic dropped out. On 16 December — after the draft Budget — DHSSPS officials wrote to my officials and said that, if the Republic of Ireland funding did not materialise, the project would still be required, as the Member pointed out, and would still be affordable. Even without the funding from the Republic of Ireland and knowing the amount of money in the draft Budget — to which another £89 million has since been added — the Health Department said on 16 December that that was affordable. I have met Members from Londonderry from all parties. What is happening in relation to that very important facility is nothing short of scandalous. There has been a bit of political footbaling.

Mr Kinahan: I am appalled by the way in which the Minister has answered the questions and has used the issue as a political football. Is the Minister looking to find extra funds to help the Health Minister run Altnagelvin Area Hospital?

The Minister of Finance and Personnel: That is an amazing question from the Member for South Antrim. He asked whether I was looking for ways of helping the health budget. The whole Executive and the whole Assembly — at least, those who voted for the Budget — have sought to help the Health Minister, despite the fact that he has not been prepared to help himself or his Department. Over the past year, he has been excluded from £30 million worth of savings that were imposed by the Government that that party encouraged the people of Northern Ireland to vote for. The Health Minister was excluded from £30 million worth of savings. In addition, during the monitoring rounds over the year, an extra £70 million was made available to the Health Minister. In the Budget, from the draft stage to the Final Stage, another £189 million was found for the health budget.

The Member asks me what we are doing to help the Health Minister. One of the things that his party could have done to help the Health Minister in the first place was not to advocate voting for a party that took £4,000 million out of the Northern Ireland Budget.

Lord Morrow: My question has been partially answered. Yesterday, when I asked the Minister for Regional Development what liaison he had had with the Minister of the Environment on a major road scheme, he said that he had not had any direct liaison. That is not the first time that we have heard that in the House. Does the Minister agree that it is time that Ministers put their heads together and that there should be some strategic and joined-up thinking on major schemes, not least the one that we are discussing?

The Minister of Finance and Personnel: When we look at the Budget collectively, we are looking to see what the priorities for each Department should be and what the overall strategic priority should be. However, as I am sure the Member will appreciate, when it comes to spending and being responsible for the budget of a Department, it has to be the individual Minister who takes responsibility. I do not think that anyone would want it otherwise, as you would then find that Ministers would simply shelter behind somebody else's decision rather than make the decisions themselves. Unfortunately, there are a fair number who would be prepared to do that.

Government: Joint Services

2. **Mr Molloy** asked the Minister of Finance and Personnel for his assessment of whether joint planning and shared spending between Departments in Northern Ireland and the Republic of Ireland in areas such as education, health, agriculture, tourism and transport would help address the economic difficulties that both Administrations are facing.
(AQO 1298/11)

The Minister of Finance and Personnel: There are many examples around the world of border regions co-operating to reduce duplication and to exploit economies of scale. As we have already seen, there is potential for such savings between Northern Ireland and the Irish Republic. Indeed, we already have wide co-operation. I have discussed at macro level with the Minister for Finance in Dublin where we could co-operate

to help both jurisdictions with the economic consequences and challenges that we must face in the years ahead.

Let me make it plain to the Member, to his party and to the party on the Benches to his left that, although I believe in economic co-operation when it makes good sense, in allocating resources and saving money for the public purse in each jurisdiction, sometimes the case for doing that is not helped by the political overlay that some people in Sinn Féin and the SDLP try to put on such co-operation. Co-operation would come about more naturally if it were seen to be divorced from a political agenda.

Mr Molloy: I thank the Minister for his answer. He knows that I would not put a political connotation on it at all.

The Minister accepts the fact, which I welcome, that cross-border co-operation can be managed to the benefit of both communities, particularly where services are duplicated, such as after-hours doctors, ambulances and other services. Some facilities will be in the South, others in the North, but how do we get harmonisation and co-operation? How do we work together for economic reasons?

The Minister of Finance and Personnel: The Member almost said what he said with a straight face; unfortunately, it broke towards the end. Nevertheless, he made an important point. In the next four years, we, in Northern Ireland, face the challenges of having to live with budgetary constraints, and the Irish Republic faces exactly the same problems. Of course, where there are opportunities for co-operation, we should take them. In fact, it would be remiss of us not to, because we would be failing not just people in border regions but those, in general, who depend on the public purse.

I know that I spoke light-heartedly, but there is often a suspicion that, regardless of whether it makes economic sense, reduces bureaucracy or costs and so on, co-operation and collaboration is done only for political reasons. This party will very clearly oppose co-operation done for purely political reasons, because we do not believe that our future lies in a political joining with the Irish Republic. However, it is up to individual Ministers to look for opportunities to co-operate. As I did with the previous Minister for Finance in the Republic, I am happy to commit to looking for general areas in which co-operation may be sustainable and helpful. It will then come down

to teasing out the details at ministerial level. The previous question illustrated that, even where there are good examples, such as where one third of the capital cost and the best use of a hospital or a radiotherapy unit —

Mr Deputy Speaker: The Minister is coming up to the time permitted for his answer.

The Minister of Finance and Personnel: — could have been jointly undertaken, Ministers have not pursued the matter.

Mr Callaghan: Go raibh maith agat, a LeasCheann Comhairle. Does the Minister share many people's frustration that securing better service outcomes and better value for money is frustrated by political posturing from his and other parties? Does he agree that it is time to take off the blinkers and set every Minister in the Executive the task of exploring possible savings and better outcomes in every Department, rather than leaving it up to each Minister? That has been the failed approach over the past four years, and it is time to stop losing such opportunities.

The Minister of Finance and Personnel: When it comes to political posturing, the questioner is a master. We have seen the political posturing in which he and his party engaged over the past three weeks during the Budget discussions. All I can say is that, as the Member will know well, the detailed co-operation between one Department and another comes down to work that individual Ministers have to undertake.

My record on this is good. I have made it clear that, where there are opportunities to be explored, I want to see them explored. I will encourage that and, during the Budget process, I encouraged Ministers to look at different, better and more efficient ways of carrying out and delivering services. If doing that includes North/South co-operation, I am happy to see it.

2.45 pm

Mr Gardiner: Would the Minister not be better to try the exercise that the question proposes with countries in the same legal jurisdiction — the United Kingdom — and talk to Scotland and Wales? Surely that would be less complicated.

The Minister of Finance and Personnel: First, we have a land boundary with the Irish Republic, so there are cross-border problems that have to be addressed. For example, when I was Minister for the Environment, we had a problem with

illegal waste from the Republic being dumped and polluting rivers and bogs in Northern Ireland. That problem had to be addressed, and I am sure that the Member would have thought me irresponsible if I had not dealt with that and a range of other things. Of course, I meet just as frequently with Ministers from Scotland and Wales to look at east-west co-operation, because, especially when it comes to our dealings with the Westminster Government, there are things that we need to do. Indeed, just this week, I have been in touch with Scottish and Welsh Ministers about dormant accounts, on which, we believe, a joint approach from the three jurisdictions, with Westminster, could be beneficial to us.

Finance Ministers

3. **Mr McCartney** asked the Minister of Finance and Personnel whether he intends to meet with the new Irish Minister for Finance to build on the progress that had already been made as a result of his meeting with the previous Irish Minister for Finance.
(AQO 1299/11)

The Minister of Finance and Personnel: I hope that that can be arranged as soon as practicably possible. Over the past two years, I met the previous Finance Minister, Brian Lenihan, on a number of key issues that were relevant to both economies. I am confident that I can build an effective working relationship with the new Irish Finance Minister. As I said, I see that as essential in dealing with cross-border issues. Of course, the Finance Ministers from both jurisdictions will continue to meet in the North/South Ministerial Council, which is of particular importance to me because of the Special EU Programmes Body.

Mr McCartney: Gabhaim buíochas leis an Aire as a fhreagra. I thank the Minister for his answer and for his commitment to seek a meeting as early as possible. I hope that high on the agenda will be the House's need for reassurance that the commitment to the A5 road scheme will continue unabated and that, in line with a previous question, money for the radiotherapy unit at Altnagelvin is secure.

The Minister of Finance and Personnel: The issue was raised in Armagh, in January, at the last North/South Ministerial Council meeting. If the Government of the Irish Republic decide that they do not want to continue funding some

of the cross-border schemes, it is important that we know early, because that would have implications for our Budget, and some of our spending priorities would have to be looked at again. Obviously, therefore, it will be an important issue when I or whoever takes over from me can meet the Finance Minister.

Mr I McCrea: Given the Minister's love of technology and in light of issues around carbon footprints, is he considering using videoconferencing in his meetings with Ministers from other jurisdictions?

The Minister of Finance and Personnel: I think that the Member is trying to taunt me into commenting on some of the climate change nonsense that we have to listen to from time to time in the House and elsewhere.

I support the use of videoconferencing. Indeed, we have encouraged its use in Departments. When it can be used, I prefer to use it, because not only is there a saving in travel time but there is a saving in my time if I do not have to travel long distances and waste time travelling. It is ironic that the first time that I suggested using videoconferencing was with the Green Minister in the Republic of Ireland, when I was Environment Minister. I suggested that he might wish to reduce his carbon footprint by talking to me by television, but he preferred that I travel the whole way down to Dublin, emitting I do not know how many tons of CO₂ in the process. That was his choice. Of course, I am always happy to bring a little northern sunshine to the grey, gloomy skies of the Irish Republic.

Mr McDevitt: Will the Minister of Finance clarify for the House which of the two Finance Ministers in the Republic — Noonan or Howlin — he anticipates having the closer working relationship with? Is the Minister concerned that NAMA may be obliged to offload its Northern Ireland portfolio early? Does he accept that, given the continuing slump in the market here, should a situation like that occur, it will have grave consequences for our property market? Will he assure the House that he will continue to raise that matter with whichever of the two Finance Ministers he feels it would be more appropriate to raise it with in the months ahead?

The Minister of Finance and Personnel: I am sure that I will get on with either of them. I know neither of them, therefore it will be a learning curve for me.

The Member raises an important issue. Indeed, on Monday of last week, the First Minister, the deputy First Minister and I met the chief executive and three other members of NAMA to discuss the very issue about which the Member has spoken. We are greatly concerned that, with £3.2 billion worth of assets held by NAMA in Northern Ireland and a target of realising 25% of them in the next two years, there could be a huge impact. Let us not forget that we in the Executive also want to offload assets as part of the budgetary process and non-NAMA banks also want to offload assets. Some co-ordination on that is needed.

In conversations that I have had with Minister Lenihan in the past and with the NAMA representatives on a number of occasions, I have welcomed their assurances that, even though there is a target of realising 25% of assets, they will look for markets where there is demand and liquidity and will not seek simply to get a quota in each of the areas. They, too, realise the dangers. One of the important concessions that we won in early discussions with Minister Lenihan is that we now have two Northern Ireland members of the NAMA Northern Ireland Advisory Committee advising the NAMA board. That gives us some input and the Executive some assurance that there will not be a destabilising of the market in Northern Ireland.

Finance Ministers

4. **Mr O'Loan** asked the Minister of Finance and Personnel if, since taking up office, he has had any contact or has held discussions with the former Irish Minister for Finance.
(AQO 1300/11)

The Minister of Finance and Personnel: I have probably answered the question, as the Member well knows. I am a bit surprised at the question. I have made statements in the House on this on a number of occasions, and I have referred to meetings that I have had with Minister Lenihan in the past. I do not think that I need to elaborate on that.

Mr O'Loan: Let me return to the question of NAMA. Some £350 million of the NAMA loans relating to Northern Ireland property relate to buildings or projects that are in the course of construction. NAMA has said that it may be prepared to give loans so that those projects may be finished, if it makes financial sense to do so. Has the Minister raised that matter with NAMA representatives, and does he have

an assurance that they will do so equally in Northern Ireland?

The Minister of Finance and Personnel: I am glad that the Member raised that issue. I should perhaps have said something in reference to that in my last answer. Yes, we did; it was one of the issues that we discussed with NAMA representatives last week. They indicated to us that they have £7 billion — perhaps it is £5 billion, I cannot remember offhand — to provide as working capital for projects. The building that Google bought in the middle of Dublin is an example of where working capital was put in to allow a project to be finished. NAMA has given us assurances. We will make representations where projects are identified in Northern Ireland as being able to add value if some working capital is made available for them. We will be in constant contact with officials in NAMA to ensure that that happens. No indication has been given that there will be an allocation to each jurisdiction. It will depend where opportunities arise to add a bit of value, offload an asset and realise some money from it.

Mr Humphrey: Does the Minister agree that there is irony in the Member asking that question? Perhaps if the Member had had more contact with the Minister for Social Development — his Minister, the stay-away Minister in last week's debate on the Budget — that Minister could have advised the Finance Minister and his other colleagues of his decision to announce the housing at Girdwood, which he did without Executive approval.

The Minister of Finance and Personnel: I am sure that the Minister for Social Development, when making an announcement about housing in north Belfast, was well aware that it was an opportunity to present a good picture coming up to the election. I expect that we will find that many other Ministers want to do the same. I just hope that, when they make those announcements, they all have the money to deliver on them because, as Finance Minister, I am concerned about whether those things are deliverable or are simply promises floated before an election that will lead to disappointment for people after it.

Low Carbon Homes Schemes

5. **Mr Storey** asked the Minister of Finance and Personnel for his assessment of the low carbon homes scheme. (AQO 1301/11)

The Minister of Finance and Personnel: The Member will be aware that the Executive agreed to close the energy efficiency homes scheme and the low carbon homes scheme from the end of this month. Although the aim is to improve the energy efficiency of the local housing stock, the take-up so far has been disappointing. There are only three low-carbon properties, none of which has qualified as a zero-carbon property. I want to make it clear that the savings associated with the schemes will not be taken out of the Budget altogether but will be transferred to the green new deal project. It was felt that that was a much more appropriate way of cutting down the heating bills of a large number of houses. For that reason, the Executive and the Committee gave their approval to move forward with that.

Mr Storey: I thank the Minister for his answer and for the recent clarity about the extension to the scheme. He announced that, rather than coming to an end on 31 March, the scheme will be extended to 2012. However, could the Minister advise the House about the ending of the zero-carbon scheme and about the green new deal? How can we encourage a far better uptake of those schemes? The Minister has clearly indicated today that the uptake of the previous scheme was poor.

The Minister of Finance and Personnel: The improvement will be threefold. First, the administrative costs of the scheme outweighed the actual benefits to householders. There is no point in us spending money simply on administration if we want to cut down the heating bills of homes. Secondly, especially with the low-carbon homes, the benefits very often went to people who could afford to build very high-spec houses. To a certain extent, I believe that those houses will be built anyway because the people can afford to do so. Thirdly, if we put the money into the green new deal, a far greater number of homes will be covered by insulation and other heat-saving approaches, and we will get to people who might not have been able to benefit from the other scheme.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. The Minister outlined some of the useful benefits of the green new deal, not least its potential to create jobs. In light of the withdrawal of the previous scheme, does he agree that, for the reasons he outlined, the green new deal requires greater investment?

The Minister of Finance and Personnel: We made it clear that the amount of money being put into the green new deal project was only a start and that, as we found efficiencies during the four-year Budget period, we would put more money into it because, first, it would help to lever down even more money; secondly, as the Member said, there is job potential; and, thirdly and most importantly, especially with rising fuel bills, it will help to combat fuel poverty.

Ministerial Statement

Higher Education: Tuition Fees and Student Finance

Mr Deputy Speaker: I have received notice from the Minister for Employment and Learning that he wishes to make a statement.

The Minister for Employment and Learning (Mr Kennedy): I welcome the opportunity to update the Assembly on the latest developments in our work on future policy on higher education tuition fees and student finance arrangements. In particular, I advise Members that I am today launching a public consultation document on future policy on higher education tuition fees and student finance arrangements in Northern Ireland, which I am immediately making available on the Department for Employment and Learning website, along with an associated equality impact assessment.

3.00 pm

As Members will recall, on 8 February 2011, I made a statement in the Assembly to advise of the publication of the update to the independent review of variable fees and future student finance arrangements in Northern Ireland, which was carried out by Joanne Stuart, and to set out its findings. I have now fully considered the updated review, as well as developments in other regions of the United Kingdom and the Republic of Ireland, and taken into account costing and modelling by departmental officials and the final Budget settlement for my Department. Consequently, I have set out a range of options in the consultation document, and I am seeking views on those.

Before outlining those options, it is important to set out the key factors that have influenced my thinking on the whole area of student finance arrangements. Ultimately, I want to ensure that, once the public have had their say, we develop a “made in Northern Ireland” model that strikes an appropriate balance between maintaining access and continuing our proud record of having the best higher education participation rates in the United Kingdom for those from socially disadvantaged backgrounds; promoting excellence in our higher education institutions and allowing them to remain internationally competitive; and being affordable to the public purse as well as to the students and graduates.

Northern Ireland’s higher education sector makes an essential contribution to the economy and wider society. Our higher education institutions are well respected and compare favourably against their counterparts throughout the world. Yet, in common with all United Kingdom universities, they are required to compete in a global market for the best staff and students so that they can maintain those high standards. Their success is critical to the performance of the local economy. Often regarded as the engine of research and innovation, their activities support wider initiatives to attract inward investment and create high quality, sustainable jobs. Over the years, they have produced most of the graduates on whom our businesses, professions and services rely. They have been particularly successful in widening participation for those from lower-income families to the extent that Northern Ireland has now, by some margin, higher participation rates than England, Scotland or Wales. That is a record of which we should be rightly proud.

A range of challenges lie ahead for higher education, including the financing of the sector. Given the current financial climate and the public expenditure challenges faced by the Executive, it is right that we look at options around the possible level of tuition fees and how much government contributes to the sector. Before giving some detail on each of the options, I make it clear that no student will have to pay upfront fees. That is a very important principle to which I am committed.

I now turn to the five options that are set out in the consultation paper to illustrate the potential implications and key considerations associated with each of them in turn. The first option that is identified is the abolition of fees. That option would require additional resources of some £120 million per annum from the Northern Ireland block to make up lost revenue for the higher education institutions from tuition fees and the consequences of the Budget settlement. In giving consideration to that option, it is very important to stress that it could be delivered only at the expense of other government programmes.

However, it is worthy of note that, although the current arrangements provide for fees of £3,290, the research that was conducted to inform the Stuart review indicated that that level of fee did not inhibit access to higher

education by Northern Ireland students. Indeed, as I indicated earlier, Northern Ireland has the highest participation rates in the UK by some margin. Therefore, the case for abolition would rest solely on a judgement that higher education should be made freely available to those who can benefit from it. Paradoxically, that would mean that all taxpayers, many of whom earn less than graduates, would bear the full cost of tertiary education. That would not be fair. Finally, that option would also mean that higher education institutions would be wholly dependent on the public purse for financing their teaching activities and the quality of the student experience. History shows that the Government have found it difficult to find the resources necessary to finance the increasing number of students participating in higher education at a level consistent with sustaining the quality of teaching and research necessary to maintain the sector's international reputation. That is one of the key considerations for the introduction of fees in the first place.

The second option is to maintain the status quo. That option would provide for fees to be capped at the current level of £3,290 per annum and subject only to inflation-linked increases. Maintenance grants and loans would also be maintained at current levels. Over the past two years, there have been significant changes in the economic and financial environment. The Executive face a challenging budgetary position. The impact of the Barnett consequential and the post-Brown context mean that, throughout the United Kingdom, a reduction in support for the higher education sector is unavoidable. Indeed, after meeting efficiency savings of some £28 million and other inescapable pressures, a funding requirement of £40 million by 2014-15 remains in my Department's budget for higher education. If current participation rates, the quality of teaching and research and the levels of student support are to be maintained, additional income for the sector would have to be found. Under that option, that income would have to be found from the public purse through reductions in other services. I strongly believe that that would have serious implications for the level of support provided to people who are unemployed or who wish to access further education or training opportunities. The alternative would be a significant reduction in higher education capacity, which would undermine not only our achievements in widening participation but the

quality and international reputation of the higher education system. Indeed, the financial viability and sustainability of the system would be threatened, with serious consequences for the local economy. Those issues must be taken into account when considering that option.

I realise that some Members may ask why higher education institutions cannot release more money. All of the evidence shows that universities work largely within, but at the lower end of, the expected norms of financial performance. Clearly, no super-profits are being made. There is no cushion to absorb, on an ongoing basis, a reduction in annual funding of a further £40 million from 2014-15. In addition, the reserves held by universities are lower than those of institutions in Great Britain and are already largely committed.

We are all aware of the difficult public spending context that faces the Executive and the competing and significant public spending priorities that must be met. That being the case, I cannot, in good conscience, recommend a top-slicing of Departments to cover the shortfall in the higher education budget. Such an approach would require us to cut budgets for the vulnerable, marginalised and sick to pay for higher education, and it would not represent a sustainable approach to funding higher education. Northern Ireland's excellent universities cannot be expected to plan on the basis of top-slicing departmental budgets, mindful that other pressures and changing political circumstances could easily lead to that decision being overturned. The demands of social justice and the need to secure sustainable funding for universities require a more considered and fairer approach.

The third option recommends an increase of tuition fees to £4,500 and an increase in the threshold of the maintenance grant. Under that option, the increase in tuition fees would generate additional income of some £30 million by 2014-15, which would largely address the financial pressures associated with the budget settlement, to which I referred earlier. It is important to stress that, as is the case now, no student would be required to pay tuition fees upfront. Instead, loans would be available to meet the cost. It would be the intention that those loans would not become repayable until an individual is earning £21,000 a year compared with £15,000 under the current arrangements.

In comparison with England, the public commitment to financing higher education would be significantly higher. The teaching grant in Northern Ireland would be reduced by only some 20% compared with 80% in England and 35% in Wales. Very importantly, that option would also provide for an expansion of the income threshold for full grant support from £19,000 to £25,000, meaning that almost 3,000 more students would qualify for full support, and none would have his or her grant reduced. I believe that that would help to maintain Northern Ireland's position of having the highest participation rate in the United Kingdom of those from lower income backgrounds. It is also worthy of note that, notwithstanding the proposed fee increase, that option would retain a significant majority public contribution towards the cost of higher education teaching, which recognises the public benefit of such teaching.

Importantly, it would also provide for a fair and progressive loan and repayment system that is more generous than the current one and a maintenance grant system that would provide a higher level of support than that available in England. After efficiency savings are taken into account, the impact of the proposals would be broadly neutral for higher education institutions, as the income surrendered from the teaching grant would be replaced by fee income from students.

Option 4 recommends increasing fees to between £5,000 and £5,750, increasing the threshold for the maximum maintenance grant and increasing the amount of maximum grant payable. That, in effect, is the option preferred by Joanne Stuart in her updated independent review. Under that option, the proposed increase in tuition fees would generate additional fee income of some £40 million to £60 million. That would be sufficient to address the financial pressure associated with the Budget settlement for my Department.

As with the previous option, no student would be required to finance upfront fees, as loans would be available to meet that cost. Again, it would be the intention that those loans would not become repayable until an individual is earning £21,000 compared with £15,000 under the current arrangements. Under that option, the reduction of the teaching grant for universities would be around 33% compared with 80% in England and 35% in Wales. That option, therefore, would also maintain a significant

public contribution to teaching. Again, similarly to option 3, option 4 would provide for an expansion of the income threshold for full grant support from £19,000 to £25,000, providing for almost 3,000 more students to receive full grant. No one would have their grant reduced. The additional fees would enable grant support to be increased by some £275, thus reinstating the current £500 differential between grant support here and in England. That would benefit more than 15,000 students, and the increase in maintenance grant should help to promote and sustain access to higher education for those from lower socio-economic groups. As with the previous option, after efficiency savings are taken into account, the proposal would be broadly neutral for higher education institutions, as the reduction in income from the teaching grant would be replaced by tuition fee income.

My final observation on option 4 is that, although it is quite similar to option 3, it shifts the burden of cost more to the student than options 2 and 3. It may also be less attractive to students, given the additional loan they may be required to take out.

The final option recommends increasing fees to between £6,000 and £9,000, increasing the level of maintenance grant and the lower threshold for entitlement and increasing maintenance loans.

3.15 pm

That option is similar to the arrangements in England, and would constitute a significant departure from the current policy, under which the teaching element of the higher education system is largely funded by the public purse. Net additional income in excess of some £100 million per annum would be generated. That would address the financial pressures associated with the proposed budget settlement by some margin. It would also provide for additional grant support in line with the previous option, allowing for a £500 differential between grant support here and in England. In addition, maintenance loan support would be increased from £4,840 to £5,500, which is the proposed rate for England. However, it is important to point out that, notwithstanding the substantial increase in the student support arrangements, this option would pass a significant proportion of the costs of teaching to graduates. As with England, teaching grants would be reduced by some 80%.

In addition to releasing funding to allow for enhanced grant and loan provision, this option also has the potential to release existing public resources that could be deployed elsewhere. However, I think that it is important to balance that against the fact that this option would represent a major change in policy direction in relation to the balance of public and private funding of higher education and would shift the burden of cost in a significant way to graduates. I do not agree with such a shift in the burden of cost. This proposal may have the potential to have a detrimental impact on Northern Ireland's position of having the highest participation rate in the UK of those from lower income backgrounds.

It is widely acknowledged, and I am well aware, that tuition fees are a contentious issue. I would like to stress that it is very important not to consider the level of fees in isolation but to recognise all of the elements of the student support package, including maintenance grants, loans and repayment arrangements. I make no apology for reiterating that the underlying principle in bringing forward options in this consultation is that access to higher education is based on the ability to learn, not the ability to pay.

Should, following this consultation, the new mandate of the Assembly decide that tuition fees should be increased, the whole area of repayment will be a critical one that we need to ensure that students, their families and others fully understand. Students do not need to pay upfront to participate in higher education, and I intend to ensure that that continues. They can defer payment of their tuition fees through a tuition fee loan, which is repayable only after they leave higher education and are earning above a certain income. Even then, the repayment is not based on the amount that they owe, but on the amount they earn.

That is a critical point, and I am convinced that if young people and parents, particularly those on lower incomes, are provided with the right messages on the issue, both by this consultation paper and, dare I say it, by their political representatives, no one should be deterred from entering higher education, with all of the benefits that it can confer on the individual and on society as a whole. Therefore I reiterate to Members the importance of a mature and responsible debate on these issues, which will allow a consensus to emerge on proposals that are affordable for government

and for students and graduates; protect and maintain our widening participation record; and secure appropriate investment in higher education institutions.

In conclusion, I thank Joanne Stuart for her work in producing the independent review of variable tuition fees and student finance arrangements and its subsequent update. In addition, I acknowledge the contributions of the people concerned by those changes, whose views and expertise have informed our thinking as the Department developed the proposals contained in this public consultation document. I also thank and pay tribute to my officials for producing the work.

Finally, it is my strong view that we now need to let all those interested in this important issue to have their say through a public consultation so that we can develop a "made in Northern Ireland" model, which, as I have said before, strikes the right balance between maintaining access to higher education for those from lower-income backgrounds, securing the excellence of our institutions and ensuring that affordability is guaranteed.

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

thank the Minister for what is a very significant statement on the future of higher education, particularly for our young people in the North. The Committee has heard a number of briefings from several stakeholders in recent months and, no doubt, will do so again after the election.

However, I am sure that the Minister will acknowledge the fact that, to encourage them to take up opportunities for higher education, society entered into a social contract with young people: if they get a good degree, at the other end there will be a job for them. That contract has been broken, because we know that many young people have left university with a degree but no job and high levels of debt. At a public meeting recently, a young graduate spoke very emotionally about coming out of university with debt alongside her, hopefully, husband-to-be. They have a cumulative debt that will make life difficult for them when they want to get married and start a family.

With that in mind, I heard what the Minister said about the role of elected representatives in getting the message out, but it is still a widespread view that the costs will deter people from going to university if we increase them any more. If

the consultation is to be meaningful, what guarantees can the Minister give to the respondents that there will be a move by the Executive to put the economy at the heart of the Executive and provide the funding that is required for further education so that it is open to all?

The Minister for Employment and Learning: I am grateful to Mrs Kelly for her contribution as Chairperson of the Committee for Employment and Learning. I listened carefully to the points that she raised. In launching the consultation today, I ask everyone to look at the document in all seriousness, to study the options outlined in it, and to focus on what we require and what we will want to do for higher education provision for our students in Northern Ireland.

I think that we can bring forward a Northern Ireland-based model. There are severe financial implications contained in the document, and parties, politicians and everyone concerned should understand those and reflect on them so that we can continue to have a system based not on the ability to pay but the ability to learn; that we protect the widening participation record that we have; and that we keep higher education at affordable levels. Importantly, I stress that we need to protect and maintain the worldwide and richly deserved reputation of our local universities. That is a very tall order and is a challenge. I want to move the debate forward by consensus on that basis in the hope that the new Executive and new Assembly, which will ultimately decide on the issues, will bring forward that Northern Ireland-based model.

Mr Bell: Given that the Minister and I share the twin aim of having students go to university on their ability to learn, not their ability to pay, and having those universities properly resourced, and given my personal opposition to this, as a working-class boy who went to university, surely the obvious answer is not to raise student fees but to top-slice that £40 million from other Departments. Was that option ever put to the Executive, and, if so, will the Minister tell the House what his response was?

The Minister for Employment and Learning: I am grateful to the Member for his interest in and long-term commitment to further and higher education. However, he is attempting to bring me back to what is almost a political question. In my statement, I made it clear that that approach to funding, whereby the funding of other Departments is top-sliced, is

an unsatisfactory way to do business for any Executive, Administration or government. In the statement, I confirmed my opposition to that method. That is why I did not pursue it in my discussions with Executive colleagues. I firmly believe that all the political parties should address the issue in a mature and responsible manner, and to simply top-slice other Departments' resources would cut funding to essential services for other Ministers who are already facing stringent cutbacks. Therefore, it is not a real solution to the issue. The Member may disagree with that, but that is my position, and it is the one that I relayed to my Executive colleagues.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. I agree with the comments that the Minister made in his statement about how we need to maintain access to higher education. I also agree with the sentiments that are in almost every statement that he makes to the House. Those sentiments are that access to higher education should be on the ability to learn and not on the ability to pay. It is up to us to deliver that concept.

Considering that we must have students' involvement and that we are moving towards the end of this Assembly and into the summer period, how long will the consultation period last? At one time or another, every party in the Assembly has opposed student fees and an increase in student fees. How does the Minister aim to get any proposal that will increase student fees through the Executive when Sinn Féin is totally opposed to that concept?

The Minister for Employment and Learning: I accept the Member's point. It was slightly depressing, in advance of the public consultation being issued and of the statement being made to the House, to read the comments that were attributed to the Member in today's edition of 'The Irish News' and that expressed her party's view. She is perfectly entitled to do that, but I will say that this is an important decision that must be taken with due consideration and in a mature and responsible way. That is what I sought to do as I wrestled with this enormously difficult question.

I accept that if most of the political parties were given the luxury of having either no charges or no increase in charges, they would take it. However, that is not the reality of the situation that confronts the Department, the Executive

or me as the Minister. I hope that the 12-week public consultation period will serve as an opportunity for those who are interested. I expect that many people will share their views, and I encourage them to do so in the public consultation.

I have tried to reflect fairly the situation that we are all in. I ask that parties do not seek to use the issue as a political football or for political gain in the forthcoming election campaign, however tempting that might be. Rather, I hope that they will reflect on the realities of what is best for our students, our universities and for bringing forward a Northern Ireland model.

Mr K Robinson: I welcome the presentation of the consultation document today. As we heard from Members, this is a complex and emotive issue, and it is one that will have long-lasting effects on institutions, on the individuals who seek to move into higher education, and on those individuals' families.

The Minister set the tone. He set out a demanding challenge for the Assembly and Executive: how will we fund higher education? There is not enough money to go around. He set out realistic options, and I hope that the public and anyone else with an interest in higher education and this economy will take the 12-week opportunity to respond and respond positively to the consultation. Perhaps we will find ideas over and above the options that the Minister has brought to the House today.

Does the Minister agree — I think that he will — that there is a weighty responsibility on all parties to build a fair and realistic consensus on the issue? It is an issue that will not go away, and it is central to education and to the welfare of this community.

3.30 pm

The Minister for Employment and Learning:

I thank the Member for his observations and for his point about the need for mature reflection from us all. That is what I attempted to do in my dealings with this complex issue. I appreciate that we could launch full-scale into this issue during the election campaign, but I know because of the abiding interest that most people have in the matter that there is a real desire to come together and bring forward a Northern Ireland-based solution that we can all accept and move forward on, even in the present difficult financial circumstances. That is

the approach that I as Minister will take. I hope that whoever will be Minister for Employment and Learning after the election will take a similar approach and that a similar tone will be adopted by all parties.

Mr Lyttle: I thank the Minister for his statement. I agree with my colleague Mr Robinson that finding funding for higher education is a significant challenge for the Assembly, not only on the grounds of social justice but on the grounds of economic development for the region.

I do not agree that the only way to maintain the current arrangement for higher education financing is to reduce other services or increase fees. I also do not agree that the options put forward in the paper are realistic in their entirety. The Minister said that in options 4 and 5 there is a shift in the burden from the public purse to the private individual. He did not see fit to note that in option 3, which recommends raising student fees to £4,500. Why did the Minister do that?

The Minister for Employment and Learning: I hope that the Member will study not only the Hansard report of the debate but the detail of the consultation document, which indicates that option 3 is just about affordable within the current expenditure envelope that was given. That is slightly different from options 4 and 5. I have tried to set that out fairly, in a non-partisan way and without indicating any preferred option. That is the basis of the document. When the Member gets an opportunity to study the consultation document, it will become clear why it is set out in that way.

Mr Weir: I thank the Minister for his statement. Members will have different views on the options and will find some unacceptable. I will ask a question on behalf of a group that is oft neglected and rarely mentioned in the House: middle-income families. Above all, people want financial certainty, particularly those who will be applying for university. The Minister mentioned a 12-week consultation period. What is the timescale for decisions to be taken? It is vital that that is done before people fill out prospectuses and look at their options this autumn.

The Minister for Employment and Learning: I am grateful to the Member for his question. He raises an important point. The 12-week consultation starts immediately and will run until almost the middle of June. At that point, whoever is the incumbent of the office that I currently have will

have to reflect on the consultation responses and prepare for decisions to be made and clarity and certainty to be given. The Member is absolutely right: clarity and certainty are required not only for students who are considering higher education as an option and their families but for universities as they publish their prospectuses. I imagine that, by late June or early July — certainly, I anticipate, before the new House rises for the summer recess — a decision that gives clarity, direction and purpose on the issue will be required.

Mr P Maskey: Go raibh maith agat, a LeasCheann Comhairle. Universities receive £200 million through public funding and £300 million through other avenues. Would it not be more appropriate for the universities and the Department to be more creative and raise more money through other avenues instead of taking the easy option by increasing student fees? I am not electioneering; it is about doing the right thing by students and by our constituents.

The Minister for Employment and Learning:

I hear the point that the Member makes. However, it would not be good public policy for me, as Minister for Employment and Learning, to effectively strip bare our world-class and internationally regarded universities. I do not see the logic of doing that at all.

Let me assure the Member that we have tested with some rigour the financial background of both our universities, and the present Budget settlement confirms that they have had to bear the brunt of the efficiency savings that I, as Minister, and my Department have brought forward. So, universities will not be given an easy ride.

We must remember that one of the prime reasons why the First Minister and deputy First Minister, who are currently en route to Washington, are able to promote Northern Ireland as a centre of excellence is the status of our universities. Therefore, we need to ensure that they have proper funding arrangements in place. The issue is finding the balance between affordability, widening participation and maintaining the status of those universities. That is the challenge for all of us — not just for Danny Kennedy, not just for my political party but for every party in the House and every party in the Executive.

Mr S Anderson: I thank the Minister for his statement. The Minister is consulting on this

important matter, and he has presented us with five options. I do not wish to pre-empt the outcome of that consultation, but, if it turns out that the majority of consultees are in favour of the option that abolishes fees, would his Department be in a position to adopt that approach? Is option 1 not really an option at all?

The Minister for Employment and Learning: The Member raises an important question. Option 1, if it is to be supported either politically or through the consultation process, is not a cost-free zone. In fact, it is a very expensive solution that will cost up to £120 million a year. In my view, it is, therefore, unrealistic to expect that outcome. I have also said that option 5 — the Browne option, which would increase fees to up to £9,000 a year — is, for Northern Ireland students and Northern Ireland families, an unrealistic expectation. I have not set out a preferred option. I genuinely want people to study the consultation document and make considered comments. However, I issue a health warning, particularly with regard to options 1 and 5.

Mr Gardiner: I thank the Minister for bringing his consolation — I mean, consultation — document before the House this afternoon. Does he accept that it is essential to Northern Ireland's economic and social well-being that the Assembly and the Executive secure sustainable funding for our first-rate universities?

The Minister for Employment and Learning: I am grateful to the Member for his consolation on the consultation.

I agree with the point that the Member makes, and I think that I indicated that in my statement. Northern Ireland's higher education sector makes an essential contribution to the economy and to wider society. Our higher education institutions are well respected and compare favourably with their counterparts throughout the world, and I believe that their success is critical to the performance of the local economy. Their activities support wider initiatives to attract inward investment and create high-quality, sustainable jobs. Therefore, it is imperative that the Assembly and the Executive find a way to ensure sustainable and fair funding arrangements for our universities.

Mr P Ramsey: I welcome the commencement of the consultation on student fees. It is a hugely challenging task, and, from the SDLP's perspective, we will find it difficult to decide on a course of action other than one that keeps fees

as they are. Fees will increase significantly in England, which will have an impact on students in Northern Ireland when they are deciding whether to go there. Furthermore, a cap exists in Northern Ireland, and we have the smallest higher education base per head of population in all these islands. That will be a barrier to widening access to education for a lot of young people because of the fear of debt and being unable to go to England and Wales. Therefore, does the Minister not believe that it is time to relax and raise the MaSN cap? We know about the high numbers of young people who have wanted to get into higher education over the years, but increasing numbers across Northern Ireland will want to get into it now. I say that to the Minister quite deliberately, knowing that, under the CSR, he and the previous Minister, Lord Empey, tabled the MaSN cap increase for Magee and the main campus of the University of Ulster. Does he not believe that it is time to relax the MaSN cap, given the high numbers of young people who want to go into higher education and will not have access to it unless the cap is relaxed?

The Minister for Employment and Learning: I am grateful to the Member for the point that he makes. In his unique and customary style, he brought it back to his own constituency, and I congratulate him on the ingenious way that he manages to do that every time.

I understand the point that the Member makes. He will know that there is another consultation in place in the form of the higher education strategy. It will examine the MaSN cap, which he referred to, and it will look at the flexibility of provision and greater part-time access.

As part of the development of the higher education strategy, we wish to explore whether, within the Budget settlement, there will be scope to expand the level of higher education in the north-west.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. The Minister has given us an unusually humble presentation of his views today, but is it not the case that every molecule of his political DNA is telling him that it is politically acceptable to have student fees and to raise those fees? If you approach an equation with that mindset and if you are in charge of the Department at the end of it, the outcome of the consultation will be an increase in student fees, regardless of what

the public consultation brings forward or tells the Department over the coming weeks.

3.45 pm

The Minister for Employment and Learning: I am slightly curious about the Member's unique powers to get right inside my mind. I will let him speak to my wife.

I thank the Member for the tribute of modesty that he afforded to me. What Danny Kennedy thinks, either as Minister or as a Member of the Assembly, is not that crucial. However, it is crucial that we set before us realistic options for the future funding of tuition fees and higher education. I simply want to honestly set before the House, the political parties, the wider public, including the many parents and students, and the leaders of our universities how we can move forward on a Northern Ireland-based common approach that is mature and will deal with the questions before us.

Mr McDevitt: I thank the Minister for his statement. I am sure that the Minister will accept that many thousands of families will read the statement and wonder whether there is a secret desire to opt for option 3 hidden in it. That is certainly my reading of it. Will the Minister confirm to the House whether he presented a preferred option to the Executive and whether that was option 3?

The Minister for Employment and Learning: I am grateful to the Member. One Member can get inside my head, and another can read between the lines of my statement. We have a very talented House.

I am not breaking Executive confidence by stating that my preferred position and that of my party is to maintain fees as they are. Unfortunately, due to the budgetary settlement, that is not the position that I find myself in, and, therefore, it would be irresponsible of me, following the outcome of the Budget debate and the confirmed budget for my Department, to continue to use that as a preferred option. I have not sought to do that today. I have sought to lay out, in fair proportion, the options available to the House — or the House as it will be in the next mandate of the Northern Ireland Assembly — and, presumably, the next Executive. Therefore, I want people to consider the statement on that basis and not on the basis that decisions have already been made.

Ms Lo: I thank the Minister for his comprehensive statement. I appreciate that he has a difficult job in trying to balance competing demands. Even though he said that there was little more money to be made from universities to help with funding, can we not think about giving universities more flexibility? For example, some degrees could be shortened from four years to three, and others from three years to two. For community development, some universities allow students to work throughout the summer to shorten their degree. That may help some students.

The Minister for Employment and Learning: I thank the Member for her initial comments and her question. Her point is slightly different to that of student tuition fees. It strikes more at the strategy, and, as I have outlined, work is under way on the future of higher education and how it operates in Northern Ireland. I, of course, encourage her, along with others, to contribute to the consultation. There may be ways to achieve a better working-out of the education systems in Northern Ireland. The Member's suggestion certainly merits some consideration, and I hope that she will take the opportunity to submit that to the consultation.

Mr Callaghan: Go raibh maith agat, a LeasCheann Comhairle. The Minister spoke favourably about option 3, which I think is the least that we can say. He said that that option, which brings with it a tuition fee burden of £4,500 per annum, would largely address the financial pressures associated with the Budget settlement. Does the Minister acknowledge the concerns of young people and their parents — they have been expressed to me and, I am sure, to other Members over recent weeks — that an option such as option 3 would place tremendous budgetary pressure on them as they set out on their life journey after finishing college, buying their first car, getting a deposit to buy their first home and starting a family. Will he assure the House that those very real budget pressures on young people and new families will be borne in mind when any decision is taken in the future?

The Minister for Employment and Learning: I am grateful to the Member for his question and the point that he made. I cannot identify one single option that is economically pain-free either for Departments and agencies connected with the Executive or for the House or for parents and students. There is no option here

that will not involve cost. Abolition would cost any future Executive £120 million per annum, which is money that they clearly do not have at the moment, so that is not cost-free. Nor is option 5 cost-free, given that it proposes to increase fees to up to £9,000. I just do not think that parents or, indeed, students in Northern Ireland could afford that.

The consultation document is a serious attempt to focus minds on difficult territory. I think that together we can reach some kind of consensus that delivers a Northern Ireland model that is based on ability to learn and not ability to pay, protects widening participation, keeps university education affordable and maintains the status of universities. That is the challenge for us all.

Mr McCallister: I welcome the Minister's statement. I am relieved that he, not Jonathan Bell, is the Minister.

The Minister outlined the high cost of abolishing fees at £120 million a year. Does he agree that the parties that propose that course of action have a duty to tell us how they would fund that?

The Minister for Employment and Learning: I agree with the Member's point. The challenge of finding £120 million a year would certainly be a significant one. I can think of horses that will be flogged at Cheltenham this week that would have a greater chance of finding that. If some individuals or parties want to adopt that stance, we will see the detail of it. I encourage everyone to read the consultation document, to look carefully at the options and to respond accordingly.

Executive Committee Business

Justice Bill: Final Stage

Mr Deputy Speaker: The Speaker ruled this morning on the arrangements that will apply to the Justice Bill. Members will know that the Final Stage will not go ahead today. However, I am still required to call the Minister of Justice.

The Minister of Justice (Mr Ford): Thank you very much, Mr Deputy Speaker. If I may beg your indulgence for a few moments, I wish to record my thanks to the Speaker and the officials in this place for their help in ensuring that the unfortunate addition of the clause introduced at the late stage of Further Consideration Stage and the problems that that created are now being addressed properly. On that basis, the Final Stage of the Justice Bill is not moved.

Motion not moved.

Private Members' Business

Autism Bill: Final Stage

Mr D Bradley: I beg to move

That the Autism Bill [NIA 2/10] do now pass.

Go raibh maith agat, a LeasCheann Comhairle. Tá an-áthas orm tús a chur leis an díospóireacht seo ar an Chéim Deiridh den Bhille Uathais. I dtús báire, ba mhaith liom moladh a thabhairt do mo iar-chomhghleacaí Seán Ó Fiaich, a bhí ina Chomhalta Tionóil don lúir agus Ard Mhacha. Ba é an chéad duine é a leag rún faoi bhráid an Tionóil ar an ábhar áirithe seo sa bhliain 2002.

I pay tribute to my former colleague the late John Fee, an SDLP MLA for Newry and Armagh, who was the first to introduce a motion on autism in the Assembly, back in 2002. I see today's debate as the culmination of the work begun by John Fee. I hope that his two young sons will at some stage in the future read the report of today's proceedings and feel proud of their father's role in the progress of the Bill.

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

The Bill as amended on 23 February 2011 and 7 March 2011 now consists of six clauses. The first clause is an amendment to schedule 1(4) to the Disability Discrimination Act 1995 (DDA) and inserts:

"(i) taking part in normal social interaction; or

(j) forming social relationships".

The clause was amended as recommended at Committee Stage, as it was believed that the terms "mental" and "physical" in the DDA were all-encompassing and any change might be restrictive rather than expansive.

The second amendment at Consideration Stage removed the original clause 3(5), which placed a duty on the Department to set out the steps it proposed to take to ensure that Northern Ireland Civil Service staff who dealt directly with the public in the course of their duties be given autism training. I was satisfied that clause 3(4), which places a duty on the Department to set out proposals for promoting an autism awareness campaign would obviously contain an element of staff training. It is my contention that the autism strategy outlined in detail in the Bill also implies an element of staff training. In that respect, I was happy to leave a certain degree of

flexibility to the Department. I also wish to avoid unnecessary duplication in the Bill. The level and extent of training will, therefore, be for the Department to decide, within the parameters of the prevalence of autism in the population of Northern Ireland.

On 7 March 2011, at Further Consideration Stage, the original clause 5 was removed, as it contained redundant references to Orders, and the remaining elements of the clause were included under clause 3, as subsections (6) and (7).

The main clauses, clauses 2 and 3, deal with the autism strategy, the role of the lead Department — the Department of Health, Social Services and Public Safety — and how the other Northern Ireland Departments relate to it. The strategy is a framework of development and allows the lead Department a certain degree of flexibility to fulfil the requirements of the Bill.

Other changes were, of course, made to the Bill before it came to the House, the main one being the removal of the office of autism commissioner.

It was removed in light of the current financial situation and replaced with an accountability requirement on the Department to report to the Assembly triennially.

4.00 pm

The Health Committee, of course, has the power to call departmental officials to give evidence on the strategy at any time. The strategy is not age specific and, therefore, covers the lifelong health, education and social needs of people with autism. It must also address the needs of families and carers and promote an autism awareness programme. It gives the Health Department the power to make regulations on the contents of the autism strategy.

In evidence to the Health Committee, some Departments said that legislation was not needed to devise an autism strategy. If that is the case, why has a strategy not been devised heretofore? There are the makings of an autism strategy in the Department of Education and an action plan in the Department of Health, Social Services and Public Safety, but where are the links between those? What about the other Departments? What have they done? If a cross-departmental autism strategy could have been established without legislation, surely one would exist. As we know, a strategy does not exist and,

in all likelihood, would not exist in the future without the Bill. We need an Autism Bill to make that happen.

Autism has been the Cinderella of disorders and is only now beginning to get the recognition and response that it requires. The Bill will give greater impetus to that response across a wider range of Departments. As we know, Departments do not like to act as one, but the Bill challenges them to do just that.

As well as having widespread support, the Bill has its detractors. Not least among those detractors are some Departments, which argued that the Bill would lead to a hierarchy of disabilities. That argument was made by the Department of Education and the Department of Health, Social Services and Public Safety, but their own actions rebut that argument. The Department of Education initiated a task force on autism, opened a centre of excellence for autism and is devising a strategy for autism. The Department of Health, Social Services and Public Safety (DHSSPS) devised an action plan on autism. It could be argued that those actions create a hierarchy of disability, but I do not believe that they do. The Bill is mainly about establishing a cross-departmental strategy. It does not seek to place autism above any other disorder or disability; it seeks only to ensure that people who have autism get the support and services to which they are entitled. Nothing in the Bill states anything other than that.

The Department of Education also argued that the Bill may conflict with SENDO (Special Educational Needs and Disability (Northern Ireland) Order 2005). As I said, the Bill is about devising a strategy for autism, which the Department of Education is already doing. Presumably, its strategy does not conflict with special needs legislation. The interdepartmental strategy that the Bill proposes will probably encompass the Department of Education's strategy. Therefore, it is not true to say that the Bill conflicts with special needs legislation. The Autism Bill's amendment to the Disability Discrimination Act is intended to emphasise the inclusion of autism spectrum disorder in that legislation by adding two autism-related daily descriptors to the existing list. Its only effect on special needs legislation will be to help to clarify the definition of a disabled person.

The Department of Health, Social Services and Public Safety argued against the Bill on the

grounds that it was not human rights compliant. At Second Stage, the Minister said that he would refer the Bill to the Office of the Attorney General and report back to the House. He has not yet done so, and he did not speak at Consideration Stage or Further Consideration Stage. I can conclude from that only that the Attorney General did not raise any objections. Indeed, why should he have done so, given that the Northern Ireland Human Rights Commission raised no such concerns in its evidence to the Health Committee?

The Bill provides for the establishment of a cross-departmental strategy. No Department, I am sure, will have in its contribution to that strategy anything that creates a hierarchy of disability or which is not human-rights compliant. Neither of those arguments against the Bill stand up to scrutiny, and both can be dismissed as groundless. They are merely the dying groans from silos that have been challenged to work in joined-up government.

In sharp contrast to the glass half-empty attitude adopted by some Departments, the Bill has already united the autism community as never before. The autistic spectrum disorder (ASD) voluntary sector in Northern Ireland was created by parents in reaction to the failure of government to provide information, training, support and services. The creation of the sector was a response to specific needs, which sometimes compete and overlap vigorously. Given that history, it is amazing that six out of seven ASD voluntary agencies have declared in favour of the Bill.

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

The Member knows that the Committee for Health, Social Services and Public Safety supports his Bill, but, to be fair to all concerned, I say that the autism groups were deeply divided on the issue. There were those autism groups that gave the Bill very strong support, those who were neither for nor against it, and those who were bitterly opposed to it. To be absolutely accurate, it is wrong to say that the Bill has united the autism community; it certainly has not.

Mr D Bradley: I thank the Chairperson of the Health Committee for his contribution, but I have with me a copy of the report on the Autism Bill, which, as you can see, Mr Deputy Speaker, is well thumbled. I have read through the evidence carefully, and, as I say, six out of seven of the

voluntary advocacy groups for autism are in favour of the Bill. Therefore, I contend that, to contradict the Chairperson of the Health Committee, the Bill has not split the autism community. On the contrary, it has largely united it.

I am aware that Autism Northern Ireland has successfully lobbied with the National Autistic Society at UK level, as well as with Parents' Education as Autism Therapists (PEAT), adding to the existing support from Autism Initiatives, the Centre for Early Autism Treatment (CEAT) and Special Provision for the Education of Autistic Children (SPEAC) to achieve a historic unity in the autism community on the legislation. I have with me some 15,000 signatures from across Northern Ireland, all representing a voice for equality for autism and a vote for recognition of a long-ignored and misrepresented disorder.

The autism community should be justly proud that its campaign for justice has garnered support and understanding from a range of organisations such as the Human Rights Commission and the Equality Commission, which are aware that the impact of the Bill will be to plug a gap in our current outdated understanding of disability by providing clarity and a position for autism in the forthcoming work of the Office of the First Minister and deputy First Minister (OFMDFM) on compliance with the United Nations Convention on the Rights of Persons with Disabilities. The Bill will provide firm foundations for future development year on year.

Families have learned not to expect overnight answers or solutions. However, the Bill brings autism in from the cold. The autism awareness campaign will increase public knowledge, understanding and tolerance of that invisible disability. The cross-departmental requirement to collect and share data will improve the potential to accurately project future need for planning of services and will help to reduce duplication, and, therefore, reduce costs. The cross-departmental strategy will minimise duplication at a time of fiscal restraint, while improving effectiveness through shared resources. The cross-departmental strategy will help to implement the new DDA recognition of autism, with which all Departments will have to comply anyway. The Bill, by implementing the new DDA recognition of autism, clarifies the definition of disability that is being used to make decisions on entitlement to benefits,

such as disability living allowance (DLA) and employment and support allowance (ESA).

Autism will no longer be assessed by the measures of another disability. By implementing the new DDA recognition of autism, the Bill will remove the IQ score of 70 as a barrier to the gateway to services. The Bill will remove discrimination against individuals with autism in respect of their limited access to services.

Autism must at last be understood and addressed as a full intellectual-range disability. For families and individuals with autism, the Bill will bring the era of official denial to a close. Affected families pay an emotional, physical and mental cost. That cost has been calculated and researched and forms the basis of the lobby for this Bill. By passing the Bill, we will shift that burden to government. It is time for government to calculate and plan holistically and realistically for future need. The time for sticking plaster fixes, with fragmented planning and short-term funding, is over.

The Assembly Research and Library Service document 'Improving Services for People with Autistic Spectrum Disorder' predicted the need for this legislation. As it remains the only truly independent document on the issue to date, I will conclude with an excerpt from it. "To circumvent this constraint", which is the silo mentality, legislation:

"may be a more direct method of providing departmental buy-in for improving services".

Molaim an Bille seo. Go raibh maith agat.

I commend the Bill to the House.

The Chairperson of the Committee for Health, Social Services and Public Safety: The Health Committee welcomes the Final Stage of the Bill and believes that it is a much needed step forward in supporting those who are affected by autism and ASD. Speaking on behalf of the Committee, I recognise and commend the commitment of those working in the voluntary sector, the health and social care sector, and other statutory agencies that have a role in treating individuals with autism and ASD and supporting families living with the condition.

Autistic spectrum disorder is a lifelong developmental condition that affects those who live with it in a number of different ways. Essentially, it affects the way in which a person communicates with and relates to other people.

The condition has a significant impact not only on individuals, but on families and carers. Bearing that impact in mind, it is vital that autism is addressed from a holistic perspective. In the past, autism has been primarily considered to be a health issue, but other Departments including those of Education, Employment and Learning, Social Development and Justice, also have a crucial role to play. The Bill legislates for a cross-departmental strategy on autism.

The Bill has been significantly improved and strengthened because of the amendments that the Health Committee persuaded its sponsor, Mr Bradley, to make. The Committee's detailed scrutiny led to its recommending that the sponsor make two amendments. I thank Mr Bradley for his co-operative approach and for taking on board the Committee's recommendations. I will recap briefly on the substance of the two amendments.

Originally, the Bill proposed to amend the definition of disability in the Disability Discrimination Act 1995 by making reference to a "physical, mental or social" communication impairment. However, when the Committee reviewed the evidence, it became clear that the term "physical or mental" impairment had intended to be all-encompassing when the DDA was introduced, and that to change that definition of disability could narrow the scope of people who fell within the protection of that Act. Mr Bradley concurred with the Committee's views and the Bill was amended accordingly.

The second amendment to the Bill related to the requirement for autism awareness training for civil servants who deal directly with the public. Concerns were expressed by stakeholders, including the Department of Health and the Department of Finance, that that would have a significant cost. Again, Mr Bradley took those concerns on board and was prepared to address the issue by leaving that clause out of the Bill.

The Committee notes the Final Stage of the Bill. I also want to clarify that these comments are those of the Committee, not my personal views.

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle. I declare an interest as a member of the all-party group on autism. On behalf of Sinn Féin, I welcome the Final Stage of the Autism Bill.

During the various stages of the Bill, we discussed at length autism, its effects and definition, and the impacts and effects that it has on those

who are on the autistic spectrum and their entire families. I am delighted that we have eventually arrived at the Bill's Final Stage.

4.15 pm

Since the Bill's First Stage, the proposed legislation has changed. What we are discussing today is a result of the Committee Stage and some amendments being put forward and being taken forward by the proposer. What we have now is an amended Bill. There were those who feared that the Bill, as originally drafted, would have diluted the Disability Discrimination Act 1995. We listened intently to those arguments, and I am delighted that the issue was resolved and that the Bill was amended accordingly. There was never any intention to weaken disability discrimination legislation. It is very important that we send out the message loud and clear to the public that there is absolutely no danger of the Bill having any kind of negative effect on the lives of those with a disability.

Some concerns were also raised around special educational needs provision and any impact that the Bill might have on that legislation. Special educational needs provision meets the needs of the child; it does not meet a definition. Therefore, we are absolutely sure that we are in no danger of having any kind of negative impact on special educational needs legislation.

What we have now is a Bill that creates a legislative framework to provide a cross-departmental strategy. What we have ongoing in the various Departments at present, especially around health, is the RASDN, which is the regional autistic spectrum disorder network. I commend that good work that is already going on and also the development of a strategy that has been started in the Department of Education. However, we also want to encompass the impact of the work that is done in the Department for Social Development (DSD) and the Department for Employment and Learning (DEL). The Bill merely creates a legislative framework that allows all of that work to be done under one umbrella and allows a very positive, much-needed cross-departmental approach for all those who live with autism and who are on the autistic spectrum.

I commend all the autism charities for their work and for their input into the Bill. I particularly put on record my thanks to Cecilia and Anne from the mid-Ulster branch, who made sure that I was kept abreast of all developments. I also put

on record my appreciation to Arlene Cassidy of Autism NI. She is recovering from surgery, but I see that she has hobbled along and has made it here to the Gallery for the Bill's Final Stage.

In conclusion, it is a good day for those who are on the autistic spectrum. It is a good day because the Assembly has sent out a clear message that we are interested in improving the lives of all those who live with a disability. The work does not finish here. We are at the Final Stage of the Bill today, but there is much work to be done in developing a strategy. We will have to get into more detail around what is in the strategy. We have that to look forward to in the term of the next Assembly. Go raibh maith agat.

Mr McCallister: My concerns, and those of the Ulster Unionist Party, about the legislation are well documented in various debates and throughout the Committee Stage. It is important to stress that whatever side various people have taken over this Bill, I am in no doubt about the commitment of everyone in the House to doing their very best for children, families and adults with autism. It is important to get that message out. There is a commitment from the Health Department, the current Health Minister, the Minister for Social Development and the Minister of Education to do what has been lacking for some time and start to work with people like Lord Maginnis and his group to see what can be put in place and what action plan can be implemented. It is important that there is a real commitment to face up to this subject and the debate. It looks likely that the House will pass the Bill. Without getting into the debate on that, there is a commitment in the House to do our very best for people and families who are on the spectrum. That is an important message to send out.

I certainly agree with Mr Wells's intervention, not as the Chairperson of the Committee but as a Member for South Down. When we took evidence in Committee, there were very clear divisions among autism groups about the Bill.

I certainly think that, when the Bill is passed — hopefully, in a number of minutes' time — there will be a duty to make sure that Mr Bradley and those who support him in Autism NI and PAL do all that they can to heal some of those divisions in the autism community and to ensure that the focus is on making this legislation work to meet everyone's needs.

Mr D Bradley: I thank the Member for giving way. He referred to certain divisions in the autism community. There may be divisions within that community, as there are in many communities. Does the Member not accept that those divisions existed before the Bill was even drafted?

Mr McCallister: I accept that, yes, there are divisions when it comes to how to move forward. However, the point that I make to Mr Bradley is that it is more important to realise that many of those divisions were even more starkly highlighted during the debate about the Bill. Now that the legislation looks certain to pass, there is a duty to try to move past that and to move such issues forward in a way that brings some of those groups in. We must work with everyone in the autism community to make the legislation effective and to help people to feel that they all have a part to play in it, so that the Bill lives up to the expectations on which it was perhaps sold to some people.

My reservations about the Bill and those of my party are well documented. However, to get a private Member's Bill passed by the Assembly is a difficult business. I congratulate Mr Bradley for guiding his Bill to Final Stage. To Autism NI and PAL, I say thank you.

Mr McCarthy: I welcome the Final Stage of the Autism Bill. As we come to the end of this mandate, let no one say that the Northern Ireland Assembly is useless, just a talking shop or an expensive luxury that sits on the hill at Ballymiscaw, Stormont. Today, that myth has been exposed. Today, we will agree legislation in Northern Ireland that will improve the lives of everyone, young and old, who has been diagnosed with autism. We have come a long way along a sometimes tortuous road to get to this Final Stage.

I and other Members have served on the all-party Assembly group on autism and worked with various voluntary autism groups with the aim of making the lives of people with autism better, as of right. We give our 100% support to families who care for people with autism. I have said previously that it is unfortunate that Northern Ireland is experiencing an increase in the incidence of autism among youngsters who will grow to become adults and seniors. The Assembly must accept what is happening and make the necessary arrangements to ensure that everyone with autism has exactly the same rights and expectations as everyone else.

Unfortunately, more often than not, people with autism and their parents or guardians have to fight for everything when it comes to healthcare, education, social development and so on. Why should that be? Like the rest of us, people with autism have normal everyday needs and ambitions. We need the Autism Bill so that there is a statutory requirement that everyone will receive their entitlement. It is outrageous that, at present, parents and guardians who have to do so much caring and watching must spend much of their valuable time getting what should be theirs as of right.

As was said, evidence presented in the all-party Assembly group on autism briefing paper overwhelmingly favoured progressing the Bill. As was also said, a petition of support signed by thousands of campaigners was presented to all political parties in Northern Ireland.

Indeed, the Northern Ireland Local Government Association (NILGA), and, as far as I am aware, all 26 councils, supported positive motions in favour of an Autism Bill. Most of the political parties signed up to support the Bill, and we are all grateful for that. Many families at the coalface of the autism spectrum also supported the Bill.

I thank all members of the all-party group on autism, and I pay tribute to our chairperson, Dominic Bradley, for his determination and hard work, particularly that which he did with Arlene Cassidy and the staff of Autism NI, in getting us to Final Stage. Although there is real work ahead, this is a vital first step. Families will need to know their rights under the law and the real impact that that will have.

The battle for the Bill was not won easily or overnight. It succeeded, despite massive ignorance and a reluctance to recognise the major problems for people with autism. The work to activate the potential for the new law will be just as vital, and I have no doubt that Autism Northern Ireland and others will once more be at the forefront of ensuring that people in Northern Ireland with autism, as well as their families, no longer get second-rate consideration.

In conclusion, all concerned are to be congratulated for their dedicated work in bringing this vital new legislation to Northern Ireland through the Assembly. I certainly support and welcome the Final Stage of the Autism Bill.

Mr Givan: On behalf of the DUP, I welcome the Final Stage of the Autism Bill, and I commend the Member for Newry and Mourne for the work that he has done to take us to this point. I am particularly pleased that my party has been able to support him in bringing the Bill to Final Stage. I also thank my party leader, Peter Robinson, who took an enthusiastic interest in ensuring that the legislation went through the Assembly.

When I replaced Jeffrey Donaldson, my maiden speech to the House contained the commitment that one of my main priorities would be to support those in our society who are disadvantaged, particularly those with a learning disability. Therefore, I have a particular sense of pride that the Assembly will be able to vote through this piece of legislation. Other Members indicated that the legislation will draw together a cross-departmental strategy to ensure that all Departments tackle the issue.

I previously gave the House one example from my experience. That example was the I CAN centre in Ballynahinch, which dealt with young people with speech and language difficulties. The unit was established and funded jointly by the Department of Health, Social Services and Public Safety and the Department of Education. That excellent facility ensured that both Departments worked collectively and in a co-ordinated fashion to address an issue for young people who had difficulties communicating with other people. Sadly, the funding did not continue, so the unit had to close. That was particularly regrettable and should not have happened. Had there been legislation relating to speech and learning difficulties such as that that we are now putting through for autism, I believe that the unit would not have closed. When I met the commissioners from the South Eastern Education and Library Board, parents came along and made a very cogent and emotional case as to why the existing expertise in the unit meant that it should be retained. However, funding was not found to do that. I know that the Health Minister was keen to ensure that his Department's funding would continue, and it was wrong that the facility had to close.

That unit is an example of how funding should be organised on a cross-departmental basis and of how, having initially established something that was very good and then not sustaining it, government should learn from experience.

For those who have autism, this legislation will go towards developing a strategy that will ensure that all the relevant Departments work together properly and help those who suffer from it.

4.30 pm

It is important that, in dealing with autism and other difficulties experienced by young people, early intervention and identification are always key. It is vital that the health professionals fully understand that. I recognise that it is a complex issue. I am certainly not a medical expert, and I could not be an authoritative guide on this issue. However, families have indicated to me that, at times, they feel that health professionals do not fully understand this very complex issue. At times, some interventions have not been appropriate and have caused harm rather than helped. It is vital that that support is put in place for those working not just in health but in education, so that they can identify this issue early on and make appropriate interventions.

That said, I want to commend those in the autism community who have taken this forward. They can take immense pride in having the Assembly pass this legislation. In my area, I thank the Lisburn branch of Autism NI, which has kept me informed of progress. I have received numerous letters about this. Indeed, when I have been out on the doorsteps, people have raised this issue with me, asked for my views and asked how I would vote on it. It is an issue that they have definitely brought to the public's attention, and we as political representatives have responded well to that. I commend the Autism Bill to the House, and my party will give it full support.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. Let me begin by apologising for missing the last couple of minutes of the debate. I was giving an interview on student fees.

Today is truly a historic day in the Assembly. Members must recognise the part that not only parents but professionals have played in getting the Bill to this point. It has been a battle. Political leaders over the past 10 years of the Assembly have said that there will be a battle a day up here. They did not necessarily mean that in the political context. It takes a battle a day to change the mindsets of some of the officials who have been involved in the Departments. We should give special mention to parents and

those involved in the sector. They have beavered and battled away and sometimes come up against more closed doors than they expected. Special mention needs to go to those in the Public Gallery who did that.

During my time in public office, I sat on Lisburn Borough Council for two terms. I came across a number of parents whose children had autism. They asked for no special treatment, only to be treated with respect and equality. They asked to be recognised within the health and education sectors, DSD, play and leisure, but they only asked for that treatment.

We need to recognise the work of the all-party group on autism, which Dominic Bradley chairs, in getting us to this point. There have been ups and downs. I sit on the Health Committee, which scrutinised the Bill. The maturity shown by the people involved not just in the Health Committee but in the all-party group, including Dominic, and in the work on this Bill has been second to none. We knew that, at certain points, there was a possibility of the House dividing on the Bill, and we came through that. I appreciate that some people still have difficulties with the legislation but will not push it or force a Division. That needs to be recognised, too.

All Departments have a role and a responsibility in this type of work, some more so than others. However, the message that parents and children want to hear is that all Departments are taking the issue seriously.

Michelle O'Neill mentioned to me before I was due to speak that, although we have now got to this point and not to put a damper on it, the work starts today. We have seen how easy it is to put legislation, strategies or commitments under a pile of paperwork. So, although we all commit to ensuring equal recognition for people who suffer from autism — whether from a young age or for those aged 16 to 19, 19 to 25 or older — we need to ensure that we keep an eye on this. We cannot leave here today and assume that somebody else will lift it and move on. The Assembly and individual Members in it can give that commitment.

When we mention individuals by name, we sometimes forget other people. So, while I commend the whole group involved in this, it is important to give special mention to Anne Marie, who has probably tortured me and Jennifer McCann more than anyone. One thing I like about being a political representative is

that, in general, people in our community and our constituency are not shy in coming forward. I am not saying that they are rude or ignorant, but they stop me in the street and approach me when I am doing my groceries and so on. Anne Marie is one of those people — she tortures you. She ensured that autism was the first thing on our mind morning, noon and night. Jennifer will probably say the same thing.

Other people have played their part too, and Sharon has tortured me on the social networking site. Fair play to her; she has probably tortured other people here too. Eileen Bell, in her former life as a political representative in this place, needs a special mention too. On top of that, Arlene, David and others should be mentioned because they ensured that autism was taken from people's front rooms and brought into the political arena. We need to ensure that, now that it is in the political arena, we make a change in people's front rooms. So, those are the good things.

I commend all the work that has been done. We need to ensure that the Departments have a joined-up and cross-departmental approach to autism, and, as I said, we should leave here today with a commitment to now take that ball and run with it and ensure that autism cuts across all strategies in all Departments. In ending, I will repeat: today is a truly historic day for families and children out there in the autism world.

Mr I McCrea: As I have said before, I am an unapologetic supporter of the Autism Bill. Words cannot express my delight in seeing the Bill reach Final Stage today. I welcome the fact that no one has stated that there will be a Division. That is a good thing. As the previous Member who spoke said, although some Members have reservations, there will be agreement across the House that the Bill is a good thing, and I look forward to it coming into play.

I have worked for some time with the autism group in my constituency, and you, Mr Deputy Speaker, will be more than aware of the ability of members of that group. I do not like to name people, but Cecilia O'Hagan has been very good at her job of lobbying and ensuring — through text messages, e-mails, direct phone calls or, indeed, when you meet her and others in the street — that the representatives of Mid Ulster are more than aware and are fully supportive

of every stage of the Bill. It is good that that is happening.

We all have a personal interest in certain issues in the House. However, anyone who has met or knows anyone who suffers from autism or ASD will know only too well that they have every right to get to this stage and to have a Bill in their name. I recall, not long after I was elected to the House, standing in the Long Gallery when the then First Minister, Dr Paisley, spoke to the Members present about the need for an Autism Bill. He hoped that such a Bill would be passed by the end of this mandate, and it is good that that will become a reality.

At the Bill's various stages, a lot of issues were rehearsed by people who supported it and people who did not support it on what they saw as its good and bad aspects. I do not wish to make a personal attack, but, in that vein, some comments were made by people who have been put in the position of representing autism on the regional autistic spectrum disorder network that gave many people concerns. Lord Maginnis made wrongful personal comments about people who support and are involved with Autism NI; those comments should be withdrawn and an apology given. I know from my dealings with anyone who is in Autism NI or, indeed, PAL that they acted with honour and showed 100% support for the need for an Autism Bill and for the needs of people who suffer from autism. I make no apology for comments that I have made about Lord Maginnis, and I ask him to withdraw his comments about some of the members of those groups.

I do not wish to rehearse a lot of what has been said. This is a good day for autism, and I am proud. I will not go as far as Mr McCarthy in praising all the good work of the Assembly, but a lot of good work has been done. I believe 100% that this is a very good day for autism, and I support the Bill.

Mr P Ramsey: Along with other Members, I am delighted and honoured to stand here to support the Final Stage and the passing of the Autism Bill. I welcome the fact that some of the families are present for the debate. As Kieran McCarthy rightly said, they want to see the benefit of the legislation in the big house that is Parliament Buildings. I pay particular tribute to all those families for their resilience, patience and determination in seeing this through over many decades. They include men and mothers

whose children have now become adults. I also pay particular tribute to my colleague Dominic Bradley for his determination alongside the all-party group on autism, which other Members mentioned.

The Bill is immensely important and is now at Final Stage. As Sue Ramsey rightly said, this is one historic day for so many families, carers and parents across Northern Ireland. Thank God, we are at this stage for them. I am so delighted at all Dominic Bradley's hard work, and he should be very proud of his achievement in getting the Bill to this stage. John McCallister got his Caravans Bill through, and that was the first private Member's Bill to be passed since around the 1940s. Dominic Bradley will be the first SDLP Member ever to have delivered a private Member's Bill. Well done to him.

Mr I McCrea: I agree 100% with the Member, but he will know that behind every good man is a good woman. Will the Member agree that, behind Mr Bradley as chairman of the all-party group on autism, he has had a number of good colleagues who have given him the support that he has needed?

Mr P Ramsey: I concur with that. I did mention Dominic Bradley and the all-party group on autism, and everyone has mentioned that group. There is no doubt that consensus was reached.

As John McCallister said, there was some resistance from the Department of Health, Social Services and Public Safety. Thank God that we wore it down, at the very least. It is very disappointing that the Minister of Health, Social Services and Public Safety is not in the Chamber. He has not been present during any of the legislative stages. I want to place on record my disappointment.

4.45 pm

The Bill is long overdue. We will now see the equality that so many people have sought for their loved ones enshrined in law. The long battle against complacency, lack of services and answers will soon be over. The often complex needs of autistic members of the community will be addressed in a way that should always have been the very least that the system provided. As other Members have said, a cross-departmental, universal approach has to be taken in the system to ensure that provisions are targeted on where they are badly needed on the ground.

Let me make it clear: the Bill is not the end, nor the beginning, nor even the beginning of the end of the fight to ensure that more vulnerable people are provided for in a way of which our entire society can be proud. I have sought to champion that during my entire political life. I will continue to do so if re-elected to the Assembly.

I want to refer, as other Members have done, to Autism Northern Ireland. That organisation does amazing work with all members of society who are on the autistic spectrum. It has provided and, I am sure, will continue to provide invaluable support to families and carers. It has been a driving force behind the Bill. In particular, I wish to name its chairperson, David Heatley, and Arlene Cassidy, whom other Members have mentioned. She is recovering at present. I hope that her health continues to improve. My office staff have met David on a number of occasions. I am sure that the families who are present will agree that his guidance, advice and enthusiasm have helped to grease the wheels of a sometimes arduous legislative process.

People from throughout Northern Ireland are present in the Public Gallery. They are most welcome. Many more would have been present. The reason why they are not here is that they are carers in their own right and have to look after their children and, sometimes, adults. If it were not for those challenges, many more people from my constituency in Derry would have been present. I thank the parents in Derry who came to my office, went through the Bill with me and made sure that I understood the complexity not only of the Bill but of trying to bring up a child with autism and the awfulness of trying to get through the system to ensure that that child gets effective early years treatment.

In particular, I want to mention Maire O'Kane from Derry, who contacted me today. She has always encouraged me to step up to the plate for autism in Derry. I want to thank her. She is extremely disappointed that she cannot be here. I am sure that she is watching the debate live.

I hope that, in coming months, Autism Northern Ireland's expertise and network of families will be at the forefront in assisting with the creation of the autism strategy. I know that that is the wish of many families here and throughout the region. It is the wish of many Members who have already contributed to the debate. It will be the responsibility of the Minister of Health,

Social Services and Public Safety, whoever he or she may be in the new mandate, to deliver that strategy and to ensure that parents are properly consulted on it.

Given the fiscal position on which the Executive go forward, it is also important to state that the Bill's provisions should be a high priority for all relevant Departments. Should the Assembly pass the Bill, Ministers and Departments cannot shirk their responsibilities simply by saying that money is the issue. We cannot and will not tolerate that. The aspirations of families who have waited for the Bill to be passed must be at the forefront of the considerations of those in the Civil Service who will help to create and implement an autism strategy.

As regards the Bill's content, it is vital that clause 3(5), which states that

"The Department may make regulations as regards the content of the autism strategy",

be taken on board by the Department in the spirit of the Bill and that the Department ensure that the torch handed to it by families is not taken in bad faith. I trust that officials in the Department will recognise the gravity of this issue and will fulfil their role in a professional and timely manner.

It has been a privilege to be involved in this process, albeit on the fringes, and to provide encouragement to Dominic when there were difficulties. The aspirations of families the length and breadth of this region will, I hope, be met by the implementation of this Bill across many Departments.

Finally, I understand that across Northern Ireland there are 30,000 people who have autism, but many of them do not get the support that they should. Hopefully, they will now get the support and provision that they need. This means that children and adults with autism will be able to reach their full potential. Again, early years intervention is so important. The proposals in what will be known, for ever and amen, as the Bradley Bill will remove the many important barriers and obstacles that exclude people with autism from services and provisions. The Bradley Bill will afford many autism sufferers, their families and carers the proper cross-departmental services that they have been denied for so long. The Bill will be a major step forward for people with autism, who have long suffered a service deficit in Northern Ireland.

Other Members have alluded to this, but people come to my constituency office seeking help and guidance. They want to know who they should talk to or who they should ring in the Health Department or the Education Department to get answers to their many queries. I have met so many families and carers who have been absolutely burnt out as a result of years and decades of caring for children and who suffer from stress and mental difficulties themselves due to the ongoing pressure. I am delighted to finish by saying that this Bill is so important for so many people across Northern Ireland, and I am delighted that an SDLP Member is behind it.

Mr Easton: I support the Bill and welcome its Final Stage. I reiterate what my party colleague said about my party's full support for this Bill as well as expressing my personal support for it. This Bill has been a long time coming, and I thank all those who lobbied on its behalf, especially the all-party autism group in the Assembly. I also thank Dominic Bradley for introducing this private Member's Bill. That is no mean feat. Well done to you, and I do not say that lightly, especially to the SDLP.

That wee issue aside, I thank Autism Northern Ireland, in particular David Heatley, who is a member of a model railway club in north Down, so he is not too far away from me. He is also a big fan of Facebook; he seems to be on it more than I am, and that is saying something. I also thank Arlene Cassidy for her support and advice and Eileen Bell, who is a constituent of mine and makes that fact well known.

Of all the legislation that the Assembly has passed, this Bill means most to me. It is the one that I will probably remember best from the past four years, and I hope that I have helped to play a small part in moving it forward. If anyone still has doubts about the Autism Bill, it may be worth refreshing a few Members' memories about some of the issues. Between 5,000 and 10,000 schoolchildren across Northern Ireland have autism. Some 30,000 adults and children have autism, and, every year in Northern Ireland, 300 children are born who will be diagnosed with ASD. The number of children with ASD has increased by 500% in the past seven years, and that is staggering.

Autism is not a rare disability; it is the fastest growing developmental disability. The number of individuals with autism now exceeds the combined number of those with Down's

syndrome, Parkinson's disease and multiple sclerosis. The prevalence rate that I mentioned reflects the previously accepted rate of 1:100, but the rate is now 1:50. If you have ASD and an IQ of 70, as an adult you are not entitled to any services.

Autism affects four times more males than females. Approximately 25% of people with ASD have a learning disability, and approximately 75% of people with ASD fall outside the DHSSPS programme of care model. Individuals with autism find transitions particularly distressing. Some 50% of parents with autistic children are on long-term medication; 65% report illnesses linked to caring; 80% of families report feeling overwhelmed and helpless; and 57% report acute anxiety and panic attacks. Furthermore, 90% of parents experience sleep difficulties, exhaustion and fatigue as a result of trying to deal with the issue; 70% of parents report feeling isolated in their home; and 85% report a lack of understanding from the community. Mothers of children with ASD show higher levels of stress than mothers of children with other disabilities.

Some 75% of adults with autism rely on their family for financial support, and 13% of adults with autism live independently. Ninety per cent of the public do not know how common autism is. Although 87% of the public have heard of autism, only 40% have heard of Asperger's syndrome. Sixty-two per cent of the public interviewed believe that people with autism have special abilities, such as in maths and art. If those are not reasons for an Autism Bill, I do not know what is.

Autism is not a physical or mental condition, as reflected by the amendment that the Bill makes to the Disability Discrimination Act, which, at present, does not cover those suffering from autism. The Bill will amend the definition of disability in the DDA to include social communication, which includes the inability to take part in normal social interaction or form social relationships.

The second aspect of the Bill requires the Department of Health, Social Services and Public Safety to publish an autism strategy within two years of the passing of the Bill. It also requires all Departments to have strategies in place. That will force Departments to work together, which is something that is sadly lacking at the moment. In fact, it is one of the

main reasons why I supported the Bill. To date, parents and sufferers have been sold a weak and incoherent strategy that has not put those in the sector in control of their future. They have been dictated to, not assisted. In my view, the Autism Bill, as I repeatedly told Mr Bradley, does not go far enough. However, it is a useful tool that will, hopefully, develop over time. I, therefore, welcome that aspect of the Bill, commend it to the House and hope that it can be progressed further in future.

Mr Girvan: The Bill has my personal support and that of my party. At the outset, I put on record a word of thanks to Dominic Bradley for introducing his private Member's Bill. I appreciate that the Bill came about through lobbying from support groups associated with autism. They must be congratulated on the way in which they pursued their goal, the reason for which is obvious: as the condition was not being recognised, they had identified a definite need.

I appreciate that the Department of Health, Social Services and Public Safety has a strategy to deal with autism, but it is not cross-departmental. That is part of the issue that had to be addressed. We need to go forward. It is good that, this afternoon, there is a sense of unanimity in the Chamber as we deal with a trying condition with which some families and carers have to live. The only way forward was the pursuance of the Bill.

I was not present at every evidence session, as I joined the Health Committee relatively late in the day. During those sessions, there was evidence of reluctance on the part of the Department of Health, Social Services and Public Safety to go down this route. It was imperative that the Committee viewed the issue objectively rather than looking at it in isolation.

Mr Easton: Does the Member agree that the Health Department tried every trick in the book to scupper the Bill?

5.00 pm

Mr Girvan: I agree. All sorts of human rights legislation aspects were thrown up, which were probably going to be in relation to the Disability Discrimination Act 1995, as obstacles to the Bill progressing to the next stage. I am happy that Mr Bradley and the support groups were willing to accept amendments to allow the Bill to progress. Rather than create division, it was important to get that forward.

There are other aspects that we need to consider, such as how the Bill will affect other Departments. I appreciate that the Department of Education works with children with autism and has put together programmes to deal with the issue. The Bill will only strengthen the support given to families that are affected.

I support the Bill, although I had a very small part to play in it. Many people whom I met in my time as an elected representative and councillor, and in my work for Dr McCrea, told me what they have to live with from a family point of view. They have been neglected because some Departments do not wish to recognise them. Now that we have the autism spectrum and all the conditions associated with it, they will have some protection under the law to ensure that they get care and provision.

Reference was made to the costs associated with the Bill; however, according to the explanatory and financial memorandum, costs are minimal. There will be training, but only some. It does not mean that every civil servant will have to be trained in how to deal with those with autism. People with autism speak of their frustration when accessing benefits only to find that those they are dealing with do not seem to want to recognise autism as a problem. That must end. There must be advocates able to deal with problems in those areas.

This has been a momentous day for the Northern Ireland Assembly. It has brought forward a piece of legislation that will help many families in this Province. I support the Bill and put on record my thanks to Dominic Bradley for introducing it.

Mr Callaghan: Go raibh maith agat, a LeasCheann Comhairle. As an Irish-language teacher, Mr Bradley will be aware of the terse maxim: *tús maith leath na hoibre* — a good start is half the work. That comes to my mind today in relation to the Bill.

Ba mhaith liom mo chomhghairdeas a dhéanamh le Dominic Ó Brollacháin agus le gach aon duine a ghlac páirt i gcúrsaí an Bhille.

I congratulate Dominic, the all-party autism group, the people from Autism NI — including Arlene, David and their colleagues — and the families and individuals around the North who have played a role in advocating this change in our law towards the Bradley Bill.

The Bill comprises two main legislative parts. The first is the broadening of the Disability Discrimination Act 1995 to give more people more assurance of protection in our anti-discrimination law; and, secondly, to deliver better co-ordination of services for people on the autistic spectrum through the statutory duty on Departments to co-operate and co-ordinate in devising and rolling out a strategy.

I would not often imagine myself quoting this individual in support of something that I was arguing for, but, in a previous debate, Lord Morrow talked about the need for more Ministers to have their heads knocked together so that they would work together. If he did not use that exact expression, he used words to that effect. We need more examples in the House of legislators and the community working together to deliver more joined-up outcomes, and the Bill is exactly that sort of example.

On a number of occasions, the phrase "hierarchy of disability" was bandied about in the Chamber, and, more particularly, in Committee, where witnesses who were mainly from those Departments with primary responsibility for dealing with people with autism used that phrase. I became a Member of the House and member of the Committee for Health, Social Services and Public Safety in November, and the one thing that has struck me, especially about this debate, is that I have never seen any evidence or heard any testimony to back up that assertion. Indeed, when people were challenged to substantiate that claim, they failed to produce any substantive evidence. Not only was it not proven but we had the ruse of people running to the Attorney General in an attempt to deflect or scupper the Bill and its objectives. Most, if not all, Members are pleased that that came to naught.

I cannot comprehend how realising the rights of a certain group of disabled people in our community would create a hierarchy of disability, and I think that most Members share that view. As Mr Bradley pointed out at the top of the debate, Departments have recognised that people with autism have particular and bespoke needs that must be addressed through tailored governmental actions. We saw that through the various task forces that have been created over the years, the various strategies that have been rolled out and the different centres that have been developed and all the rest.

When I reflect on some of the things that I heard during the deliberations on the Bill, not least in the Committee, I realise that there is a more worrying point. The disability law in this part of the island is based on the understanding that not all disabled people are the same. They need different protection in our law. That protection is dependent on their particular requirements and circumstances, and the whole legal principle of reasonable accommodation in the Disability Discrimination Act 1995 is founded on that understanding. When I think back to some of the testimony that was provided to the Health Committee, it strikes me as a little worrying that Committee members were lectured by civil servants about the creation of a hierarchy of disability. That is especially the case, given that those civil servants are responsible for upholding that law in its various guises. It seems to me that the Department of Health, Social Services and Public Safety and other Departments do not have proper institutional cognisance of what our disability law is about. If nothing else, I hope that the debates on the Bill in the Chamber and elsewhere will help to reinforce some of the principles that may have been forgotten or set to one side in the mindsets of some of our Departments. To that extent, I hope that we have brought a little bit of sense to sensory services here by providing an opportunity for better co-ordination and more joined-up thinking.

As Mr Bradley also pointed out at the start of the debate, the Bill will provide for the Disability Discrimination Act 1995 to be broader in its application here. Instead of creating a hierarchy, we will get rid of hurdles that are in the way of protection for those who need it. Therefore, we will remove barriers to better services.

From the point of view of the public purse, and from the point of view of the Assembly, which is charged with getting better value from how we spend the public pound, the Bill will deliver better and more joined-up services, which should result in better value for money for the House, government and the taxpayer, as well as providing a more appropriate spectrum of services for people on the ASD range.

With regard to the Civil Service again, something that strikes me when we talk about hierarchies of disability is that in some ways this Bill should never have had to come before the House. Since 1998 we have had a law, section 75 of the Northern Ireland Act 1998, that

charges Departments with a statutory duty to promote equality of opportunity for people with disabilities. If the various Departments, not just the Department of Health, had really stepped up to the mark in terms of the challenge laid down by that duty, people would not have felt the need to lobby for better and more appropriate services. Nor would they have felt that they were treated as though they were the first family that ever had an autistic child.

The story that I have had relayed to me over and over is that many families felt that they were waiting for a service to reinvent the wheel, as though no other child had ever had autism and no other parents or parent had ever had the stresses and strains that they had been through. Maybe all Ministers should reflect on the point about section 75. However, credit to Dominic and his colleagues on the group for stepping up to the challenge and filling that void in our law.

Obviously, not every Member is on the Health Committee, so they did not hear all the arguments and testimony put forward to us. One thing that struck me, particularly as a new Member, was the institutional resistance, particularly from the Department of Health but also from other Departments. The Department of Education was not very far behind it in wanting the Bill to go off the rails. Never have I seen so many grown men and women so terrified of three pages of legislation.

There is a bigger lesson here for the House, where it goes and how it interacts with the Civil Service in this region. I hope that civil servants, not just those who came before the Health Committee but other civil servants who appear before other Committees, draw some lessons from this experience. I hope that they consider more carefully what they say to a Committee, ponder more fully and comprehensively the position that a Department adopts, and bear more in mind the views and opinions of people out on the streets and roads of the North.

I also hope that they come to Committees with better arguments than some of those that were brought before us, stand up a little better to scrutiny and challenge, and stay engaged once they give their evidence. That goes right up the line to ministerial level. I concur with my colleague Mr Ramsey that it is disappointing that the Minister of Health has not seen fit to be here for the Final Stage. If he is not the Minister

of Health after the election, I very much hope that his successor sends out a firm message early on that he or she wants his or her officials to engage robustly and fully to fulfil the promise that the Bill holds for the strategy.

My experience of the testimony of public servants with regard to the Bill, and some of the written evidence presented, is that if they put in half the effort in implementing the Bill and the strategy that emanates from it as they did in conjuring up arguments against it then the people in the Public Gallery, those at home fortunate enough to watch the debate on the Internet or by some other means, and those who do not have that dubious privilege, will be well served by that capacity and energy being deployed in that way.

I concur with some of what was said by Members on the opposite Benches. In some ways, I would go as far as to say that, for autism services, today is the end of direct rule in this region. We said that we were going to do things differently and have devolution make a difference. The days when civil servants could provide a briefing to a Minister who flew in and out of here in a helicopter and perhaps did not have an awful lot of time or inclination to read up on the particular interests of people here are now over. People need to get accustomed to that new reality.

5.15 pm

It has been a very long road. After my short time on that journey, I express gratitude to and admiration for my colleagues on the Health Committee, who approached their task with diligence and determination. The Bill is one example of the naysayers who claim that nothing good can come from this place being proved wrong. We can work together and come up with good solutions when we set our minds to that task. Tá mé fíor-bhuíoch mo thacaíocht a thabhairt don Bhille seo, agus do Dominic, ina Chéim Deiridh sa Tionól inniu. Today is a day for celebration. Autism is no longer the Cinderella of the disability sector, and, tonight, it can go to the ball.

Mr G Robinson: I apologise for not being in the House for the beginning of the debate. I give my full support to the Autism Bill, and I am delighted to see it finally coming to fruition in the Assembly. I give my full support to the Committee and the sponsor of the Bill for their diligence and hard work in getting it to its

Final Stage. I say a sincere “well done” to all involved, and I mean “well done”.

Autism affects the way in which a person communicates with and relates to other people, and it is, I stress, a lifelong condition. It is a serious condition that has a significant impact not only on individuals but on their families and carers. It is therefore important that all of us in the Assembly give the Bill the support that it so richly deserves on behalf of all the sufferers.

The central and most important element that I fully support is the strategy to address autism. That is long overdue and will hopefully ensure that every individual sufferer gets the help that they so richly deserve. I also welcome that the Disability Discrimination Act 1995 will be clarified to resolve any vagueness as to whether the term “disability” applies to autistic spectrum conditions. Those two points will result in real and significant changes for the better for sufferers and their families.

Autism is a rapidly increasing neuro-developmental disability in modern society. The Assembly already knows that neurology services have been cut, so it was important that we ensured that autism got a fair deal in funding. I acknowledge that this is a difficult economic climate for all Departments but, with the Autism Bill, we are giving some of the most vulnerable in society proper protection and ensuring that there is a credible strategy to get each individual whatever help they richly deserve. That must be a welcome and positive change.

I accept that the Bill has not been unanimously welcomed across the board, as was mentioned by some of my colleagues, but I welcome the fact that moves are being made to address the distressing condition. Those are the reasons why I fully support this very worthwhile and much needed Bill.

Mrs D Kelly: As citizens, people need to feel connected to this place. They need to know that we, as elected representatives, are listening and responding to their needs. This Bill is proof of that.

I congratulate my colleague Dominic Bradley and the all-party Assembly group on autism on bringing the Bill to this stage. They could not have done so without the advocates and the assistance of the wider autism family and their supporters. I was a former member of the Committee for Health, Social Services and Public Safety and had the opportunity to

meet and listen to many of those individuals and groups as they raised their concerns and challenged us as elected representatives to create legislation and a framework for the care and treatment of people who suffer from autism.

I am sure that some Members will recall the film ‘Rain Man’. It was only after the release of that film that many people learnt about autism. I am sure that many Members here this afternoon are, like me, inundated with families and carers of children and young people with autism as they struggle against the establishment and the system. Although I acknowledge the role that many fathers have in championing and working for their children and young people, the caregivers are, predominantly, the mothers. They fight like lionesses for the protection, improvement and well-being of their young. I commend them all, and I hope that the legislation will go a long way towards easing their struggle as they seek out a better future for those for whom they care.

Mr Craig: Thank you, Mr Deputy Speaker. You will be pleased to hear that I am the last Member to speak on the subject. We are getting closer and closer to the Bill becoming law.

I want to speak not only about the Autism Bill but about those who suffer from autism and how important this day is for them. Although we can all promote our own self-importance as regards the issue, the Bill brings much-needed recognition for parents and, more importantly, to those who suffer from autism. It has been a struggle for decades for those individuals and their families to get some form of recognition for what their children are suffering from.

For many in the House, that journey began with the experience of individuals, and I am no different to many other Members in that respect. I wish to put on record the name of the individual who brought the subject of autism into my life, an important person called Jacqueline McGill, whose son William suffers from autism. Members may wonder why that individual is so important to me. She is a critical person in my life because she is my childminder. Without her, I would be in severe difficulties, especially in this type of employment. As you can understand, Mr Deputy Speaker, the hours are not exactly normal working hours.

Jacqueline’s son suffers from autism, and I used to hear my children talk about some of the issues that she had with her son. On many

occasions, I took the opportunity to speak to her about autism, and we had many a tearful conversation about the difficulties that she was having with education and getting proper treatment for her child. That led to me choosing autism as my charity when I was mayor of Lisburn five years ago, and one of my former council colleagues mentioned that issue. It is unfortunate that she was not there the year that autism was centre stage in Lisburn City Council.

That year was used to raise funds for Autism NI, and we were reasonably successful in doing so, as we raised almost £40,000 for the charity. I did not go as far as some people did in raising money. My colleague Michelle informed me that she climbed Ben Nevis to raise money for autism. I have to be honest, Mr Deputy Speaker: I did many a thing for the charity that year, but I did not climb a mountain.

Mrs Foster: Shame.

Mr Craig: Shame, indeed. I have no head for heights. Had I got up there, I probably would have rolled back down because of exhaustion.

However, more importantly, that year was used to raise the whole profile of autism in our society.

Mrs Foster: Does the Member agree that the advantages of the legislation, which I support — I congratulate Mr Bradley for bringing it to the Floor of the House — are that it raises the level of consciousness about autism and means that areas such as the one that I represent, which has the worst record for autism services, will have to now provide those services for children and young adults in need? That is and will be the real success of the legislation.

Mr Craig: I thank the Minister for raising those issues.

Mrs Foster: I was not speaking as Minister.

Mr Craig: She may be sitting on the Back Benches, but I will still call her “Minister”, and I agree with her on those issues.

We succeeded to a degree in raising the whole profile of autism at that time. I want to pay a personal tribute to individuals who play their part locally in the Lisburn branch of Autism NI. First and foremost, I pay tribute to Dr Claire Hughes, who was the chairperson at that stage, and to her assistant Anne Hayward, who is the current chairperson. They work diligently for families on a day-to-day basis. They assist other

families whose children have been diagnosed with autism and help them to get through the difficulties that they, too, had to fight. As both women know, even in my role as an elected representative, I referred a number of families to them so that they, too, could avail themselves of that help.

That leads me on to my role as a member of the all-party group that looked at bringing this legislation to the House. I pay tribute to all of those who took part in that group. I heard other Members referring to the ‘Bradley Bill’, but I take that with a pinch of salt. I agree that — there is no getting away from it — Dominic has played a predominant role in the development of the legislation. I thank him for that and for the work and effort that he has put in. However, many other members of that group also assisted. We all played our part in ensuring that the legislation got to where it is, and we need to pay tribute to all the members from all the parties who worked on that.

More importantly, I pay tribute to Arlene Cassidy from Autism NI for forcing that group forward. I have Arlene’s number on speed dial now, and I can recall several occasions when I actually thought that the phone was going to go into meltdown because the conversation was that long. That is what happens when someone gets involved in and becomes passionate about moving a cause forward. Arlene is passionate about this cause, and the very fact that she is here today even though she is ill and recovering from an illness speaks volumes about her passion.

5.30 pm

Other Members have referred to how Arlene as an individual was maligned by others. I ask other parties in the House to reflect on how some of their Members referred to that individual and to Autism NI. It did not help the debate and it did not move the cause of autism forward one inch. In many respects, it caused deep division within the autism sector, and it is regrettable that that happened.

Despite all that, and despite the cajoling that had to take place within certain Departments, today we have reached a goalpost. I suppose we all wondered whether we would ever get here before this Assembly finished. It is good for autism and, more importantly, good for autism sufferers and their families that we have reached this day. Eventually, we reached a day on which equality of treatment will be

recognised for those in Northern Ireland who suffer from autism. Equality is what the Bill is all about; it is about equal treatment for those who suffer from autism.

As an elected representative, I could never understand, and to this day cannot understand, why some Departments refused to recognise what is recognised elsewhere and what is as clear as the end of your nose, the suffering of children from autism. Today, we have reached the point where that excuse melts into the background, hopefully forever, in Northern Ireland. We have put on statute that autism is a recognised disability.

I thank all members of the all-party group on autism, and its chairman, for bringing this to the House and getting us to this stage. I commend the Bill.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. I begin by thanking all Members who took part in the debate today. It was a very positive debate. The Bill is the product of the work of many people throughout Northern Ireland; those with autism, their families and those who care for them. Many of those people have come in person to our constituency offices or through the advocacy groups that represent them to ask us for the type of provision that the Bill, hopefully, has the potential to deliver. I am confident that the Bill will deliver for them.

As Sue Ramsey said, today is the end of one phase of our work and the beginning of the next. If the electorate is well enough disposed towards us to return us to this House, it will be our duty to ensure that the measures in the Bill are fully and properly implemented and enacted.

I thank all those who helped bring the Bill to this stage. I thank the members of the all-party Assembly group on autism, some of whom Members heard speak very eloquently today: John McCallister, Ian McCrea, the deputy chairperson Michelle O'Neill, Kieran McCarthy, Jonathan Craig and Alex Easton. All members of the group believed passionately in ensuring that the services needed by people with autism, their families and their carers were provided for by the work of the Assembly. The group was explicitly established to advance the case for autism legislation. Today is testament to the work of the group during the mandate of this Assembly. Once again, I thank all Members.

I also thank the officials from the Bill Office, especially Eilis Haughey, who was always available to advise us on the formal aspects of legislation.

I thank in particular the autism charities in Northern Ireland, which very much encouraged us along the way; Autism Northern Ireland, the National Autistic Society, PEAT, CEAT and SPEAC. I especially thank Autism Northern Ireland; its chief executive, Arlene Cassidy; its adviser Eileen Bell; and its chairperson David Heatley. I also thank the Health Committee, which scrutinised the Bill and came forward with positive suggestions for amendments. The Bill is the result of positive collaboration between the voluntary and community sector and the Assembly. It is an example of what we, in the House, can achieve through positive co-operation.

The National Autistic Society launched its 'You Need To Know' document in the Long Gallery last week. It contains nine recommendations, one or two of which I will read out to give an example of the gaps in services:

"We recommend more training for educational professionals such as teachers and classroom assistants to enable them to implement strategies and create an ethos of understanding which will benefit children with autism. We recommend that the ASD strategy being developed by the Department of Education includes protocols to facilitate joint working between children and adolescent mental health services and schools. We recommend that the RASDN identifies a CAHMS work stream to reform the provision of mental health services for children with autism."

The document is an indication that the Bill is needed, that the strategy is needed, and that we need to continue this work.

I express my admiration for the work of the Department of Health and the Department of Education. We have the foundation of the strategy for which the Bill makes provision. We need those Departments' work to be linked, co-ordinated and joined by the work of other relevant Departments.

In commenting on the contributions to today's debate, I will try to include most Members who spoke. The Chairperson of the Health Committee was the first to speak. He outlined the Bill's progress through the Health Committee and detailed the amendments that it recommended. Michelle O'Neill, the

Deputy Chairperson of the Health Committee, emphasised the fact that the Bill will not have a negative impact on the rights of people with other disabilities or those with special needs.

Mr John McCallister said that he could not give his full support to the Bill at all times but said that he would not cause a division. He underlined the fact that there is a commitment from everyone in the House, from the Minister of Health, the Minister of Education and the Minister for Social Development, and from others to ensure that people with autism are well served by Government here. Kieran McCarthy referred to the Assembly's Research Services and the evidence that is overwhelmingly in favour of legislation.

Paul Givan welcomed the Bill on behalf of the DUP and underlined the need for early diagnosis and intervention. Sue Ramsey described this as a truly historic day. She said that it had been predicted that the Assembly would be a battle a day and that a battle is certainly needed to change mindsets in some Departments. Ian McCrea expressed his delight at seeing the Bill reach this stage and welcomed the fact that there would be no Division today.

Pat Ramsey welcomed the fact that the Bill had reached Final Stage and said that he was delighted and honoured at being present today. He said that the Bill was long overdue and he hoped that the loved ones of people with autism will have the equality that they have longed for.

Alex Easton, who has been one of the strongest supporters of the Bill, gave us a variety of statistics on autism. The current prevalence is one in 50, which equates to about 30,000 in the population. He said that he would have liked the Bill to go further: he wanted the creation of an autism commissioner's office to be included in the Bill and he regretted that that proposal had been removed. He expressed the hope that that provision could be accommodated in the future.

Paul Girvan mentioned the work of the advocacy groups. He praised the work of those involved in the Health Department's action plan, but said that it was not part of a cross-departmental approach, which was what was needed.

Pól Callaghan mentioned the Irish proverb, *tús maith leath na hoibre* — a good start is half the work. By that he meant that the stage that we have reached is possibly only the beginning and that further work is needed.

George Robinson spoke very strongly in support of the Bill, as did Dolores Kelly, who said that the Bill connects citizens to the Assembly and that she hoped that it augurs a better future for people with autism and their families and carers.

Jonathan Craig outlined his experience and said that the position of many of us on the Bill was arrived at through contact with individuals and by hearing first-hand stories from parents and carers of people with autism. Indeed, that is how I got to this point. I am sure that many Members will identify with the experience that Jonathan had with his constituent — his babysitter — who outlined for him the difficulties faced by people who have children with autism, such as accessing education services and getting a suitable intervention that works for their child. He also praised Michelle McIlveen for her mountaineering exploits on Ben Nevis. Although Michelle has climbed Ben Nevis, I suppose that many parents thought that they would have to climb Mount Everest to access the services that they needed for their children. We hope that that climb will not be necessary in the future.

Arlene Foster said that the Bill should help people to access the services that they need. I hope that that will be the case.

Once again, I thank all those who contributed to what has been a useful debate. I hope sincerely that the Autism Bill, and what it provides for, will be used by Departments in a positive way and that, in the next mandate, Members will work hard to ensure that the Bill is implemented and that the services that it promises are delivered effectively and efficiently to people who have autism and to their families and carers.

Question put and agreed to.

Resolved:

That the Autism Bill [NIA 2/10] do now pass.

Lord Morrow: On a point of order, Mr Deputy Speaker. During yesterday's questions in the Assembly to the Minister for Social Development, I tabled a question that was listed as question 12. We did not get to it, which was understandable. However, even today, I have not received an answer to that question. Standing Orders are explicit on what should be done in such an event.

Standing Order 20(9) states:

"Where –

(a) the member who submitted the question is not present to ask it; or

(b) the question is not reached in the time allocated for questions;

the Minister or member representing the Assembly Commission to whom the question is addressed shall give a written answer. This question and answer shall be published in the Official Report (Hansard)."

5.45 pm

At 5.45 pm the following day, I still have not got that answer. I would like to know why I have been singled out for this treatment. The question was straightforward:

"To ask the Minister for Social Development for an update on phase 1 of the public realm scheme for Dungannon town centre."

I am still waiting for an answer today, and I understand that the Minister is out of the country. I would like a ruling on that.

Mr Deputy Speaker: Thank you for that point of order, Lord Morrow. You are fully entitled to an answer under Standing Orders, and I will bring that to the attention of the Speaker. Hopefully, that will draw attention to the question and the Department will respond.

Adjourned at 5.46 pm.

Northern Ireland Assembly

Monday 21 March 2011

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

Members observed two minutes' silence.

Assembly Business

Mr McGlone: On a point of order, Mr Speaker. I have spoken to you one-on-one about this matter. During Question Time last Monday, the Minister for Regional Development, in response to questioning, placed on record some allegations regarding the role of members of the Public Accounts Committee. Those have since been proven to be inaccurate. I have provided you with a copy of a record of the minutes of that Public Accounts Committee meeting. Will you, in your role as Speaker, investigate those matters and, with the veracity of the minutes that have been provided to you, pursue the required course of action to rectify the inaccuracies that were presented to the House?

Mr Speaker: I thank the Member for his point of order this afternoon. I take very seriously things that are said in the House that are sometimes inaccurate. I also confirm that the Member has shown me the document to which he referred, and I confirm what he has said. He has put his concerns and views on the record. I will certainly write on behalf of the whole House to the Minister and try to confirm as far as possible the accuracies or inaccuracies of what he said.

Lord Morrow: On a point of order, Mr Speaker. At the last sitting of the Assembly, namely Tuesday of last week, I raised a point of order at the close of business. The Deputy Speaker was in the Chair, and he was to refer the issue to your office. It related to a matter of a considerably serious nature. I had a question listed as oral question 11. The Minister did not get to number 11, which is understandable. The normal practice, according to procedures, is that the answer is placed in the Member's pigeonhole immediately following Question Time. The Minister for Social Development failed to do that.

The case gets infinitely more serious because I then discovered that another Member was in a position to issue a statement, dated 15 March, containing full details of the issue. Not only did he issue a statement, but he got his photograph taken to ensure that everybody fully understood. He then went to another paper and gave the statement again. This is a very serious matter, and it seems that some Members are more equal than others. Indeed, some Members are treated with utter contempt. That is not acceptable.

We have also been provided with a very lame excuse for why I did not get a reply, namely that my answer was delivered by courier on Wednesday. Why would you engage a courier to deliver something when you are sitting across the Chamber from the person who requires it? Why would you not deliver it then?

Mr Speaker, this is most serious, and I would like you to make a ruling on the matter. I will not tell you what should be done. I think that I know what should be done, but I will wait for your ruling. It is despicable and beyond comprehension that a Minister should treat another Member in such a way. Either he is totally inefficient or his Department is, or maybe it is a combination of both. He seems to be quite efficient at delivering messages to his own Members. Is that how the House will be run in the future, or will we treat everybody as equals?

Mr Speaker: I am conscious that the Member raised the issue at the end of last Tuesday's sitting. I am deeply concerned that it took the Minister until the end of last week to let the Member have an answer that should have been issued immediately after Question Time last Monday. That is normal procedure in the House. I assure Lord Morrow and the House that I intend to write to the Minister to express my deep concern about the issue. It is totally and absolutely wrong. Usually, if a Minister does not

get to a particular question, he issues a written answer immediately after Question Time, and that is put in pigeonholes. On this issue, I agree with Lord Morrow: it is a serious issue about which the whole House should be concerned.

Lord Morrow: Further to that point of order, Mr Speaker, normally, if a Member is named in the House, he or she is suspended from the House. Does the Minister merit suspension from the House?

Mr Speaker: Let me look into the issue. As Lord Morrow will know, because he is Chairperson of the Committee on Procedures, these are complex issues. In addition, as I said to Lord Morrow this morning because I knew that he was deeply concerned about the way in which the matter was handled, Standing Orders are silent on the Speaker's authority on some issues. I raise that point continually with members of the Committee on Procedures.

Petition of Concern: Planning Bill

Mr Speaker: I advise Members that on Friday 18 March a valid petition of concern was presented in relation to an amendment published for today's Further Consideration Stage of the Planning Bill. Amendment No 2, which is in the first group of amendments, is to do with planning control. The vote will be on a cross-community basis, and it may take place today.

Local Government Finance Bill: Royal Assent

Transport Bill: Royal Assent

Caravans Bill: Royal Assent

Mr Speaker: I inform Members that the Local Government Finance Bill and the Transport Bill have received Royal Assent. I am also pleased to inform the House that the Caravans Bill has received Royal Assent.

Some Members: Hear, hear.

Mr Speaker: Order. The Local Government Finance Act (Northern Ireland) 2011 and the Transport Act (Northern Ireland) 2011 became law on 16 March. The Caravans Act (Northern Ireland) 2011 also became law on 16 March, and I know that the whole House will want to join me in offering congratulations to John McCallister on having the first private Member's Bill to be enacted here in 80 years. I want to say a personal word of thanks to John McCallister.

Suspension of Standing Orders

Mr P Ramsey: I beg to move

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

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

Question put and agreed to.

Resolved (with cross-community support):

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

Mr Speaker: I am satisfied that cross-community support has been demonstrated. The motion has been agreed, so today's sitting may go beyond 7.00 pm, if required.

Ministerial Statement

Northern Health and Social Care Trust: Clostridium Difficile

Mr 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 about the public inquiry into the outbreak of clostridium difficile in Northern Health and Social Care Trust hospitals. The inquiry has concluded its investigation and is publishing its report today.

At the outset, I apologise to all those affected, and I offer my sincere sympathies to the families who lost loved ones during this outbreak. There is no doubt that this O27 strain of clostridium difficile was extremely virulent and caused a great deal of pain and distress to all those affected. The outbreak was the first time that the O27 strain was seen in Northern Ireland.

The Assembly voted in favour of a public inquiry in March 2008. However, I made it clear that I was minded to commission a public inquiry. I first wanted to focus on the Regulation and Quality Improvement Authority's (RQIA) independent review of the outbreak. In October 2008, I made a statement to the Assembly about the conclusion of the RQIA review. I also advised Members that I had decided to commission a public inquiry, and I set out the two tasks that were to be undertaken.

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

The first task was to give an independent, rigorous account of how many people died as a result of the outbreak, and the second was to listen to the people who were affected by the outbreak and to let their voices be heard. We owe it to them to pay attention to their stories, to learn whatever lessons we need to from their experiences and to act on them.

Dame Deirdre Hine was appointed to chair the inquiry, and the other panel members were Professor Robert Stout, Dr Jocelyn Cornwell and Eleanor Hayes. The inquiry's terms of reference were to establish how many deaths occurred in Northern Health and Social Care Trust hospitals during the outbreak for which clostridium difficile was the underlying cause of death or a condition

contributing to death; to examine and report on the experiences of patients and others who were affected directly by the outbreak; and to make recommendations accordingly. The chairperson of the inquiry advised me that she wished to include staff in the Northern Trust as part of the second term of reference, and I endorsed that approach. On the basis of the RQIA's findings, I asked the inquiry to examine the period from 16 June 2007 to 31 August 2008.

In going about its work, the inquiry has not sought to apportion blame. Rather, it has focused on establishing facts, on hearing people's stories and on identifying whatever needed to be learned. That is what I wanted the inquiry to do.

During the past 23 months, the inquiry met in private 30 times, undertook a familiarisation visit to each of the five hospitals involved, held 20 informal meetings with persons directly affected by the outbreak and held public oral hearings over 14 days in October 2010. The inquiry received 73 completed questionnaires, 50 letters, 113 written statements and a total of 1,055 documents, including reports of similar outbreaks elsewhere in the UK. The report will be publicly available on the inquiry's website from 12.00 noon today.

The core participants in the inquiry, mostly former patients and relatives, have been given an opportunity to read the report before publication. The inquiry panel has made 12 recommendations. Of those, nine are for the trust and three are for the Department. The recommendations cover aspects such as communication with patients and families; dealing with complaints and feedback; providing information to patients and relatives; governance arrangements for patient safety; quality of care and record-keeping; the use of single rooms and sensitivity around the isolation of patients; end-of-life care; death certification; annual reviews of the trust's outbreak control plan; staff training; making full use of the advice of the trust's infection prevention and control staff; a review of A&E departments to examine their suitability for receiving patients with clostridium difficile; a review of the regional guidance on outbreak control plans; and recognising the additional risk that arises at times of organisational change. I accept each of the inquiry panel's recommendations.

12.15 pm

A team of expert reviewers carried out a detailed independent review of the medical case notes of all the patients who died. A total of 124 clinical records were examined, and the reviewers concluded that there were 31 deaths during the outbreak for which clostridium difficile infection was the underlying or contributing cause. Of the 31 deaths, clostridium difficile was the underlying cause in 15 deaths and a contributory cause in 16 deaths. The findings and conclusions presented by the expert group have been accepted in their entirety by the inquiry panel. I also fully accept those findings.

The inquiry report includes a number of positive comments that show that high-quality care was provided in many instances and in many wards. However, it is clear that, in some areas, things happened that fell short of the standard of care that people have a right to expect. Among the recommendations is the need for the Northern Trust to improve how it communicates with patients and their relatives. The trust board, too, has a key role to play in listening to patients' complaints and taking action where appropriate. Patients and relatives have the right to understand what is happening and to know how their concerns are being dealt with at all times.

The outbreak happened shortly after the health and social care services had undergone major reorganisation. As a relatively new body, the Northern Trust did not have sufficient time to bed down all its governance arrangements and to ensure that there were robust lines of communication. In situations such as that, there are clearly risks for all HSC organisations when it comes to responding to crisis situations. My Department fully recognises that that is an issue, and it will ensure that it is addressed.

The core of the matter is that every patient should be treated with respect, dignity and compassion. Our health and social care service treats and cares for hundreds of thousands of people every year, and, in the vast majority of cases, that care is of a high standard. Unfortunately, patients sometimes do not get the care that they are entitled to expect. It is clear that, at the height of the outbreak, public confidence in the health and social care service was shaken to the point where some people were worried about going into hospital because of fears that they might contract an infection. That is not acceptable.

I have made significant investments to drive down rates of healthcare-associated infections such as clostridium difficile and MRSA. As a result, clostridium difficile levels in our hospitals have halved over the past few years and are now at their lowest level since formal monitoring began. All trusts are fully aware of the need to ensure that there is a culture of zero tolerance of infections. The report has emphasised that this is not about dirty hospitals. The fact is that we will never be able to eradicate clostridium difficile, but that does mean that we should not take every step possible to prevent it.

I want to assure the public that they can have confidence in the quality and safety of care in all our healthcare facilities. It is important that that message is heard and that politicians and the media are careful not to cause unnecessary anxiety. In its report, the inquiry panel has appealed for more responsible media reporting, and I hope that the media heed that appeal. As I have suggested, our focus has to be on everyone who suffered during the outbreak, particularly those who died and their families.

In closing, I want to say a few words about the trust. It is vital now that the Northern Trust is able to continue to improve services and continue to restore the confidence of the community it serves. I want to thank Dame Deirdre Hine and her fellow panel members for carrying out the inquiry in such a sensitive and professional way. I also want to commend the inquiry team on its careful stewardship of public funds. Finally, I want to thank everyone who gave evidence to the inquiry. For many witnesses, that will have been very distressing, but it is their contributions that have given the inquiry its value and power.

Although the inquiry has addressed recommendations to the Northern Trust, at the panel's suggestion I will require all the health and social care trusts to carefully consider the implications for their own services and to ensure that they implement them. I will also share the report with Health Ministers in other UK jurisdictions. More immediately, I am meeting the chairperson and chief executive of the Northern Trust this week to set a timetable for implementing the recommendations swiftly. I want to assure the public that they will be implemented and that all lessons will be learned.

The Chairperson of the Committee for Health, Social Services and Public Safety (Mr Wells):
This whole issue was terribly difficult for the

relatives of those who passed away, for those who survived the outbreak and for the staff who had to deal with the crisis. A criticism of the Northern Trust was that there was a delay between it becoming apparent that there was a clostridium difficile outbreak and that being made public. Does the report of the inquiry give any explanation for that delay? We all hope and pray that this situation will never arise again, but can the Minister assure the House that, if it does, the public will be informed rapidly that there has been a further outbreak?

The Minister of Health, Social Services and Public Safety: Indeed, that points to one of the main recommendations of the public inquiry, which is around communications. The trust was deficient in communication, and that is to be regretted. One of the key recommendations that we will take forward involves communicating with patients and families, dealing with complaints and feedback and providing information. It is important that the general public get that information, and we will ensure that that recommendation is implemented, because it is clear that that did not happen in every case. It was a particularly difficult situation for patients and their relatives and, indeed, for staff, as Mr Wells pointed out. One of the best ways of addressing such situations is to have full sharing of information.

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle. I welcome the conclusion of the inquiry, and I put it on record that our thoughts and prayers are with all those who lost their life as a result of clostridium difficile.

The Minister said that levels of clostridium difficile were at their lowest since formal monitoring began. Can he confirm that the Northern Trust is at similar levels to other trusts and is not still experiencing higher levels? Can he confirm that the inquiry panel looked at the fact that some wards had higher levels of clostridium difficile than others? Was that identified by the inquiry?

The Minister of Health, Social Services and Public Safety: The inquiry focused not on particular wards but on a whole system. It was a running battle, as it were. Clostridium difficile was reduced in one hospital and, when they thought that they had got over the top, it flared up in another. That is why the focus was on the five hospitals of the Northern Trust.

I have set stringent targets. I confirm that clostridium difficile is down by 54% from 2008-09. I have asked for a further 18% reduction over the past year. Other trusts are on target. The Northern Trust got somewhat offline in meeting that target and, as I understand it, is now back online. When I meet the chairperson and chief executive this week, I will make the point that they must hit those types of target, not least for the confidence of the general public. The number of instances at the Northern Trust is dramatically reduced, but there is always more work to be done.

Mr McCallister: I associate myself and my party with the Minister's opening words of sympathy to the families caught up in this dreadful outbreak. Does the Minister agree that this has been the correct way to proceed and that incidences are greatly reduced? Does he agree that it was right and proper to do the RQIA report before moving to the public inquiry and that all the lessons, both from the RQIA report and the public inquiry, have been learnt and will be implemented as speedily as possible?

The Minister of Health, Social Services and Public Safety: Yes, I give the undertaking that all the public inquiry's recommendations, three of which relate to the Department and nine to the trust, have been accepted and will be implemented. That will be shared across Northern Ireland. The RQIA has also played an important part. Its recommendations helped to inform measures and actions that I announced to address the issue, such as hand hygiene campaigns, unannounced inspections, the need to change and rigidly control visitor policy, changes in culture and the ward sisters' charter. All that has been informed by the need to ensure that infection control and patient safety is very much kept to the forefront.

Mr Gallagher: It is clear from the Minister's statement that a litany of failures took place with regard to clinical care, communication and dealing with complaints. Does the Minister agree that it is not enough to simply confine that to the Northern Trust, when there are examples of those failures in other trusts? Will he assure us that he will meet all trusts? With regard to the 31 tragic cases, how many of those individuals' families now pursue legal cases or have referred their cases to the ombudsman?

The Minister of Health, Social Services and Public Safety: I do not know the answer to the second of the Member's questions. He asked how many of the families were taking legal cases or had referred their case to the ombudsman. That is, of course, every individual's right. The families can do that if they are so minded.

As far as the litany of failures is concerned, we openly admitted that that was the reason for the public inquiry: to look at omissions and learn lessons. The RQIA review was very much about helping us to end the outbreak. That was its focus and properly so. However, we are also about learning lessons. As I said, all the recommendations have been accepted and will be widely shared throughout all trusts.

Good progress has been made in the battle against such infections. However, it is important to remember that clostridium difficile will never be eradicated. It is present in 5% of the population. In the over-65 age group, clostridium difficile occurs at a rate of around 30%. Therefore, it will not be eradicated. However, we must learn lessons about how quickly it spreads. The fact is that type 027 is a particularly virulent strain, which was never seen in Northern Ireland before. It is very contagious. It presented a huge challenge to staff and was distressing for them as well as being hugely distressing for patients and their families.

Mr McCarthy: I thank the Minister for his statement on this serious subject. I join others by offering the sincere sympathies of the Alliance Party to all families who suffered the loss of a loved one from that infection.

As regards communications, what lessons have been learnt about open, honest and early dialogue? Will that be given to patients and their relatives? Has the Minister or the trust put in place any supervisory role in hospitals to ensure that cleanliness is absolutely paramount?

The Minister of Health, Social Services and Public Safety: There is that type of supervisory role in each of the trust's hospitals. I want to make the point, which is also made by the inquiry panel, as the Member will see when he reads the report: the problem was not dirty hospitals. That was one strapline that prevailed at the time. The only substance that will kill type 027 is bleach. Therefore, it is an extremely resistant strain. It is also highly contagious. Although cleaning is important, particularly as

far as patient confidence is concerned, it is about much more than that. That is not the sole weapon that can be employed.

That is why I have announced a number of measures through the Changing the Culture strategy and several further strategies relating to the issue.

I am sorry, but I have forgotten what Mr McCarthy's first point was.

12.30 pm

Mr McCarthy: I asked about communication.

The Minister of Health, Social Services and Public Safety: A key recommendation of the public inquiry, and one that will be taken on board, relates to communication. Patients have the right to know about and to receive full communication on their condition, prospects and prognosis, as do their families. Doctors, nurses and other medical staff in the trusts recognise that, and they will ensure that they act on the duty to make sure that patients fully understand their situations and are fully informed of them.

Mr Girvan: I, too, put on record my sincere sympathies to the families and loved ones of those who lost their lives to this infection. I hope and pray that we do not come back to the House to talk about the issue in the near future.

It seems that communication is being focused on greatly. What is the mechanism for informing families? I am aware of families who were told that their relative had contracted and was suffering from clostridium difficile by somebody who thought that they already knew. What line of reporting has been put in place? It should not be the case that it is up to a junior member of staff to mention it in a by-the-way manner and for the family to be taken aback. That problem was identified, and it was one of the key issues brought up by a number of those affected at the 30 meetings held during the inquiry process. What mechanism has been put in place to ensure that there is a proper procedure for informing the families and that it will be done formally?

The Minister of Health, Social Services and Public Safety: Communication, as we repeatedly say, is a key area in making advances. The responsibility for that will not fall to one junior member, but will go to board level. There will be executive/director responsibility for ensuring that patients are properly informed

and that their condition, prognosis, and so on are communicated. I cannot yet detail the specific actions that will flow from that key recommendation, but I will do so in due course. The recommendations have come through, but a lot of work has to be done, and we must make absolutely sure that we comply in full with the recommendations of the public inquiry.

Mr McLaughlin: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. The Minister will recall that I raised this issue with him on a number of occasions and pressed the case for a public inquiry, as my constituency lies within the Northern Trust area. I welcome the fact that he will meet the most senior officials of the Northern Trust board this week. In his statement, he said that the Northern Trust must:

“continue to improve services and continue to restore the confidence of the community it serves.”

Will the Minister confirm that, despite the improvements, the Northern Trust continues to experience the highest levels of clostridium difficile across all of the trust areas?

The Minister of Health, Social Services and Public Safety: As we learn lessons through the recommendations, there will be a strong focus on the Northern Trust, because it was there that the outbreak occurred. We can gain confidence from the big reduction in the rates of clostridium difficile, not only in Northern Ireland, but in the Northern Trust. The Northern Trust has made great progress. In 2007-08, there were 297 cases of clostridium difficile, and that reduced to 102 in 2009-2010. As Members can see, there was a major reduction.

There is more work to be done. We have targets. The Northern Trust went off-target a bit recently, but I believe it is now back on target. It is about keeping the pressure on. I do not want to compare trusts, but the rate is not abnormal when compared to that in other trusts. In 2007-08, the total in Northern Ireland was 1,019 episodes; and that was down to 471 episodes in 2009-2010. That is about the efforts that were put in, but this is about constant vigilance. It is a constant and continual battle.

Mr Gardiner: I thank the Minister for his statement and I am reassured that he has taken every possible measure to rectify any areas identified as having room for improvement. The Minister rightly identified the need for increased

use of single isolation units. In the Minister's opinion, does the budget that he was recently allocated allow for such essential measures?

The Minister of Health, Social Services and Public Safety: The Member will be aware of my issues around that, and I will be saying more about the capital issues very shortly. Many of our hospitals are 50 years old, many of our mental health hospitals are 100 years old, and all require investment. That investment has been absent, by and large, over the past 40 years. One of the key things missing is the availability of single rooms with en suite facilities. One of the glaring shortages that we had in, for example, Antrim Area Hospital, was the ability to isolate, both in the A&E — I am looking to address that, and will say something about it in due course — and in treating patients.

If you look at Enniskillen hospital — and I encourage everybody to go and look at it, as that is what a hospital should look like today — and then go and look at other hospitals, you will see the glaring differences. It is about the staff delivering the best care they can, but it has got to be in the environment that allows that to happen. Although clostridium difficile has always been in the population, O27 is something altogether new and requires a variety of approaches. One of the key approaches is isolation and single rooms with en suite facilities.

Mr Dallat: I also thank the Minister for his statement. I am reflecting on that terrible time when people did not know what was happening and when there was great fear instilled in the community about going into the hospital. Is the Minister satisfied that the report will allay those fears, given that no heads rolled, no one was disciplined and no one was named? Was the £2 million spent on the report good value for money, given that we must ensure that the public are totally content to go into hospital without fear of what happened, not just to the people who lost their lives, but to the many hundreds who were affected and survived, but not without great pain and suffering?

The Minister of Health, Social Services and Public Safety: There was a great deal of misinformation going about at the time, and a lot of scaremongering about dirty hospitals not being looked after or kept clean. There were incidents of our staff being abused in local shops and hiding the fact that they worked in

places such as Antrim Area Hospital. You talk about who is to blame. I will tell you who is to blame; clostridium difficile is to blame.

The 027 strain arrived in the Northern Trust area. Who brought it in? How did it arrive in? Did it come in from a patient from outside in the community or did it develop within a hospital? I do not suppose that we will ever know, but there are a number of measures required. It is about things such as antibiotic prescribing, for example, which can cause it. It is also highly contagious; it travels, and is very difficult to kill. There are a number of steps that we have taken. Although we had an outbreak in the Northern Trust area, it could have happened in any hospitals or trust areas in Northern Ireland.

As I said, it was like a running battle or a war, and as the disease was contained in one hospital or facility, and the trust thought that it had turned a corner, it arose in another hospital. That was due to patients being moved around, and we estimate that approximately 30% of the clostridium difficile cases came from the community, with the rest being due to the spreading of contagion throughout the units. The public inquiry was about learning the lessons. The first task was to end the outbreak, the second was to learn the lessons, and that is what we are about.

As to the Member's question about heads rolling or finding people to blame, the blame lies with clostridium difficile, because it was the cause of the problem. There were a number of factors, but when the Member reads the exhaustive and definitive report of the public inquiry, he will find that the system collectively failed and not any one particular unit or individual.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. It is right that the Minister apologises, because the public inquiry and his statement today show that there were failings in the Northern Trust.

I want to make a couple of points, and some good questions were asked by Members earlier. In his statement, the Minister said that the Northern Trust did not have sufficient time to bed down, yet all the trusts have undergone major reorganisation. Will the Minister give the House more detail on why he believes that clostridium difficile was an issue in the Northern Trust? Are there any other issues that we must

deal with because the Northern Trust did not have sufficient time?

The Minister keeps going on about the fact that he is only Minister to have implemented the review of public administration (RPA). Is he now saying that the RPA was implemented too quickly to deal with clostridium difficile?

The Minister of Health, Social Services and Public Safety: The public inquiry highlighted that organisational change is an area of danger not just in the Health Service in Northern Ireland but throughout the UK. The report pointed out that, although the Northern Trust was formed on 1 April 2009 and brought together three existing trusts, the bedding down of management and communications had not occurred. There are ways to do that. It may be a matter of putting systems in place before bringing all the various parts together under one umbrella or organisation, and that is the point that the public inquiry made. One trust may have one type of procedure and another trust may have something different, and there is a need for uniformity in the Health Service in Northern Ireland.

The RPA has been a great success. It has saved £53 million per annum and, as the Member knows, I am the only Minister who can say that. We did it, and it was a major success. However, there are drawbacks to the RPA. The inquiry highlighted one of those drawbacks, dangers or vulnerabilities and told us to pay attention to it in the future.

Mr Molloy: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement, which is a different statement to the one he made to me the last time I spoke to him about the issue. At that time, I raised the issue of a woman from Pomeroy in my own constituency. She and her family had been told to get used to the fact that she was dying, and the Minister said that I was scaremongering. I am sure that the Minister remembers making those comments; will he now retract them?

Will the Minister also tell the House what cases he has looked at and what the results have been? He said that he feels that communication was a problem, and there was certainly a communication problem in the case that I brought to his attention. How will the Minister ensure that the inquiry's 12 recommendations are implemented and that the issues that were raised never happen again? How will he ensure

that a consultant cannot tell a family that they should get used to the fact that their mother is dying? Thankfully, that woman survived, despite what happened in the hospital.

The Minister of Health, Social Services and Public Safety: I ask Mr Molloy to carefully read the findings of the public inquiry, because one of the key issues that it addressed was end-of-life services. The inquiry team reviewed the records of 124 frail elderly patients. That is the group that needs our Health Service most, and it was the group on which the outbreak was concentrated.

Around 118 of them, looking at the records, were at that end-of-life situation, which makes it doubly tragic because of the lack of dignity and comfort that they experienced at the end of their lives.

12.45 pm

As far as that individual case is concerned, Mr Molloy, I remember the general outline. I do not remember the specific detail. I am glad that the end-of-life situation that the family was told about did not occur. However, we must remember that those are very difficult judgements for clinicians to make. As far as communications are concerned, I will make it a duty on the trusts, the boards and the Department to ensure that the nine recommendations in the report for the trust and the three for the Department, including the one on communications, are implemented.

Executive Committee Business

Renewables Obligation (Amendment) Order (Northern Ireland) 2011

The Minister of Enterprise, Trade and Investment (Mrs Foster): I beg to move

That the draft Renewables Obligation (Amendment) Order (Northern Ireland) 2011 be approved.

This statutory rule is being made under powers in the Energy (Northern Ireland) Order 2003, which prescribes that this Order must be laid in draft for approval by affirmative resolution of the Assembly. The changes that I bring forward in the draft Order were subject to a statutory consultation that closed in October 2010.

The Order introduces important changes to the Northern Ireland Renewables Obligation (NIRO) that will continue to make it more effective and capable of delivering our targets for renewable energy and electricity. As Northern Ireland's main policy measure for incentivising renewable electricity generation, it is crucial that the NIRO is able to react to the needs of Northern Ireland while keeping abreast of developments in Great Britain and beyond.

Northern Ireland continues to punch above its weight when it comes to renewable electricity generation. In 2009-2010, there was almost a 30% increase in the number of renewable obligation certificates (ROCs) issued in Northern Ireland compared with the previous year. That compares with a 20% increase for Wales, 14% for Scotland and 8% for England. Last year, building on the introduction of banding levels in 2009, legislation was amended to increase the number of ROCs for some small-scale renewable technologies, wind, hydro and solar PV. Those changes were well received, and there was considerable interest in and uptake of those technologies.

The changes being introduced in the Order are designed to ensure that the NIRO continues to encourage renewable electricity generation while ensuring that any additional costs to the consumer remain minimal. Some of the changes are specific to Northern Ireland, while others will be made in the renewables obligations for Scotland, England and Wales. It is important that the changes are made together and at the same time since the renewables obligations

work in harmony across the United Kingdom. It is that synergy across all three renewables obligations that makes the NIRO an effective incentive mechanism.

I want to outline briefly the main proposed amendments to the NIRO for 2011. The proposed amendments in the Order will double the support offered under the NIRO for electricity generated from anaerobic digestion (AD). AD plants up to 500 kilowatt capacity will be able to claim four ROCs per megawatt hour of electricity generated, while those above 500 kilowatts and up to five megawatts will receive three ROCs. That is higher than what is offered in Great Britain or, indeed, in the Republic of Ireland. However, it is necessary to stimulate that technology, which also brings wider benefits to the rural sector.

Since the proposed increase for anaerobic digestion was included in the NIRO consultation, there has been considerable interest in the technology from developers, and many are ready to proceed with construction once the new ROCs levels are in place. That is a clear case of the NIRO being adapted to the specific circumstances in Northern Ireland, and my Department was assisted in making that case by evidence from industry. Without that evidence, we would not have been able to secure the higher ROC level, particularly with Europe.

The Order also introduces higher ROC levels for those generators that were accredited before 1 April 2010 and wish to add further generating capacity. Under the current legislation, any additional capacity would only receive the pre-April 2010 level. That change will hopefully encourage further investment in generation.

From 1 April, all microgenerators seeking first-time accreditation under the NIRO using onshore wind or — this is always where I get tongue-tied — photovoltaic panels for electricity generation will have to use equipment and installers registered under the Microgeneration Certification Scheme (MCS) or an equivalent certification scheme. That requirement will ensure independent assurance and legitimacy for small-scale on-site electricity generators and increased competition in the market. It will also ensure that consumers are protected. I am satisfied that there are sufficient numbers of installers in Northern Ireland and across the United Kingdom to ensure that consumers have

access to certified installers and equipment and are properly protected, because that is a very important issue.

The Order also introduces sustainability criteria for biomass and bioliquids that are used in the generation of electricity. Biomass has an important role to play in the United Kingdom's meeting the renewable energy directive target of 15% renewables by 2020. It is therefore essential that Northern Ireland and the rest of the UK take action to ensure that the biomass that we use is sustainable.

The additional requirements set out in the Order are to extend the existing factual reporting introduced in April 2009 for all biomass users over 50 kW. Currently, all biomass users over 50 kW need to report to the best of the best of their ability on a range of biomass matters, including biomass type and whether the biomass is an energy crop or waste. Generators will now also need to factually report on whether the land criteria have been met and on their level of greenhouse gas emissions.

Those legislative changes to the NIRO do not include a formal requirement to meet a 60% emissions saving for biomass generators. The Committee was concerned about that point, and I am happy to say that it will not apply to biomass. It is important to note that there will be a two-year transition period from April 2011 before the 60% requirement is formally linked with eligibility to receive ROCs, and then the requirement will only be for generators with a capacity above 1MW. We will carefully consider the issues raised by the Committee and consultees before making any legislative change on the matter.

The sustainability criteria will not apply to the use of biomass or biogas that is made from waste, landfill gas or sewage gas. Those same requirements are also being introduced in the renewables obligations in Great Britain, ensuring a consistent set of controls for biomass being applied across the United Kingdom's bioelectricity sector.

The directive requires that bioliquids that are used to generate electricity must meet the sustainability criteria that are set out by the directive in order to be eligible for financial support. Not introducing sustainability criteria for bioliquids would put Northern Ireland out of step with the rest of the UK and bring the UK into breach of the directive. There would also

be an increased risk of supporting electricity generation from bioliquids that are not sustainable. Not implementing sustainability standards would also carry a reputational risk for the bioliquids sector and possibly result in additional barriers to its development. The Order therefore introduces sustainability requirements for bioliquids.

Last week, we received excellent news when the Crown Estate announced the launch of the Northern Ireland offshore renewable energy leasing round. That is a major milestone in the development of marine renewable energy in Northern Ireland waters. There is strong potential for offshore wind and tidal stream projects, potentially of up to 1.2 GW, in Northern Ireland waters. That would bring significant economic benefits to Northern Ireland in terms of business supply-chain opportunities and jobs, as well as helping to meet our 40% target for renewable electricity by 2020.

The Crown Estate will be seeking industry views over the next couple of months on how development rights should be offered, which will maximise market interest and commitment to development and produce a win-win situation for the industry and Northern Ireland plc.

Offshore wind and tidal leasing rounds are planned for September 2011, with the potential for development rights to be awarded as soon as spring 2012. I look forward to some world-class projects being delivered in Northern Ireland waters over the next few years.

My Department recently consulted on the level of incentivisation for offshore technologies that would be necessary to ensure deployment in Northern Ireland waters. The Department of Enterprise, Trade and Investment will ensure that an announcement on the appropriate ROC level is in place before leasing round bids need to be submitted. Therefore, we will know the incentivisation before the bids need to be submitted to the Department.

Last year, I said that I would make an announcement on small-scale generation, following the introduction of a feed-in tariff (FIT) in Great Britain. There has been much debate around renewables incentivisation, in particular, whether a feed-in tariff or the NIRO is the best way forward for encouraging investment. In many ways, it depends who you are speaking to. Some people prefer the certainty of a FIT,

while others prefer the renewables obligation; it largely depends on the scale of the operation.

Some Members may recall that a FIT was not adopted here for two reasons. First, we did not have the necessary legislative powers to introduce such a scheme at the same time as Great Britain. That issue is often missed, and people say that they do not understand why Northern Ireland has not introduced a feed-in tariff like they have done in Great Britain or in the Republic of Ireland. However, the reality is that I did not have the legislative power to do so. Secondly, and more fundamentally, I was reluctant to blindly follow Great Britain's lead without a proper understanding of the impact that a feed-in tariff would have on consumers' electricity bills and whether it would help us to achieve our target by 2020.

The Department and the Utility Regulator undertook a joint study during 2010, which concluded that replicating GB's feed-in tariff would add more to consumer bills than the NIRO alone. The overarching conclusion was that Northern Ireland should retain the NIRO for as long as we can retain the lower obligation level for all Northern Ireland suppliers. I note that the Committee for Enterprise, Trade and Investment's acceptance of that position is in its recent report on renewable energy.

Just before Christmas, the Department of Energy and Climate Change (DECC) published a consultation on its proposed electricity market reform. Its purpose is to examine the reforms necessary to achieve the United Kingdom's objectives on decarbonisation, renewable energy, security of supply and affordability. The electricity market reform project is intended to develop and deliver a market framework that will enable the cost-effective delivery of secure supplies of low-carbon energy. Although it is primarily focused on the GB energy market, it has significant implications for the future of the NIRO and renewables generation in Northern Ireland. The Department is assessing the implications for the NIRO arising from the proposed introduction of a feed-in tariff, with contracts for difference for large-scale renewables in GB, and will communicate the intentions of the Department later in the year.

I am concerned that any intended consequences on Northern Ireland's electricity market have not been taken into account by the UK Government, and it is very important that we

maintain investor confidence in Northern Ireland while keeping costs to consumers as low as possible. The Department will commission research into the costs of such a scheme here and its impact on the consumer. We are also working with DECC to examine how the cost of any new scheme can be socialised right across the United Kingdom. As I said before, Northern Ireland already punches above its weight in respect of renewables, and it would be wrong for Northern Ireland consumers to have to meet any increased costs arising from a change in an incentives scheme that will ultimately benefit the whole of the United Kingdom. The Department will aim to bring certainty to Northern Ireland stakeholders on the issue as soon as possible.

Finally, I thank the wide range of organisations and individuals who took the time to respond to the NIRO consultation and the call for evidence on AD costs. I also thank the Committee for Enterprise, Trade and Investment and its Chairperson for its careful scrutiny of the Order.

The changes that have been introduced in the Order have been generally well received, and it is important that they are brought into operation on 1 April. The higher ROC levels are eagerly awaited by those in the anaerobic digestion sector who are poised to invest and by those generators who also wish to add additional generating capacity.

The latest changes to the NIRO help to ensure that we continue to incentivise a broad range of technologies across all sizes, and it is important that we have as wide an energy mix as we can to maximise our potential to develop and to meet our targets. I am encouraged by recent investment announcements in renewable energy, such as Gaelectric's £58 million investment in a wind farm in County Londonderry, which could provide enough electricity to power 24,000 homes, and the decision of Belfast Harbour and DONG Energy to sign a letter of intent for an agreement that could make Belfast one of the UK's leading renewable energy hubs. That is a clear sign that Northern Ireland has the potential to become a world leader in renewables. The amendments to the NIRO are essential to ensure the continuing confidence of investors in the long-term future of renewable electricity in Northern Ireland. On that basis, I ask the House to support the motion.

Question put and agreed to.

Resolved:

That the draft Renewables Obligation (Amendment) Order (Northern Ireland) 2011 be approved.

1.00 pm

Planning Bill: Further Consideration Stage

Mr Deputy Speaker: I call the Minister of the Environment, Mr Edwin Poots, to move the Further Consideration Stage of the Planning 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.

I inform Members that a valid petition of concern was presented on Friday 18 March on amendment No 2. I remind Members that the effect of the petition is that the vote on that amendment will require cross-community support.

There are three groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1, 2, 5, 6 and 13, which deal with planning control, including third-party appeals and the protection of trees. The second debate will be on amendment Nos 3, 4, 7 to 12 and 18 to 23, which are technical amendments. The third debate will be on amendment Nos 14 to 17 and 24, which deal with changing certain penalties and time limits under the Planning (Northern Ireland) Order 1991 to reflect some of the changes made to the present Bill.

I remind Members intending to speak that they should confine their comments to the amendments. 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. If that is clear, we shall proceed.

Clause 53 (Power to impose aftercare conditions on grant of mineral planning permission)

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, 5, 6 and 13. The amendments deal with planning control, including third-party appeals and the protection of trees. Members will note that amendment

Nos 5 and 6 are mutually exclusive and that amendment No 13 is consequential to amendment No 2.

Mr W Clarke: I beg to move amendment No 1: In page 32, line 17, at end insert “(iv) use for ecological purposes”.

The following amendments stood on the Marshalled List:

No 2: In clause 58, page 35, line 37, at end insert

“(1A) The Department may by regulations provide for an appeal under subsection (1) to be made by a person other than the applicant, subject to such limits as may be specified.” — [Ms Lo.]

No 5: In clause 122, page 79, line 22, leave out “are dying or dead or”. — [Ms Lo.]

No 6: In clause 122, page 79, line 22, leave out “dying or”. — [Ms Lo.]

No 13: In clause 247, page 158, line 3, after “sections” insert

“58(subsection to be inserted by Amendment 2)”. — [Ms Lo.]

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. The amendment would add “use for ecological purposes” to clause 53, which specifies the conditions to which land must be restored after planning permission for mineral extraction and so on. The RSPB has worked with industry representatives involved in mineral extraction — the Quarry Products Association NI — to show how important restored quarries can be in achieving government biodiversity targets, and that should be facilitated wherever possible. It would be in line with sustainable development and biodiversity duties, and it builds on good practice already in place. Quarries provide a great opportunity to have aquatic habitats and to provide biodiversity across the board.

By their very nature, quarries are isolated and quiet areas. After mineral extraction has taken place, they are generally undisturbed most of the time, so they provide a good opportunity for birds to nest on high ledges. Given the nature of extraction, quarries also have ponds, and there is a good opportunity to build on that. The amendment would add to that by looking at wildlife habitats, grasslands, heathland, woodlands and wetlands and by using those conditions to simulate what occurs in the natural environment. In such cases, local

native species of trees and cuttings should be used, as they show the greatest capacity for survival in, at times, very hostile and isolated environments. That in turn will result in ecological compatibility between the quarry that is restored under the restoration scheme and the surrounding landscapes. That has received sympathy from the conservation and amenity lobbies. I, therefore, ask Members to support that very worthy amendment.

Amendment No 2 was discussed in a lot more detail at Consideration Stage. It seeks regulations to allow third parties to appeal planning decisions. In Sinn Féin's opinion, that is the only way to make the planning system fair for all citizens and to remove the bias in favour of developers. We previously discussed the fact that the new Planning Bill provides a good opportunity because it front-loads the system. That should ensure that ordinary residents have a great say in planning, particularly in community and local planning. The amendment states that regulations "may" be introduced, and it seems reasonable to put that in the Bill now. We have also called for a review to be carried out three years after the transfer of powers to local authorities. We are not saying that the planning system will have an awful back-load. Rather, we are saying that, if it is not working, there should be that flexibility to look at third-party appeals, and a good time to do that is when the Department is carrying out the review. That is all I want to say about amendment No 2. I will listen to the debate, and, in my winding-up speech, I will say what I think about the petition of concern. I will leave that to the next aspect of this.

Amendment Nos 5 and 6 were also discussed at Consideration Stage. The Minister was going to seek legal advice on the issue of dead trees. As I said before, I can see the rationale in relation to, for example, large oak trees. They take a considerable period to die and could be dying for 100 years. As I said the last time, all forms of life, even human life, are dying. As soon as we are born, we are dying, and the same can be said of trees. As we get older, we are dying, but we are not put down or cut down. The same can be said about trees. The caveat is that dying trees do not pose a risk to the general public's health and safety, and that is a very important aspect. They provide important wildlife habitats, and, in my and Sinn Féin's opinion, they should not be removed. We feel pretty strongly about that. I will listen to the rest

of the debate on the issue of dead trees. The Minister was to come back to the House with some legal advice, so I will wait for that.

Amendment No 13 is consequential to amendment No 2, so we will see how that debate pans out.

Mr Deputy Speaker: Thank you for brightening up our Monday by talking about the fact that we are dying from the moment that we are born.

Mr Weir: I will try to keep that little ray of sunshine going.

I welcome the fact that we are at Further Consideration Stage. So as not to detain the House for too long, I will deal briefly with each amendment.

I welcome amendment No 1, standing in the name of Mr Willie Clarke. He spelled out the case for that amendment, and there is consensus on it between the quarry industry and the RSPB. It is important that we look after our ecology, and the amendment could benefit biodiversity, which I welcome.

Members may not be surprised to learn that I do not greet amendment No 2 with the same enthusiasm. Although I appreciate that the language in amendment No 2 has, to some degree, been softened by the word "may", reference has already been made to the fact that there would be a review. Consequently, I am not sure that there is a particular need for amendment No 2. It is slightly superfluous. One cannot look inside the mind of a future Environment Minister, who may desire to produce proposals on anything, including third-party appeals. We still view with concern the prospect of third-party appeals, because of their potential impact on the Planning Service.

If amendment No 2 is not needed, what purpose does it serve? It serves only to send a clear signal that appeals should be foremost in the mind of any Environment Minister. That is, I suppose, where we have a problem with it. The whole purpose of the Bill is to have a Planning Service that is fit for purpose and can be the envy of the world. A situation that is not only front-loaded but back-loaded has a danger of producing such a high level of red tape and creating such delay that it would, in many ways, simply defeat the purpose of the Bill. That is why we are quite hostile to amendment No 2. However, we appreciate that there has

been at least some movement on it. That has implications for amendment No 13, which is consequential and depends on the fate of amendment No 2.

Amendment Nos 5 and 6 are on trees of the dead and dying variety. We still have the same concern about amendment No 5 as we expressed previously, relating to whether dead trees should be included. That is why I am much more content with amendment No 6, which removes “dying”. The point was made at Consideration Stage that it seems slightly ridiculous to protect a dead tree, but a dying tree could exist for decades, possibly even stretching into centuries. Consequently, I can see some logic in the amendment and believe that the distinction between the two is important. We will wait and see what happens. I do not know whether the Member intends to move amendment No 5. However, there could be a high level of consensus on amendment No 6, because it is a sensible enough compromise.

So as not to depress the House any longer, I will sit down now. I look forward to the rest of the debate.

Mr Kinahan: I, too, am pleased to see the Bill reach its closing stages, although I still have concerns as to whether we will get it introduced with the right resources for councils.

Amendment No 1 is extremely good. Including ecological purposes in the future uses of our quarries is absolutely the right thing to do. I praise, as others have, the RSPB and the Quarry Products Association Northern Ireland, particularly Laverne Bell, for promoting that at all times through all the quarries. At the Mallusk quarry, which was and may still be a problem for me locally, we had rare newts and peregrine falcons. We now have a community that is acutely aware of what exactly that quarry can be used for. Therefore, amendment No 1 reflects exactly what we would like to happen in quarries. However, it must not happen alone. There must be an allowance, subject to agreements and laws, for landfill and the many other uses for which quarries, as large holes in the ground, are absolutely ideal. However, the end use must be ecological. That is absolutely right, so I support amendment No 1.

1.15 pm

Turning to amendment No 2, I find it disgraceful that there is another petition of concern on a

measure that is not protecting a minority. We have listened to the arguments from the party on the Benches to my left and accept that it uses the petition of concern because it is there. However, I think that that use is wrong. I have concerns that the public will see it as another dose of DUP arrogance and that that party's view is that it will get what it wants, so there.

I tabled amendment No 2 along with the other parties, and it is excellent. It is only an enabling power, and it is there so that the Department may put in place third-party appeals if it needs to as part of its review. The Minister and the Department have not supported amendment No 2 and have fought it all along, in the same way as they fought the measure for the review within three years. They are uncomfortable with it. However, look at everything that we are throwing at councils. Councils have to carry out a survey, which will be a big learning process. They have to work with the community and find out how community involvement will work, which will be another learning process. They have to produce the local development plan, which will be another learning process.

There should not be all sorts of ifs and buts as people learn, but there will. If everything is done well, the appeals and everything else should happen at the beginning. All of us will work towards that. We do not want delays in development, and we understand where the Minister and the Department are coming from. However, amendment No 2 is really just an enabling power. We have changed “should” to “may”. It is a belt-and-braces approach aimed at protecting the public, who still believe that big developers get their way because they can and because they are wealthier. It is one way of giving the public protection. Therefore, it is right that amendment No 2 is made and that the protection is left for the Department and the next Minister, whoever that is, to put in place. I support amendment No 2.

Amendment Nos 5 and 6 would remove references to dead or dying trees. I rather enjoyed the thought of whether Mr Clarke should be put down because we are all dying. I even thought that we could maybe go for a cull — no, I take that back. It is an extremely good amendment. The last time the issue of dead or dying trees was raised, we had a little bit of a debate in the Chamber. The Woodland Trust will say that a standing tree that is dying or dead is of much more use to nature than

a tree that is cut down and left rotting on the ground. It is also less of an eyesore. It can be pollarded, cut down, trimmed, made as safe as possible and even supported as long as tree specialists, who know what they are talking about and are not in the pay of developers, are always listened to. Pretty ugly stumps can be made to look extremely pretty by planting around them climbers, roses and other plants that also support nature. I support amendment No 5. It is absolutely right that we protect dead or dying trees through tree preservation orders. We should use the skills of those in the world of tree surgery, who know what they are doing, rather than making the issue a bind or battle among ourselves.

Amendment No 13 is consequential to the other amendments in the group. I support all the group 1 amendments.

Mr Dallat: I assure the House that I have never felt better, although I am going downstairs later for the free blood pressure check, which might change my mind.

Turning to the amendments, on which we must speak, I find the whole idea of returning something to its natural state appealing on the surface. However, as you know, Mr Deputy Speaker, if you were a resident around Ringsend, where four quarries will potentially become super dumps, you might want to give a second thought to the wording. In the past, Mr Deputy Speaker, you and I have seen very good examples of that in Germany, where excavation works were turned into leisure space. Those were constructive projects that did not force people to go through a 50 to 100-year process of receiving rubbish from all over the country before getting to that stage. I urge caution on the matter. I support it in principle, but I want to see a great deal more work being done.

I feel extremely passionate about third-party appeals. I am extremely disappointed that, once again, a petition of concern has been tabled. It is an awful abuse of that device, which was never intended for that purpose. However, the Minister and all Members present will know that the Planning Service has gone through a very bad period and that there is a total lack of confidence in the decisions that it has reached in the past. *[Interruption.]* I am happy to give way to the Minister, if he wants to intervene. He has obviously changed his mind.

There is a lack of confidence in the Planning Service. Indeed, the Audit Office deemed it not fit for purpose, so you can understand that the provision of third-party appeals would go a long way towards restoring confidence in the Planning Service. It would, in a way, convince people that, if there are brown envelopes around and things happening that are wrong, third parties would, at least, have the right to appeal against decisions. That issue will not go away; it is a major issue for the public. You and I know, Mr Deputy Speaker, of areas with high-density populations in which development land has not always been used for the right purposes. We must not give up the battle on that issue.

I was certainly interested in amendment No 5, which is to do with trees. On basic evidence, it appears to be an exceptionally good amendment. We all know that, in the past, when trees were getting in the way of squeezing in an extra house or two, it was not difficult to find a tree surgeon who would deem any tree, no matter how healthy, as dead or dying. That is a fact; that happened in the past. Nevertheless, I wonder what happens, for example, when trees are cropped. If one tree dies, can it be taken away and replaced with a healthy tree? That concerns me a little, but, generally, we do not have any problems with the amendments in this group. We support them and hope that, when the Bill is enacted, after it has been agreed by all the political parties and there is total and absolute consent to it, it will improve the planning process, which is very badly in need of change.

Ms Lo: I will speak on all the amendments in the first group. We fully support amendment No 1. I will first speak on amendment No 2, in my name and those of Mr Kinahan, Mr Alex Maskey and Mr Dallat, which deals with third-party appeals. It is slightly different from the amendment that was debated at Consideration Stage. It takes into account the Minister's concerns about the use of the words "shall" or "may". We have changed it, using the word "may" in order to give more flexibility and to take into account other people's views about limited grounds for third-party appeals. I stress that clause 58 is an enabling clause that would allow third-party appeals to be brought forward by the Department in an appropriate manner and an appropriate timescale. We are not asking that it be introduced right away.

It is disappointing that the DUP has again submitted a petition of concern. I spoke to a number of my constituents after the debate at Consideration Stage, and I can tell the Minister that people were very angry. I shall not repeat here, in the Chamber, some of the remarks made. Many of my constituents were critical, and some urged me to go to the media. There is a perception about the relationship or connections between the DUP and developers. We have to be very careful when it comes to public opinion. It is important that our planning system is seen to be fair and accessible to all. I understand that, through front-loading, there will be consultation with communities, but it is also important that people have the means to voice their concerns if they are not happy at the end of the process.

It is extremely regrettable that the petition of concern is being used. I request a review of the use of petitions of concern in future, to consider whether they are relevant and within the criteria and whether the issue concerned is contentious or concerns community relations and would therefore require cross-community support. If we do not have such a review, we will continue to see this abuse of power by the DUP and possibly the other major party in the next mandate.

Amendment Nos 5 and 6 relate to the protection of trees. We tabled the amendments because we believe that dead or dying trees can still benefit the ecosystem. As others have said, it can take a long time — hundreds of years — for an oak tree to die. It is important that we review the situation, and I hope that we will receive the support of other Members.

Mr A Maskey: Go raibh maith agat, a LeasCheann Comhairle. I will make a few, brief remarks in favour of amendment No 2. A number of colleagues referred to that amendment today, which is about enabling the Department, through the Planning Appeals Commission, to facilitate third-party appeal where necessary and appropriate. Several Members addressed it, including my colleague Willie Clarke. I was not too sure where his philosophical musings were taking us when he claimed that we were dying as soon as we were born. Now and then, I have heard people say that they are dying after the weekend.

I wish to express my disappointment that the initial amendment was not accepted by

the Minister and the Department or in the Chamber, under the rules used. I commend the amendment to the House, although it falls short of what I think is appropriate, given our experience of planning decisions in various constituencies. The amendment is modest. It merely provides the ability for the Planning Appeals Commission to facilitate the right of appeal.

Obviously, the amendment relates to specific conditions. Therefore, there would never be any notion that people could just automatically have the right to a third-party appeal; there would clearly be limitations on that. What I welcome about the Planning Bill is that its whole emphasis is on trying to make sure that the system is fairer and that the process is sped up, with decisions being taken much more quickly. However, we still have to protect people's rights, particularly, in my view, the rights of the residents of the areas on which the decisions have implications. For the most part, I think that the rights of the residents of an area should be paramount in these matters.

1.30 pm

This amendment is designed to add to the protections that are built in to the Bill. I appreciate that the new system will provide for what is called front-loading the system, which is designed to make sure that all the various objections or concerns may be addressed and hopefully resolved at an early stage. I do not accept that adding the third-party right to appeal will automatically snarl up the planning system. I believe and hope that we will find in due course that the front-loading of the system will mean that many of the issues that would have been outstanding in the minds of the people who would have cause to object will instead be resolved. I believe that if the front-loaded system works, there would be less cause for objection or people seeking a right to appeal at the latter end of the process.

Overall, we commend the Bill. However, I have been a representative in South Belfast for a number of years now, and, in my experience, I have found that many people felt that quite a number of decisions that the planners took were completely unjustifiable. In fact, a number of those examples have been raised in this Chamber, certainly with all the previous Environment Ministers.

The amendment is a belt-and-braces exercise. It will ensure that, along with the front-loading of the planning system, we, ultimately, provide the opportunity for people to raise concerns if they feel the need to, provided that they have already been involved in the objections process earlier in the system and any other limitations that the Department may feel appropriate to add in. As I said, this is merely a belt-and-braces exercise that would enable the Planning Appeals Commission to give the right of appeal if concerns still need to be addressed. However, it would neither guarantee nor ensure that that happens.

The Minister of the Environment (Mr Poots):

Unlike Mr Clarke, who may be dying from the day he was born, I intend living until the day I die, and, thereafter, I will only start living and will enjoy that for ever.

A number of issues have been raised today in debating the amendments. Clause 53 provides for used mineral sites to be restored for agricultural, forestry or amenity uses. Amendment No 1 would expand that to ecological uses, and I am quite happy to accept it. The work of the Quarry Products Association has been mentioned, and that is significant. I think that amendment No 1 has the potential to further increase our biodiversity, and that is something that would be good for Northern Ireland.

Amendment No 2 proposes that the Department make regulations that would allow us to introduce the third-party right of appeal. I previously set out the Executive's position, which has not changed. I said that further consideration of third-party appeals should be deferred until the extensive changes to the planning system under planning and local government reform have settled down and are working effectively. I listened to the arguments then, and many were advanced in favour of third-party appeals during the Bill's Consideration Stage and, indeed, this afternoon, but I have not heard anything that would persuade me to move from our position.

It has been suggested that third-party appeals would address fairness and create a level playing field, whereby objectors could challenge the granting of permissions in the same way as a developer can appeal refusals. However, the Bill's fundamental reforms are designed to include third parties at every stage, particularly

at the early stages. Statements of community involvement will require councils to set out how they will involve the public in their development plan and development management activities. Likewise, developers will have to demonstrate effective public engagement via pre-application community consultation before their planning applications can be determined.

The whole point of the Planning Bill is to strengthen local democracy by transferring planning powers to councils. Planning decisions will be in the hands of democratically elected public representatives as opposed to an independent Planning Appeals Commission. Those who promote third-party planning appeals appear to have little faith in our councils and councillors to make fair decisions on behalf of the people who elected them.

I heard Ms Lo's comments about developers. As Minister of the Environment, with responsibility for planning, I state categorically that I am in favour of development in Northern Ireland. In fact, before I was Minister of the Environment, the previous Ministers all took the same stance. There is a presumption in favour of development in Northern Ireland. A whole series of criteria have to be met, and we seek to update those through our planning policy statements, but development is a good thing. It provides the community with homes to live in. It also provides us with our shops, leisure facilities, roads, hospitals and schools. Development is not a bad word; it is positive and good for Northern Ireland when it is carried out in the right context. I will continue to support development that is carried out in the right context.

The Bill will introduce a new emphasis on community involvement. In that front-loaded system will be public consultation. At the earliest stages of the process, that will be a legal requirement — not some touchy-feely thing, but something that is absolutely required of the developers and councils. It is only common sense to allow a new system to mature and bed down. Thanks to amendments at Consideration Stage, the Department of the Environment is required to review the implementation of the Bill after three years, which is not a very long time. During that review, any need for third-party appeals will become apparent. The House can then decide whether to introduce third-party appeals at that point. However, let us wait until we see how the Planning Bill is implemented before we do that.

I turn to amendment Nos 5 and 6. At Consideration Stage, I asked for the similar amendment not to be moved so that I could seek legal advice on the possible liability issues for councils. Legal advice did not indicate that liability was a serious issue. Nonetheless, more trees that are subject to tree preservation orders are in urban or suburban areas, where they may be close to roads or footpaths. As trees die, they deteriorate and lose strength, with the additional risk of shedding branches or even falling. It may be necessary to remove diseased trees to prevent the infection of healthy specimens. That should always be kept in consideration. For both of those practical reasons, I urge Members not to support those amendments. However, there is little benefit in having dead trees in place where they potentially pose a risk. Therefore, we should allow common sense to prevail on that matter.

I quite recently received a letter from one of Mr Dallat's colleagues, complaining that we had instituted proceedings against an individual who had cut down trees in a conservation area that had the benefit of protection. It was wholly right that the Department did that. It is wholly right that the legislation has increased the level of fines for people who cut down protected trees. However, the benefit to the public of keeping dead trees cannot be reasonably argued in any cogent form.

Mr Weir: I thank the Minister for giving way. Presumably, he is not at liberty to give indications as to which Member wrote to him, but, by any chance, were those trees Spanish?

The Minister of the Environment: I do not think that they were Spanish trees. Malone is a very well respected conservation area. I know that Dr McDonnell would always support the preservation of trees in the Malone area.

However, on dead trees —

Mr Dallat: Mr Deputy Speaker, you will forgive me for being somewhat confused, but I am almost picking up from the Minister that I am in favour of cutting down trees. Have I misread the Minister or my party colleagues, who have become engrossed in a conversation about place of origin or where they grew up? I thought that we were discussing the amendments. I know that you give Members liberty, but I believe that we have gone off the subject. We are also in danger of misleading people. There are enough writs to do with misleading information

flying around here, so we do not need to indulge in any more in the last days of the Assembly.

The Minister of the Environment: Mr Deputy Speaker, I remind the Member, who is also a Deputy Speaker, that this is a debating Chamber. Therefore, things can fly backwards and forwards. I assure him that no writs will be launched as a consequence of anything that I said. If Members wish to refer to what I have said, they will find that it is accurate. The nature of argument here is to demonstrate that, on some issues, there is not always unanimity among parties and that Members do not always speak with one voice.

As I was saying before Mr Weir's intervention, there is no cogent argument in law for retaining dead trees. If someone wishes to do so, it is a matter for them, and, if someone wishes to encourage biodiversity by keeping a dead tree in place or by cutting it down and not removing the trunk from their property, it is wholly a matter for them. However, as for putting it in law, do we want to make the Assembly look completely daft? That would be the case if we were to go down that route. The argument was made that, although a tree can be dying for a considerable time, it can still be quite active. In those circumstances, it would not be unreasonable for people to ask for a TPO to be removed, albeit that, as I pointed out, doing so can create problems, particularly where a disease that has affected a tree has the potential to spread to others. Applying a TPO, which cannot be removed, to such a tree does not appear to be awfully logical either. However, I will leave that one in the hands of the House.

I urge Members to support the amendments that I indicated and to oppose amendment Nos 2, 5 and 6.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. I thank everybody for their contributions. Mr Weir, Mr Kinahan, Ms Lo and the Minister broadly welcomed amendment No 1, all seeing the need for the ecological restoration of quarries. John Dallat had doubts. However, I would tell him that the Bill will put in place amenity and agriculture conditions, so it will work in tandem with what already happens. I understand his anxiety about landfill sites. As I said, the Minister supported the amendment, which he thought would increase biodiversity opportunities. Indeed, it is refreshing to see that quarrying industry representatives want

ecological matters to be included in clause 53. That is very welcome, and I pay tribute to everyone involved.

Amendment No 2 is more controversial. Mr Weir saw no need for it whatsoever, feeling that it would clog up the system. Danny Kinahan pointed out that enabling powers are needed and that nobody wants the system to be slowed up. However, he rightly pointed out that, at times, the odds are stacked against ordinary citizens, because developers have more resources and greater opportunities. John Dallat believed that there is widespread corruption in the planning system, and he shared residents' concerns about how certain areas are zoned. He felt strongly that residents are not getting a fair crack of the whip and that third-party appeals should be introduced, even going beyond what amendment No 2 states.

1.45 pm

One of the proposers of the amendment, Anna Lo, saw that the amendment provided an enabling power; it will allow the Department to introduce third-party appeals if needed. She said that the DUP is very close to developers and she was very concerned about the petition of concern.

Alex Maskey thought that the amendment fell short of the one proposed at Consideration Stage. However, as Alex said, this amendment is a compromise and that is what it is trying to achieve. It is an attempt to give everyone a bit of cover in this situation. As Alex pointed out, the rights of a number of residents have not been protected. Alex believes that residents were fighting a losing battle on large-scale developments in his constituency. He said that front loading should give us all a better planning system. However, the amendment is necessary to ensure that residents have some protection in the future. I hope that I have covered the views of all Members in regard to that.

I agree with Alex and all the Members who spoke regarding the petition of concern. The amendment proposes only an enabling power. It is unfortunate that the DUP introduced a petition of concern, as the mechanism was not created for this type of circumstance. Planning impacts on the lives of all citizens; it impacts across all divides and across the whole community. There is no need to use the petition of concern in this way.

The amendment — sorry, I have so many pages before me, a LeasCheann Comhairle.

With regard to amendment Nos 5 and 6, Mr Weir and the Minister saw logic in protecting dying trees. The whole House is in agreement in that. Amendment No 5 caused difficulty and amendment No 6 was supported by the whole House in general. Dying trees provide more opportunity for biodiversity and have a role in nature conservation.

Some Members feel strongly about amendment No 6. Mr Kinahan supported amendment Nos 5 and 6 and thought that they brought great benefits in biodiversity. Mr Dallat spoke about trees being removed for the purposes of development. Getting a tree surgeon round to sign a certificate to remove trees willy-nilly, where it can be said that they are diseased or dead, allows for large developments to be created. Great financial gains can be created for developers through the demise and sacrifice of our woodlands. Anna Lo supported amendment Nos 5 and 6.

I agree with the Minister. He said he lives every day to the full. I do the same. However, to talk realities, as soon as you are born, you are dying. It is the same with trees.

As regards amendment No 2, the Minister thought that we should allow the system to settle down. Developers will have to carry out effective consultation with communities across the board and the Minister felt that that gave a great deal of protection to concerned residents.

He also pointed out, rightly, that planning matters, particularly enforcement, will now be in the hands of local politicians. It has always been a luxury for local politicians to be able to blame others for issues. Now, powers will be transferred and, where developments affect the lives of residents in a community, their views will have to be taken on board. Large-scale and out-of-place developments will have to go into local community plans, and councils, the community in general and developers will need to sit around the table and discuss them. I understand that front-loading the system is vital to get a good planning system.

The Minister also said that the review will see whether there is need for third-party appeals when all the powers have been transferred. If the review shows that there is need, he feels that it could be introduced at that stage. He

also said that dead trees serve no purpose whatsoever and thinks that it is far safer to remove the dead tree — to cut the tree and let it basically waste into the ground and decompose. He thinks that that is a better use and that it would still provide a habitat for different species. I will leave it there.

Mr Deputy Speaker: Unfortunately, we lack a quorum. I will have to ring the Bell.

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 —

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

Clause 58 (Appeals)

Mr Deputy Speaker: I remind Members that, as the Speaker has received a valid petition of concern on amendment No 2, the vote will be on a cross-community basis.

Amendment No 2 proposed: In page 35, line 37, at end insert

“(1A) The Department may by regulations provide for an appeal under subsection (1) to be made by a person other than the applicant, subject to such limits as may be specified.” — [Ms Lo.]

Question put.

The Assembly divided: Ayes 45; Noes 31.

AYES

NATIONALIST:

Ms M Anderson, Mr Boylan, Mrs M Bradley, Mr PJ Bradley, Mr Brady, Mr Burns, Mr Butler, Mr W Clarke, Mr Dallat, Mr Doherty, Mr Gallagher, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCartney, Mr McDevitt, Dr McDonnell, Mr McElduff, Mr McGlone, Mr McKay, Mr McLaughlin, Ms Ní Chuilín, Mr O’Dowd, Mr O’Loan, Mrs O’Neill, Mr P Ramsey, Ms S Ramsey, Mr Sheehan.

UNIONIST:

Mr Armstrong, Mr Beggs, Mr Cobain, Mr Cree, Mr Gardiner, Mr Kinahan, Mr McCallister, Mr K Robinson.

OTHER:

Mr Ford, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy, Mr Neeson, Mr B Wilson.

Tellers for the Ayes: Mr Kinahan and Ms Lo.

NOES

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 Newton, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Weir.

Tellers for the Noes: Mr McQuillan and Mr G Robinson.

Total votes 76 Total Ayes 45 [59.2]

Nationalist Votes 30 Nationalist Ayes 30 [100]

Unionist Votes 39 Unionist Ayes 8 [20.5]

Other Votes 7 Other Ayes 7 [100]

Question accordingly negated (cross-community vote).

Clause 103 (Acts causing or likely to result in damage to listed buildings)

Mr Deputy Speaker: We now come to the second group of amendments for debate, which are technical in nature. With amendment No 3, it will be convenient to debate amendment No 4, amendment Nos 7 to 12 and amendment Nos 18 to 23. I call the Minister of the Environment, Mr Edwin Poots, to move amendment No 3 and to speak to the other amendments in the group.

The Minister of the Environment: I beg to move amendment No 3: In page 64, line 20, leave out

“level 5 on the standard scale”

and insert “the statutory maximum”.

The following amendments stood on the Marshalled List:

No 4: In clause 105, page 66, line 16, leave out “under this section”. — [The Minister of the Environment (Mr Poots).]

No 7: In clause 179, page 119, line 22, after “as” insert

“section 27(3) applies section 23 and”. — [The Minister of the Environment (Mr Poots).]

No 8: In clause 179, page 119, line 22, at end insert

“(c) section 40, in so far as that section relates to claims for compensation under the provisions mentioned in paragraph (a)”. — [The Minister of the Environment (Mr Poots).]

No 9: In clause 189, page 124, line 31, after “council” insert “or the Department”. — *[The Minister of the Environment (Mr Poots).]*

No 10: In clause 228, page 145, line 35, after “of” insert “Part 3 of”. — *[Mr Boylan.]*

No 11: In clause 232, page 148, line 20, at end insert

“except where those matters are matters of national security”. — [The Minister of the Environment (Mr Poots).]

No 12: In clause 246, page 157, line 35, leave out from “by” to “Department” on line 36. — *[The Minister of the Environment (Mr Poots).]*

No 18: In schedule 3, page 188, line 38, leave out “(6), (7) and (8)” and insert “(5) and (6)”. — *[The Minister of the Environment (Mr Poots).]*

No 19: In schedule 6, page 193, line 32, at end insert

“9A. In Article 68(1) for ‘Order’ substitute ‘Act’.” — [The Minister of the Environment (Mr Poots).]

No 20: In schedule 6, page 195, line 6, at end insert

“The Estate Agents Act 1979 (c. 38)

22A. In section 1(2)(e) for ‘Planning (Northern Ireland) Order 1991’ substitute ‘Planning Act (Northern Ireland) 2011’.” — [The Minister of the Environment (Mr Poots).]

No 21: In schedule 6, page 206, line 14, at end insert

“The Caravans Act (Northern Ireland) 2011 (c. 12)

109. In section 17(1), in the definition of ‘planning permission’, for ‘Part 4 of the Planning (Northern Ireland) Order 1991’ substitute ‘Part 3 of the Planning Act (Northern Ireland) 2011’.” — [The Minister of the Environment (Mr Poots).]

No 22: In schedule 7, page 206, leave out lines 31 to 35. — *[The Minister of the Environment (Mr Poots).]*

No 23: In schedule 7, page 206, line 37, after “131” insert “and 132”. — *[The Minister of the Environment (Mr Poots).]*

The Minister of the Environment: The amendments in this group are technical and do not involve any change in policy. They include textual amendments to ensure a consistent approach throughout the Bill, typographical corrections and updating amendments. I urge Members to support the amendments.

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 BhreisChéim an Bhreithnithe den Bhille Pleanála. On behalf of the Environment Committee, I welcome the Further Consideration Stage of the Planning Bill. The Committee had no position on the amendments in the first debate on planning control. However, two of the amendments in this group are connected to amendments brought forward by the Committee at Consideration Stage.

First, I will refer to amendment No 3. Following its scrutiny of the Bill, not only did the Committee recommend that penalties should be increased for acts causing or likely to result in damage to listed buildings, but called for an additional penalty of conviction on indictment to an unlimited fine. That was to ensure that the protection of listed buildings was seen to be a serious issue and that penalties could be reflective of damage caused.

I am pleased that the House supported the Committee’s recommendations at Consideration Stage. The level of fine liable on summary conviction was raised from level 3 to level 5, and the option of an unlimited fine on conviction on indictment was added to the Bill. However, it appears that when provision is made for two alternative penalties for an offence, it is conventional for the upper limit of the fine liable on summary conviction to be the statutory maximum. Amendment No 3 brings clause 103 into line with that convention, but still reflects the Committee’s wish for tougher penalties to deter and punish wilful damage to listed buildings. On behalf of the Committee, therefore, I welcome amendment No 3.

Amendment No 9 amends the new clause that was introduced by a Committee amendment at Consideration Stage. New clause 189 ensures that councils would not be liable for compensation if they had to revoke a

decision made in the absence of a response from a statutory consultee if that consultee had not responded by the required deadline. The Minister's amendment seeks to include the Department, as well as councils, in that exemption from compensation under those circumstances. That appears to be consistent with the Committee's amendment, as we know that some planning applications will be referred to the Department for decision, and it is feasible that it too could end up liable for compensation if it made a decision that later had to be revoked because of the late provision of information by a statutory consultee. Amendment No 9 is therefore consistent with the Committee's position on that aspect of the Bill, but in the absence of an opportunity to discuss the amendment, it does not have an official position on it.

The other amendments in the group were not discussed by the Committee and neither do they relate to any of the recommendations made by the Committee.

Begging your indulgence, Mr Deputy Speaker, I would like to say a few words on behalf of Sinn Féin, as a Member for Newry and Armagh. Amendment No 10 relates to a review of the Bill and seeks to clarify when that review will take place. The review will take place after all of the powers are transferred down to local councils and when they are fully operational. That review will take place within a three-year period. That is welcome. Having listened to what the debate has been about this morning, I think that that is another mechanism to ensure that councils are operating properly and that the resources are in place. This is a proper review to keep that in check. I would like the House to support amendment No 10. On behalf of Sinn Féin, I support all the other amendments in the group.

Mr Kinahan: As most of these amendments are largely technical, I support all of them.

The Minister implied that most Members were anti-development. We are not. The Ulster Unionist Party in particular is not anti-development. Development is absolutely vital to Northern Ireland.

I very much support amendment No 9. However, I have one query for the Minister. I do not think that this is a problem, but if councils and the Department are not liable, I assume that the legal system would deal with cases in which something is ultra vires, for instance, so that

there is not a gap in which we are allowing government to be free suddenly to do what they like without some form of control.

I am slightly concerned that amendment No 10 seems to put things off for the review yet again. I hope that the Bill is in place and working quickly, but if, like with the RPA, it were to take time to get it in place, that time will be added on to the three years, and it could be a long time before we review it. I ask the Minister to ensure that the Department will make sure that everything happens as quickly as possible, because we do not want to delay the Bill being enacted or to delay the review. I support the amendments.

The Minister of the Environment: I thank the two Members who spoke for their contributions. As was indicated, the amendments are technical, so there is little to add. Mr Kinahan asked for some assurance that it was not a get-out clause for all Departments. The amendment will clearly put the onus on those Departments that have to respond within a time frame but sometimes do not meet that time frame. It will be an indication to those Departments and their permanent secretaries that they need to step up to the mark and ensure that the responses that they give are delivered within the time set out.

Departments often allow things to run for months and months, thus delaying the entire planning process. Planners are criticised, but, very often, it is not the planners who are holding the process back; it is consultees. The amendment is a good one, which will put considerably more pressure on consultees to deliver their responses in a timely fashion. I urge Members to support the amendments.

Question, That amendment No 3 be made, put and agreed to.

Clause 105 (Control of demolition in conservation areas)

Amendment No 4 made: In page 66, line 16, leave out "under this section". — [The Minister of the Environment (Mr Poots).]

Clause 122 (Tree preservation orders: councils)

Mr Deputy Speaker: Amendment No 5 has already been debated and is mutually exclusive with amendment No 6.

Amendment No 5 not moved.

Amendment No 6 made: In page 79, line 22, leave out “dying or”. — [Ms Lo.]

Clause 179 (Compensation where planning permission is revoked or modified)

Amendment No 7 made: In page 119, line 22, after “as” insert

“section 27(3) applies section 23 and”. — [The Minister of the Environment (Mr Poots).]

Amendment No 8 made: In page 119, line 22, at end insert

“(c) section 40, in so far as that section relates to claims for compensation under the provisions mentioned in paragraph (a)”. — [The Minister of the Environment (Mr Poots).]

Clause 189 (Compensation: failure of consultee to respond under section 229)

Amendment No 9 made: In page 124, line 31, after “council” insert

“or the Department”. — [The Minister of the Environment (Mr Poots).]

Clause 228 (Review of Planning Act)

Amendment No 10 made: In page 145, line 35, after “of” insert “Part 3 of”. — [Mr Boylan.]

2.15 pm

Clause 232 (Inquiries to be held in public subject to certain exceptions)

Amendment No 11 made: In page 148, line 20 at end insert

“except where those matters are matters of national security”. — [The Minister of the Environment (Mr Poots).]

Clause 246 (Directions)

Amendment No 12 made: In page 157, line 35 leave out from “by” to “Department” on line 36. — [The Minister of the Environment (Mr Poots).]

Clause 247 (Regulations and orders)

Mr Deputy Speaker: I will not call amendment No 13, as it is consequential to amendment No 2, which was not made.

New Clause

Mr Deputy Speaker: We now come to the third group of amendments for debate. With amendment No 14, it will be convenient to debate amendment Nos 15, 16, 17 and 24, which deal with changing certain penalties and time limits under the Planning (Northern Ireland) Order 1991 to reflect some of the changes made to the present Bill. Members will note that amendment Nos 16, 17 and 24 are consequential to amendment No 14.

The Minister of the Environment: I beg to move amendment No 14: After clause 247 insert the following new clause:

“Amendment of the Planning (Northern Ireland) Order 1991

Increased penalties for certain offences under the Planning (Northern Ireland) Order 1991

247A.—(1) In Article 44(6) of the Planning (Northern Ireland) Order 1991 (in this section referred to as ‘the 1991 Order’) (control of works for demolition, alteration or extension of listed building) for ‘£30,000’ substitute ‘£100,000’.

(2) In Article 66(1) of the 1991 Order (penalties for contravention of tree preservation orders) for ‘£30,000’ substitute ‘£100,000’.

(3) The amendments of the 1991 Order set out in this section do not have effect in relation to any offence committed before the coming into operation of this section.” — [The Minister of the Environment (Mr Poots).]

The following amendments stood on the Marshalled List:

No 15: After clause 247 insert the following new clause:

“Amendment of certain time periods in relation to enforcement

247B.—(1) In Article 23 of the Planning (Northern Ireland) Order 1991 (in this section referred to as ‘the 1991 Order’) (notice requiring planning application) in paragraph (2) for ‘4’ substitute ‘5’.

(2) In Article 24 of the 1991 Order (appeal against notice under Article 23) in paragraph (2)(c) for ‘4’ substitute ‘5’.

(3) In Article 67B of the 1991 Order (time limits)—

(a) in paragraphs (1), (2) and (4)(b) for ‘4’ substitute ‘5’;

(b) in paragraph (3) for ‘10’ substitute ‘5’.

(4) In Article 67F of the 1991 Order (temporary stop notice: restrictions) in paragraph (2) for '4' substitute '5'.

(5) In Article 73 of the 1991 Order (service of stop notice) in paragraph (3D) for '4' substitute '5'.

(6) In Article 82 of the 1991 Order (enforcement of duties as to replacement of trees) in paragraph (2) for '4' substitute '5'." — [Mr Boylan.]

No 16: In clause 252, page 162, line 12, leave out "248" and insert "247A, 248" . — [The Minister of the Environment (Mr Poots).]

No 17: In clause 252, page 162, line 18, leave out "Sections 85 and 126 come" and insert "Section 247A comes". — [The Minister of the Environment (Mr Poots).]

No 24: In Schedule 7, page 207, line 41, at end insert

"The Planning (Northern Ireland) Act 2011.	Section 247A."
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— [The Minister of the Environment (Mr Poots).]

The Minister of the Environment: The amendments in the third group are designed to bring in operational dates for certain enforcement provisions. At Consideration Stage, amendments were passed to raise the fines for certain offences related to listed buildings and protected trees from £30,000 to £100,000 and that will come into effect when the Bill receives Royal Assent. The previous comments would seem to indicate that such a provision would not be a particular friend of developers, and I wholly support it.

Amendment Nos 14, 16, 17 and 24 together introduce a new clause and provide a more legally sound approach to delivering the agreed policy objective. The Chairperson of the Committee for the Environment has tabled amendment No 15, which will amend the time limits for enforcement action and will provide for an early introduction of the new five-year limits on enforcement actions for breaches of planning control that were passed at Consideration Stage. Those are the amendments in group 3.

The Chairperson of the Committee for the Environment: Go raibh maith agat, a LeasCheann Comhairle. I want to refer to amendments Nos 14, 16 and 17 on behalf of the Committee for the Environment. At Committee Stage, Committee members realised that, with the introduction of more stringent penalties to punish and deter damage to listed

buildings and protected trees, there was a risk that those buildings and trees — and those likely to merit such protection in the future — would come under significant pressure in the interim period between the intention of the Assembly being known and the fines coming into force. The Committee recommended that the Department should put in place greater enforcement to prevent that occurring during the interim period, and, in keeping with that, it supported Mr Kinahan's amendment to bring the new penalties into force as soon as the Bill achieved Royal Assent. Amendment Nos 14, 16 and 17 ensure that the intention of Mr Kinahan's amendment is deliverable, and the Committee, therefore, supports them.

On amendment No 15, Committee members were fully supportive of introducing a five-year period after which no planning breaches could be enforced. During its discussions on the issue, the Committee noted that one of the justifications for that change was that local authorities will be in a better position to enforce breaches of planning controls in their areas. However, although Committee members sought clarification on how the transition might be managed with those who are currently being considered for a breach, the Committee did not specifically indicate at what point it felt that the new single time period should come into force. Therefore, I must indicate to the House that the Committee has no position on amendment No 15.

The Minister said that I was tabling amendment No 15 as the Chairperson of the Committee for the Environment, but I am actually tabling it as a Member of Sinn Féin. The House supported the notion of the five-year rule, and through amendment No 15, I want to ensure that that part of the legislation will be introduced as soon as possible after Royal Assent. That is why I am proposing to include the five-year rule in the Bill, and I hope that the House will support my amendment. With that in mind, I support all the amendments in the group.

Mr Kinahan: I am very grateful to the Department and the Minister for tabling amendment Nos 14, 16, 17 and 24, particularly amendment No 14, which seeks to raise the level of fines. That is something that we all wanted. We may in future still have to look at a percentage rather than at £100,000, but that can be done in the review. However, I am very grateful that the Minister took on board my concern about tree preservation orders and

the fact that trees or buildings might be cut down and knocked down in the meantime. It is absolutely right to get those provisions in place.

I had wanted to do the same with Part 2 but did not table an amendment to it that would have ensured that councils were getting the right resources. I urge the Minister, and we debate this matter often, to get the pilot projects in place so that councils really have an idea of the resources that they need. I fully agree with amendment No 15, which, if made, will ensure that enforcement starts at an early opportunity. The Ulster Unionist Party supports the amendments in the group and congratulates the Department and all those who worked incredibly hard to get the Bill through.

The Minister of the Environment: I thank Members for the points that they raised. They adequately clarified their positions. I think that no objections were raised to any of the amendments that Mr Boylan and I tabled. I again thank my staff and the Committee for their work in getting the Bill to this point.

Question, That amendment No 14 be made, put and agreed to.

New clause ordered to stand part of the Bill.

New Clause

Amendment No 15 made: After clause 247, insert the following new clause:

“Amendment of certain time periods in relation to enforcement

247B.—(1) In Article 23 of the Planning (Northern Ireland) Order 1991 (in this section referred to as ‘the 1991 Order’) (notice requiring planning application) in paragraph (2) for ‘4’ substitute ‘5’.

(2) In Article 24 of the 1991 Order (appeal against notice under Article 23) in paragraph (2)(c) for ‘4’ substitute ‘5’.

(3) In Article 67B of the 1991 Order (time limits)—

(a) in paragraphs (1), (2) and (4)(b) for ‘4’ substitute ‘5’;

(b) in paragraph (3) for ‘10’ substitute ‘5’.

(4) In Article 67F of the 1991 Order (temporary stop notice: restrictions) in paragraph (2) for ‘4’ substitute ‘5’.

(5) In Article 73 of the 1991 Order (service of stop notice) in paragraph (3D) for ‘4’ substitute ‘5’.

(6) In Article 82 of the 1991 Order (enforcement of duties as to replacement of trees) in paragraph (2) for ‘4’ substitute ‘5’.” — [Mr Boylan.]

New clause ordered to stand part of the Bill.

Clause 252 (Commencement)

Mr Deputy Speaker: Amendment No 16 is consequential to amendment No 14.

Amendment No 16 made: In page 162, line 12, leave out “248” and insert “247A, 248”. — [The Minister of the Environment (Mr Poots).]

Mr Deputy Speaker: Amendment No 17 is consequential to amendment No 14.

Amendment No 17 made: In page 162, line 18, leave out “Sections 85 and 126 come” and insert “Section 247A comes”. — [The Minister of the Environment (Mr Poots).]

Schedule 3 (Periodic review of mineral planning permissions)

Amendment No 18 made: In page 188, line 38, leave out “(6), (7) and (8)” and insert “(5) and (6)”. — [The Minister of the Environment (Mr Poots).]

Schedule 6 (Minor and consequential amendments)

Amendment No 19 made: In page 193, line 32, at end insert

“9A. In Article 68(1) for ‘Order’ substitute ‘Act’.” — [The Minister of the Environment (Mr Poots).]

Amendment No 20 made: In page 195, line 6, at end insert

“The Estate Agents Act 1979 (c. 38)

22A. In section 1(2)(e) for ‘Planning (Northern Ireland) Order 1991’ substitute ‘Planning Act (Northern Ireland) 2011’.” — [The Minister of the Environment (Mr Poots).]

Amendment No 21 made: In page 206, line 14, at end insert

“The Caravans Act (Northern Ireland) 2011 (c. 12)

109. In section 17(1), in the definition of ‘planning permission’, for ‘Part 4 of the Planning (Northern Ireland) Order 1991’ substitute ‘Part 3 of the Planning Act (Northern Ireland) 2011’.” — [The Minister of the Environment (Mr Poots).]

Schedule 7 (Repeals)

Amendment No 22 made: In page 206, leave out lines 31 to 35. — [*The Minister of the Environment (Mr Poots).*]

Amendment No 23 made: In page 206, line 37, after “131” insert “and 132”. — [*The Minister of the Environment (Mr Poots).*]

Mr Deputy Speaker: Amendment No 24 is consequential to amendment No 14.

Amendment No 24 made: In page 207, line 41, at end insert

“The Planning (Northern Ireland) Act 2011.	Section 247A.”
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— [*The Minister of the Environment (Mr Poots).*]

Mr Deputy Speaker: That concludes the Further Consideration Stage of the Planning Bill. The Bill stands referred to the Speaker.

As Question Time commences at 2.30 pm, I suggest that the House takes its ease until that time.

2.30 pm

On resuming (Mr Speaker in the Chair)—

Oral Answers to Questions

Office of the First Minister and deputy First Minister

Mr Speaker: Question 7 has been withdrawn and requires a written response.

Poverty and Deprivation

1. **Mr Molloy** asked the First Minister and deputy First Minister to outline the actions that will be taken by their Department over the next four years to tackle poverty and deprivation.
(AQO 1311/11)

Social Investment Fund

8. **Mr Kinahan** asked the First Minister and deputy First Minister when the detailed eligibility criteria for the social investment fund will be published.
(AQO 1318/11)

The First Minister (Mr P Robinson): With your permission, Mr Speaker, I will answer questions 1 and 8 together. In line with the Executive’s continuing commitment to tackling the problem of poverty and disadvantage and the need to protect the most vulnerable in our society, we announced in the draft Budget for 2011-15 the creation of the social investment fund and the social protection fund. Those funds will aim to address deprivation and poverty in a strategic way whereby the impact can be seen, felt and believed by everyone in the community.

It is proposed that funding totalling £80 million will be allocated to the social investment fund across the Budget period. We recommend that the social protection fund is allocated £20 million in the first year and are committed to finding funds for the remaining years. Decisions about how funding will be allocated have yet to be taken, but the specific spending areas to be addressed from both funds and detailed delivery mechanisms will be for the Executive to agree. A strategy paper that is being developed will help to inform that decision. The detailed eligibility criteria will be published thereafter.

The contested space programme, which we recently established in conjunction with Atlantic Philanthropies, will provide new funding opportunities for communities dealing with issues that are prevalent in contested space areas. The programme aims to promote and improve relations between and across interface contested space communities. OFMDFM and Atlantic Philanthropies have each committed £2 million for the programme, which will run from March 2014 and will target six pilot areas.

Mr Molloy: I thank the First Minister for his answer. Given the funds that the Minister mentioned and taking into account the expected child poverty strategy, the money secured for the childcare strategy and the earnings disregard pilot, can he assure the Assembly that there will be co-ordination to ensure maximum input?

The First Minister: That is the aim and objective of the Executive and the role of OFMDFM. When the Executive sat down on the first day at the agriculture establishment, we recognised that people, particularly those who were already living in hardship, were going to find life much more difficult as the recession ground on. Therefore, we determined that, while it remained our objective to grow our economy and it obviously assists all those who are without employment if we can bring new jobs in, we recognised that we needed to take immediate action to help people who live in areas of deprivation and people in hard-to-reach communities who have not benefited to the same extent from the peace process and from political stability. Those funds have been put in place and indicate clearly the determination of the Executive to try to make a difference to communities that have not benefited as others have from the process.

Mr Kinahan: I thank the First Minister for his answer, in which he indicated that the Executive have yet to decide how the social investment fund is to be spent. However, will he guarantee that it will be distributed on a needs basis rather than on a political basis?

The First Minister: I certainly guarantee that there will be no political criteria in respect of the allocation of funds. The paper that is being worked on is at a very advanced stage, but I am not sure whether we will be able to get it through, as we are trying to get so many documents through in the last few days before purdah. However, if we cannot get it

to the Executive tomorrow, that will happen immediately after the election process is over.

We know what the money is going towards. There is general agreement that we are looking at areas such as dereliction, educational underachievement and skills and training, as well as some thematic areas, which would deal with the use of drugs and alcohol and suicide prevention. Therefore, we have a fair idea of the general themes, but we have to set out the criteria, and we have to determine what the process will be for the allocation of funds.

Mr Humphrey: I thank the First Minister for his answer. He mentioned hard-to-reach communities. Given that the greater Shankill area in north Belfast is one of the most deprived parts of Northern Ireland, I have been pushing the Minister of Education for some time for an education action zone for that area. How does the First Minister envisage the social investment fund contributing to tackling educational underachievement?

The First Minister: I recognise the problems in north and west Belfast, although I also recognise that there are problems in other areas. I know that in my constituency, East Belfast, there is underachievement in educational attainment, particularly among Protestant boys. That was exemplified in the report that was published today. Although that report does not provide the answers, it directs our attention to the need for a co-ordinated approach to those issues. One element of the fund looks at how we deal with getting people into work, and it considers not just training and skills provision but educational underachievement. Therefore, we want to work closely with primary and secondary schools so that we can find the best way to get the results to change those figures and to make the opportunities much greater for those at a disadvantage.

Mr P Ramsey: I thank the First Minister for outlining his concerns on deprivation and poverty across Northern Ireland. Will he acknowledge the significance of child poverty across all communities, and will he tell the House when the child poverty strategy will be published?

The First Minister: It would be wrong for me to do that now, as a later question will deal with that subject separately.

Childcare Strategy

2. **Ms J McCann** asked the First Minister and deputy First Minister for an update on the development of the childcare strategy.
(AQO 1312/11)

Child Poverty Strategy

4. **Mr McCarthy** asked the First Minister and deputy First Minister for an update on the development of the child poverty strategy.
(AQO 1314/11)

The First Minister: With your permission, Mr Speaker, I will ask junior Minister Robin Newton to answer that question.

The junior Minister (Office of the First Minister and deputy First Minister) (Mr Newton): With your permission, Mr Speaker, I will answer questions 2 and 4 together.

Shortly after devolution, we reconvened the ministerial subcommittee on children and young people because we recognised that key policy issues were cross-departmental and required joined-up working. Childcare emerged as one of those issues, and the ministerial subcommittee agreed to take it forward. It commissioned a comprehensive report on the current nature of provision, and it sought recommendations on the way forward. The report has been received and is being considered by the subcommittee. It is an important piece of work on which to build a longer-term childcare strategy.

We recognise the significant barrier to employment that the lack of affordable childcare can be. Growing the economy is central to our Programme for Government, and, therefore, tackling those barriers is essential. OFMDFM intends to continue to work over the next year to co-ordinate that area of work through the ministerial subcommittee so that the strategy can be developed and new measures introduced. In advance of a lead Department being identified, we secured an additional £12 million for childcare provision in the Budget settlement. We are pleased to announce today that OFMDFM will continue to support the PlayBoard schemes for a further 12 months while the strategy is developed on a cross-departmental basis. The Member will be aware that OFMDFM stepped in to try to ensure that continued provision after DHSSPS withdrew funding. It did that with contributions from a range of Departments, including DETI and DE.

The Child Poverty Act 2010 specifically requires the Executive to produce and present a child poverty strategy to the Assembly by March 2011. The period of informal consultation on the strategy proposals ended on 6 February. During that period, a new series of related events was held in Belfast, Ballymena, Newry, Londonderry, Enniskillen and Omagh.

Ms J McCann: I thank the junior Minister for his answer. I welcome today's announcement for support for PlayBoard. I hope that the funding will be used not just for existing groups and that it will be opened up to other groups.

The junior Minister referred to the lead Department. As childcare is a cross-cutting and cross-departmental issue, has OFMDFM considered taking on the lead role for the childcare strategy and for driving it forward?

The junior Minister (Mr Newton): The intention has always been to have a lead Department. The two Departments that seem to be a more comfortable fit for and to be at home with the strategy are the Department of Health, Social Services and Public Safety and the Department of Education. In my answer to the Member, I indicated that OFMDFM will continue to take the lead on this matter for the next 12 months. However, the final objective will be to ensure that a lead Department is identified and that that Department will accept responsibility for the childcare strategy.

Mr McCarthy: The junior Minister will be aware that child poverty is and has been a scourge on our society for some time. Given that the child poverty strategy is to be reviewed in three years' time, can we expect major improvements to it prior to the total eradication of child poverty by, hopefully, 2020?

The junior Minister (Mr Newton): The Member referred to child poverty as a scourge on our society, and I do not disagree. No one in the Chamber wants to see any child in Northern Ireland living in poverty. As regards what improvements can be expected, the Member knows, because we debated the matter in Committee and he subjected me to questioning on it, that we have not hit all our targets. However, significant progress has been made, and we look forward to further improvement as the years go by.

Lord Browne: What interventions does the junior Minister anticipate that the additional funding for childcare will provide?

The junior Minister (Mr Newton): We are grateful to have been able to announce today additional funding of £3 million per annum for new interventions. We will fully consult our colleagues and the ministerial subcommittees about the type of interventions to be rolled out. Examples are improving the take-up of the childcare element in the working tax credit for low-income earners on less than £20,000 per annum and middle-income earners on between £20,000 and £40,000 per annum; the possible expansion of out-of-school clubs; the child-minding start-up grant provided through NICMA; and the expansion of the Employers for Childcare not-for-profit scheme, whereby employers provide childcare vouchers to employees and parents, who benefit from tax breaks. Those are the types of programme that we want to encourage. However, that does not rule out anyone coming forward with other innovative approaches to the matter.

Mr Beggs: Does the junior Minister accept that the draft strategy is very broad and provides imprecise targets? Given the cross-cutting effect of the policy on child poverty and childcare and the fact that that involves a range of Departments, such as the Department for Social Development, the Department of Justice, the Department of Health, Social Services and Public Safety and the Office of the First Minister and deputy First Minister, does he also accept that there is not as yet an effective cross-cutting replacement for the Executive programme for children and the children's fund?

The junior Minister (Mr Newton): In my answer to Ms McCann, I indicated that it is our desire to see one Department taking the lead and accepting responsibility for the matter. That just has not been possible at this time. We felt strongly that that responsibility falls to the Department of Health, Social Services and Public Safety. However, the Health Minister has refused to accept that, which meant that OFMDFM had to pick up the areas where he withdrew funding for PlayBoard-type schemes in order to ensure that they continued. For all those reasons and to ensure that one Department accepts responsibility, that is our desire. However, in the meantime, in the gap that has been established by the Minister's withdrawal of funding and refusal to take up the

matter, OFMDFM will continue for another 12 months.

2.45 pm

Fuel Prices

3. **Mr Armstrong** asked the First Minister and deputy First Minister for an update on the discussions they have had with HM Treasury regarding the introduction of a fuel price stabiliser. (AQO 1313/11)

The First Minister: In recent months, we have witnessed a sharp rise in fuel prices due to the increase in oil prices. As a result of that, on 2 February 2011, the deputy First Minister and I met Treasury Minister David Gauke to discuss our concerns. The Finance Minister, the Minister of Enterprise, Trade and Investment and the Secretary of State, Owen Paterson, also attended that meeting. Prior to that, on 1 February 2011, our Administration made a joint declaration with the First and Deputy First Ministers of Scotland, the First Minister of Wales and the Deputy First Minister and Minister for the Economy and Transport for Wales. That joint declaration called on the United Kingdom Government to take urgent action to address the rising price of fuel by postponing the scheduled fuel price increase in April 2011. We believe that that would stimulate the economy by protecting motorists and road hauliers. In particular, we believe that that would protect rural communities from high and volatile prices. We currently await further developments on the fuel price stabiliser in the UK Budget that is due to be published on Wednesday.

Mr Armstrong: The Ulster Unionist Party is already on record opposing the increase in fuel duty, which was first planned by the Labour Party, in the upcoming Budget. Does the Minister agree that motorists in Northern Ireland are already hit hard enough by high insurance rates and poor road maintenance and that penalising them further with an extra tax on fuel would be wholly unfair?

The First Minister: I agree absolutely. Indeed, it is not just motorists who are being hit. In many areas, society as a whole in Northern Ireland is paying much higher prices than the rest of the United Kingdom. That is particularly important in relation to fuel. That was the reason why most political parties here felt that the £4 billion cut that the Conservative and Ulster Unionist

Parties advocated in the previous election was a bad idea.

Mr McElduff: Go raibh maith agat, a Cheann Comhairle. I welcome any initiative undertaken by the Executive to achieve a reduction in fuel prices. However, will the First Minister outline what other measures the Executive are taking to alleviate the impact of the economic crisis, particularly on those who are most vulnerable and disadvantaged?

The First Minister: We have already talked about the social investment fund and the social protection fund, through which we have specifically allocated funds to help those who will be in greatest need. I look forward to seeing applications to those funds, and I hope that there will be some ambition and ingenuity in our community, as those proposals will come directly from the community. Of course, Departments will also bring forward proposals to the social protection fund. The strength of the kind of fund that we are talking about is that we will allocate funds to what the community itself feels that it needs to pull itself up by its bootstraps.

Mr Hamilton: Does the First Minister hope that the increase in the tax take resulting from the discovery last week in Crossmaglen of the UK's largest ever illegal fuel depot will allow Her Majesty's Government to perhaps show more flexibility when it comes to fuel duty in Northern Ireland?

The First Minister: I very much welcome the action taken by HM Revenue and Customs (HMRC), assisted by the PSNI, in what was very much a co-operative exercise. They managed to discover a fuel plant that, the HMRC spokesperson said, was three times larger than any that they had ever discovered in the United Kingdom. Some newspapers have suggested that it is probably the largest illicit fuel plant that has ever been found in Europe. It is good that the criminal gang responsible has had its assets taken from it. I understand that there has been one arrest, but, under parliamentary rules, we cannot touch on that. What I liked was the indicator from the spokesperson for HMRC. I always like statements that give people some idea of the scale involved. That plant could produce 30 million litres a year. The spokesman indicated that the fuel uncovered was sufficient to take a family saloon car to the moon and back 40 times every year.

Mr Dallat: I welcome the Minister's answer and, in particular, his reference to the problems in the rural community. Is the Minister aware that, where the breadwinner in a rural community often has to travel to greater Belfast for work, the whole process is now extremely difficult? Up to one third of a weekly wage of £300, for example, may be consumed by fuel expenditure alone. The price of fuel also varies widely and can be 10p a litre dearer in rural communities.

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

Mr Dallat: Does the Minister intend to ensure stability in the price across the North?

The First Minister: Unfortunately, I cannot give any guarantees on that because it is a reserved matter. However, it is certainly an issue that the deputy First Minister and I have pressed with the Chancellor. Indeed, in the Chancellor's response, he indicated that that matter was being considered in the Budget. I hope that the Budget, when we hear it, will not proceed with the proposed increase later this year that was outlined previously and that a stabiliser will be introduced to stop the variations that make it so difficult. I recognise that, where people, particularly in rural areas, are reliant on transport to get them to their place of employment, high fuel costs can be a disincentive to go for employment and, in many cases, force people to fall back and rely on benefit.

Mr Speaker: Question 4 has already been answered.

Community Relations: Craigavon

5. **Mr Moutray** asked the First Minister and deputy First Minister to outline the progress that has been made by the community relations unit since 2007 in encouraging mutual respect, understanding and appreciation of cultural diversity in Craigavon. (AQO 1315/11)

The First Minister: OFMDFM has done much in recent years to improve relations in the Craigavon area. It has worked not only to improve the relationship between the two traditional communities but to increase understanding and appreciation of and respect for the increased cultural diversity in the area and to make Craigavon more welcoming for newcomers. We have often worked in partnership with Craigavon Borough Council. The district council community relations programme

provides all 26 councils with funding for the provision of community relations services and activities, including the support of at least one dedicated good relations officer post in each council area. Funding is allocated on the basis of each council's annual action plan, which is developed from its good relations audit and identifies and prioritises the area's specific needs.

In the current financial year, 2010-11, we provided Craigavon Borough Council with an initial grant of more than £113,000 and agreed an additional bid of almost £10,000 for the delivery of good relations training with local community groups and to develop the council's community cohesion plan. That brings the overall investment to more than £120,000, which is a significant increase on previous years.

Mr Moutray: I thank the First Minister for his response. There is concern about the types of scheme being cut by the Department of Health, Social Services and Public Safety. The schemes include Women's Aid projects and some that work with mental health and suicide interventions. Does the First Minister agree that that should not happen and that the Health Minister should reconsider those cuts urgently?

The First Minister: We are at the tail end of this Administration. In the next Administration, there may well be a new Health Minister who will have the real job of reviewing some of the decisions that are a bit more difficult to argue as sensible. At their last meeting, the Executive stepped in and indicated that no Department should remove any funding allocation that assists the prevention of suicide. It is not consistent with the decision of the Executive, with which all Ministers have to comply, for any spending to be taken away from suicide awareness organisations.

Ms M Anderson: I thank the Minister for his responses. I accept that all Departments are operating within constrained budgets, as the First Minister said. Given such constraints, has OFMDFM considered giving more money to the minority ethnic development fund?

The First Minister: We have a record of giving support, and this is not something that we want to jettison. We recognise that a lot of those organisations are doing a job that, if we did it directly ourselves, would cost significantly more and that doing without that would cause much more difficulty in communities. We want to be as supportive as possible, and, as the original

question relates to Craigavon Borough Council, it can be seen that we have been increasing spending in that area. We try to identify where there have been problems and give whatever assistance we can with financial and other resources.

Civic Forum

6. **Mr Bell** asked the First Minister and deputy First Minister how many times the Civic Forum has met since 2007. (AQO 1316/11)

The First Minister: The Civic Forum, which commenced operation in 2000, has not met since 2002. Following the restoration of devolved powers in May 2007, the then First Minister and deputy First Minister considered the position of the Civic Forum in the re-established devolved arrangements and decided to commission a review of the effectiveness and appropriateness of its structure, operation and membership. The review was also to make recommendations on the most appropriate mechanism for engaging with civic society.

The review was launched in 2008 with a public consultation exercise that attracted 60 written submissions, all of which are accessible on the OFMDFM website. In addition, the review involved meetings with former Civic Forum members and stakeholders and with similar bodies in other jurisdictions. There was no widespread desire for a return to a structure of the size and expense of the Civic Forum as it had previously operated. Accordingly, there have been no meetings of the Civic Forum during this Assembly mandate, which has also resulted in considerable savings to the public purse.

Mr Bell: I thank the First Minister. Will he join me in welcoming the fact that the Civic Forum has not met, not least because taxpayers' purses and wallets have been relieved of that financial burden? Can he assure us that those financial savings will continue into the next term so that we can bring them back to the public?

The First Minister: We had reached the stage where the Civic Forum, in full operation, was costing about £500,000 every year. We have probably saved a couple of million pounds as a consequence. At the same time, I do not, in any way, want to leave the impression that we want to reduce the connection with our community. We want to continue having consultation. For instance, because of the economic downturn,

the deputy First Minister and I brought together a group of stakeholders from across the community. We did that without those people getting or seeking any expenses, which indicates that people are willing to give their views without having elaborate and expensive structures.

It is not for me to commit the next Assembly or Executive, although I believe that they should look at the whole issue of consultation, not just in relation to the Civic Forum. We need to streamline our ways of operating and make them more effective. In the new mandate, we must look at some of the delays that are occurring because of lengthy consultations and, sometimes, unnecessary levels of consultation.

Mr K Robinson: The First Minister has, to some degree, answered some of the points that I was going to raise. However, can he explain to the House whether any money is being spent on that moribund body, the Civic Forum? What are his intentions, if he is returned to the House in the new mandate, for how civic society may relate to what goes on here?

The First Minister: During the year, some funding was made available to deal with the consultation exercise that had been set up by my predecessor and the deputy First Minister. That is being rounded off at present, and, although Ministers have not received it yet, I know that it is in the brokerage system to come forward to us. My view for the future is that I want there to be consultation. It is important that we have a connection with the community, particularly with those who have expertise in issues that we are dealing with. However, I think that we can manage to have that consultation and the value of the advice without the expensive machinery of the Civic Forum that we had before.

3.00 pm

Education

LILAC Project

1. **Mr Spratt** asked the Minister of Education whether she will extend the funding for the LILAC project based at Fleming Fulton School, Belfast. (AQO 1323/11)

The Minister of Education (Ms Ruane): Tuigim go bhfuil an tionscadal LILAC maoinithe trí chiste an Big Lottery.

I understand that the linked independent living and advice centre (LILAC) project was funded by the Big Lottery Fund in response to a business plan submitted to the lottery by Fleming Fulton School in 2006. The level of funding for special education is determined by the education and library boards as part of their annual decisions on the allocation of their block grant. Proposals for funding beyond that are normally considered by the Department only if they relate to strategic perspective and there is five-board agreement on the need for any new developments that could be implemented on a regional basis. The Department does not ordinarily fund projects at individual schools.

Mr Speaker: I call Mr Jimmy Spratt to ask a supplementary question, and I inform the House that question 6 has been withdrawn.

Mr Spratt: I thank the Minister for her brief answer. Does she agree that the services offered by the LILAC project have been valuable, have supported many young people with physical disabilities and allowed them to be included in the schools of their choice throughout Northern Ireland? The Minister has been to Fleming Fulton School and seen the project, which is one that cannot be allowed to disappear.

The Minister of Education: I have visited the project. The Member will be aware that I have visited many schools throughout the North that carry out much good work and use good practice. However, the position that I outlined in my answer remains the same: the project was funded by the Big Lottery Fund, and funding is a decision for the board. Unless it is a regional policy, the Department does not make a decision in relation to individual schools.

Good practice is ongoing in many of our different schools. I am the first to celebrate that and encourage the sharing of good practice.

Mr A Maskey: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her responses so far and the Member for asking the question. Is the project currently funded by the Belfast Education and Library Board?

The Minister of Education: Chuir Fleming Fulton cóip den phlean gnó tionscadail LILAC chuig

Bord Oideachais agus Leabharlainne Bhéal Feirste.

I have been made aware that Fleming Fulton School sent a copy of the LILAC project business plan to the Belfast Education and Library Board. I have also been advised that the board has a number of reservations about the project, including concerns about the duplication of services within the Belfast board area. The Belfast board was not involved in the bid to the Big Lottery Fund.

Primary School Admissions: Bangor

2. **Mr Easton** asked the Minister of Education for an update on the availability of year 1 primary school places in the Bangor area for the 2011-12 academic year. (AQO 1324/11)

The Minister of Education: Tá 849 áit in iomlán ar fáil le haghaidh bliain a haon i gceantar Bheannachair don bhliain acadúil 2011-12.

A total of 849 year 1 places are available in the Bangor area for the 2011-12 academic year. The South Eastern Education and Library Board has confirmed that 137 year 1 primary school places are still available.

Mr Easton: The Minister is aware that the integrated Groomsport Primary School closed several years ago, and a commitment was given by the South Eastern Education and Library Board that children from Groomsport would be allowed to go to schools near at hand in Ballyholme and Towerview. However, those parents are now being asked to make fourth, fifth and sixth preference choices for schools that are nowhere near the area. Will the Minister assure me that the commitment to the Groomsport parents that their children will go to nearby schools will be honoured?

The Minister of Education: Tá tugtha le fios dom gur iarradh ar líon teaghlach atá ina gcónaí i bPort an Ghiolla Ghruama roghanna breise a sholáthar.

I understand that a number of families living in Groomsport have been asked to make additional preferences when choosing schools. The South Eastern Education and Library board has confirmed that some parents have given additional preferences, and I encourage the other parents to do so as a matter of urgency. The South Eastern Education and Library Board has confirmed that, when Groomsport Primary

School closed in August 2007, it ensured that adequate places were available at other primary schools in Bangor for some 25 children from that school. There are 137 year 1 primary school places still available in the Bangor area for the 2011-12 school year.

Mr Callaghan: Go raibh maith agat, a Cheann Comhairle. The Minister will be aware of the problem of oversubscription in many non-selective post-primary schools. Will she inform the House of what action she is taking to help the families who have traditionally supported such schools to maintain their links with them?

The Minister of Education: In relation to non-selective post-primary schools, the biggest policy that we have brought in to really bring about changes in how we deal with admissions criteria is the new transfer arrangements. What we want to do is make sure that schools become good local schools, so that children are not spending hours on buses every day, bypassing good local schools. The best way to deal with the issues of oversubscription and admissions criteria is to build a network of good schools, so that every school is a good school, and that is what I am doing.

Mr Cree: Is the Minister aware that, following the problems with the primary sector in Bangor, children whose parents took the Minister's advice and did not have them subject to any testing ended up with no schools to go to in the area and were offered places as far away as Glengormley?

The Minister of Education: First, I applaud the parents who took the decision to not enter their children for breakaway tests. The best way to ensure that children are not disadvantaged in any way is for the schools that are currently doing breakaway tests to stop doing them.

DE: Capital Projects

3. **Mr I McCrea** asked the Minister of Education, following the announcement that additional capital funding has been allocated to her Department in the Budget 2011-15, to outline the criteria that will be used to prioritise capital projects. (AQO 1325/11)

The Minister of Education: Cé gur éirigh liom £65.5 milliún punt sa bhreis de mhaoiniú caipitil a fháil, thar thréimhse ceithre bliana an bhuiséid chríochnaithnaithe leithdháilte, tá bearna fós ann idir an t-airgead atá de dhíth le clár caipitil

na Roinne a sholáthar mar is ceart agus an t-airgead a leithdháileadh.

Although I was successful in securing an additional £65.5 million of capital funding over the four-year period in the final Budget allocation, a gap still exists between the capital funding required to fully deliver the Department's capital programme and the amount allocated. 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.

Moving forward, priority will have to be given to maintaining the integrity of the schools estate. I will also have to look carefully at the scope for bringing forward any new school projects in the next three years. In view of the current capital funding position, I am unable to provide a time frame regarding progress of any school on the investment delivery plan, but my officials will keep the relevant school authorities updated on any developments.

I have continually demonstrated that, when given the necessary resources, we can deliver much-needed new schools, which is evident from the excellent progress made in delivering the 13 projects that we approved for capital funding in August 2010. Indeed, I was at one of those schools today and I will be going to one in Bangor and one in Strathearn over the coming days, and another in Forkhill tomorrow.

What I am saying to the Assembly and to the Executive is: give us money and we will spend it. Members may be pleased to know that the other day we announced that there will be new schools for Lagan College, Belfast and Tor Bank special school. Those projects are proceeding, and that represents a further investment of £31 million. I will continue to press for additional capital development in the schools estate, because every penny that we spend on it is money well spent.

Mr I McCrea: The Minister will be more than aware that I have raised in the past the need for a newbuild for Rainey Endowed School in my constituency. Will the Minister assure the House and the people who attend that school that that is a priority for her Department and that when money is available, it will be used to give that school a good building? Will she also update

the House on Magherafelt Primary School and nursery unit?

The Minister of Education: First, as the Member knows, a major capital project for Rainey Endowed was included in the Department's 2004 capital programme. It was to be taken forward under PPP procurement, but that did not materialise for economic reasons, and the project was redesignated as conventional in September 2009. The economic appraisal is being updated, and, in the interim, the project manager will continue to prepare procurement documentation for the appointment of a design team.

In view of the current capital funding position, I am unable to provide a time frame regarding progress of the proposed scheme for Rainey Endowed School. However, I assure the Member that my officials will keep the school authority updated on any developments.

The Member will be aware that the Magherafelt High School project has gone ahead. His constituency has succeeded in getting a number of new schools, which I am pleased about. In relation to an update — I am just looking for it; bear with me — the North Eastern Education and Library Board (NEELB) has concluded the tendering process for the Magherafelt Primary School scheme. The NEELB estimates that construction work will get under way in late March 2011, with an estimated completion date of around November 2012. I am pleased to report that it and the other 12 projects are moving forward. It is something that we have really been encouraging and pushing, and it is good news for the Magherafelt community.

Mrs M Bradley: Is the Minister prepared to publish the criteria that she uses to prioritise capital projects?

Some Members: Hear, hear.

The Minister of Education: We have always published the criteria that we have used for capital projects. I have to deal with the Budget that the House and the Executive have agreed. Would I like more money for school builds? Of course I would. When money becomes available, I hope that all parties around the table will support extra money for school builds, as they did last August, when we managed to get more schools on site. Give me money and I will spend it. Of course we will publish how we move forward in relation to what schools go ahead.

Mr Kinahan: I thank the Minister for her answer. During her time in the Education Department, money was handed back as opposed to underspent: £86 million in 2007-08, £29 million in 2008-09 and £33 million in 2009-2010. Will she detail whether she now believes that it would have been more appropriate to have used some of that money to tackle the chronic capital underinvestment in the school estate, for example, in Antrim and the schools that we have there?

The Minister of Education: I will send the Member the figures in relation to the amounts of money that we have spent on the capital programme. The Member failed to announce that significant amounts of money were handed back in the two years prior to my becoming Minister. Since coming into office, I have, in the past two years, spent 99.9% and, indeed, have secured further resources. That is why an extra 13 schools are on site or are going on site as we speak and an extra site has been purchased for Coláiste Feirste on the Falls Road. The Member should look at his figures. I will certainly ask my officials to send the correct ones.

Mr Storey: I ask Hansard to check the accuracy of what the Education Minister said today about Rainey Endowed School in Magherafelt. I declare an interest as a member of the board of governors of Ballymoney High School. If I recall correctly, the Minister said that the project did not proceed because of economic issues. It did not proceed because her Department changed the rules. It was a joint project between Rainey Endowed School and Ballymoney High School. Those two schools have now been disenfranchised because you and your Department changed the rules in relation to PPP. A question was asked by a Member previously about publishing the criteria. People need to know what you base your judgements on rather than assumptions or whims of fancy, so when will that happen?

The Minister of Education: The Member is entitled to his opinion of value for money and the economic reasons, but I do not share it. I stand by the answer that I gave.

St Peter's Primary School, Charlemont

4. **Mr D Bradley** asked the Minister of Education for her assessment of the facilities at St Peter's Primary School, Collegelands, County Tyrone.

(AQO 1326/11)

The Minister of Education: Amhail go leor scoileanna ar fud an eastáit, tá infheistíocht chaipitil de dhíth ar Bhunscoil Naomh Peadar.

Like many schools across the estate, St Peter's Primary School requires capital investment. I am aware that the school lodged a proposal for a rebuild in 2003. However, like many other schools in a similar position, it is not one of the schools in the announced investment delivery plan. The school has lodged a number of minor works applications with my Department, and officials are liaising with the school to prioritise the work within the resources available.

3.15 pm

I have continually highlighted the need for additional capital investment in the schools estate and ensured that any funds that we have been allocated are effectively used. Although we were successful in securing an additional £65.5 million of capital funding over the four-year period in the final Budget allocation, a gap still exists between the capital funding required to fully deliver the Department's capital programme and the amount allocated as part of Budget 2010. Without significant additional funding, it is simply not possible to meet all the competing investment demands from schools. Difficult decisions need to be taken, and investment across the schools estate needs to be prioritised within the resources available. Unfortunately, that means that not all works that might be required or desired can be funded.

Mr D Bradley: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra a thug sí. Tá an ceart aici: tá an scoil seo ag iarraidh foirgnimh nua le roinnt blianta anuas, ach níl aon chosúlacht ar an scéal go mbeidh toradh ar an iarratas sin go cionn i bhfad. Ar bhonn sábháilteachta agus sláinte, tá iarratas istigh ar mhion-oibreacha ag an Roinn. Ba mhaith liom a fhiafraí den Aire an féidir leis an scoil bheith ag súil le toradh deimhneach ar an iarratas sin?

Mr Speaker, I will provide a translation if you so wish. The Minister is correct to say that the school has been seeking a newbuild for quite a number of years, and it appears that, because of current financial strictures and other reasons, it will be some time before that is realised. She is also correct to say that the school has lodged an application for minor works on the basis of health and safety. When will the Minister's

Department be in a position to respond to that request in a positive way?

The Minister of Education: Ar dtús, is cúis mhór inní dom go bhfuair aon scoil laisitigh den eastát fógra mar sin.

The Member will be aware that the Health and Safety Executive (HSE) served an improvement notice on the school in March 2010, which highlighted a number of health and safety concerns at the school. I am seriously concerned that any school in the estate should be in receipt of such a notice. I assure the House that my Department has taken the matter very seriously. On receipt of the notice, the Department and the Southern Education and Library Board (SELB) took immediate steps to assess the risks identified by the HSE to enable them to take immediate action. It is important to be aware that not all the issues raised in the notice required specific investment in the school and that some of them can be mitigated through the local management of issues.

The Member might be interested to know that the Department is considering not just one but six minor works applications.

Tá an Roinn ag amharc ar shé iarratas le haghaidh mion-oibreacha don obair seo a leanas ag an scoil faoi láthair.

They are the provision of additional storage; car parking and traffic management, which will require the purchase of additional land; perimeter fencing; the provision of a multi-purpose hall and additional classrooms; the refurbishment of toilets; and the replacement of heating systems. I cannot guarantee that those minor works schemes will proceed or otherwise until the overall minor works prioritisation exercise is undertaken. I assure the House that all minor works applications are being prioritised consistently and within the priorities that I set to deliver only those minor works that meet our inescapable statutory requirements, such as health and safety, fire protection and those under Disability Discrimination Act.

Mr Humphrey: Today, a report about educational underachievement in working class Protestant areas is being produced, and the Education Committee will produce one later. Given the criteria that have been applied to Springhill Primary School and Glenwood Primary School in my constituency, will the Minister confirm —

Mr Speaker: Order. The Member should know that a supplementary question must relate to the original question.

Mr Humphrey: It does.

Mr Speaker: I am happy enough to hear how the Member might link it.

Mr Humphrey: Will the Minister assure the House of her assessment of the facilities that have to be provided in Springhill Primary School and Glenwood Primary School, given the criteria that her Department have applied heretofore?

The Minister of Education: It is a bit worrying that the Member has just discovered today that there is underachievement in both Protestant and Catholic communities. It may be that the Member was not listening, but I have been talking about underachievement on the Shankill Road, in north Belfast, west Belfast and in all the different areas of the North. It is unfortunate that Members opposite only now, after four years, realise the level of educational underachievement. It is very unfortunate.

In relation to the second question or comment made by the Member, we will look at all the schools on the investment delivery plan. We will ensure that we get as much investment as possible on the basis of need. The Member will be aware that one of the 13 schemes that we have brought forward is at Taughmonagh Primary School. I was delighted to attend the sod cutting there and receive a wonderful welcome. The people of Taughmonagh understand the importance of standards for all young people. They also understand the importance of the transfer debate and why Protestant children are being disadvantaged.

Mr McElduff: Will the Minister be specific about what her Department has done to address concerns expressed by the Health and Safety Executive about St Peter's Primary School, Collegelands?

The Minister of Education: Go raibh maith agat as an cheist sin. Rinne comhairleoirí teicniúla na Roinne measúnú láithreach ar na ceisteanna a sainaithníodh.

On receipt of the notice from the Health and Safety Executive, the Department's technical advisers carried out an immediate assessment of the issues identified. Minor works applications submitted by the school, aimed at addressing the issues, were examined

and the following actions taken. Work on the water heaters to address the legionella risk caused by existing systems at the school has been completed. Work on the toilets has been completed. The SELB replaced the water tank, and the Department's technical advisers consider that the issues of health and safety and the risk of fire from overcrowding can be mitigated by operating three lunchtime sittings. All other minor works applications for the school are awaiting the prioritisation exercise.

Schools: Maintenance

5. **Mr McGlone** asked the Minister of Education for her assessment of the extent of the current maintenance work backlog in schools.
(AQO 1327/11)

The Minister of Education: Is é an riaráiste reatha cothabhála le haghaidh scoileanna trasna an eastáit ná £299 milliún.

As Minister of Education, I have continually highlighted the need for significant investment in the school estate to tackle the high levels of maintenance backlog. I fought hard and successfully secured additional finance to address the maintenance needs of schools. I am acutely aware of the importance of ensuring that the school estate is appropriately maintained to prevent any unacceptable deterioration of the buildings and ensure that young people and teachers have a learning environment that is fit for purpose. In the past three years, £81.2 million has been spent on schools maintenance. This year, we secured an additional allocation to the education and library boards of £19 million for maintenance of the estate, bringing investment in maintenance in 2010-11 to £38 million.

Mr McGlone: Gabhaim buíochas leis an Aire as ucht an fhreagra sin. An dtiocfadh leis an Aire freagra a thabhairt domh ar an dóigh ar féidir léi an t-eastát scolaíochta a leasú agus buiséad níos lú aici?

Will the Minister please tell me how she intends to address a deteriorating school estate with a dwindling capital budget?

The Minister of Education: I plan to do that by securing further resources, and I look forward to the support of all parties in the House when I, or whoever the Minister of Education is, makes a bid at the Executive.

Mr Campbell: Will the Minister, in her last few days in office, look at the maintenance backlog that exists in a number of schools in my East Londonderry constituency to determine whether matters can be addressed quickly there? In recent years, some of the schools have been in a deplorable state of repair.

The Minister of Education: I will look at all the schools right across the North of Ireland to make sure that we re-prioritise the maintenance backlog. I have already explained the criteria that we will use.

Mr K Robinson: Will the Minister confirm that the maintenance backlog in her Department works out at roughly £1,000 a pupil? Indeed, if that is the case, does she agree that, as Minister for the past four years, she must take responsibility for that highly unsatisfactory situation?

The Minister of Education: I will write to the Member with the numbers because, although my maths might be OK, they are not good enough to answer that question off the cuff. However, over the past four years, we have brought in a jigsaw of interconnected policies to bring about change. When I came into office in 2007, I inherited a system that was designed in 1947 and was past its sell-by date. We now have the new curriculum, Every School a Good School and a new Irish-medium review, and we have brought forward a raft of policies that interconnect. A lot of good work has been done, but there is, of course, more work to be done. We have also invested significantly in the schools estate.

Mr Speaker: Question 6 has been withdrawn.

DE: Budget 2011-15

7. **Mr F McCann** asked the Minister of Education to outline the benefits of the additional money that has been allocated to her Department in the Budget 2011-15.
(AQO 1329/11)

The Minister of Education: Bhí mé buartha san fhómhair faoi chéad mholtaí an ghrúpa athbhreithnithe buiséid, agus mar gheall ar mo chuid iarrachtaí fuair mé £43 milliún sa bhreis ó thaobh airgid achmhainne de agus £72 milliún sa bhreis ó thaobh airgid caipitil de sa dréacht-bhuiséad.

I had been concerned about the initial proposals emerging from the Budget review group in the autumn, and, as a result of our efforts, we secured an additional £43 million of resource and £72 million of capital in the draft Budget. I continued to lobby hard for education, and we were successful in securing a further £114 million in current expenditure and £40 million for capital investment. The additional funding provided in the final Budget helps to mitigate the challenges facing education, particularly in the first year of the Budget period.

I am now considering the final allocation of the education budget for the next four years and, in doing so, I will do everything that I can to protect front line services and jobs and to make sure that the budget allocation for our children with special needs and our youth are protected. Following agreement of the final Budget, the Budget review group will continue to consider and, where possible, progress additional revenue-raising proposals. I will make a very strong case to allocate any additional funding that is identified to education.

Mr F McCann: Can the Minister tell us what her priorities have been in determining budgets?

The Minister of Education: Gan aon amhras, is dúshlán mór iad laghduithe an bhuiséid oideachais don earnáil oideachais ina hiomlán.

There is no doubt that the reductions in the education budget pose a major challenge to the education sector as a whole. In meeting that challenge, it is essential that the key issues are raising standards, delivering services to the front line and maintaining equality. In determining savings proposals, I have sought to protect spending on programmes that contribute most to the delivery of departmental priorities, drive up efficiency, reduce bureaucracy and eliminate duplication. I have also afforded protection to a number of important spending areas, including special education, extended schools, early years — in fact, we have increased the early years budget — and the extension of the eligibility criteria for free school meals entitlement. We need to ensure that our funding goes to the classroom and that we do not squander it on administration as has happened in the past.

Mr Bell: If there is any additional money, will the Education Minister look at the needs of the primary schools in the Newtownards area? Castle Gardens Primary School, Abbey Primary

School, St Finian's Primary School, Londonderry Primary School and the Newtownards Model Primary School could all do with an upgrade. Does she agree that upgrades of educational facilities help children learn better?

The Minister of Education: I agree with the Member that one factor in ensuring that we have very good standards is high-quality buildings. The key factor is leadership in our schools and the role of principals and boards of governors. However, I absolutely want our primary schools, not just in Newtownards but right across the North, to have high-quality buildings. We need area-based planning for the primary sector, because that is the best way to make sure that we have the correct number of primary schools for the number of children in an area and that each school is a good school.

Assembly Business

Privilege: Leak of PAC Report

Mr Speaker: The Chairperson of the Public Accounts Committee (PAC), Mr Paul Maskey, has given me notice that he wishes to raise a matter of privilege.

3.30 pm

The Chairperson of the Public Accounts

Committee (Mr P Maskey): Go raibh maith agat, a Cheann Comhairle. On 18 January, a draft report on the Public Accounts Committee's inquiry into performance and governance in NI Water was leaked to the media. The Public Accounts Committee commissioned an inquiry into the leak, but it was not conclusive. The Committee agreed at its meeting on 15 March that this was a matter affecting the privilege of the Assembly and decided that it should seek to have the matter referred under Standing Order 70.

I have written to you, Mr Speaker, to give notice of the detail of the matter at the first available opportunity, as the Standing Order requires. Accordingly, on behalf of the Committee, I move that the leaking of the draft report before it could be considered by a properly constituted Assembly Committee affects the privilege of the Assembly. Therefore, Mr Speaker, I ask that you refer the matter to the Committee on Standards and Privileges under Standing Order 70.

Mr Speaker: I can confirm that, in accordance with Standing Order 70(1), the Member gave me written notice of his intention to raise a matter of privilege and informed me of the details of the matter. I am content that the requirements of Standing Order 70(3) have been complied with and, therefore, the matter will be referred to the Committee on Standards and Privileges.

Executive Committee Business

Suspension of Standing Orders: Planning Bill

The Minister of the Environment (Mr Poots): I beg to move

That Standing Order 42(1) be suspended in respect of the passage of the Planning Bill.

When I introduced the Planning Bill in December, the Assembly set itself a major challenge. I was confident that we could meet that challenge. At Second Stage, I urged the House to drive forward the agenda for reform in the planning system to deliver what Northern Ireland needs, and that is what we have done. The Bill has been scrutinised thoroughly by the Committee, for which I commend it. The Committee has demonstrated what can be achieved, and I commend Members for the amendments that they tabled at Consideration Stage and Further Consideration Stage.

I want the Bill to complete its passage through the Assembly before dissolution, and, as Members will be aware, the Final Stage has been scheduled for this Wednesday. However, the date for Final Stage means that there will be less than the five-day minimum interval required under Standing Order 42(1) between Further Consideration Stage and Final Stage of a Bill. To allow the Final Stage to proceed on Wednesday, which is the last scheduled plenary sitting before dissolution, the Assembly must agree to the suspension of Standing Order 42(1). That is the purpose of bringing this motion to the House today. Should the Assembly agree the motion and pass the Bill at Final Stage, it will complete a key step in the journey towards a new, reformed planning system.

I acknowledge that there is still work to do, but the passage of the Bill will allow the new Minister and Assembly to move forward with the extensive programme of subordinate legislation and guidance that will be needed to underpin the planning system. Consideration of the Bill is nearly complete. All the hard work has been done. Let us make it over the finish line. Therefore, I seek Members' support for the suspension of the Standing Order to allow Final Stage of the Planning Bill to take place on Wednesday.

Question put and agreed to.

Resolved (with cross-community support):

That Standing Order 42(1) be suspended in respect of the passage of the Planning Bill.

Marine Licensing (Appeals) Regulations (Northern Ireland) 2011

The Minister of the Environment (Mr Poots): I beg to move

*That the draft Marine Licensing (Appeals)
Regulations (Northern Ireland) 2011 be approved.*

I seek the Assembly's approval for the statutory rule, which will provide an independent appeals mechanism to allow economic operators to appeal against marine licensing decisions and enforcement notices issued by my Department in its role as the appropriate licensing and enforcement authority under the Marine and Coastal Access Act 2009. The 2009 Act introduces a new system for licensing marine activities, which will replace licensing currently carried out under the Food and Environment Protection Act 1985. The types of activities that are licensable include construction on the seabed, offshore renewable energy installations and dredging. The new system will apply across the UK from April 2011 and will require subordinate legislation to provide more details on appeals, fees, exemptions, civil sanctions and the registration of activities.

The statutory rules for fees, exemptions and registration of activities were made on 16 March 2011 using the negative resolution procedure. Approval of the draft civil sanctions Order is the subject of the motion that will immediately follow the debate. I am grateful to the Committee for the Environment and the Examiner of Statutory Rules for their scrutiny of these draft regulations and the draft civil sanctions Order.

I turn to the content of the appeals regulations. The regulations make provision for operators who do not agree with a marine licensing decision or who have been issued with an enforcement notice under the 2009 Act to make an appeal to the Water Appeals Commission. There is no fee for making an appeal. The Water Appeals Commission was chosen as the appellate body because it is an independent body which has an efficient and effective appeals mechanism in place. Appeals will be determined in accordance with the commission's existing procedures, which means that the set-up costs of the appeals system will be minimal and the cost implications of the legislation low.

Appeals against a decision not to grant a marine licence or to attach specific conditions to a licence must be lodged within six months. Appeals against decisions to vary, suspend or revoke licences or against the issue of enforcement notices must be lodged within 28 days. The legislation gives the appeals commission the ability to confirm, vary or quash licensing and enforcement decisions. That being the case, the draft regulations include an amendment to article 293(10) of the Water and Sewerage Services (Northern Ireland) Order 2006, which established the Water Appeals Commission.

The regulations provide for an independent, transparent and cost-effective appeals mechanism, which, I believe, will provide economic operators and members of the public with confidence that the marine licensing and enforcement decisions made by my Department are balanced and robust. I ask the Assembly to approve the draft regulations.

The Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat, a Cheann Comhairle. The Committee considered the statutory rule on 10 March 2011. The rule will introduce an independent mechanism for appeals to the Water Appeals Commission against licensing decisions and the issue of statutory notices created by the UK Marine and Coastal Access Act 2009.

On 3 March 2010, members were advised by the Examiner of Statutory Rules that the rule contained a couple of errors, one of which altered the intended meaning of regulation 4. He suggested that that could be put right with a correction slip, thereby allowing time for the rule to be laid before dissolution of the Assembly. The Department provided a correction slip in time for the Committee's consideration on 10 March. Members were content with the corrected rule.

The Committee agreed to recommend that the draft Marine Licensing (Appeals) Regulations (NI) 2011 be affirmed by the Assembly. The Committee has long called for the introduction of marine legislation to enable the North to catch up with neighbouring jurisdictions. Although we hope that we will see a marine Bill for the North introduced early in the next Assembly, the regulations are a small but welcome, step. I support the motion on the Committee's behalf.

The Minister of the Environment: I have little to add. The appeals mechanism and the new licensing system will benefit the whole of Northern Ireland with regard to the sustainable use of marine resources. I thank the Chairperson and members of the Committee for their support for the motion.

Question put and agreed to.

Resolved:

That the draft Marine Licensing (Appeals) Regulations (Northern Ireland) 2011 be approved.

Marine Licensing (Civil Sanctions) Order (Northern Ireland) 2011

The Minister of the Environment (Mr Poots): I beg to move

That the draft Marine Licensing (Civil Sanctions) Order (Northern Ireland) 2011 be approved.

I seek the Assembly's approval for the aforementioned statutory rule, which will provide a robust and proportionate alternative to prosecution for minor offences under the Marine and Coastal Access Act 2009. The Order provides a mechanism in the form of fixed and variable monetary penalties that will remove any financial benefit that operators may derive from failure to operate inside the law.

Part 4 of the 2009 Act introduces a number of offences for which my Department, in its role as the enforcement authority, can prosecute. Although prosecution will, of course, remain an option for serious offences, there may be occasions when operators unintentionally cause harm. The introduction of fixed and variable monetary penalties will give the Department greater enforcement options and the flexibility to issue a penalty instead of pursuing prosecution. In some cases, that will be more proportionate to the offence committed and would mean that the operator would not have a criminal record as a consequence.

The draft civil sanctions Order introduces fixed and monetary penalties that are set at £100 for individuals or £300 for businesses to address low-level, technical or administrative offences, such as failure by an operator to provide information within the required time. It also introduces variable monetary penalties that do not have a fixed upper limit for more serious breaches or for instances in which an operator may have derived a financial benefit from non-compliance. The amount of variable monetary penalty will be the estimated financial benefit derived from the offence plus a deterrent element less the cost incurred by the operator. I am confident that that formula will help to ensure fair competition between economic operators. Those who act outside the law should not gain an unfair competitive advantage.

The Order makes provision for operators to make representations or, with regard to variable monetary penalties, to offer to undertake compensatory actions and for the Department to review the case before making a decision on

whether to withdraw the penalty or issue a final notice.

It is important to note that the revenue from monetary penalties will be paid into the Consolidated Fund for Northern Ireland. That means that the Department will not benefit financially from this legislation. Appeals can be made to the Water Appeals Commission against final notices imposing fixed or variable monetary penalties.

My Department will consult on and publish guidance on its use of civil sanctions. That guidance will contain information on circumstances in which sanctions are likely to be used, how liability can be discharged, factors to be considered in calculating variable monetary penalties, the right to make representations and the rights of appeal. Therefore operators would be fully informed of the introduction of the alternative to prosecution. I ask the Assembly to approve the draft Order.

The Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat, a Cheann Comhairle. The Department has informed the Committee that the Marine Licensing (Civil Sanctions) Order will increase the range of enforcement tools it has at its disposal. That is always to be welcomed. This rule will set up a scheme for fixed and variable monetary penalties, which are seen as a more proportionate alternative to prosecution. It will help to ensure the consistent protection of the environment and human health and the legitimate use of the sea. The Committee considered the rule on 10 March 2011, when members were content to recommend that it be affirmed by the Assembly. I support the motion on behalf of the Committee.

The Minister of the Environment: Once again, we seek to provide a proportionate and fair means of delivering sustainable development in the marine area. I thank the Chairperson and the Committee for their support in doing that.

Question put and agreed to.

Resolved:

That the draft Marine Licensing (Civil Sanctions) Order (Northern Ireland) 2011 be approved.

Suspension of Standing Orders: Justice Bill

The Minister of Justice (Mr Ford): I beg to move

That Standing Orders 39(1) and 42(1) be suspended in respect of the passage of the Justice Bill.

Members will be aware that, at Further Consideration Stage on Monday 7 March, Lord Morrow moved an amendment to the Justice Bill to amend the Firearms (Northern Ireland) Order 2004. That amendment was accepted by the Assembly and is now clause 104 of the Bill. Clause 104 deals with the use of shotguns by young persons. The clause allows a person under the age of 18 to use a shotgun in specified circumstances under the supervision of a firearms certificate holder who is authorised to possess such a shotgun.

In your ruling of 15 March, Mr Speaker, you declared that, as a result of that clause, it was your view that the Bill would be outside the legislative competence of the Assembly, since the clause is incompatible with Community law. It is incompatible with EU directive 91/477/EEC, as amended by 2008/51/EC, whereby firearms supervision, when on private land, must be by a person over the age of 18. Northern Ireland firearms legislation currently permits, in certain circumstances, the Chief Constable to grant a firearms certificate to a person aged between 16 and 18. Clause 104 could, therefore, permit a 16- or 17-year-old to act as a supervisor, which is contrary to EU law. Consequently, clause 104 will need to be amended before the Bill can proceed to Final Stage to bring it and, therefore, the whole Bill back within the competence of the Assembly.

I am very grateful, Mr Speaker, for your ruling that the Assembly should be given the opportunity to rectify the situation by the holding of an additional amending stage of the Bill before it moves to Final Stage. Members are well aware that there is no opportunity to amend the Bill at Final Stage, so the Exceptional Further Consideration Stage is scheduled to take place immediately after this item of business. To allow the additional amending stage to proceed, the Assembly must agree to the suspension of Standing Order 39(1), since otherwise we would have to move straight to Final Stage.

3.45 pm

Once the Exceptional Further Consideration Stage is completed and subject to Assembly agreement, the Bill will be brought back within competence and be in a position to proceed to Final Stage to complete its passage through the Assembly. Members will be aware that, to achieve that before dissolution, the Final Stage has been scheduled for this Wednesday. That will result in less than the five-day minimum interval required under Standing Order 42(1) between the Exceptional Further Consideration Stage and the Final Stage of the Bill. To allow the Final Stage to proceed on Wednesday, our last scheduled plenary meeting before dissolution, I, therefore, seek the Assembly's agreement to the suspension of Standing Order 42(1).

Following a great deal of work by the Justice Committee and the Assembly, the legislative passage of the Justice Bill is nearly complete. We do not want that work to be wasted by one clause being incompatible with Community law and therefore taking the Bill outside the legislative competence of the Assembly and preventing it obtaining Royal Assent. It is, therefore, essential that we amend the Bill to bring it within our competence and complete its passage on Wednesday. I trust that I will have the Assembly's support for the suspension of Standing Orders to allow that to take place.

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

Question put and agreed to.

Resolved (with cross-community support):

That Standing Orders 39(1) and 42(1) be suspended in respect of the passage of the Justice Bill.

Justice Bill: Exceptional Further Consideration Stage

Mr Speaker: I call on the Minister of Justice, Mr David Ford, to move the Exceptional Further Consideration Stage of the Justice Bill.

Moved. — [The Minister of Justice (Mr Ford).]

Mr Speaker: Members will have received a copy of the Marshallled List, which provides details of the single amendment tabled. The amendment seeks to render clause 104 compatible with EU law by clarifying that the supervising firearm certificate holder in the clause must be over the age of 18. I remind Members intending to speak that they should address their comments only to the amendment. If that is clear, we shall proceed.

Clause 104 (Restrictions on use of shotguns by young persons)

The Minister of Justice (Mr Ford): I beg to move the following amendment: In page 63, line 21, after “is” insert

“over the age of 18 and”.

As the House is aware from my comments a few minutes ago, the amendment has been drafted to bring clause 104 of the Bill back within the competence of the Assembly. Clause 104 was inserted by way of an amendment tabled by Lord Morrow at Further Consideration Stage. Although I opposed the amendment, the Assembly voted that it should be made to the Bill.

Clause 104 allows for the removal of restrictions on sporting shooting of shotguns for young persons. It allows someone who is under 18 to use a shotgun on private land or in an approved place under the supervision of a firearms certificate holder who possesses the shotgun. Members will recall that Lord Morrow argued that that would help young people to develop skills in the sport of shooting.

The competence issue occurs where a firearms certificate holder may themselves be 16 or 17 years old. That can occur in a small number of cases under the Firearms (Northern Ireland) Order 2004, whereby a young person aged between 16 and 18 may be granted a firearms certificate for the purposes of pest control or the protection of livestock on specified agricultural land, in which case the young person may be unsupervised. The intention of that

latter provision is to permit a young person to assist on a family farm. Therefore, under clause 104 as currently drafted, a 16- or 17-year-old could, by virtue of holding a valid firearms certificate, supervise another person aged under 18 to shoot a shotgun. That might not be a difficulty where the possession occurs within an approved target shooting centre, but it would be a problem where the possession occurs on private land. In that circumstance, it would not be compatible with EU law. A European directive states that a person aged under 18 can only use a shotgun under parental permission or guidance, under the guidance of an adult with a valid firearms or hunting licence or within a licensed or otherwise approved training centre.

The amendment that I propose adds the requirement that an individual supervising a young person shooting a shotgun must be over the age of 18 as well as being a firearms certificate holder. Legal advice I have received on the matter indicates that that will bring the clause back within the competence of the Assembly. The amendment has been drafted to ensure that the clause is compliant with EU law and meets the intention of the Assembly at Further Consideration Stage.

Given the competence concerns relating to the clause that the Assembly's legal team and the Attorney General expressed, I urge the Assembly to accept the amendment, to bring clause 104 back within competence and to achieve the Assembly's intention as it was at Further Consideration Stage.

Lord Morrow: I have said all that I want to say on this legislation. I understand why the Minister is back in the House, and I accept what has been said and why this has been done. However, I must emphasise that I am not doing that because I am, in any way, a Europhile. This is another example of those interfering EU directives that seem to probe into every facet and aspect of our lives and that we do not seem to have any say over. As I said, I understand why the Minister has come back to the House, why we are discussing the clause and the manner in which it has been done. Therefore, without further ado, I will stop, lest I might in some way give Europe some credibility that it certainly does not deserve.

Mr A Maginness: I support the Minister's amendment to clause 104. It is right and proper that the House supports the amendment, so

that a deficiency in the legislation that the Office of the Speaker detected can be rectified. I assume that that deficiency is being rectified on the advice of the Attorney General as well. It is a happy coincidence that the House received both advices that will allow it to put right this defective piece of legislation.

At Further Consideration Stage, I expressed some unhappiness at Lord Morrow's amendments. I felt that, irrespective of their merits, the amendments should not have been processed in the manner in which they were. I think that I was right in saying that. With the foresight that we had then, one was uncomfortable with the amendments, and, with hindsight, I now regard this particular amendment as foolhardy. This is not simply some technical problem introduced by the European Union; it is common sense that a young person of 16 or 17 should not be in a position to supervise another minor, which, as I understand it, would be the position if the amendment were not agreed. That goes to a point of substance rather than to a point of technicality, and it reinforces the original point that we should carefully scrutinise legislation in the House, particularly in Committee. It is important to re-emphasise that point.

We can all make mistakes, and we, as legislators, should be mindful of the duty and responsibility that we have for the health and safety of the public, particularly where firearms are concerned. I know that the firearms in question are not used intentionally to cause any injury or, God forbid, some fatality, but firearms are dangerous even in the strictest circumstances and under supervision. Therefore, we should be very vigilant and very careful when we address firearms legislation. In this instance, I do not think that we dealt with it either properly or carefully enough. However, the deficiency in the legislation was discovered in a timely fashion, and, on behalf of my party, I am happy to support the Minister's amendment.

Dr Farry: I, too, support the amendment. I will pick up on what Mr Maginness said: the system is working in rectifying the matter, but it goes without saying that this has been a very close shave. No doubt, there are procedural lessons that perhaps the Committee on Procedures may wish to reflect on for the next mandate, lest something such as this should happen again. This is a general comment and is not specific to the amendment. No matter how

much effort goes in during the build-up to legislation, whenever amendments are proposed towards the latter stages, particularly given the bottleneck that we are in at the moment, there is always a risk of drafting issues. However, we found it, and we have the opportunity to rectify it today.

I do not want to go into the merits or otherwise of Europe except to say that I support Europe and see benefits from the guidance that the Commission and wider European law provides in what we are doing. However, irrespective of your view on Europe, this comes down to one issue: it is the law, and we have to ensure that what the Assembly does as a devolved regional legislature is compliant with the wider legal framework in which we operate. We are not masters in this matter, and we are complying with that requirement. The merits of what we are doing also make sense and tend to reflect what happens in other walks of life with respect to whether it is suitable for children to supervise other children. That is the only consistent way we can do things, so I am happy to support the amendment.

The Minister of Justice: I am grateful for the support from the three Members who spoke. For once in this House the Europhiles outnumber the Euro-sceptics by three to one, which can be only a good step forward.

As I outlined, the amendment was tabled simply to make the required change with the minimum possible impact on the intention of the House when it added that clause. I notice that Lord Morrow, who proposed the original amendment, accepts the reasoning behind the amendment, whether or not he is in the Europhobe minority.

As Alban Maginness highlighted, what we have seen at this stage is good, co-operative close working between my legal team and your legal team, Mr Speaker. Indeed, as Mr Maginness highlighted, the Attorney General has also been involved in helping to ensure that the amendment is entirely competent and meets the requirements of the House. I am grateful for Mr Maginness's support and that of my colleague Stephen Farry in recognising that and the necessity that matters are dealt with correctly.

I was surprised at the lack of speakers. I would have thought that at least one member of the Ulster Unionist Party could have seen fit to make some sort of contribution. Perhaps they

realise that they need to hit the election trail suddenly, I do not know. However, I read with considerable interest a press statement issued by the normally voluble Mr Basil McCrea in which he referred to what he described as the news that the Attorney General had to intervene to warn the Justice Minister of the contents of the Bill, which I think that you and I will agree is a completely erroneous statement, Mr Speaker. He also said:

"it appears that some people don't appreciate that in this Assembly we are no longer playing at politics but actually making laws".

I was fully aware of that. That was why, when the issue of the one-for-one exchange of shotguns, also proposed by Lord Morrow, came forward at Consideration Stage, I asked him not to proceed at that point so that we could ensure that that clause was competent at Further Consideration Stage. That was an example of the use of the procedures of the House carrying through correctly.

Unfortunately, what we saw was that this late amendment at Further Consideration Stage was not competent. However, I take it ill when a Member issues a press release criticising the Minister and his officials and does not have the gall to turn up in the Chamber this afternoon having made a completely erroneous statement. He and his colleagues did not express any dissent from the clause at Further Consideration Stage.

4.00 pm

Lord Morrow: I have listened intently to what the Minister has said and accept his words of congratulations on getting the amendments onto the statute book. However, I remind the Minister that Mr McCrea is not the only one who has been abused in the House, because another Minister was brought to the attention of the House this morning for abusing its procedures. He also did not have the courtesy to come into the House to take his place and take his medicine. I am talking about the Social Development Minister, just in case anyone is wondering.

Mr Speaker: I am very conscious that we need to get back to the amendment.

The Minister of Justice: I will try to stick to the content of the Bill and comments that are directly related to the clause that is the subject

of the amendment. However, in the absence of Mr McCrea, who is clearly hanging his head in shame elsewhere, there is little point in making any further points about him.

When a problem arose, at least Lord Morrow had the grace to accept that we were seeking to work things out as best we could. We have dealt with that problem in a positive and effective way between the Department of Justice and the Assembly officials, under your direction, and with the assistance of the Attorney General and some Members. It ill behoves other Members to go in for cheap electioneering when they could be here dealing with the real substance of the Bill.

That said, it is clear that the mind of the House, or at least the mind of those who have bothered to attend this afternoon, is that the clause should be amended to make it compliant with the EU directive. Whether the Euro-phobes or the Euro-philics win other arguments, at least we are all agreed on that this afternoon. I hope that we can now formally approve the amendment so that we can proceed to the Bill's Final Stage on Wednesday.

Question, That the amendment be made, put and agreed to.

Mr Speaker: That concludes the Exceptional Further Consideration Stage of the Justice Bill. The Bill stands referred to the Speaker.

Civil Registration Bill: Final Stage

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

That the Civil Registration Bill [NIA 20/07] do now pass.

The Civil Registration Bill, which comprises 35 clauses and two schedules, was introduced to the Assembly on 24 June 2008. That was followed by a process of scrutiny and debate, which has proved to be extremely thorough and productive. I record my gratitude, first, to the Chairperson and former Chairpersons and the members and former members of the Committee for Finance and Personnel for their work in considering the Bill. Secondly, I thank all other Members for their contributions at the previous stages of the Bill's passage.

The Bill is important and necessary legislation that will modernise the civil registration system in Northern Ireland so as to provide a service that meets the needs and expectations of today's society. The provisions in the Bill include measures to: provide greater choice and more flexibility in registering life's events; improve service delivery through a much wider use of IT; provide the choice of additional types of certificates, that is to say commemorative certificates and abbreviated death certificates; allow electronic sharing of registration information with Government Departments and nominated organisations; and allow greater public access to civil registration records to facilitate genealogical inquiry.

I tabled 15 amendments to the Bill at its Consideration Stage. No other amendments were tabled by Members, which just shows that they can change their minds. The Bill places no additional financial burdens on public expenditure in Northern Ireland.

I thank Members, in anticipation of their support, for ensuring that this important Bill clears its Final Stage. I commend the Bill to the House.

Mr Speaker: I understand that we now have a quorum.

Question put and agreed to.

Resolved:

That the Civil Registration Bill [NIA 20/07] do now pass.

Damages (Asbestos-related Conditions) Bill: Final Stage

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

That the Damages (Asbestos-related Conditions) Bill [NIA 10/10] do now pass.

I learned all of the notes in this big book for a debate on the previous piece of business but it did not happen. I hope that this Final Stage goes through as quickly, although I doubt it will. The Bill has reached its Final Stage, and I do not intend to rehearse the detail of it. Members are fully aware that its aim is to reinstate pleural plaques as an actionable condition under the law of negligence and to prevent attempts to extend the decision in the Johnston case to symptomless pleural thickening or asbestosis. However, I will take a few minutes to emphasise why the Bill is important and why it should be allowed to pass.

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

As the Bill made its way through the Assembly, there was a lot of talk about whether pleural plaques degenerate into a more serious medical condition or whether they are, in themselves, damage. That debate reflects the discussions that have taken place in other legislatures. However, I would like all Members to stop and ask themselves what a diagnosis of pleural plaques would really mean and how they would feel if they were given proof that they had been exposed to asbestos and had growths in their lungs as a result. None of us here can begin to imagine just how devastating that news would be. The men and women who receive that message have seen their friends and colleagues die as a result of asbestos exposure, and no amount of reassurance can allay their real fears. Members should think about how they would feel if, having received that news, they were told that they could not hold to account the person responsible for their exposure. Most people will acknowledge that that would add insult to injury, and I, for one, do not want to deliver that second message. As I said before, the Bill is about access to justice, which is a principle that we all hold dear.

Mr A Maginness: Does the Minister agree that the Bill gives justice to people deprived of the right to compensation through no fault of their own by a House of Lords decision that applies here but over which they had no

control? Through the Assembly, we are restoring the rights of those people damaged through exposure to asbestos. That is a good and proper thing to do.

The Minister of Finance and Personnel: The Member for North Belfast hit on the most important point, which is that we are simply restoring a right that had existed. It is a right to which many people had access in the past, but it was removed. Money has already been paid into the insurance industry to allow people to receive compensation. The Member is absolutely right. That is why I have said that this is about justice. In the past, people had their right removed by a House of Lords judgement, and we wish to restore it, as has been done in Scotland and as the House of Commons at Westminster attempted to do.

If the Bill is passed today, people will once again be able to bring an action in negligence for asymptomatic pleural plaques, and that will bring some measure of comfort. Since we reached the closing stages of the Bill, a number of people have phoned my office and sent e-mails to express concern, because the wider community wants the Bill to pass before the end of this parliamentary term.

Before I close, I thank the Chairperson, Deputy Chairperson and all the Committee members for the time and attention that they gave to the Bill. I appreciate that they would have wished to have had further time for scrutiny, but I believe that the scrutiny of the Bill was second to none, as is the policy that it seeks to implement. I also thank all the organisations and individuals who responded to the initial policy consultation on the Bill, as well as those who submitted evidence or appeared before the Committee.

The Chairperson of the Committee for Finance and Personnel (Mr McKay): Go raibh maith agat, a LeasCheann Comhairle. I remind the Assembly that the Committee has sought to be as constructive and proactive as possible in its approach to the Bill, while wishing to ensure that it conducted full and proper scrutiny. I also remind Members that the late introduction of the legislation by the Department afforded the Committee only 25 days to undertake Committee Stage. For that reason, alongside a reasonable expectation that members should be afforded sufficient time for full and proper scrutiny, an extension to Committee Stage was sought. Following the Assembly's decision not

to grant that extension, the Committee agreed at its meeting on 16 February 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). The Committee's decision must be accepted and respected in the same way as the will of the Assembly not to grant additional time for Committee Stage is accepted and respected.

Therefore, I remind Members that the Committee's report merely compiles the evidence that it received on the matter, and it does not offer an analysis or opinion on any of the issues raised by stakeholders. Similarly, evidence received following the publication of the report, including transcripts of evidence sessions, has been placed on the Committee's web pages without analysis or comments, solely for Members' information. The latter evidence includes personal testimonies from people with pleural plaques, information on the public liabilities relating to Harland and Wolff, and further medical evidence. I trust that the information has been useful to Members as they considered this important piece of legislation and as they make their final decision today.

Dr Farry: I remain a deep sceptic of the Bill. However, I do not seek to block it, because I sense that, for better or for worse, most Members are committed to its passage. Nevertheless, there are still many unanswered questions, and many worrying implications may arise from what we are doing. Although I appreciate that there is a lot of interest in the Bill, I feel that, as a Member of the Assembly, I have a duty to speak my mind and my conscience on the issue.

Pleural plaques is not a harmful condition; the medical evidence that the Committee received was unanimous on that. It has been reported to us that there is a consensus in the wider medical field on that, and we have had no suggestions to the contrary. In essence, we are seeking to reintroduce a liability for a condition that does not cause harm to people. It does not interfere with lung function, and it does not, in itself, increase the risk of developing asbestosis. All that a pleural plaque is is an indication that someone has been exposed to asbestos. Two people may be exposed to asbestos: one may have pleural plaques and the other may not. There is no statistical evidence to suggest that the one with pleural plaques is

more likely to get asbestosis. In fact, the risk for both those people is the same.

This seems like a back-door way of trying to compensate people for their exposure to asbestos, which may, in itself, be a laudable thing to do. However, using the presence of pleural plaques as a means to do that is not a reliable way of capturing all the people who have been exposed to asbestos. Indeed, we should be compensating people when they have a condition established at a later stage.

We are not yet clear what the financial liability will be. Although the Minister and the Bill's explanatory notes may say something about a couple of million pounds, the Department of Enterprise, Trade and Investment (DETI) has set aside £29 million over the next four years to cover pleural plaques and other asbestos-related conditions. That covers only potential public sector liabilities, not private sector liabilities.

4.15 pm

In DETI's submission to the Executive on the Budget, it asked why on earth the Assembly wanted to create a potential liability of almost £30 million for a condition that does not actually cause harm when other pressing needs require the investment of such moneys, not least the attempts to rebalance and grow the economy. There is an opportunity cost in what we are potentially about to do.

I feel that we have moved very rapidly through the final stages of this. The issue has been around in the community for quite some time, but the legislation only came forward in December 2010. There was then a very rapid, accelerated process, which meant that we did not have the opportunity to have a full Committee Stage. Based on what has happened in Scotland, I fear that it is almost inevitable that we are going to see, perhaps for the first time in this mandate, a legal challenge to a Bill passed by the Assembly. I think that it would have been wiser for us to have waited until we knew the outcome of the Scottish case. If the legislation is overturned by the courts, the fact that we rushed its Final Stage and curtailed its Committee Stage will not show us in the best light. However, I accept the will of the House and where we are going. I look forward to being proven wrong about the doom; I am taking over from Declan O'Loan in that respect. However, I fear the implications that might arise. I do

not feel that this is the wisest thing for the Assembly to do.

The Minister of Finance and Personnel: I

thank those Members who took part in today's short debate. Given that this is likely to be our last opportunity to discuss the Bill, I will try to address the points that have been raised. First, the Chairperson dealt mostly with the amount of time that the Committee had and the fact that it had sought an extension. The arguments about that have been well rehearsed in the House. Indeed, we had a debate about it in the House when the extension was sought some weeks ago. The Assembly agreed with the position that I adopted at that stage, which was that to seek an extension really would ensure that the Bill would not pass before the end of the present Assembly term and that it would have to take its chances in the new Assembly term. The passage of time would have weakened further the case for introducing the Bill and would have reduced the opportunities for the kind of justice that those who have suffered from pleural plaques deserve, which the Member for North Belfast Mr Maginness outlined in his intervention earlier.

As regards the amount of time that the Committee had, it was made aware of the developments at all stages. When we consulted on the policy, it was informed of the consultation outcomes. At that stage, it had an opportunity to speak to officials and to receive information about the views of those who had responded. The same happened again at the consultation on the Bill itself, and a large amount of written evidence was taken. I have already pointed out to the Chairperson that it is a little ironic to argue that not enough time was made available to the Committee to discuss the Bill, given that it did not even use the time available to it before publishing its report. Had time been at a premium, I would have thought that the extra, I think, four or five days would have been used to produce further information.

At least Mr Farry never ever demurs from taking a line, regardless of whether or not it is a popular one. If he believes that a certain line is the right one to take — I admire him for this — he will do so. His stance on this issue is probably not the most popular one, and I do not believe that it is the correct one either. However, at least he has been consistent and has not been afraid to articulate his point.

I suppose that the question is what constitutes damage for the purpose of the law of negligence. That is what we are looking at. Mr Farry argues that, as far he is concerned and as far as the medical evidence received goes, asymptomatic pleural plaques are not regarded as debilitating. Nevertheless, it has been accepted that pleural plaques are a disease and that persons contract that disease as a result of negligence. What we are looking at is whether people have suffered and been affected as a result of an employer being negligent.

We already have legal opinion that scarring on the lungs is no different from scarring elsewhere. People may have scars on their body that are not seen and do not currently cause them any pain. Nevertheless, if it can be shown that there was negligence in receiving the scar, those people will get compensation. That is the issue that we are dealing with here. In the Johnston case, that was recognised by Lady Justice Smith, who gave a dissenting judgement. She said that ordinary people would readily recognise the harm done to those with pleural plaques and would not regard plaques as trivial and undeserving of compensation. Therefore, there is a legal opinion from the Law Lords indicating that there was dissent.

The judgement that the Assembly has made, and that I have made as Minister, is that pleural plaques are deserving of compensation. That is the judgement of not only this Assembly but of other Administrations. The Scottish Administration took exactly the same view.

I do not know whether the legislation will be tested in court. There certainly have been indications that it will be. If the experience in Scotland is anything to go by, it will be. In Scotland, the insurance industry did take it to the courts. However, I point out that the industry took it to the courts and lost the case in the lower court in Scotland. The industry does, I suppose, stand to have to pay out as a result of this. However, just because it threatens to take court action, that should not be a reason for a legislative Assembly such as our own, in which we make decisions on the basis of what we think is fair, right and reasonable, to be frightened off. Given that, as I pointed out, Mr Farry is certainly not a man to be frightened or scared off an unpopular decision or position, I am a wee bit surprised that he employed the argument that, because there was a possibility of a court case, we should run away from the

legislation. I thought that the prospect of a fight would have enticed him to support the legislation, but clearly not in this case. Of course, if a court case is taken, we have to defend the decision that the Assembly makes on this.

In closing, I thank Members for their participation. I hope that the great majority of us in the House will never have cause to rely on the terms of the Bill. However, I think that many of our constituents will. The Bill will provide real practical assistance to those people in all our constituencies — the working men and women of Northern Ireland. As such, I commend the Bill to the House.

Notice taken that 10 Members were not present.

House counted, and there being fewer than 10 Members present, the Deputy Speaker ordered the Division Bells to be rung.

Upon 10 Members being present —

Mr Deputy Speaker: Now that we have a quorum, I will put the Question.

Question put and agreed to.

Resolved:

That the Damages (Asbestos-related Conditions) Bill [NIA 10/10] do now pass.

Rates (Industrial Hereditaments) (Specified Percentage) Order (Northern Ireland) 2011

Mr Deputy Speaker: The next three items of business are motions from the Minister of Finance and Personnel relating to statutory rules. There will be a separate debate on each. The first two motions require cross-community support, and the third does not.

The Minister of Finance and Personnel (Mr S Wilson): I hope that I have the right one.

I beg to move

That the Rates (Industrial Hereditaments) (Specified Percentage) Order (Northern Ireland) 2011 be affirmed.

This Order enables the Executive and the Assembly to continue to hold manufacturing rates at 30%. As part of the Budget process, the Executive have agreed that that should apply for the next four years. The Order is short but very important. Without it, manufacturing rates would automatically revert to 100% liability on 1 April 2011.

The Order will ensure that support continues to be provided to the manufacturing sector. In doing so, it will also highlight the significant difference that devolution can, and does, make. Without devolution, 100% rates liability would have been imposed on our hard-pressed manufacturing sector from next month. However, in 2009, the Executive and the Assembly took steps to ensure that the Assembly is best placed to take decisions on manufacturing rates. The Act provided that the level of liability could be adjusted through subordinate legislation. Local decisions with a local impact would be taken with local interests at heart.

Without the Order, liability would default to 100%, which no one has suggested is a good idea. The Order also sends out the message from the Executive and the Assembly that we are putting the economy first. I have one thing to say to anyone in here, or out there, who doubts the wisdom of this policy: closed factories do not pay rates. It is my assessment that, if derating were removed, the actual collectable amount could be considerably lower than the maximum for going rates revenue.

Members will know that industrial derating provides relief to about 4,200 firms in

Northern Ireland, ranging from one-man or one-woman operations right through to the likes of Bombardier. Industrial derating dates back to 1929. Although it is not a policy that is particularly well targeted because it pre-dates the common market, it is permissible under state aid rules. Therefore, it is one of the few ways in which we can provide direct financial assistance to the sector in these troubled economic times.

It is important to stress that I am by no means advocating that manufacturing rates are held at 30% indefinitely. However, I consider that, in the current climate and given the important contribution that the manufacturing sector makes to the economy, now is not the time to start changing that level of support. My position is not never, but not now and not at this time. Manufacturing is a key driver of productivity. It is by far the largest generator of exports in the private sector. If the economic outlook for business were better, a different proposal may have been on the table. I consider that there is sufficient risk in increasing manufacturing rates at this time to justify it being held at 30% over the Budget period. Nothing in the consultation responses on the draft Budget brought that approach into question.

Before turning to the detail of the Order, I wish to touch on an issue that the Committee raised in its consideration of the matter of industrial derating.

Some members of the Committee asked that consideration be given to recycling manufacturing rates revenue in the form of a skills, training and research levy. In essence, that would require the manufacturing sector to assign a proportion of the savings to the sector from holding manufacturing rates at 30% to establish a fund that would support skills, training and research for that sector. That is akin to the STAR scheme proposal from the Northern Ireland Manufacturing Focus Group and Amicus in 2006. However, for a number of reasons, I am not convinced that that would work. Nevertheless, as the initiative is beyond the remit and expertise of DFP, I am seeking the views of the Executive subgroup on the economy before making final decisions.

4.30 pm

I will now deal with the Rates (Industrial Hereditaments) (Specified Percentage) Order (Northern Ireland) 2011 itself. Article 1 contains

the title of the Order and gives 1 April 2011 as its operational date. Article 2 provides that the level of manufacturing rates is to be set at 30%. Although a time period for that to apply cannot be set by legislation because of the nature of the primary enabling power, the Executive's Budget provides that manufacturing rates are to be set at 30% for the next four years. That will be further revised before 2015. I commend the Order to the Assembly.

The Chairperson of the Committee for Finance and Personnel (Mr McKay): Go raibh maith agat, a LeasCheann Comhairle. As the Minister has outlined, the Order sets the manufacturing rates liability at 30%, or 70% relief, over the four-year Budget period, which is the measure known as industrial derating. The Department first wrote to the Committee in September 2010, advising that the Minister proposed to maintain that level of liability, as he considered that to do otherwise in the current economic climate would impact adversely on the manufacturing sector. The Committee subsequently took evidence from departmental officials on 6 October and 3 November 2010.

The Committee had previously considered the issue of industrial derating in some detail in the context of the draft Budget 2008-2011, and, at that time, it considered that the policy was an outdated and blunt instrument for promoting economic development and sustainability in the longer term. However, Committee members recognised that modifications to the scheme could risk contravening EU state aid legislation and, therefore, supported the retention of liability at 30% at that time. The Committee recommended, however, that consideration should be given to the scope for modifying the scheme in the longer term to encourage increased business activity in areas that would lead to higher productivity, such as research and development and export marketing.

The Committee is disappointed that no feasible alternative has been identified, despite the time that has passed since the Assembly agreed to extend the measure in the 2008-2011 Budget. Some work was undertaken by the Manufacturing Focus Group, together with the trade union Amicus, on a proposed levy for a STAR scheme, whereby a proportion of the savings to manufacturing businesses through holding rates liability at 30% would be reinvested in skills, training and research for the sector. However, that has not been progressed.

In its recent report on the Executive's draft Budget, the Committee renewed its request for further detailed work to be done in that regard.

The Committee maintains its view that industrial derating is not the most effective measure either to provide support to or encourage change in the manufacturing sector in the longer term. Members recognise, however, that its removal in the current economic climate may have a destabilising effect on the sector. Therefore, the Committee agreed that liability should be maintained at 30%. In doing so, the Committee asks that the Department of Finance and Personnel does not wait until the end of the four-year Budget period to consider an alternative. It also asks that the 30% cap be reviewed, as appropriate, in the Budget period.

The Committee considered the proposals for the statutory rule at its meeting on 16 February 2011. The rule was formally considered on 8 March, when the Committee agreed that it should be affirmed by the Assembly. On behalf of the Committee, I support the motion.

Dr Farry: In the past, I have been one of those very strong sceptics of the measure and, indeed, have voted against it in the Assembly. However, that was in the context of better economic circumstances. Today, my party is happy to support the motion in the light of the need to give the manufacturing sector all the support that we can in the face of ongoing economic challenges. However, we should be under no illusions about the efficiency, or lack of efficiency, of using industrial derating as a form of economic support. It is a considerable form of economic support that potentially means the Executive forgoing revenue of about £70 million a year. Doubtless, the Minister will come back and say that that is entirely speculative, because if we impose a 100% rating, certain rates would not be collected as a consequence, and, therefore, it would not be a full £70 million. The revenue implications are a major issue, and I am disappointed that there are not more Members in the Chamber. It seems that the level of interest is inverse to the amount of money at stake.

My problem, as outlined by the Committee Chairperson to some extent, is that industrial derating incorporates considerable economic deadweight. Although it may help a lot of businesses stay open, it is important to acknowledge that others will stay open

irrespective of that financial assistance. Industrial derating also has the unforeseen consequence of ossifying our economic profile to some extent, as it helps to maintain the status quo of our economic or industrial profile. It is not a good means of trying to encourage change in the system. It is clear, not least to those of us who were in Washington last week, that there seems to be a lot of goodwill towards Northern Ireland because it can be a dynamic, global economy. However, we need the tools to make that happen, and industrial derating is a legacy tool that does not do that. It is more about defending a difficult status quo than doing things differently. Industrial derating, for example, applies only to certain forms of manufacturing. Other areas of economic activity are not supported through derating or through any assistance with the rates challenges faced by certain types of business, particularly in the service sector. Although manufacturing will and should remain important to our economy, we should not underestimate the need to encourage other forms of economic activity, including in the service sector, because our economic profile tends to mature in line with other western or Organisation for Economic Co-operation and Development (OECD) economies.

We need to be careful not to use the very limited resources at our disposal to keep in place a status quo that is not efficient and would not close the productivity gap. It would simply keep businesses open and keep people employed. To be able to stand on our own two feet, we need to be in a situation in which we can use money for investing in skills, upskilling the workforce and becoming a lot more competitive.

I return to my point about the £70 million of revenue that we would potentially forgo as a consequence of this. Members will be aware of the speculation that HM Treasury will release its consultation paper on corporation tax towards the end of this week. That is, no doubt, something that many Members and parties will look forward to, take great interest in and want to embrace. If we get the opportunity to reduce the rate of corporation tax, under the terms of the Azores ruling, there will be a challenge for the Assembly in how to fund the resulting loss of revenue from the block grant.

In the spirit of being honest and frank, as I always am, or at least try to be, in these situations, we need to consider whether we

want to sustain the level of industrial derating for which we will potentially vote in a few minutes' time in the context of a lower rate of corporation tax. Whether £100 million or £200 million, we would have to find that money from somewhere. One could argue that we are moving resources from a more inefficient form of economic support, albeit one with merits, through industrial derating, to what is billed as a more efficient means of incentivising the economy, which is the lowering of corporation tax. It makes sense to move resources from a lower to a higher productivity area.

Through industrial derating, we would also move from subsidising the cost pressures faced by business to trying to incentivise profit-making and wealth creation, which is ideally what businesses should be doing. Corporation tax is a much more efficient way of doing that.

There may well be changes over the lifespan of this Assembly that mean that we need to reconsider what we are doing with corporation tax. I appreciate that, today, we are potentially voting this through for a four-year period, but I would be interested to hear from the Minister what flexibility we may have and whether, if something better comes along over the next four years, we may have scope for reconsidering. I know that the Minister is a sceptic on corporation tax, and I think that part of his scepticism lies in the funding issue, so I may well be playing on a sympathetic agenda with him, but I do think that the Assembly has to acknowledge that there are opportunity costs in what we are doing today versus what we could potentially do in the future. It is important that we take all these decisions in the round, because we only have a limited amount of resources available, whether it is through giving direct subsidies or lowering the rates and charges that businesses face.

Those comments and sceptical points made, I am happy to support this motion, because we have to recognise that we are in a very difficult economic situation and that we need to give support to manufacturing. Even when you look at something such as the Executive's draft economic strategy, where there is a very subtle shift towards maximising employment in the here and now rather than productivity gain in the future, you see that we are in that slightly changed circumstance, and my support for industrial derating today should be seen in that regard.

The Minister of Finance and Personnel: I

thank the two Members who contributed to this debate. Mr Farry made an important point: it almost seems as if there is an inverse relationship — sometimes there are massive debates in this Assembly when we are talking about a few thousand pounds, and not when we are talking about millions of pounds. I suppose that we have an end-of-term feeling about the place at the moment, which may be one of the reasons why we do not have as many Members present; nevertheless, this is an important measure.

The measure is important for a number of reasons. First of all, it is important because, as Mr Farry pointed out, there are revenue implications. We are talking about a rates reduction of £70 million for firms in Northern Ireland, although, as I said in my opening speech, it is £70 million at present. If we took away the concession, we would not necessarily collect £70 million, because some of the businesses that are teetering on the edge and that have a reduction in their overheads as a result of this measure might go under if those overheads were imposed on them. We cannot quantify that, but it is a very real possibility.

The measure is also important because it is one of the means by which we can support the manufacturing sector of our economy: £70 million across 4,200 firms, many of them small firms and some of them larger firms. That fits in with the overall objective of the Executive and the Assembly to grow the private sector of the economy.

As both Members who spoke pointed out, it is a blunt instrument. I hope that, in my introductory speech on this Order, I showed that I accept that. It is an instrument that it is difficult for us to refine. If we were to try to refine it and open the door by changing it around, either by changing the rate or targeting it, as both Members suggested, we would have to put it back into the melting pot of European consideration. We would then find ourselves falling under some of the requirements of the state aid rules and might even find that we lose the instrument, blunt as it is, altogether. That is a consideration that we have to take into account.

The other point is that, as I hope that Members have noted, the Executive have decided that this will be revised again at the end of the four-

year period. Mr Farry asked whether there was any flexibility so that, if something better came along, we could divert resources to another measure, and he mentioned corporation tax. Both Members have sat on the Committee and have received the information and evidence. A theme that comes through constantly from industry and from the private and public sectors is that people want to have some long-term vision and assurance that a measure, when put in place, will stick for a while. Our argument for a four-year Budget was that people did not want one that would have lasted for a year, after which we would be back into the debate, uncertainty and everything else. People want to be able to plan. It is the same with firms. That is why we made a commitment over the four-year period of the Budget.

4.45 pm

I hope that Members have noted what I have said. First, this is a blunt instrument. Secondly, we want to target those parts of the economy that are growing and are more dynamic. Thirdly, during this Budget period, we will look at what may replace the measure. Given the current circumstances — and I say this to the Chairman and Mr Farry — it would be wrong to have removed this help to manufacturing industry. However, over the four-year period, we must make preparation. It also gives the recipients the understanding that they have to look at their operations in light of the kind of statement that has been made today. It is certain for the future period, but we want to look at whether it is the wisest way of using the resources that are available to us.

The other point made was whether this was deadweight. It was suggested that a lot of it was unnecessary and that some companies would continue to operate without this incentive being available to them. I have no doubt that that is true. One will only find that out when it is removed. By that stage, it will be too late because some firms may well go under as a result of this being removed. In the current circumstances, although there may be some economic inefficiency with this measure, it is one with which we need to continue.

In closing, I hope that pegging manufacturing rates at 30% will encourage companies to compete more effectively and to diversify and prosper. I trust that the Assembly will support it. I know from what has been said that even

one of the sceptics is prepared to support the motion. I hope that I have covered all of the points that Members have raised. I commend the order to the House.

Mr Deputy Speaker: As we do not have a quorum, the Question cannot be put.

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: Before we proceed to the Question, I remind Members that the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

*That the Rates (Industrial Hereditaments)
(Specified Percentage) Order (Northern Ireland)
2011 be affirmed.*

Rates (Regional Rates) Order (Northern Ireland) 2011

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

*That the Rates (Regional Rates) Order (Northern
Ireland) 2011 be affirmed.*

As Members will be aware, the Rates (Regional Rates) Order is a routine piece of subordinate legislation that flows from Budget decisions made by the Executive. This one stems from the Executive's agreed Budget that was brought to the Assembly on Wednesday 9 March 2011. The Budget covers the four-year period 2011-15, and the agreed regional rates increases are similar to those in the previous Budget. It is intended that they will provide greater certainty and stability for ratepayers over that period.

The legislation will fix two regional rates for 2011-12: one for households and one for business ratepayers. They are worked out in pence to allow individual rates bills to be set. The figures reflect the decision that the regional rate is to increase by the level of inflation, using the Treasury GDP deflator. The Order provides for a small increase of 2·5% in the regional rate next year for both households and businesses. Although it represents an increase in cash terms, in real terms, the impact on households and regional rate revenue will be held constant, ensuring that, at this difficult economic time, bills will increase by no more than necessary, while ensuring that the amount of regional rates revenue available to the Executive is protected. That builds on the action taken by the Executive during the current Budget period to keep rates increases as low as possible.

Given the current financial climate, I think that we would all agree that, as much as we would have liked to, it is not possible to continue to freeze the regional rate in cash terms. As Members will be aware, doing so would result in a reduction in regional rate revenue in real terms. No matter how beneficial to ratepayers, freezing the regional rate in cash terms is not sustainable in the current economic climate. Nevertheless, the Executive are committed to ensuring that household and commercial budgets are protected. In that respect, the Order represents the best that we can do to balance the interests of ratepayers and the Executive. No doubt there will be those who claim that the regional rate should have increased by more than 2·5%. I ask those people to consider

where, at this difficult time, ratepayers would find the additional money. Although we all want more resources to be available to the Executive, most households and businesses are finding things equally difficult.

Members will be aware that the regional rate supplements Northern Ireland's share of relevant public expenditure, providing an extra 6% over and above the Barnett settlement and extra funds to help to finance departmental expenditure on hospitals, roads, schools and other essential public services of which we have charge.

The regional rate represents just half of the typical rates bill; the other half is made up of the district rate, which is set by local councils. Councils have undertaken significant work this year to keep district rates as low as possible; and the average district rate will increase by just slightly less than the rate of inflation. Overall, average rate bills will see a slight reduction in real terms. On average, households and businesses should face rate bill increases of no more than 2·3% next year.

As a result of decisions taken by the Executive and Assembly, Northern Ireland ratepayers continue to have the lowest household bills in any part of the United Kingdom. As Members are aware, the modest increase is well below the trend for the last decade, particularly for the period of direct rule. Holding the domestic regional rate constant in real terms compares favourably to the type of increases experienced during direct rule. Members will no doubt recall the enormous 19% increase in the regional rate that was forced on households in 2006. The Assembly and Executive have ensured that, over the past three years, ratepayers have on average paid around £320 less than would have been the case under direct rule. The average rate bill this year is now £155 lower than it would have been had the increases of the last years of direct rule taken place.

In addition, households have benefited from the Executive's decision to defer water charges. Taken together, this means that the average household in Northern Ireland is around £1,600 better off, over the term of the Assembly, than would have been the case under direct rule. That is something which the sceptics, and those who continually point the finger at the Assembly, fail to recognise. As a result of decisions made here, the average household is £1,600

better off than it would have been had there been no Assembly. That is something to be applauded and has no doubt been welcomed by households over a number of difficult financial years.

Households have also benefited from a range of additional supports since devolution was restored, including the lone-pensioner allowance, which currently has a take up of around 80% which is very high for a benefit. In the commercial sector, a 2% increase will also be applied next year. That builds on a combination of real and cash freezes in the non-domestic regional rate in recent years. It also complements a range of measures that the Executive have introduced to help businesses. Rates bills for all ratepayers are now lower than would have been the case under direct rule. The last debate that we had was about industrial rates. They continue to be held at 30% and small business rate-relief schemes provide help to around 20,000 smaller commercial properties.

Members are also aware that, as a part of the Budget process, the Executive wish to rebalance the system of business rates so that smaller businesses get help while increased support is provided by those with the broadest shoulders. My Department will bring forward proposals in due course that will extend the small business rate-relief scheme significantly. Although the detail has yet to be finalised and will be subject to consultation, the Executive hope to be able to more than double the amount of overall total relief provided while increasing the numbers of eligible businesses significantly.

The proposals will also look at cross-subsidising that by providing a levy to large, high-value retail properties. Although the majority of those properties will be out-of-town, they will also include the very largest stores in our city centres. Ultimately, the intention is to provide that those with the broadest shoulders pay some more, with more support provided to our smallest independent businesses. Work will commence on bringing forward detailed policy proposals, which will be subject to consultation. I hope that both measures will be in place by 1 April 2012. That, of course, will be subject to Assembly approval and would apply for the remainder of the spending review period.

Final decisions on the way forward will, of course, be taken by the Executive Committee of the next Assembly.

5.00 pm

In conclusion, I remind those who call for more to be raised from hard-pressed ratepayers that the regional rate is not a golden goose. There are limits to the amount that can be raised through the regional rate. A 1% increase in the regional rate would raise relatively modest sums in the context of the Executive's overall resources — about £7 million. Just over £3 million would come from households, and the remainder would come from the commercial sector. Significant increases in the regional rate would be required to raise any sizeable sum. Taken together, the domestic and commercial regional rate will raise around £582 million in 2011 and 2012. That compares with £557 million in the current financial year and provides an extra £25 million to spend on core public services.

I have no doubt that we will have a good debate, and I look forward to the range of issues that Members will raise. As I look around the House, that may be a forlorn hope, but you never know. Before that, let me turn to more technical matters as I briefly run through the Order itself. It specifies the regional rate poundages for 2011-12. Article 1 sets out the title of the Order and gives the operational date as the day after it is affirmed by the Assembly. Article 2 provides that the Order will apply for the 2011-12 rating year through to 31 March 2012. Article 3 specifies 31.46 pence in the pound as the commercial regional poundage and 0.3698 pence in the pound as the domestic regional rate poundage. I look forward to hearing Members' comments, and I commend the Order to the Assembly.

The Chairperson of the Committee for Finance and Personnel (Mr McKay): Go raibh maith agat, a LeasCheann Comhairle. As the Minister has outlined, the purpose of the Order is to fix the regional rate for the year ending 31 March 2012. Members will be aware that the domestic regional rate was frozen for three years between 2008 and 2011. The draft Budget for 2011-15, which was recently agreed by the Assembly, provided that domestic rate increases should be in line with inflation. The issue of increases in domestic rates was discussed by a number of witnesses in their oral evidence to the Committee during its scrutiny of the draft Budget. Some felt that an increase in line with inflation was, in effect, a real-terms freeze and suggested that rates should be brought up to

a level similar to that in other jurisdictions. Others, however, believed that a rise in excess of inflation would reduce the disposable income of families and have a detrimental impact on the service sector.

The Committee accepts the need for a rise in domestic rates, given the current economic climate, the reduction in the block grant and the need to raise additional revenue. Members agree, however, that that must be proportionate and should be shared equitably and based on the ability to pay, which is especially pertinent in the context of the current economic downturn. The Committee considered the proposal to make the rule at its meeting on 16 February and agreed that it had no objection to the policy implications of the legislation. The rule was formally considered at the Committee's meeting on 8 March, and it was agreed that, subject to the report of the Examiner of Statutory Rules, it should be affirmed by the Assembly. On 16 March, the Committee noted that the Examiner raised no issues by way of technical scrutiny. On behalf of the Committee, I support the motion.

Dr Farry: In trying to spark a debate and some controversy, I will start off by welcoming this long-overdue decision by the Executive to at least have a rise in the regional rate in line with inflation. I say that with some irony, given that we have been calling for this level of increase in the regional rate throughout the lifetime of the Assembly. In their infinite wisdom, the Executive at that stage — of course, we were not on it, which maybe explains that — decided to go for a 0% rise in the domestic regional rate over that period, which, in fact, is a reduction when you factor in inflation. The irony is that, when times were good economically and financially — certainly better than they are today — the Executive did not go down the line of making a modest receipt of revenue from households. Today, however, in the context of a tight Budget, the Executive have faced up to the inevitability of accepting at least an inflation-based rise in the regional rate to try to balance the books to some extent. In essence, that is where we are.

In that context, I welcome that belated decision. Realistically, it has to be done to raise revenue. We must recognise that the block grant alone is not sufficient to meet the needs of public services in Northern Ireland. I am one of those who advocate that the Assembly needs to go further in raising revenue. That may not necessarily be through the regional rate. There

are other means, such as water charging, but I will not go any further down that line, other than to mention it. We are not raising revenue from households in Northern Ireland at the same level as revenue is raised from households in the rest of the UK. When we receive our money in the block grant, that fact is not taken into account, so we always start from further back in trying to provide comparable services. Health is a classic example of the need for parity in the quality of public services across the UK, and the Health Minister has made that argument time after time. If we are not prepared to accept parity in the level of revenue that we raise, we will find it difficult to meet the challenges and expectations that we raise.

I fully accept that raising revenue from people is not popular. No one likes paying taxes, and everyone will seek to resist doing so. Equally, however, paying tax is inevitable and a responsibility to which we must face up. We need to show leadership, and, although I have personal reservations about a property-based tax and the capital value system that we use at present for raising revenue, we should be mindful that this can be done on an even more progressive basis than may be the case today. The raising of revenue can be seen to be fair. Those who can afford to pay should do so, and those who cannot afford to pay should not be asked to pay as much or to pay at all. That is the basis of progressive taxation.

The DUP, which controls the Finance Department and may well continue to do so after the election, has pursued its clear ideological perspective on low rates through councils and the Assembly. That is the DUP's prerogative, and, under devolution, we have the option of taking a lower tax approach if Members want that. However, I am surprised that other parties in the Chamber, particularly those who claim a more left-wing, socialist perspective, have bought into that approach. The policy of low rates is the opposite of socialism and represents a right-of-centre agenda. I speak as someone who sees himself on the centre right of the political spectrum. However, even from my perspective, I see the pitfalls in the approach that we have taken historically to revenue raising. The pitfalls are the forgoing of revenue and the opportunity costs that arise from that. We have not struck the right balance.

For now, I am happy for us to support an inflation-based rise in the regional rate. We

should have been doing that in the past number of years. I reject what happened under the last years of direct rule, when there were massive 18% and 19% hikes in the regional rate. Equally, I rejected the populist 0% rise in the rate, because that was going in the opposite direction. A steady, inflation-based rise in the regional rate throughout the past number of years would have resulted in a degree of stability and certainty for people, and the baseline for raising revenue from the regional rate would now be higher. By not having had at least an inflation-based rise in the regional rate, the Assembly is probably about £40 million or £50 million worse off. That money would have been available for a host of things, including avoiding student fees, investing in the Health Service and providing more money for social housing. We have made those choices and will have to live with them when we go out to face the electorate. For now, I am happy to support what the Minister proposes, albeit belatedly.

The Minister of Finance and Personnel: I thought that we would, perhaps, have a more wide-ranging debate. It has not materialised. Nevertheless, once again, Mr Farry, at least, has provided the alternative point of view, albeit that of a minority in the Assembly. When I saw Mr McNarry coming in, I thought that sparks would start to fly. However, he has been unusually quiet. Maybe he will want to intervene during my closing remarks.

Mr McNarry: Will the Minister give way?

The Minister of Finance and Personnel: I knew that I would provoke him into doing something.

Mr McNarry: I thank the Minister for giving way. By now, he should know that when I can support him, I do and always will. On this rare occasion, he has my undivided attention.

The Minister of Finance and Personnel: Well, I am glad to see that Mr McNarry does not always feel that he has to be in combative mood. It disappoints me, however, because that might have livened up the debate a little.

The Chairman has left the Chamber. I thank him for the Committee's support for this measure. Mr Farry raised a number of issues. He encapsulated the argument when, in the middle of his speech, he talked about a kind of philosophical approach to how government should behave. Some people believe that it is government's role to spend people's money

and to intervene as heavily as possible in the economy — certainly more heavily than my party believes is right. Others believe that the people who are the best judge of how they spend their money are individuals themselves. I make no apology for the fact that, even though we face difficult financial considerations in the Assembly and the Budget process has not been easy, we, nevertheless, still abide by the principle that it is better that individuals are left with as much of their income as we can leave them with to make their own spending decisions. That is the essence of the debate: how much intervention should there be in individuals' economic lives? Mr Farry has, quite rightly, pointed out that that means that there is a choice. The public cannot have it both ways. If taxation is kept low, certain choices have to be made. Money will not be available to spend on or to divert towards certain things. Providing that we understand the parameters of that debate, we can, at least, proceed on that basis.

Mr Farry indicated that there was a certain irony because, when we could probably have most afforded it — certainly at the beginning of the Assembly term, not towards the end — we had a zero increase. Now that we are in much more difficult and constrained economic times, we have an inflationary increase. I must point out to him, however, that the zero increase was against the background of what had happened during the years of direct rule. At that time, given that, in the year before devolution was restored, people had experienced a 19% increase in rates, the decision was made that they should have some relief from the high taxation policies of the direct rule Administration. That was why that decision was made at that time. It was the right decision. At the time, it was welcomed. As has been pointed out, as a result of measures and decisions that were taken on local taxation, people are £1,600 better off than they would have been had the trend continued. At that stage, we also, of course, had the benefit of increases in funding in the block grant of between 6% and 8% every year. Therefore, the pressure was, perhaps, not as high as it is now.

5.15 pm

I suppose that the Order tries to balance the two things out. We need to raise additional revenue. The 0% change was not sustainable in the long run, so we have gone for no real increase but a cash increase of 2.5%. That is the right decision. It leaves people neither better

nor worse off in relation to inflation. In fact, you could argue that, using the GDP deflator, there is a real decrease. Had we used CPI, there would have been an increase of 3.5% or thereabouts, and we would have instituted an even bigger increase in the regional rate.

I want to finish with one point. The vast majority of the public would prefer to have their money to spend as they wish. If we are going to use money for public services, we have to prove, first, that there is a real necessity for doing so because we are providing additional services and, secondly, that we have eked out all possible efficiencies in the public sector before we ask people to pay more money. I am not convinced that there is no potential to save more money in the public sector. I think that there are better ways of doing things and that we do things that we do not need to do. There are more efficient ways of organising the activities that we do in the public sector. Almost every week, we get reports from the Public Accounts Committee and the Audit Office etc which verify that. That is why it is difficult to go to the public and say that we want more money from them, if we have not shown that we spend the money as effectively and efficiently as possible. For that reason, I believe that we have got the balance right.

The Executive have tried to balance the needs of the taxpayer with the requirements of the public finances at this particularly difficult time. As Members have contemplated the increase and as it has been discussed well during the Budget debate, I hope that they will support the Order. It demonstrates clearly that ratepayers have benefited from decisions taken by the Executive. It will continue to provide real support to communities, households and businesses during what are still very difficult economic times. I commend the Order to the Assembly.

Mr Deputy Speaker: Before we proceed to the Question, I remind Members that the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That the Rates (Regional Rates) Order (Northern Ireland) 2011 be affirmed.

Rates (Housing Executive) Order (Northern Ireland) 2011

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

That the Rates (Housing Executive) Order (Northern Ireland) 2011 be affirmed.

I think that we are at the end of this marathon of Orders and Bills.

At present, any landlord who enters into a voluntary agreement with Land and Property Services (LPS) to collect rates from tenants gets a discount of 15% for his or her trouble. That includes Northern Ireland's largest landlord, the Housing Executive. The system rewards landlords for undertaking that task. It is a good deal for my Department, because it saves LPS from having to chase individual tenants to recover rates, which would be an expensive and unfulfilling task for the agency, and, of course, revenue would be at stake. However, the reason why it has been so high is that rates are payable by landlords under the agreement, regardless of whether a property is occupied. It covers around 145,000 rented properties in both the private and social rented sectors.

The allowance has changed over the years, and, in 2007, under direct rule, it was increased from 10% to 15%. That followed a 2005 study by the Institute of Revenues, Rating and Valuation, which recommended that the increase should apply to all landlords except the Northern Ireland Housing Executive. This was due to the fact that the Northern Ireland Housing Executive was not subject to the same commercial risk in relation to non-payment and vacancies. Generally, it is easier for the Northern Ireland Housing Executive to collect rents on its property, given the lower turnover of tenants and higher levels of housing benefit. For that reason, it was felt that the allowance should be lower. However, the Northern Ireland Housing Executive was granted the benefit of the higher 15% allowance temporarily, due to uncertainty at that time over the RPA. It was intended that the Northern Ireland Housing Executive allowance should be reviewed after a couple of years. We are now four years on, the RPA has stalled, and the rating of empty homes will happen later this year. Therefore, it is appropriate that that overdue change is brought forward without further delay.

In 2009, the Assembly agreed to my Department taking the power to reduce the voluntary allowance. The outcome of a recent consultation was inconclusive, but there was clear majority support for the level to be higher in the private rented sector than for either the Northern Ireland Housing Executive or housing associations.

In all of this, we need to strike the right balance between encouraging landlords to pay rates on their properties and avoiding the situation where the LPS has to chase individual tenants, resulting in reduced revenue and increased costs. Bearing all of those factors in mind, I consider that the allowance payable to the Northern Ireland Housing Executive should be reduced to 10% from April, given that the reduction is overdue. It will be given effect through the Order before the Assembly today. The remaining changes — reducing the landlord allowance to 12·5% and 10% respectively for the private rented sector and the housing associations — should take place next April, after the rating of empty homes is introduced.

Some Members will also be interested in the financial impact of the changes for both the Assembly and district councils. Reducing the Northern Ireland Housing Executive allowance to 10% from April will produce regional rate savings of almost £1·9 million per annum from 2011-12 for the Executive. In a sense, though, this is circular money, and the savings to the regional rate will mean less for the Northern Ireland Housing Executive. I understand that the Department for Social Development has budgeted for the change.

There will be no additional revenue for district councils, given that the 2009 council package means that council revenue is already calculated as if the Northern Ireland Housing Executive allowance were 10%. Members will wish to note that, due to the nature of the enabling legislation, a separate Order will have to be brought forward in early 2012 to reduce the landlord allowance for the private rented sector and housing associations to 12·5% and 10% respectively. The impact on all landlords will be between £14 and £24 per property per annum.

More generally, the change in the voluntary landlord allowance will not affect the overall rates liability on a property, which remains the same. It is simply that the level of allowance

granted to the landlord has been adjusted. On that basis, there should be no impact on tenants, as full rates liability should already be collected by the landlord. My Department will, of course, monitor the situation as necessary.

Finally, I turn to the more technical matters of the Order itself. Article 1 sets out the title of the Order and gives its operational date of 1 April 2011. Article 2 reduces the Northern Ireland Housing Executive allowance from 15% to 10%. I look forward to hearing the comments of Members and commend the Order to the Assembly.

The Chairperson of the Committee for Finance and Personnel (Mr McKay): Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his opening remarks. The purpose of the Rates Order is to reduce the discount on rates for the Housing Executive, with effect from 1 April 2011. The landlord's allowance, as it is known, is awarded to landlords in recognition of the fact that they had entered into an agreement with the Department of Finance and Personnel to collect rates on its behalf. As the Minister outlined, the allowance currently stands at 15% for all landlords.

At its meeting of 17 November, the Committee took evidence on the outcome of the Department's consultation on the proposed reduction to the landlord's allowance. Committee members heard that no consensus against the proposed reductions arose from the consultation. Therefore, the Minister was content to propose that the allowance be reduced to 10% for housing associations and the Housing Executive and to 12.5% for landlords in the private rented sector.

On 16 February, the Committee considered the proposal to make the subordinate legislation. Committee members sought clarification that the rule would apply only to the Housing Executive with effect from April 2011 and confirmation of when the allowance would be reduced for private landlords. Having received a response from the Department, the Committee agreed that it was content with the proposed legislation's policy implications. The Committee formally considered the statutory rule and agreed to recommend, subject to the report by the Examiner of Statutory Rules, that it should be affirmed by the Assembly. On 16 March, the Committee noted that the Examiner of Statutory Rules had raised no issues by way of technical

scrutiny. Therefore, on behalf of the Committee, I support the motion that the Order be affirmed by the Assembly

Mr Deputy Speaker: I remind Members that this motion requires only simple majority support.

Question put and agreed to.

Resolved:

That the Rates (Housing Executive) Order (Northern Ireland) 2011 be affirmed.

Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2011

The Minister for Social Development (Mr Attwood): I beg to move

That the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2011 be affirmed.

The regulations are made under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 and increase the compensation payable under the Order to those suffering from certain dust-related diseases and their dependants who satisfy the conditions of entitlement on or after 1 April 2011. These are uplift regulations. The amounts payable under the Order are increased in line with the corresponding scheme that operates in England, Scotland and Wales.

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

I will explain briefly the purpose of the Order. An employer can be sued by someone who suffers from an industrial disease, where that disease was contracted as a result of working for that employer. However, the diseases that are covered by the Order can take a long time to develop and may not be diagnosed for 20, 40 or even more years after exposure to dust. By that time, the employer or employers responsible may no longer exist. Consequently, sufferers and their dependants can experience great difficulty in obtaining compensation.

The scheme was introduced in 1979 to help people who had no realistic chance of success in suing through the courts because their employer was no longer in business. It provides for a lump sum payment to sufferers. Payments are additional to any award of weekly industrial injuries disablement benefit for the same disease. A claim can also be made by dependants after a sufferer's death.

To receive a payment under the 1979 scheme, a person must have been awarded industrial injuries disablement benefit. Two further conditions must be met before any payment can be made. First, there must be no relevant employer who can be sued. Secondly, court action must not have been brought or compensation received for any of the diseases for which a person is claiming.

The scheme covers five respiratory diseases, most of which are directly related to asbestos exposure. Those diseases are diffuse mesothelioma, diffuse pleural thickening, primary carcinoma of the lung, byssinosis and pneumoconiosis, which includes asbestosis.

Some people who suffer from mesothelioma are not entitled to any payment under the 1979 scheme, because they were not exposed to asbestos in the workplace. However, since October 2008, the scheme provides for lump sum payments to be made to sufferers of mesothelioma, regardless of whether they were employees, self-employed or had never worked, provided that they have not received compensation from another source.

5.30 pm

The amount to be paid under these regulations is based on a simple calculation, cross-referencing the age of the sufferer and the level of disability. The higher amounts are paid to people with higher levels of disability and whose disability arises at an early age. The maximum that can be paid from April 2011 is just over £77,500 for a person aged 37 or under at diagnosis. Lower amounts are payable to dependants who claim after the sufferer has passed on.

The amounts payable under the scheme are increased by 3.1% in line with this year's uprating of industrial injuries benefit. The regulations help to ensure that the compensation provided under the Order maintains its value. I am sure that Members across the Assembly will warmly welcome that and will support the regulations.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. I speak on behalf of the Committee. I thank the Minister for his explanation.

The Committee for Social Development considered the proposal to make the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2011 at its meeting on 10 February 2011, and considered the statutory rule at its meeting on 10 March 2011. The regulations will increase the amount payable to sufferers of certain dust-related diseases or their dependants, who have been unable to claim damages from the relevant employer because the employer is no longer in business.

The increase in payments is 3·1%, which is in line with the operating of industrial injuries benefit. Although no amount of money could compensate for the misery and suffering caused by diseases such as pneumoconiosis, the amounts payable offer some assistance to sufferers and their dependants. Therefore, it is important that there are increases, and that the amounts payable keep pace with prices.

For the reasons that I have set out, the Committee for Social Development is happy to recommend that this statutory rule is affirmed by the Assembly.

Ms Lo: We are very pleased to support the statutory rule. We are a developed, wealthy country and we cannot leave our workers and employees suffering and not getting compensation. The 3·1% increase in amounts payable is in line with inflation. We therefore support the motion.

The Minister for Social Development: I thank Mr Brady and Ms Lo for their contributions. Mr Brady, speaking on behalf of the Committee, and in his own right, I am sure, is absolutely right that the relevance of these regulations is self-evident, given the particular and general industrial history of Northern Ireland and the people who were affected by the relevant conditions.

I thank Mr Hamilton, the Chairperson of the Committee, in his absence, and the members of the Social Development Committee for the way that they handled the regulations on 10 February 2011. I am sure that we all want to ensure that the value of compensation under the 1979 Order is not eroded by inflation. These regulations will make sure that that does not happen. I commend the motion to the House.

Notice taken that 10 Members were not present.

House counted, and there being fewer than 10 Members present, the Deputy Speaker ordered the Division Bells to be rung.

Upon 10 Members being present.

Question put and agreed to.

Resolved:

That the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2011 be affirmed.

Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2011

The Minister for Social Development (Mr Attwood): I beg to move

That the Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2011 be approved.

As with the last set of regulations and the matters that were referred to by Mr Sammy Wilson, these are uprating regulations.

The regulations are made under the relevant Mesothelioma, etc., Act (Northern Ireland) 2008 and increase the compensation payable under the Act to persons who are diagnosed with the illness, or, if the person has died, to their dependants. The amounts payable under the regulations will increase in line with the corresponding scheme that is operating in England, Scotland and Wales.

The purpose of the scheme is to provide financial support within a matter of weeks, without the need to establish an occupational link or any causal link. Many people who previously were not eligible for help — for example, those who were unable to pursue a civil claim or to claim a lump sum under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 — now have access to financial help for this terrible disease. That means that sufferers of mesothelioma are eligible for a payment whether they were employees, self-employed, or, indeed, never worked, provided that they have not already received a compensation payment from another source. Mr Lunn raised with me privately the matter of potential recovery in relation to the previous regulations. I will ask officials to look at that matter and come back to Mr Lunn in due course.

The regulations increase the amounts payable under the mesothelioma scheme by 3·1% in line with this year's uprating of industrial benefits from April 2011. So, for example, the amount payable to a person aged 37 or under at the time of diagnosis will be increased from £75,176 to £77,506, which is the same maximum that can be paid from April 2011 under the pneumoconiosis scheme.

I am sure that Members across the Assembly will again warmly welcome that increase in the amounts payable, thus ensuring that the compensation provided under the scheme maintains its value.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. Again, I thank the Minister for explaining the legislation.

The Committee for Social Development considered the Department's proposal to make the Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations 2011 at its meeting on 10 February 2011 and considered the statutory rule at its meeting on 10 March 2011.

As the House has just heard, the rule increases the payments to sufferers of diffuse mesothelioma and their dependants by 3.1%, in line with the operating of industrial injuries benefits. As the rule provides a little more money for sufferers of mesothelioma and their dependants, the Committee for Social Development was happy to recommend that the statutory rule be affirmed by the Assembly.

I suggest that the Minister gets someone to write his speech out phonetically, which is the way that somebody wrote my speech out for me.

Ms Lo: I will try to say it properly. As the Minister said, mesothelioma — I said that correctly — is a horrible disease, and we support the regulations, which upgrade payments to those affected by it. What is good about the payment is that it also covers family members who have been exposed to the dust from the uniforms or clothing of the workers who brought them home to their families.

Mr Callaghan: Does the Member acknowledge that this is not just a problem that affects people in the greater Belfast area? Undoubtedly, it is the location of most of the industrial heritage and legacy issues, but areas of the north-west and elsewhere have also been affected. Just as families and former workers have to be ever vigilant about the disease, the Assembly needs to be ever vigilant about their needs. This is a useful step towards better recognition of that.

Ms Lo: I totally agree with the Member.

The Minister for Social Development: I thank Mr Callaghan, Ms Lo and Mr Brady. I agree with all the comments and observations. I

thank the Committee for Social Development for its consideration and endorsement of the regulations. Even when there are issues of contention and division around legislation — primary or otherwise — the intentions and judgements of Members are always to consider the greater need and community benefit in Northern Ireland. However, on this occasion, I welcome the fact that there was consensus at the Committee and consensus on the Floor of the Assembly regarding the regulations, which, as Ms Lo indicated, bring benefit not necessarily just to the victim, but to the victim's dependants. I commend the motion to the House.

Question put and agreed to.

Resolved:

That the Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2011 be approved.

Pensions Bill: Legislative Consent Motion

The Minister for Social Development (Mr Attwood): I beg to move

That this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Pensions Bill dealing with the financial assistance scheme and contributions towards the cost of judicial pensions etc.

Members will be aware of my concerns, which I think are the same as the concerns of other Members and parties, about aspects of the current programme of welfare reform and the efforts by me and others to challenge the Westminster Government, first, to try to change the unfair aspects of the reforms and, secondly, to ensure that the British Government fully appreciate the particular circumstances that Northern Ireland faces. In my view, there has been some success in respect of that argument, but issues endure and need to be addressed in the remaining time of this Assembly and in the lifetime of the next Assembly. I encourage whoever my successor might be to exploit the opportunities that may be slowly opening up in respect of negotiations with the Department for Work and Pensions in London on the scale, timing, character and cost of welfare reform and welfare cuts in Northern Ireland.

I freely accept that the Pensions Bill at Westminster contains measures about which Members will have concerns, including, but not least, the acceleration of the process for increasing state pension age. I tabled the legislative consent motion, but only in respect of the content of the motion, which does not in any way, shape or form impact on the broader content of the Pensions Bill. Therefore, our debate today is not about the merits or otherwise of the Pensions Bill but is confined to two narrow areas that need to extend to Northern Ireland, and I want to explain what they are.

5.45 pm

The motion deals with the extension to Northern Ireland of measures in the Westminster Pensions Bill concerning two issues: the financial assistance scheme and judicial pensions. Those measures require the approval of the Assembly before they can extend to Northern Ireland because, although pensions are a transferred matter, there is a single financial assistance scheme for Britain and

Northern Ireland and, although the appointment of judges is an excepted matter, a small number of office-holders are appointed under Northern Ireland legislation and fall within the legislative competence of the Assembly.

Members will know that the financial assistance scheme (FAS) provides important help to people who lost out on their pension because their occupational pension scheme started to wind up after 1 January 1997 and before 6 April 2005 when the pension protection fund came into operation, because the scheme was underfunded or because the employer is insolvent or no longer exists. The FAS, for which the legislative consent motion is tabled, covers that category of person who lost out on his or her pension in the circumstances that I have just outlined. The scheme, which was set up under Westminster legislation, operates in Britain and Northern Ireland and is the responsibility of the Department for Work and Pensions (DWP).

I acknowledge the contribution that my predecessor, Margaret Ritchie, and my colleague from Derry Mark Durkan made to the scheme operated by Desmond and Sons Ltd. As a result of their efforts and the efforts of others, that scheme was brought under the FAS, and, as a consequence, former scheme members here enjoy greater security in retirement.

The Westminster Bill proposes two changes to the current law. Both are technical and do not alter how the scheme operates or its eligibility conditions. The first change amends an existing reference in legislation providing for the property, rights and liabilities of pension schemes that have been admitted to the FAS to be transferred to the FAS scheme manager. Since 2009, the scheme manager has been the board of the pension protection fund. The change will mean that the transfer will be to a prescribed person rather than to the scheme manager. Regulations will provide that the prescribed person will be the Secretary of State for Work and Pensions, currently Iain Duncan Smith. That clarifies the existing policy intention, which is that assets from those schemes admitted to FAS should be transferred to Government to part fund payments made by them.

The second change will enable the Secretary of State for Work and Pensions to legislate for ill-health payments, together with ordinary payments made under the scheme. Under

current legislation, members who suffer ill health can access special ill-health payments before their normal retirement age. Those payments are actuarially reduced to reflect the fact that they are paid for longer and that they have to be legislated for separately. That adds significant complexity and duplication to the FAS regulations. The proposed amendment will reduce that complexity. As I said, neither amendment will affect a person's entitlement or the amount that he or she receives under the scheme.

The Bill also amends existing UK-wide legislation relating to judicial pensions. The proposed amendment will empower the Lord Chancellor to make regulations to allow contributions to be taken towards the cost of providing personal pensions to members of the main UK-wide judicial pension scheme. That is in line with the recommendations of the Independent Public Service Pension Commission, which recommended that the most effective way to make short-term savings on public sector pensions was to increase member contributions. The level of contributions has not yet been set, and I understand that the rate will be subject to consultation by the Lord Chancellor. Under the proposals, contributions will be taken only while an office-holder is accruing pension benefits, that is, where they have not already accrued rights to a full pension.

Although the appointment of judges is normally an excepted matter, a small number of judicial office-holders and public investigative officers are appointed under Northern Ireland legislation and fall within the transferred field. The posts in question are the Comptroller and Auditor General, the Commissioner for Complaints/Assembly Ombudsman, the president of the appeal tribunals, a member of an appeal tribunal, the president and members of the Lands Tribunal, the president or vice-president of an employment tribunal or Fair Employment Tribunal and chairman of industrial tribunals and the Fair Employment Tribunal. Responsibility for the offices falls to a number of Departments — namely, the Department of Finance and Personnel, the Department for Employment and Learning, the Office of the First Minister and deputy First Minister and the Department for Social Development — as well as the Audit Committee. I am grateful for the support of the Executive and the Committee for Social Development in those matters. I request that the Assembly agree to the extension to Northern

Ireland of the provisions of the Westminster Pensions Bill that relate to the financial assistance scheme and judicial pensions.

Mr Brady: Once again, a LeasCheann Comhairle, I wish to speak on behalf of the Committee for Social Development. The legislative consent motion refers to the Westminster Pensions Bill, which, as we have just heard, contains provisions that deal with certain devolved matters relating to the financial assistance scheme and judicial pensions. The Committee considered those matters at its meeting of 10 March 2011 and the views of the Committee for Employment and Learning, the Committee for the Office of the First Minister and deputy First Minister and the Audit Committee.

Members noted the important role that the financial assistance scheme plays in providing financial help to occupational pension scheme members where the scheme is underfunded or where an employer is no longer solvent. The Committee welcomed the provisions relating to the transference of property rights and liabilities as a necessary way of clarifying the scheme's policy intention. The Committee also welcomed the provisions relating to ill-health payments for financial assistance scheme beneficiaries.

The Pensions Bill and the motion also refer to increased contributions towards the cost of judicial pensions. The Committee for Social Development consulted with other relevant Committees and agreed that there was no objection to the legislative consent motion as it relates to judicial pensions. I can, therefore, advise the House that the Committee is content to support the legislative consent motion.

As a Sinn Féin MLA for Newry and Armagh, I certainly welcome the financial assistance scheme. It is needed and will help to protect, at least to some degree, the pensions of those whose employers are unable to continue or become insolvent. Go raibh maith agat.

Ms Lo: I support the legislative consent motion on the Pensions Bill. Given that the pensions field is such a complex issue, I certainly support any measures that clarify the position and make it easier for people to understand. The financial assistance scheme will certainly make the position in Northern Ireland clearer for people. I also support the measures on judicial pensions.

Mr Callaghan: Go raibh maith agat, a LeasCheann Comhairle. The Minister

appropriately recollected the plight that was faced by the Desmonds' pensioners, many though not all of whom reside in and around the Foyle constituency. Those pensioners and members of the scheme whose situation was not always appreciated as they had not yet reached pensionable age — I know that some of them are the same age as me — were affected by a potential underfunding in their pensions back then, and the financial assistance scheme was the vehicle used to meet that need and the gap that was left. Up until that point, on average, only 53% of what was due to the pensioners who had reached pensionable age was being paid out to them. I know that very many of them were appreciative of the fact that appropriate representations were made to get the Westminster law changed to deal with the matter.

It is worth recalling that it was a technical oversight in the original financial assistance scheme legislation that effectively left the Desmonds' pensioners in limbo. Therefore, although technical legislation of this sort may be a little bit tedious and not entirely glamorous, it is very appropriate that we deal with it in a diligent and due fashion to ensure that the safety net that has been put in place for the Desmonds' pensioners and pension scheme members is put in place for other people who have given very loyal service to companies over very many years so that they are not penalised by the inattention of government or the private sector when they reach retirement age.

The Minister for Social Development: I thank Mr Brady, Ms Lo and Mr Callaghan for their various contributions.

I am not entitled to speak on behalf of other Members, but I get the sense that the sentiment of the Chamber is that, although the consent motion will be passed, that will be without prejudice to the range of other issues around pension reform and proposals that are emanating from London. Although this is the right intervention at this stage for the two matters in the legislative consent motion, in my case and that of many Members and other parties, that does not in any way endorse the broader approach being adopted by the London Government around pensions reform.

The legislative consent motion has to be pursued for the reason touched upon by Mr Callaghan. Desmonds' workers were left in

limbo, and we cannot have a situation in which any workers entitled to a pension are denied that because of the performance history of a certain company or business. The legislative consent motion will ensure that people who are entitled to protection and pensions will have those entitlements respected and honoured.

I will not deny that the more controversial part of the motion is that which deals with judicial pensions. The legislative consent motion will give the Lord Chancellor the power to make regulations that will require certain judicial office holders in Northern Ireland to pay certain contributions to their pensions. The authority and source for that recommendation is the Public Service Pensions Commission. The Public Service Pensions Commission has recommended that the most effective way to make short-term savings in public sector pensions is to increase member contributions. In passing the legislative consent motion in respect of a very small number of office holders with judicial authority in Northern Ireland — those who I named earlier — that principle is being accepted in respect of that category of person. For the wider consent motion to be proceeded with, it is my view that it will be necessary for the motion to be endorsed, as has been the case, by Members, parties and the Committee. However, we need to be very mindful that, in going forward, we have to make a much bigger judgement around the principle that is being developed and pursued by the London Government, namely short-term savings made by increasing member contributions for those in the public sector.

In a situation in which wage increases for those in the public sector earning over £21,500 will be nil over the next four years; in which the real value of people's incomes is going down and has gone down overall in the past six years; and in which there are increased commodity prices, an increased rate of inflation and the likelihood of increased interest rates, this is the recipe being served up by the London Government. Given that we have responsibility for our pensions, this is something that we need to interrogate further as a Northern Ireland Government. Yes, it is being interrogated at the moment by the Executive and the Assembly. However, the principle of making short-term savings through increased member contributions is one that is going to occupy the mind of this Assembly, and rightly so, going forward.

Subject to those comments, I commend the motion to the Assembly.

Question put and agreed to.

Resolved:

That this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Pensions Bill dealing with the financial assistance scheme and contributions towards the cost of judicial pensions etc.

Fishing Boats (Electronic Transmission of Fishing Activities Data) Scheme (Northern Ireland) 2011

Mr Deputy Speaker: The next item of business is another motion to approve a statutory rule.

The Minister of Agriculture and Rural Development (Ms Gildernew): I beg to move

That the Fishing Boats (Electronic Transmission of Fishing Activities Data) Scheme (Northern Ireland) 2011 be approved.

Go raibh míle maith agat. The sea fishing boats scheme will provide assistance for all fishing vessels of 12 m and over in length that are required under the EU control regulation to record and transmit their fishing logbook information electronically.

The new arrangements will replace paper logbooks on fishing vessels of 12 m and over. Under the new arrangements, vessels will have to record and send information electronically to their fisheries administration once a day instead of submitting a paper logbook sheet at the port of landing at the end of a fishing trip. The aim of electronic reporting and recording is to improve the speed with which catch data is reported and to reduce incidences of misreporting of where catches are taken.

6.00 pm

In recognition of the impact of complying with the requirement, we, along with the other fisheries administrations in England, Scotland and Wales, sought and obtained funding from Europe to help the fishing industry with the purchase and installation of electronic recording software. We decided to fund software as that option will allow a greater number of suppliers to compete for business and, therefore, the cost of the systems to the industry will, hopefully, be reduced. There are currently five approved software options available to the fleet.

Under the scheme, we propose to pay a flat rate grant of up to 95% of the cost of software or a maximum of £2,000 per eligible vessel. A total of £200,000 will be available from Europe for vessels of 15 m or over and a further £50,000 will be available for vessels of 12 m and over. There is no national contribution to the scheme and the funding is separate from the European Fisheries Fund.

Electronic transmission is being phased in across Europe according to vessel size. Vessels of 24 m and over in length are already expected to be reporting in that way, and vessels of 15 m and over in length must comply by 1 July 2011. The final group of vessels that need to comply are the 12 m and over group, which must record and report electronically by 1 January 2012.

I am pleased to advise Members that, since the launch of the scheme on 17 February, 86 applications for assistance have been received. I expect that all the vessels that need to comply with electronic reporting will have fitted grant-aided systems on board by the Commission's final deadline of 1 January 2012.

I believe that this assistance is important to help our fishing industry to adopt this new regulatory requirement and that it will help the industry to comply with electronic recording and reporting by the European deadlines.

The Deputy Chairperson of the Committee for Agriculture and Rural Development

(Mr Beggs): The Agriculture and Rural Development Committee considered the SL1 for this proposed statutory rule at its meeting on 19 October 2010 and agreed that it should be passed to the next legislative stage. At its meeting of 8 March 2011, it recommended that the final version, with minor technical amendments, should be confirmed by the House. The Committee is satisfied with the rule.

Speaking personally, I think that it is helpful that grant aid should be provided to enable the requirements of the European Commission to be met without loading undue burdens upon our fishermen. I welcome the motion.

The Minister of Agriculture and Rural

Development: I am pleased that the scheme has gained broad support from across the Assembly. I thank the Deputy Chairperson of the Agriculture and Rural Development Committee for contributing to the debate and Committee members for their valued contributions in bringing this scheme forward.

It is a good scheme and I think that it is important that we fund it to the extent that we do. We have obviously listened to the needs of fishermen and ensured that we get a scheme that best meets their needs. I hope that the scheme will demonstrate our ongoing commitment to the sustainable development of

our fishing industry. Go raibh míle maith agat, a LeasCheann Comhairle.

Question put and agreed to.

Resolved:

That the Fishing Boats (Electronic Transmission of Fishing Activities Data) Scheme (Northern Ireland) 2011 be approved.

Protection of Freedoms Bill: Legislative Consent Motion

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

That this Assembly agrees that the UK Parliament should consider amendments to the Protection of Freedoms Bill to extend to Northern Ireland the provisions dealing with safeguarding of vulnerable groups contained in chapter 1 of Part 5 of the Bill as introduced in the House of Commons on 11 February 2011.

Members will be aware that, across the UK, we are in the process of strengthening child and adult protection arrangements in certain workplace situations, that is, those situations that provide significant and, in some cases, unfettered access to children and vulnerable adults. The aim is to make the existing arrangements more robust, so that individuals who are unsuitable to work with children and vulnerable adults are prevented from gaining access to them. The new arrangements will take the form of a vetting and barring scheme (VBS). As the title suggests, those working with children and vulnerable adults will be checked before they can obtain work or, indeed, volunteering opportunities with children and vulnerable adults. Those who harm children and vulnerable adults or place them at risk of harm will be placed on barred lists, thus preventing them from obtaining further relevant work and volunteering roles.

The VBS is being put in place in Northern Ireland, England and Wales, and a parallel and broadly aligned scheme is being put in place in Scotland. The VBS has wide support in Northern Ireland. It is widely accepted here that, alongside other safeguarding measures, vetting and barring are a crucial part of child and adult protection. The VBS was criticised in England and Wales on the grounds that its scope was considered too great. Given that criticism, the UK Government initiated a review of the scheme, which was completed in January 2011. As a result of that review, the legislation that is establishing the VBS requires amendment.

In Northern Ireland, the VBS is being put in place under the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, while in England and Wales, it is being put in place under the Safeguarding Vulnerable Groups Act 2006. The changes to VBS legislation are being made in England and Wales through the Protection

of Freedoms Bill, which was introduced in Westminster on 11 February and which received its Second Reading on 1 March.

I am seeking the Assembly's consent to extend the safeguarding vulnerable groups provisions of the Protection of Freedoms Bill to Northern Ireland. With the Assembly's consent, equivalent Northern Ireland provisions will be introduced to the Bill through Government amendments at Committee Stage. I want to make it clear that this consent motion relates only to the provisions that are in Chapter 1 of Part 5 of the Bill. The Bill deals with other issues, including the retention and destruction of fingerprints and DNA samples, further regulation of closed-circuit television, automatic number plate recognition and other surveillance camera technology, stop and search powers and changes to pre-charge detention for terrorists. Other provisions amend the Freedom of Information Act 2000 and the Data Protection Act 1998. I understand that, in the new mandate, the First Minister and deputy First Minister will seek the Assembly's consent to extend provisions of the 2000 Act and the 1998 Act to Northern Ireland.

The motion relates to the safeguarding vulnerable groups provisions contained in Chapter 1 of part 5 of the Bill. The relevant clauses are clauses 63 to 76. As recommended by the VBS review, the Bill will amend the definition of "work with children and vulnerable adults" by removing certain positions and roles that are currently covered by the VBS. If I may give an illustration, for work with children, certain activities, such as teaching, training or instructing, which are supervised, will no longer be in the scope. Also excluded will be the provision of any legal advice to a child, certain contract work and supervised volunteering in places such as schools. School governors, directors of children's services and the Children's Commissioner will also be excluded from the definition, and, as a consequence, from the vetting and barring requirements of the VBS.

Provision has been made in the Bill to exclude work with 16- to 17-year-olds. That was the policy in England and Wales only. Work and regulated activity with 16- to 17-year-olds will not be removed from the scope of the VBS in Northern Ireland on the grounds that the risk of harm to a 16- or 17-year-old can be as great, if not greater in some circumstances, as the risk to a child under the age of 16. I have now been advised that Ministers in England and

Wales have decided to bring work with 16- and 17-year-olds back within the scope of the VBS. I commend Ministers for that change in policy direction.

We also intend to define “work with children” differently in Northern Ireland by retaining within the scope of the VBS the Guardian Ad Litem Agency, anyone working in a children’s hospital with the opportunity for contact with children, and those who undertake inspection activities in the health, social care, education and justice sectors. The latter has the support of the relevant Departments, Education and Justice. The decision to retain those posts was made on the basis that they offer the opportunity to have contact with children, some of whom are very vulnerable. The definition of work with a vulnerable adult has also been greatly simplified, which is likely to be welcomed by employers and volunteer managers in that field of work. Transporting adults to, from and within a health or social care setting will also be covered by the new activity.

Controlled activity in respect of children and vulnerable adults is being abolished. The registration and monitoring components of the VBS are also being abolished. In place of registration, there will be a duty to establish whether a person who is seeking to work with children and vulnerable adults is included on a barred list, which will be introduced. Systems will also be introduced that will enable an employer or volunteer manager to request to be told whether a particular individual is barred and to be automatically told when a particular individual is barred. Provision is being made that will enable the central barring authority to review, at any time, an individual’s inclusion on a barred list and, in certain circumstances, to remove that person from the list. Duplicate entries on the barred lists held across the UK will be prevented.

The legislative consent motion seeks to extend to Northern Ireland the provisions contained in each of those clauses. In so doing, we will be able to keep pace with the changes to vetting and barring that are being put in place across the UK. It will also ensure that the arrangements for preventing unsuitable people gaining access to some of the most vulnerable children and adults in Northern Ireland are as robust here as in any other part of the UK. The last thing that any of us wants is for Northern Ireland to be seen as the UK’s weakest link in

vetting and barring terms. By keeping pace, we should also be able to plug into some of the technology that will deliver continuous updating of disclosure certificates under the new VBS. That should not be underestimated either in financial terms or in its appeal to employers and volunteer managers in Northern Ireland. On that basis, I ask the Assembly to support the motion.

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

I rise to give my last contribution as Chairperson of the Health Committee. The Committee had its last meeting today. The past 19 months have been stimulating, interesting and somewhat demanding. It is, therefore, appropriate that we are dealing with an important subject: the vetting of those who work with children. Although it may be somewhat dry, as most of the motions have been this afternoon and this evening, it is still important.

The Health Committee took evidence from departmental officials on the need for a legislative consent motion in relation to the Protection of Freedoms Bill on two occasions: 17 February and 3 March. The legislative consent motion concerns arrangements for safeguarding children, young people and vulnerable adults. Therefore, it was important that the Committee scrutinised it in detail.

As Members may know, the coalition Government introduced the Protection of Freedoms Bill in the House of Commons on 11 February 2011. It is a wide-ranging Bill that addresses issues such as the retention of fingerprints and DNA samples, the regulation of CCTV, counterterrorism powers, etc. However, it is Part 5, which deals with changes to the vetting and barring scheme, that is relevant to today’s debate.

The vetting and barring scheme is a cross-jurisdictional project, involving England, Wales, Scotland and Northern Ireland. As Members are aware, it was brought in following the Soham murders, with the aim of increasing protection for children and vulnerable adults. The aim of the scheme is to prevent unsuitable people working or volunteering with children and vulnerable adults by creating a list of people barred from that kind of work. Crucially, the barred lists are recognised and shared across all parts of the United Kingdom. So, if an individual on a barred list in Scotland applies to work with

children in Northern Ireland, when the check is done and they are seen to be on the Scottish list, they would be barred from working here.

As Members will know, when the coalition Government was formed, they halted any further implementation of the vetting and barring scheme. Their view was that the scheme was disproportionate and too complex, and they commissioned a review of it. The review was completed and published in February 2011. Part 5 of the Protection of Freedoms Bill will give effect to the recommendations contained in the review. It will do that by amending the relevant legislation that applies to England and Wales. In respect of Northern Ireland, it will amend the Safeguarding Vulnerable Groups (Northern Ireland) Order —

Mr Deputy Speaker: I ask Mr Wells to move closer to the microphone so that what he is saying can be picked up.

The Chairperson of the Committee for Health, Social Services and Public Safety: It is very unusual for someone not to hear a DUP Back-Bencher. It shows how weakened we have become that our voices cannot carry. We have followed our former leader, the honourable Member for North Antrim, for years and have learned to project our voices. So, I hope that the Hansard staff are picking me up loud and clear from now on.

6.15 pm

Part 5 of the Protection of Freedoms Bill will give effect to the recommendations contained in the review. It will do that by amending the relevant legislation that applies to England and Wales. I am just repeating the last paragraph in case I was not picked up, Mr Deputy Speaker. In respect of Northern Ireland, it will amend the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007. That will put in place a vetting and barring scheme that is broadly consistent, and has similar timescales, across the United Kingdom.

The Committee sought further information from the Department on a number of aspects of the Bill. We wanted to understand how the new vetting and barring arrangements would impact on a situation where someone from the Republic of Ireland comes to Northern Ireland seeking work with children or vulnerable adults, or vice versa. Officials informed the Committee that arrangements are currently in place between

the PSNI and the gardaí in respect of sharing information on individuals who are seeking such work. By the way, we, as a Committee, are indebted to Mr Pól Callaghan, who seems to be the expert on this issue as a representative of a border constituency.

When someone from the Republic of Ireland comes to Northern Ireland and applies for work with children or vulnerable adults, the check that is done will only reveal any convictions that occurred in the Republic of Ireland. Any soft intelligence that the gardaí might hold on that person will not be shared. However, any soft intelligence on an individual held by the PSNI, or any other UK police force, is used as part of the checking process under the vetting and barring scheme.

Although the issue of the arrangements with the Republic of Ireland is not material in respect of the legislative consent motion that we are debating today, the Committee wishes to flag it up as an issue of concern. We encourage the Department to continue working with its counterparts in the Republic of Ireland to tighten up and expand the current information-sharing protocols.

The Department advised the Committee that one of the key recommendations coming from the review of the vetting and barring scheme, and which is reflected in the Bill, is a change to the current definition of “regulated activity” to remove positions and roles from the scope of the scheme. The Committee asked for further detail and was informed that that would mean that some work with 16- and 17-year-olds would be removed from the definition of “regulated activity”. However, the Department also advised that it was considering whether Northern Ireland had the discretion to keep certain activities within the scope of the vetting and barring arrangements.

After that initial departmental briefing, the Committee received correspondence from the Children’s Commissioner. She, too, was concerned that the proposals to change the vetting and barring scheme would mean that 16- and 17-year-olds would lose the protection that they currently receive in relation to certain types of regulated activity. To clarify the situation, the Committee took further evidence from departmental officials.

The Committee welcomed the news that the Department had met the Children’s

Commissioner to discuss these issues and that the Minister had come to the decision that, in relation to work with 16- and 17-year-olds, Northern Ireland would not adopt the policy as it is applied to England and Wales. The Committee understands that the commissioner welcomed that news. The fact that all young people up to the age of 18 will be protected by the vetting and barring arrangements here is very welcome. The Committee welcomed that development and viewed it as further evidence of the Assembly developing policies that fit our own particular circumstances.

To conclude, the Committee welcomes the legislative consent motion. The provisions contained in the Protection of Freedoms Bill will mean that we will have a strong UK-wide vetting and barring scheme that will help to protect both children and vulnerable adults from harm. I commend the motion to the House.

The Minister of Health, Social Services and Public Safety: I thank Members for their contributions, both today and in the Health Committee. The success of child and adult protection often stands or falls on the presence or absence of good communication, co-operation and collaboration.

I am very conscious of the land border with the Republic of Ireland, which Mr Wells remarked on. For that reason, work involving officials in relevant Departments on both sides of the border is ongoing. Indeed, I understand that the Republic of Ireland is considering setting up a vetting and barring bureau, although some vetting and barring work is currently undertaken under the auspices of the North/South Ministerial Council.

The vetting and barring scheme has been an expensive undertaking. Sharing information on this scale requires the support of sophisticated technology. By keeping pace with arrangements in other parts of the UK, we will be able to ensure that Northern Ireland can plug into the technological developments that make the success of vetting and barring arrangements possible. I commend the motion to the House.

Question put and agreed to.

Resolved:

That this Assembly agrees that the UK Parliament should consider amendments to the Protection of Freedoms Bill to extend to Northern Ireland the provisions dealing with safeguarding of vulnerable

groups contained in chapter 1 of Part 5 of the Bill as introduced in the House of Commons on 11 February 2011.

Committee Business

Successful Post-Primary Schools Serving Disadvantaged Communities

Mr Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 15 minutes to propose the motion and 15 minutes to make the winding-up speech. All other contributors will have five minutes.

The Chairperson of the Committee for Education (Mr Storey): I beg to move

That this Assembly approves the report of the Committee for Education on its inquiry into successful post-primary schools serving disadvantaged communities (NIA 57/10/11R); and calls on the Minister of Education, in conjunction with her Executive colleagues and relevant bodies, to implement, as applicable, the recommendations.

I rise as Chairperson of the Committee for Education for the final time in the House. I thank you, Mr Deputy Speaker, for the opportunity to debate the report of the Committee's inquiry into successful post-primary schools serving disadvantaged communities.

The Committee launched the inquiry on 11 November 2010, following extensive scoping work, which looked at underachievement in post-primary schools, and, in particular, those post-primary schools that had succeeded in raising standards or were maintaining good standards in the face of social or economic deprivation.

The aim of the inquiry as agreed by the Committee was:

"To consider examples of successful post-primary schools serving economically and socially disadvantaged communities, identify the key characteristics/factors which contribute to their success and consider how they can be reproduced in schools where they are lacking."

The inquiry published its terms of reference in the regional newspapers, setting out four key areas on which it would seek evidence. Those were: effective school leadership; school engagement with parents and the wider community; addressing underachievement in disadvantaged communities; and the Department of Education's school improvement policy. The Committee wrote to 44 key education stakeholders, including the Department of

Education, the Department for Employment and Learning, the education and library boards, the Council for Catholic Maintained Schools (CCMS) and others, seeking their views on the inquiry's terms of reference.

The Committee also sought the views of 37 post-primary schools, which it identified by comparing their academic attainment with a five-year average free school meal entitlement of 20% or more, while ensuring that the schools that were selected covered a geographical and sectoral spread across Northern Ireland. The Committee wrote to those schools, asking them specifically for their top three practical examples of what they are doing to make them successful in the areas outlined in the terms of reference, and for their views on the Department of Education's current school improvement policies.

The Committee was aware of a huge amount of research in this area, on which the Committee had been briefed, orally and in writing, by senior Department of Education officials and by the chief inspector of schools and the head of the regional training unit. However, members felt that it was also important for us to hear at first hand from principals, senior teachers, pupils and governors. To that end, the Committee held three meetings in schools across Northern Ireland, in Belfast Model School for Girls in north Belfast, St Pius X College, Magherafelt and Drumragh Integrated College in Omagh. Each host school and two or three other neighbouring schools were invited to brief the Committee on what they regarded as the key factors that contributed to their success.

I thank all those who gave evidence to the inquiry, particularly the 10 schools that provided oral evidence and the three schools that kindly hosted Committee meetings. I also offer my personal thanks and appreciation, as well as those of the Committee, to the Committee Clerk and his staff, together with the Assembly Research and Library Service, Assembly broadcasting and Hansard for their support and assistance to the Committee throughout the inquiry and the preparations for the inquiry report. As the outgoing Chairperson of the Committee for Education, I want to put on record my sincere thanks and appreciation for the excellent work that the Committee staff have done, not only on the report but throughout the life of the Committee in this mandate.

I was asked by another Committee member, Mr Basil McCrea, to pass on his commendation of the inquiry report and his thanks to all those involved, as he was, unfortunately, unable to be here for the debate.

I will now outline some of the main findings in the inquiry report. Effective school leadership was the first term of reference of our report; it was an all-important theme that came through virtually all our oral and written evidence. The importance of effective school leadership as an essential condition of a successful school is well established. However, it inevitably becomes more critical when the challenge is greater, specifically in schools that serve economically or socially disadvantaged communities.

It is worth noting what our witnesses told us about the key characteristics of effective school principals. Those were well summed up in the submission from the Department's literacy and numeracy taskforce:

"i: A passionate belief and commitment on the part of the school leader that improvement is possible. A clear vision with precise timescales about how this will be achieved. An enthusiastic, resilient and inventive personality who has the ability to motivate and inspire the school and wider community.

ii: Concentration on improving what happens in the classroom and an emphasis on teaching and learning. Clear systems of assessment for all staff and all students and a rigorous analysis of data to establish performance.

iii: Confidence to take the tough decisions and confront poor practice."

The Committee heard from many witnesses about improving the process of selecting school leaders and was particularly interested in the range of selection exercises other than interviews, although those might be included as part of the selection process in order to demonstrate the overall abilities of aspiring school leaders. For example, the principal of Drumragh Integrated College in Omagh spoke in some detail about the all-day selection process used for prospective teachers there.

The Committee therefore recommends that the Department of Education review existing processes for selecting school leaders, taking into consideration the findings of this inquiry as well as recent research into this area, in order to ensure that selection procedures

for school leaders are sufficiently robust. Procedures must properly assess a range of qualities that are required of a school leader; including the possession of high emotional intelligence; empathy with pupils and parents from disadvantaged communities; and the ability to manage a range of pastoral needs effectively. They must also be able to create a culture of high expectation among everyone in the school community; teaching and non-teaching staff, parents, and, most important, the pupils.

The report also makes a recommendation about school governors. It calls on the Department to review its arrangements for attracting, selecting and training governors in order to ensure that they have the confidence and knowledge to identify and select candidates for school leadership positions. They must also be able to fulfil their key challenge function of holding the principal and senior management team of any school to account.

The inquiry also examined the important areas of school engagement with parents and the wider community. A challenge for schools serving disadvantaged communities is engaging the interest of parents who themselves had bad experiences of school and who understandably find it difficult to engage with their child's school as a result. It is also the case, as I have previously said, that some schools serve communities where educational aspirations are low. It is an uphill struggle to make sure that pupils receive the necessary support and encouragement at home.

A number of schools and stakeholders highlighted the merits of building integrated services with the local community to link education with health, youth justice, social development and mental health services. Many schools referred to the benefits and potential of the extended schools programme and the full service schools approach, which the Committee saw in the Girls' Model and Boys' Model schools in north Belfast.

The Committee was fortunate to hear practical examples of what schools are already doing in that area. For example, St Louise's Comprehensive College on the Falls Road employs a parent support officer who:

"provides an invaluable link with families through home visits and quality targeted support in the pastoral support centre."

The Minister will be impressed that I have learnt Irish for this final debate in the Assembly: Coláiste Feirste, although that may not be the best pronunciation, is another school that has a full-time extended schools co-ordinator. We wanted to ensure that no school felt excluded from the inquiry.

That school has a full-time extended schools co-ordinator, and it funds its own learning support manager. That is very innovative, and I believe that it has made an invaluable contribution to that school.

6.30 pm

The Committee is, therefore, recommending that the Department urgently reviews the potential, through existing and new programmes and initiatives, to focus on building integrated, holistic services across the relevant Departments, namely the Department of Health, Social Services and Public Safety, the Office of the First Minister and deputy First Minister, the Department of Justice and the Department for Social Development. The Department for Employment and Learning also has a key role to play and is already doing so, in providing access to a range of vocational courses and alternative pathways for many pupils.

This Committee brought a motion to the House last December that was approved by Members. It called for a more joined-up government approach to early years and nought-to-six provision. As I have just outlined, that principle is equally relevant at post-primary level. It is important to stress that, in putting forward this recommendation, the Committee recognises that one size does not fit all and that a school's provision must reflect the needs of the community that it serves.

The third area in the Committee's terms of reference was an examination of how successful post-primary schools serving disadvantaged communities addressed underachievement, particularly among boys. Much of the evidence received by the Committee highlighted the fact that the collecting and monitoring of data on pupil attainment has benefits for schools. For example, it serves as a trigger for early intervention and allows schools to measure their value added in the progress made by individual pupils. Members, I mean value added, which may not be revealed by pupil exam results alone. That is an important issue that we need to continue to develop more.

The Committee learnt that the use of diagnostic tools for assessing and tracking individual pupils was already widespread and was a key measure in addressing underachievement. They are used, for example, in St Pius X College in Magherafelt and Oakgrove Integrated College in Londonderry. The education and library boards' chief executives referred to the potential to deliver a more sophisticated analysis of pupil progress, and one chief executive emphasised that, with young people — young boys in particular — early intervention is important, especially in key skills such as literacy and numeracy. The Committee, therefore, recommends that the Department of Education urgently reviews its policy on e-data, particularly its use as a diagnostic assessment tool for meeting individual pupil needs.

The Committee made several recommendations in that key area of the inquiry, including a recommendation on tailoring and flexibility in the curriculum, particularly for boys at Key Stage 4 and beyond. It also made recommendations on mentoring, rewarding progress and addressing poor attendance. On the subject of underachievement in schools, particularly among boys, I welcome the report issued today by a Member of this House, Dawn Purvis, which is entitled 'A Call to Action' and aims to address educational disadvantage in the Protestant working class. I regard some of that report's recommendations as complementary to the conclusions in the Committee's inquiry report.

The Committee made recommendations relating to the Department of Education's school improvement policy. The key one is the need to review education policy formulation in relation to the operation of integrated services for children.

In closing, I emphasise that the Committee believes that the implementation of the 16 recommendations in the report will produce tangible benefits across all school phases and sectors, not only post-primary schools serving disadvantaged communities. However, the Committee asks that, when addressing its recommendation, the Department bears in mind the particular schools where the key characteristics of a successful school are currently lacking and seeks to maximise the benefits for such schools, for their pupils, their parents and the communities that they serve. I commend the motion and Committee's report to the House.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to speak on the Education Committee's report. I start with a quote from one of the schools that we met on our first outing:

"The purpose of a school is to help a family educate a child".

That quote is quite profound. I recognise that we do not live with nuclear families, in the sense that everybody does not come from the perfect family background, but contained in the report is the message that we should not simply leave education to the school setting.

As we progress, through our Assembly and Executive, and deliver a new beginning to society, one message that we have to send out is that people cannot simply leave children off at school in the morning, collect them at 3.30 pm or 4.00 pm and expect them to succeed in education. That simply will not happen. The schools that are successful in socially deprived areas have shown time and again a number of areas of leadership, which leads to the success of the individual pupil and society.

I start with the leadership of schools and boards of governors, which have to be empowered and have to empower themselves to take a greater role in the management of schools. I acknowledge the fact — Mr Craig made this very comment in the Committee on a number of occasions — that boards of governors are voluntary. There is no monetary gain; in fact, there is monetary loss in being a member of a board of governors. A lot of time is put into it. However, it is a very important role in our education system. Boards of governors are leaders in their school. The principal in the school is another leader. They are the driving force behind the quality of education delivered in any school. Teachers are also part of the leadership that is directed from their board of governors and their principal. Then, we have our pupils, who seek leadership from all those avenues. However, they must also receive leadership in the family home. I acknowledge that this was also part of Dawn Purvis's report this morning. In many family homes or, certainly, in a substantial number of family homes, the experience of the parents, guardians or older siblings who look after the family has not been good in relation to education. Their educational experiences do not bring them to lend themselves to offering support to

the family home. It is a wider societal and Executive responsibility to ensure that we have in our family homes, whatever guise they take, experience and expertise to a degree that will allow young people to champion education.

The other leadership is community and political and all of the things that go with it. Unless we regain the appreciation of the gift that is education, it will continually fail us. Society has started to take education far too much for granted. It is delivered free at the point of delivery right up to third level. As a western society, we risk losing appreciation of what education can offer us as a people. It is only two generations ago, perhaps, that our forefathers and foremothers, if that is the right term, did not have the opportunity to receive the standard of education that we take for granted today. The appreciation of education has to be regained. Communities, parents, guardians, boards of governors and principals, such as the ones who we met in those schools, have to be empowered to move forward.

The Chairperson of the Committee for

Education: Many times we make reference to the past. However, there is one thing that I still cannot get a grasp of about our education system. I respectfully refer to my father, who went to a small school called Cloghanmurray, outside Ballycastle, which had one teacher and 22 pupils. My father has never used a calculator in his life. He can spell, and his writing is immaculate. For his generation, those were key elements in education, and they have lasted him a lifetime. Why do we seem to struggle with those concepts for many of our children today? There is still something missing, which, I think, we tried to reflect in this report.

Mr Deputy Speaker: The Member has an extra minute.

Mr O'Dowd: Indeed, I reflect on my father's similar educational background. He was a very knowledgeable individual in many areas of life. It comes back to the gift of, appreciation of and drive for education. We live in a different society from that of our grandparents, so we have to operate in the circumstances of today.

I regard the report as a preliminary examination of the education system. We already have a number of reports and, indeed, policies, and we look towards Every School a Good School. However, if we continue to repeat the mistakes of the past, we will continue to have

the same outcomes. We need a dynamic shift in our education system, which needs to be restructured. We need the ESA, and we need to challenge the ongoing transfer issue. I do not want to end on a political row, but the 11-plus needs to be challenged. Not only does it affect good schools —

Mr Deputy Speaker: Bring your remarks to a close.

Mr O'Dowd: Not only does the 11-plus affect those schools, it draws pupils away from achieving schools, which, in the long term, affects the sustainability of those schools and increases educational deprivation in those areas.

Mr Lunn: I beg your pardon, Mr Deputy Speaker, but I did not pick you up when you called me to speak. I thought that Dominic was next.

Obviously, I support the adoption of the report. The basic question that the Committee set itself was to identify the characteristics that make a school stand out as successful in a disadvantaged area. Although there seems to be such a contrast between the results of schools that operate in the same area and the range of evidence was impressive and detailed, certain themes were constant during our evidence hearings. The most consistent one and the only one about which I want to talk was effective leadership from principals, which sounds so obvious and simple, yet it remains an achievement that not all principals attain. Effective leadership has many facets, with enthusiasm being perhaps the most important.

During the evidence sessions, whether we were hearing from governors, education and library boards, the inspectorate or directly from the 10 schools that gave oral evidence, which was always thoughtful and detailed, we heard over and over again about leadership. Indeed, “leadership” was the buzzword. The Chairperson used one of the quotes that I was going to use. One of the comments from the Transferor Representatives' Council was:

“Schools in disadvantaged areas need high quality and enthusiastic leaders however, those best placed to give effective leadership are not always attracted to these posts. There is a need for positive encouragement to prospective leaders to undertake these roles.”

The evidence from Drumragh Integrated College, which the Committee visited, was particularly telling and included considerable detail on its

recruitment processes. However, I do not have time to go into that. Those of us who were fortunate enough to go to Drumragh — only half of the Committee made it that day — were mightily impressed by the methods employed by the school and by the presentation from its principal, Nigel Frith. I managed to avoid calling him Firth; he is Mr Frith. On the day, I commented on the fact that, if we were simply to use his presentation as half of the report, we would not go far wrong, because, in my opinion, every word was a gem. I recommend that the Minister read the Hansard report of that session. I do not say that just because it is an integrated school; it is just a really good school with a really good headmaster who came across well. Although we received excellent presentations from all 10 schools, nobody got to the heart of things quite like Mr Frith, who told us about his clear-sighted vision for the school and the detailed methods employed to achieve that vision. The Chairperson has already referred to some of them, but I was impressed by the fact that the school had a full-time nurse/emotional counsellor — I forget the exact title — who is obviously a useful staff asset. I was also impressed by the fact that the school has daytime parent interviews. That was a new one to me. Apparently, bringing parents in during the day creates greater commitment from them. Drumragh Integrated College might not be the only school but it is the only one that I have heard of that does not allow study leave coming up to examinations. It brings the children into school to study.

6.45 pm

Mr Frith was very hot on school engagement with the local community. The Regional Training Unit also gave evidence on that subject. Its comment was:

“There is something distinctive about being an urban school leader or a school leader working in the context of socio-economic deprivation; it is about pace, complexity and the day-to-day challenges in a community context that are demanding and volatile...school leaders in those contexts need to have an intimate knowledge of their community as well as an emotional attachment to it. They have to have aspirations to share power and a passion for their work”.

In the Every School a Good School policy, one of the six key policy areas is identified as:

“increasing engagement between schools, parents and families, recognising the powerful influence they and local communities exercise on educational outcomes.”

I will run out of time in a minute, so I will not go into much more detail. I hope that the Minister will, as they say here, “have regard to” this report and to others that have come out in the past year, particularly the report ‘Portfolio of Advice’, which came from the unofficial committee that the Minister did not think much of. Nonetheless, the report is good stuff. I also commend the report that has arrived in the past couple of days from the group headed by Dawn Purvis.

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

Mr Lunn: That report appears to provide some useful background work as well. All that is input into the education debate. I hope the Minister will take it all on board with an open mind.

Mr Craig: I, too, commend this report to the House and to the Minister. At long last, we are getting into a subject that should have been looked at in greater depth over the past four years by both the Minister and the Department. It is wrong that, in the twenty-first century, we are underachieving in our schools. We are sending people out from our schools unable to read and write. That is wrong. It is an indictment of us. As the Chairman said, his father came up in a system that, in many ways, was probably worse funded than that which we have today. It was certainly a lot less educated than the system we have today. Yet, when it comes to the basics of being able to do maths and English, those schools were very effective in their pupils’ out-turn.

Again and again, the report came back to the crux of what is good in our system yet what is bad in our system, and that is effective school leadership. There are a number of levels of effective school leadership. One was referred to previously, and that is the board of governors. I highlight the fact that boards of governors are there because they want to be. That is a good thing. However, boards of governors are, frankly, invisible in the system. If you go to any school and ask who the governors are, you will find that, by and large, no one will have a clue. The mix that we have in schools is sometimes not a good one. There is a lack of professionalism. A lot of the education boards have struggled with

training and educating some of the governors that we have. At the opposite end of the scale, there are some very effective and professional boards of governors. They have the ultimate role of holding the school management to account. I know that only too well, so I had better declare that I have an interest. I am on the board of governors of three schools. I know only too well what it is to hold the school leadership to account.

That leads me to the second issue. If we look at effective school leadership, we can see that 99% of it falls to the headmaster in a school. The headmaster is the captain of the ship. He is the one who steers the school in the direction that he wants to see it go, should that be towards wonderful academic achievement or a broader academic achievement, bringing all the children in that school up to a good level. That is the prerogative of the headmaster. However, in my experience, the one area where the system falls down is in dealing with ineffective school leadership. There are ways of doing it, but they are convoluted, incredibly complicated and littered with legal hazards. Ultimately, nine times out of 10, they fail.

The Minister and the Department need to look at how to deal with ineffective school leadership. Time and time again, it is said that the board of governors has to deal with it. The board of governors has little room to manoeuvre on poor leadership in a school. I have personal experience of that and, therefore, can assure the Minister that it is an incredibly difficult issue to deal with. Not only is it difficult to deal with ineffective leadership in a school, but it is incredibly difficult to bring others, namely the Department and the education and library boards, on board to help to deal with that leadership. It is a very convoluted process. We need to look at that because, whether we like it or not, schools out there are failing, and all the figures show that.

The other thing —

Mr Deputy Speaker: Bring your remarks to a close.

Mr Craig: Yes. I will close by raising another issue. We have a system that brings leaders to our school. There is a clear process that they have to go through and an exam that they have to take to bring them into a leadership role. Is that effective? If it is effective, why are

a number of leaders out there ineffective? With that, I bring my remarks to a close.

Mr Deputy Speaker: I call the Minister of Education, Ms Caitríona Ruane.

Mr D Bradley: On a point of order, Mr Deputy Speaker. My name was on the list to speak, and I have not been called.

Mr Deputy Speaker: My understanding, Mr Bradley, is that you will wind up the debate.

Mr D Bradley: That is correct; I will wind up the debate on behalf of the Committee. However, I was to speak on behalf of my party.

Mr Deputy Speaker: You could do both during the winding-up speech. However, you cannot speak and then wind up the debate. You cannot speak twice during one debate.

Mr D Bradley: Mr Deputy Speaker, I have done it on several occasions in the House.

Mr Deputy Speaker: I am told that the rule is that speaking and making a winding-up speech are different. However, as part of the winding-up speech, the Member can speak on the party line as well as on behalf of the Committee.

Mr D Bradley: Mr Deputy Speaker, I approached your Table earlier in the day and informed one of the staff there that I wished to speak during the debate as well as make a winding-up speech. It was not made clear to me that that was not acceptable. They are two different roles. One is a party role, and the other is a role on behalf of the Committee. I think that they should be distinguished.

Mr Deputy Speaker: The winding-up speech lasts 15 minutes. Will it take longer than 15 minutes? The Member would have five minutes to speak in the debate.

Mr D Bradley: Mr Deputy Speaker, on this occasion, I will bow to your direction.

The Minister of Education (Ms Ruane): Go raibh maith agat, a LeasCheann Comhairle. Sna ceithre bliana den Tionól seo bhí béim ollmhór ar an oideachas, agus cuirim fáilte roimhe sin. Members may recall that a motion on education was one of the first motions that we debated in May 2007. I welcome the opportunity to debate quality and standards in our education system in the final days of this Assembly session.

Ar ndóigh, déanfaidh mo Roinn staidéar ar aon mholadh a thagann ón gCoiste. My Department will, obviously, study any recommendations that come from the Committee. The Committee's 16 recommendations reflect and sit well with the actions that we have been undertaking to improve standards across our system since I came into office. I note that the recommendations fully support the conclusions that we had already reached in Every School a Good School about the characteristics that make a good school. I also note Dawn Purvis's call to action and pay tribute to the work of Dawn and her colleagues for the commitment that they have shown to our young people and for the practical suggestions that they have put forward. There is nothing new in any of this, nothing new at all. Trevor Lunn mentioned that. We have seen it before and got the reports. We know what needs to be done, and we are doing it.

Mar is eol don Tionól, bhí mé dírtithe i gcónaí ar dhul i ngleic leis an tearc-ghnóthachtáil oideachais, cibé áit a bhfaightear í. As the Assembly knows, I have brought a clear and unwavering focus to tackling educational underachievement and raising standards. There is significant underachievement across the system in the Protestant community, in the Catholic community, in ethnic minority communities and among boys and girls. Let us not pretend that it is a Catholic/Protestant issue or, indeed, a gender issue. Let us call a spade a spade: it is a class issue. Working-class boys and working-class girls suffer because of our two-tier system, which entrenches disadvantage, whether they are from the Protestant community or the Catholic community, not to mention ethnic minorities. The statistics prove that. Statistics for 2008-09 show that 2,608 Catholic boys and 2,363 Protestant boys did not achieve five good GCSEs. They show that 2,070 Catholic girls and 1,786 Protestant girls left school without five good GCSEs. That does not take into account the young people who fall through the system post GCSE.

Is trí leasuithe polasaí a mhaoirsigh mé go bhfuilimid ag feiceáil anois na gcéad chomharthaí d'fheabhsú ceart intomhaiste. Through policy reforms that my Department and I have overseen, we are starting to see the first signs of real and measurable improvement. Those policies include the revised curriculum, the abolishing of state-sponsored academic selection/rejection, improved opportunities for older pupils via the entitlement framework, the

promotion of STEM and the extended and full-service school programmes.

Bhí dul i ngleic leis an tearc-ghnóchachtáil oideachais mar thosaíocht agam i mo chuid oibre tríd an gComhairle Aireachta Thuaidh/Theas. During the past four years, I made tackling educational underachievement a priority for my work through the North/South Ministerial Council. Our work on a new early years strategy and on a new way forward for special educational needs and inclusion will ensure that support is in place for our youngest children and for pupils who need additional support to reach their full potential. In 2006, over 12,000 young people — 47% — left school not having achieved five or more good GCSEs including English and maths. In 2009, that number fell to around 9,500. That is a real achievement, but is still not good enough. We cannot become complacent.

During my first debate here, I remember Members from the Benches opposite saying to a man — they were mainly men — that we had a world-class education system, and they told me to stop tinkering with it. The 2009 PISA results remind us that we have some way to go. Some people may downplay PISA because it challenges their view that our education system is good, but PISA is an internationally respected survey that is carried out to strict quality standards, and we ignore it at our peril. We want to deliver an education system that is high in excellence and in equality. In other words, it should deliver for all our young people, not just a privileged few.

The OECD's research finds that selecting pupils on the basis of academic achievement increases the link between socio-economic status and performance and tends to accelerate the progress of those who have already gained the best start in life from their parents. I listened to the Chairperson, who spoke for his 15 minutes. He mentioned some key areas that I agree with, but he ignored the elephant in the room. He ignored selection. He talked about leadership, yet ignored what the real leaders in some of our best non-selective schools have said. Those leaders are clear about academic selection.

The Chairperson of the Committee for Education: Will the Minister give way?

The Minister of Education: No, I will not.

They are absolutely clear about academic selection. Those schools do not sit on the fence when it comes to selection or rejection of children. Why is that? I will tell you why. They have to pick up the pieces when those children come into school with their heads down and their confidence low. They are the ones who have to spend years building those children's confidence.

7.00 pm

I am, therefore, disappointed, that, after four years, the Chairperson still defends a system that condemns the majority of children as failures. In my opinion —

The Chairperson of the Committee for Education: On a point of order, Mr Deputy Speaker. The subject of the debate is not selection; it is a report. Therefore, I ask you to direct the Minister to ensure that she gets back to the subject of the debate and gets off the political, ideological tram on which she continues to stay?

Mr Deputy Speaker: First of all, that is not a point of order. The Minister is responding to the Committee's report. Minister, you may continue.

The Minister of Education: Go raibh maith agat. Obviously, there is a link between educational disadvantage and selection. With the deepest of respect, if the Chairperson can say that there is no link, I think that he should go back and listen to the principals of some of the highest achieving post-primary schools.

One of my proudest achievements is that the 11-plus is gone forever. I welcome and celebrate that. It is unfortunate that some parties seem more fixated on which Minister or party will bring forward the proposals rather than on the issue itself. In some cases, breathtaking political somersaults have been performed to avoid agreeing with political opponents. For example, the DUP publically opposed the 11-plus in its 1989 election manifesto. It said:

"We believe that selection at 11 should be ended. The 11-plus procedure is educationally unsound and socially divisive and places unnecessary strain upon children at a very early age."

Therefore, the question for the DUP — it is unfortunate that no member of the party is present — is clear: it stood on a platform of abolishing the 11-plus on the basis that it is unsound, yet, since the beginning of this

Assembly term, it has sought to protect and defend a system, which, by its own admission, is deeply flawed. That party did not support the introduction of the revised curriculum. Now, it supports it. I welcome that.

Some Members mentioned the ESA. Indeed, it was mentioned by my colleague John O'Dowd. I absolutely agree with his remarks on the ESA and standards.

The UUP is so interested in underachievement that it is not even present in the Chamber. Look at the Benches opposite. There is no one to represent children from the Protestant community apart from Members on this side of the House. What message does that send?

What do young people in disadvantaged communities need? They need the same as people in advantaged communities. It is quite simple. They need high-quality preschool, primary and post-primary provision. They need top-class results, so that they can attend further and higher education colleges and go out into the world of work confident and articulate. That is why the reports that inspectors provide are so important; they involve objective assessment of the quality of teaching and learning, leadership and other key factors.

Calls have been made for value added and contextual value-added measures of school performance. Yes: we want to capture the progress that pupils make between various stages of their education. The new assessment arrangements for communication using mathematics and ICT will enable us to do that. However, we must take the time to ensure that the measures that we use do not create perverse incentives or embed low expectations and underachievement. We need the highest expectations for each and every child.

When it comes to assessment and data, what matters is not how many assessment tools a school uses but how effectively it uses the data that it has to improve outcomes for its pupils. The challenge may be greater for schools that serve communities that are disadvantaged or where education is not as highly valued as it should be. However, that is not insurmountable. Tomorrow, I will visit a school that is an outstanding example of what is possible in one of the most disadvantaged areas in the North of Ireland.

Mr Deputy Speaker: The Minister must bring her remarks to a close.

The Minister of Education: Such schools show that it can be done. I have further remarks to make.

Mr Deputy Speaker: You have had 10 minutes in which to speak.

The Minister of Education: OK. With your indulgence, Mr Deputy Speaker, I would like to continue. I thought that I had 15 minutes, but I was obviously given wrong information.

What I would like to do is to thank my officials as this is the last debate that I will be at in this Assembly and, Mr Deputy Speaker, I also thank your officials for all the work that they have done and for how well they have served us. I also thank my colleagues in all the parties; I have really enjoyed working with you over the past four years.

Mr D Bradley: Go raibh míle maith agat, a LeasCheann Comhairle. Caithfidh mé a rá go bhfuil an-áthas orm páirt a ghlacadh sa díospóireacht thábhachtach seo ar iarbhunscoileanna éifeachtacha i gceantracha atá faoi mhíbhuntáiste. Molaim an tuairisc seo don Tionól agus don Aire.

I am glad to participate in this debate on an important report on successful post-primary schools in areas of disadvantage. The report focuses on four areas, which are outlined in the terms of reference. I will try to say a few words about each of those on behalf of my party.

I will begin with effective school leadership. There is no doubt that the role of a principal in a school is most important. Principalship is a role for exceptional individuals who have the qualities that are detailed in the report. A principal must be a leader with vision and someone who can inspire staff and students to greater things and to supply the mechanisms to enable them to reach new heights. A good principal can transform a school from an average school to an outstanding school. A good principal ensures that he or she has a management team in place to which responsibility can be delegated with confidence so that the school's vision is put into practice in every facet of school life, making the pursuit of excellence a constant theme through continual improvement. The qualifications for principals must be continually updated and should be a

requirement of all aspirants and applicants for headships.

There is also a need for effective task-based selection processes to identify the best candidates for our schools. That is a point that, I hope, the Department will take on board and support school governors in implementing.

The second and third areas of reference deal with school engagement with parents and the wider community and addressing underachievement in disadvantaged areas. According to the review of the Northern Ireland literacy strategy, which was carried out on behalf of the Northern Ireland literacy steering group in 2006 by Dr Pirrie, there is substantial research on the neighbourhood effects on educational attainment. Tests for the existence of those effects on educational attainment among 2,500 young people in Scotland found a significant negative effect between deprivation in the home and neighbourhood and educational attainment. The conclusions of the study were that policies to alleviate educational disadvantage cannot be focused on schooling alone, but must be part of a broader initiative to tackle social deprivation in society at large.

It is now generally accepted that children who face the greatest obstacles when it comes to raising attainment are those who come from disadvantaged family backgrounds, live in a disadvantaged neighbourhood or attend a school with many disadvantaged children. If social deprivation is one of the major causes of educational underachievement, and if it is not addressed as part of a coherent strategy, we simply ensure that the vicious circle of underachievement continues unabated into the next generation.

It is interesting to note that a UNICEF report on the issue points out that efforts made in the Western World have not been extremely successful in eradicating education underachievement.

The OFMDFM anti-poverty strategy makes an interesting point about poverty and its relation to educational underachievement. It says:

"Policy must break the cycle and the process that results in children who are born into poverty developing into underachieving young people with limited aspiration and low levels of educational qualifications and skills. They in turn become working age adults living in low incomes often

in poor health and benefit dependence, with the prospect of a shorter, less healthy, comfortable and financially secure older age. They are also the adults most likely to be parents of children again born into poverty — with the cycle continuing. Policy must disrupt this process focussing on different priority needs and different times in people's lives, from early years through to childhood, adult working life and later years."

Reviewing the factors that account for the variance in educational attainment, it is evident that combinations of social disadvantage powerfully affect school performance, with up to 75% of school variation in 16-year-old attainment at GCSE associated with pupil intake factors. It is important that we research the influence that those and other factors have on educational attainment. It is also important that we formulate policy and strategy to change attitudes, raise awareness about the role and value of education to the individual, provide parents and communities with the resources and skills that are needed to change attitudes locally, and support the efforts of teachers and other educationalists in tackling the problem.

Tackling the multiple deprivation that has persisted in many areas for decades was a priority of the anti-poverty strategy. Education certainly has a major role to play in that process, not only through the formal educational system but through the home and community. The Department also has a role to play in conjunction with others, such as the Department of Health, Social Services and Public Safety, the Department for Social Development and the Department of Culture, Arts and Leisure.

Academic selection further compounds the problems, and Gallagher and Smith point out in their study that academic selection tends to produce a disproportionate number of schools that combine low ability and social disadvantage in their enrolments, thereby compounding the educational disadvantage of both factors.

What I have said is supported by the conclusion of today's Committee report. The Department of Education's school improvement policy states that the Department should:

"review its ... education policy formulation in relation to the operation of integrated services for children."

and that, where possible, it should develop policy on:

“a fully integrated basis across relevant departments which fosters cooperation and joined up delivery of front line services for children, young people and their parents/guardians.”

Turning to today's debate, we heard the Committee Chairperson talk about school leadership. He voiced the Committee's support for a more task-based selection process to ensure that we identify future school leaders who can really demonstrate key leadership qualities. He also talked about the need for governors with confidence and knowledge who can identify and select effective school leaders and hold them to account. John O'Dowd, Trevor Lunn and Jonathan Craig spoke on that particular issue.

The Minister chose not to respond to the four key issues in the report. Rather, she outlined the actions that her Department is taking on some of the other key issues. She mentioned the support that her Department is giving to STEM subjects, the ending of the 11-plus and the priority that she attached to educational underachievement on a North/South basis. She also pointed out that PISA studies do not reflect some Members' belief that we have a world-class educational system. She also quoted from the Organization for Economic Co-operation and Development (OECD) report, emphasising that selection accelerates the achievements of those who already have a head start in education through supportive family life.

A large part of the Minister's speech concentrated on selection and its effects. Her speech was split between that and her analysis of the DUP's education policy over a number of years up to the present time.

Turning to school engagement with parents and the wider community, the Committee Chairperson highlighted the importance of engaging parents in their children's education, as well as the importance of encouraging parents and pupils to value education. That point was reflected in what John O'Dowd said. The Chairperson highlighted the good work that many schools do in that area and how they engage staff to link with parents, pupils and other support agencies through pastoral support services and extended school programmes. The Chairperson also highlighted the Committee's recommendation that the Department focus on building integrated and holistic services across the relevant Departments, which are the Department of Health, Social Services and

Public Safety, OFMDFM, the Department of Justice, the Department for Social Development and DEL, and he gave the example of the promise of such an approach with the early years strategy. The Minister chose not to respond to that point in detail. I and other Members would have been interested in hearing her response.

7.15 pm

Jonathan Craig's contribution to the debate was on the point of school leadership, and he re-emphasised the importance of the leadership role of principals. He also mentioned the effect that ineffective principals can have on schools and the difficulties in removing such principals from their posts. That is an important point, and, although we recognise that individuals have employment rights, we must, at times, balance those rights against the effect that failure to reach the required standards has on the achievements of pupils, staff and the school as a whole. Obviously, principals in that category should be given the help and support that they need to gain the necessary skills to bring about their improvement and that of their schools. However, as I said, that must be balanced against the effects that poor leadership has on the lives of so many young people and on the development and experience of the staff in those schools.

The Chairperson also referred to the Department's school improvement policy. He highlighted the Committee's key recommendation in that area, which is the need to review how education policy is formulated to ensure that, where appropriate, it is developed on a fully integrated basis across the relevant Departments. As I said, that was a point that the Minister choose not to respond to.

In conclusion, the report makes a valuable contribution to the education debate in Northern Ireland. However, it ignores some of the sterner realities, such as the negative effects that academic selection has on schools in socially disadvantaged areas. Academic selection narrows the ability range in the intake of non-selective schools by siphoning off the top range of ability, leaving such schools with a reduced ability range and a concentration of many of the real educational challenges. Academic selection also makes the work of schools in socially disadvantaged areas much more difficult, it exacerbates social division and the challenge

and workload of teachers in such schools is often greater. There is also a danger that the ability for higher achieving pupils to be role models for their co-pupils is reduced, and staff in those schools are denied the full range of teaching experience. The ending of academic selection will have a positive effect in all of those areas.

With that a LeasCheann Comhairle, críochnóidh mé anois. I thank the Committee for Education support staff, who worked so hard in preparing the report. I also thank the schools that contributed to it, as well as the staff of Hansard and Assembly Broadcasting. It is a useful and worthwhile report, and I hope that we see the fruits of it in the future. A LeasCheann Comhairle, go raibh míle maith agat.

Mr Deputy Speaker: We do not have a quorum, so the Question cannot be put at the moment.

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 —

Question put and agreed to.

Resolved:

That this Assembly approves the report of the Committee for Education on its inquiry into successful post-primary schools serving disadvantaged communities (NIA 57/10/11R); and calls on the Minister of Education, in conjunction with her Executive colleagues and relevant bodies, to implement, as applicable, the recommendations.

Adjourned at 7.24 pm.

Northern Ireland Assembly

Wednesday 23 March 2011

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

Members observed two minutes' silence.

Speaker's Business

End of Mandate

Mr Speaker: Before we begin today's business, I would like to take this opportunity to make some brief remarks to mark the end of this four-year term of the Assembly. I will also give party leaders or their nominated representatives an opportunity to speak for up to five minutes, and I will be reasonably flexible about that five minutes.

There may be some disagreements in the Chamber about the achievements of the past four years, but I hope that this morning we can set aside those disagreements and reflect on the past four years. This is the first devolved Assembly in a generation to complete a full term. That is an achievement of which Members should be very proud. It is a very historic achievement for politics in Northern Ireland. In that time, we have held 277 plenary sittings and approved some 69 Bills. Ministers have taken over 11,624 questions for oral answer and 32,411 questions for written answer. That, in itself, is historic.

I want to mention the Members who are retiring from this place before the election, including a number who have given long and distinguished service to their constituencies in this place and in politics generally. We in this House all know that politics is not an easy business. There are many seasoned politicians in the Assembly this morning from all sides who have been in politics for a lifetime, and they could certainly testify that politics in Northern Ireland has not been easy. Members often find that they are subject to criticism rather than praise. Recognition of the time and effort required to be a Member and to undertake constituency work is sometimes very rare. Therefore, I thank all the Members who are retiring for their service to the House

and to their constituencies. Some Members, especially some of those who are retiring today, have given a lifetime of service to the people of Northern Ireland, sometimes at great cost not only to themselves but to their families.

Those watching our proceedings may not appreciate all that is involved in making this Building function. However, the business of the House could not proceed without the efforts of so many others. Some Members have not been keen on our recent late sittings, but we should appreciate the patience of staff who have to work on in this Building to see business finished. Therefore, on behalf of Members, let me express heartfelt thanks to the staff who work in all parts of this Building and beyond for allowing us to undertake our duties inside and outside the Chamber. The staff are probably keener to see the election than we are.

When I first got the job of Speaker, some Members told me not to worry, as I would only have to chair a few plenary sessions, but I always knew that there would be a wee bit more to do than that. I am humbled to have been Speaker, especially since the Assembly has completed its first full term in a generation. However, I could not have done it without the co-operation of all Members, and I thank all Members for their co-operation through some very difficult times in the Assembly. However, at the end of the day, we all rose to the occasion.

I commend all Members for their work and wish them well for the future. I believe that Northern Ireland's best years are ahead of us.

The First Minister (Mr P Robinson): When this term began, most people doubted that the institution would survive, but nobody, not even the wreckers who want to bring devolution to an end, can question its stability or sustainability. However, it can be improved, and the St Andrews

Agreement made that a legal requirement of the next mandate.

Everyone knows that the people to deliver change are not those who have opposed our very existence or those who have spent their every waking moment trying to undermine the progress that we have made. However, in spite of them, we have achieved much. Let me give you a flavour of that. Mr Speaker, you have already drawn attention to the fact that we have completed the first full Assembly term in 40 years; the collapses that characterised the failures of past Administrations are consigned to history. We have assumed responsibility for policing and justice, which is a task that challenged and eluded politicians for generations. We have created more and better jobs than at any time since records began, and, amazingly, we did it against the backdrop of a global recession. We secured a record £2.6 billion of inward commitments for investment and £500 million in annual salaries. We resisted pressures to increase rates and introduce water charging, thereby maintaining the lowest local taxes in the whole of the United Kingdom. Those decisions mean that, on average, every household in Northern Ireland is £1,500 better off because of our Administration.

We extended free travel to everyone over 60 years of age, and there are now 61,000 SmartPasses in circulation. Some five and a half million journeys have been made. That is the most generous scheme in the whole of the United Kingdom. The Executive have invested more in infrastructure, schools, hospitals, roads and houses than any previous Administration since records began. We have purchased more than 200 new buses and 20 new trains. That is another record. By the end of the term, we will have passed almost 70 Bills in the Assembly. The Executive have reached more than 1,600 proposals by agreement, which is more than any previous Administration in the Province.

That is only a snapshot of the work that the Executive have delivered. Although there is much more to improve, the one unalterable fact is that the Executive have achieved more than those who went before. In short, it has been a good start and a significant improvement on the previous Executive, but we have so much more to do.

In closing, Mr Speaker, I thank you for the manner, the authority and the impartiality with

which you have carried out your role. You have served us well and, in doing so, you have served democracy and Northern Ireland well, and we thank you. I extend my appreciation to the team around you and to all our staff in the Building and at other locations, wherever they may be. Like you, I wish a happy retirement to all our colleagues who are standing down and to those of us who may find ourselves retired without having planned it. To those in other parties, in case I do not see them again, I say that, if, in the heat of battle, I have said something that has hurt or offended them, I apologise and hope that the wounds will heal. It is a tough trade that we are in, and I really do wish them well for the future.

I particularly wish my colleagues Lord Bannside and Lord Browne well. Ian has contributed so much to our community over a very long and distinguished career. He was instrumental in laying the foundations for the return of devolution to Northern Ireland. Quite simply, we would not be here today without his valued contribution. Wallace has been with me through thick and thin in east Belfast. He has been an excellent servant of the people, and you will not find a more genuine and sincere representative. Both Members will now be giving the House of Lords and the nation the benefit of their wisdom, and we hope that they will come back from time to time to see us all.

No matter what party or interest people may represent in this place, if you can walk away from the house on the hill content that you have, to the best of your ability, served your community effectively, diligently and well, you will find that, in politics, there is no greater achievement or cause for satisfaction. We serve the people. It is the greatest responsibility and the highest honour that democracy can bestow.

The deputy First Minister (Mr M McGuinness):

Dia daoibh go léir. Go raibh maith agat, a Cheann Comhairle. I echo the words of the First Minister and thank all the staff in the Building for the tremendous support that we have received over the past four years, particularly your staff, the people around you, the Deputy Speakers and all those involved in catering over the four years. Most importantly, I thank the women from all parts of Belfast who clean the Building when we are not here. I always make a point of speaking to them, and I have great friendships with many of them. On my way in this morning, I met a woman who is 77 years of

age. She has been here for 11 years; she has been with us during all that time.

It is tremendous that we have come through four years. It is the first time in almost 100 years that a locally elected Administration, elected by and truly representative of our community, has survived a full four-year term, taken vital decisions and passed legislation of benefit to that community. That has been a wonderful achievement.

A Cheann Comhairle, I pay tribute to you for the way in which you have conducted yourself. I regard my contribution to the decision to appoint you as Speaker as one of the wisest decisions that we took in the past four years. You have been fair not just inside the House but outside it and considerate in all your dealings. I thank you for your contribution.

I remember sitting in a small sitting room in Downing Street in 2003 with Tony Blair and Jonathan Powell. Tony Blair was almost at the point of despair about whether there would ever be a restoration of the institutions, institutions that had collapsed three times in the years before. However, I knew my fellow Ulster men and women better than that. I was always confident that we could restore the institutions. Although it took five years, it was a momentous day when, on 8 May 2007, the First Minister at the time, Ian Paisley, and I came together to effectively launch this adventure, which has lasted for the past four years and, I think, has brought huge benefits to our entire community. One of his first comments to me was that we could rule ourselves and that we did not need direct rule Ministers coming over here telling us what to do. We then, of course, wrote to those Ministers, who were holed up in Stormont Castle, and asked them to leave, which they did. However, when the First Minister and I arrived in the building, we found that they had not just left but had taken all the light bulbs with them.

10.45 am

The Member for Newry and Armagh christened us the "Chuckle Brothers". However, I would like to think that we showed leadership. I also think that my relationship with him will undoubtedly go down in the history books, and I want to pay tribute to the leadership that he showed. Many people out there have their own views about the past, as well as about my past and his past. However, I think that we showed that we are politicians who live for the here and now, for

the future and for building a better future for all the people we represent. I thank him and his good wife, Eileen, both of whom I regard as huge friends of the peace process and friends of mine.

When Peter came into the job of First Minister, some of the media tried to describe us as the "Brothers Grimm". However, I think that we have proven that we are anything but that. I think that he, too, is a huge friend of the peace process and that he has made a massive contribution. I have been honoured to work not just with Dr Paisley but with Peter Robinson through these momentous four years.

I also thank all my colleagues on this side of the House and our ministerial colleagues for the contribution that they made. As regards the way in which we have moved forward, I will not regurgitate the achievements that the First Minister outlined, but there have been many. If people reflect honestly, they will see that, in the face of a world recession and as a result of our efforts in foreign direct investment, we have brought about thousands of new jobs, even though people told us that we would not get one. We provided £700 million for the building of the schools estate, and we did vital work to support rural communities, the elderly and children. The last thing that we expected was a world recession and a newly elected British Government reneging on commitments that the previous Administration had made.

We are looking to the future, and we are looking very determinedly to the achievements that we have made. The transfer of policing and justice powers was huge. I think that we have shown that we can work together. At the beginning of this Assembly term, I said that, given that we had never had conversations with many Members in the House, the next four years would be rocky. However, in the meantime, we built up important relationships, and I think that the House can go from strength to strength in the new Administration. I look forward to the work ahead and to taking real decisions that will have huge benefits for those who are unemployed and who are dependent on our taking wise decisions for the betterment of themselves and their families. Go raibh míle maith agat.

Mr Elliott: Mr Speaker, I also want to put on record my thanks to you, your Deputy Speakers and, indeed, as the First Minister and deputy

First Minister said, the staff at the Assembly. It is a pleasure to come here and work with those staff; I will not say the same about some of the political representatives here. I noted that the deputy First Minister thanked the cleaning ladies, but I want to include the gentlemen cleaners because there a number of them here as well. I am afraid that he was being sexist in that respect, but we will call it quits at that.

I also noticed a hint of an apology from the First Minister. That is very rare in the Chamber, but I will take it in the spirit that it was meant. I suppose that we can all live in a political bubble, and, when we hear him say such things, we actually think that maybe there is change here. However, I then reflect on some of the past and more recent campaigns, as well as on some of the issues that arose from those campaigns and on what is probably to come in the next few weeks. So, I will take it in the spirit that it was meant today.

I want to put on record my thanks to colleagues who are retiring, either voluntarily or through forced retirement, and may not be back here. In particular, I thank my party colleagues the Reverend Robert Coulter, Lord Empey, Ken Robinson, George Savage and Billy Armstrong. They have been excellent servants, not only of the Ulster Unionist Party and the Assembly but of the people. That is what we all should be: servants of the people. I thank them for their support.

Over the past four years, we in the Ulster Unionist Party put health as a significant priority. We have delivered on putting patients first. We introduced free prescriptions, put record investment into the Fire and Rescue Service and Ambulance Service and completed the review of public administration within the Health Service, the only Department to complete the review of public administration. We put in place the new south-west hospital in Enniskillen, which I am extremely proud of, as are, I am sure, other colleagues from Fermanagh and South Tyrone. We also made new investment in Downe.

Employment and learning is another area for which the Ulster Unionist Party takes great credit. Of our full-time undergraduates, 41.7% come from socially disadvantaged backgrounds, compared with 28% in Scotland. That is a huge achievement for this Assembly and for the Department for Employment and Learning.

That comes with a downside. Some of the frustrations that have come out over the past four years have been pretty obvious not only to me but to the wider public. One of the biggest disappointments to me personally and to the party has been the failure around education. The failure to resolve the education fiasco within the Administration is one thing about which I continually hear that my constituents are disappointed.

There is also frustration in the business community. People want to know why we cannot just get things moving much more quickly and fluently up at the Assembly and Executive to allow those in business to invest and to put people in this community first, as they want to do. They are the people at the heart of the community in Northern Ireland. The total number of people claiming unemployment benefit in Northern Ireland is 59,100. Those figures are up 3,500 or 6.3% on last year, compared with a decrease of 8.1% in the United Kingdom. The most recent Labour Force Survey (LFS) suggests that the current rate of economic inactivity — jobless people not looking for work — is 28.4%. That is considerably higher than the UK average. I appeal for much more productivity from the Assembly and the Executive to deliver for the business community, which could redress the balance in the job market.

Although we can look at our successes in the Assembly, we cannot forget the failure of the Executive to meet for over five months.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. Mar leascheannaire an SDLP, tá mé an-bhrodúil seasamh anseo inniu agus labhairt ar son an pháirtí, go háirid mo bhuíochas a ghabháil leis an Tionól seo agus le comh-bhaill de chuid an pháirtí s'againne.

I am particularly heartened and proud to be here today to thank you, the Assembly, its Members and its staff, and to thank my party colleagues for their work, support and co-operation through the past four years in this mandate.

I thank those who have resigned from the Assembly from our party ranks — Carmel Hanna from South Belfast and Mark Durkan from Foyle — for their term in this Assembly. They played a role as Ministers at various times through the lifetime of the Assembly, and I am sure that their role has been respected by many others across the community. I welcome

their replacements, Conall McDevitt and Pól Callaghan, to our ranks. Tá fáilte romhaibh beirt.

I thank PJ Bradley and Mary Bradley, two of my party colleagues who have served their constituents in this Assembly and at constituency level exceptionally well, as well-known, well-established grass-roots community workers. I thank them for their sterling service to their constituents, their party and their country. Go raibh maith agaibh beirt.

I also wish well those from other parties who will not seek re-election, many of whom I have become acquainted with and count as friends, as they move back to what many of us now regard as normal life. As public representatives, we perhaps do not get that chance. I wish them all very well in their new life or, as they may see it, their return to normal life.

In the Assembly, we have had differences and various points of view. However, I hope that, as the institution builds, we gradually come to respect one another, our diverse views and our differing political opinions, as we work together for the common good. The peace process has completed its task, and stability is now taken as read. The political process must now deliver much more. People look to the Assembly for hope. All our people want prosperity, jobs and a decent Health Service and education system. That is especially the case among our young people, far too many of whom now leave this country on boats planes. It is up to us to give them hope and stability for their future.

I wish to thank party colleagues who have served the party extremely well and with dignity and honour at ministerial level. My colleague and party leader, Margaret Ritchie, and Alex Attwood succeeded in delivering the highest level of newbuild social housing for many years for the many people who await what many of us take as the most basic right — a roof over their head. I pay special tribute to them.

At a personal level, Mr Speaker, I have already commended you for the time that you have put in and for your patience. I also commend the Deputy Speakers, who have put so much into the Assembly, and all the Assembly staff, who provide support to make the place work and to facilitate our job as elected Members. I pay tribute especially to the staff of the Committees on which I served during this mandate: the Environment Committee, the Committee for Agriculture and Rural Development and the

Public Accounts Committee. This year, the Public Accounts Committee shone a bright light into the mediocrity of some elements of the public sector and the bad practice of some people within it. However, as an elected representative, I have worked extremely well with many others in that public sector. Unfortunately, I cannot pay personal tribute to those people because we would be here all day, but they know who they are.

Finally, despite the combative nature of this Assembly at times, Members have got to know one another and maybe established friendships. I hope that we will ultimately lay the building blocks for the trust that is so necessary to bring about reconciliation in this part of our country, the reconciliation for which the people of Ireland have yearned for so many years. I look to the future and to our receiving a mandate in which that trust will be solid and reconciliation will see a new society and a new Ireland. Ar aghaidh linn le chéile chuig an ré úr sin. I look forward to that new society.

Mr Neeson: I welcome the fact that the Assembly has completed its four-year mandate for the first time since its establishment in 1998. My main priority, as former leader of the Alliance Party and an Assembly Member, was to protect the Good Friday Agreement and latterly the St Andrews Agreement. It has also been a priority for the Alliance Party that devolution in Northern Ireland must be based on power sharing across the political parties. Although we would prefer a voluntary coalition, we are prepared to accept and work with a mandatory coalition. Events over the past four years have shown that devolution, although not perfect, is much better than unaccountable direct rule. However, there is still much progress to be made on creating a truly shared future for all our citizens in Northern Ireland.

Northern Ireland has become a much more multicultural society, particularly over the past decade or so. The Alliance Party has frequently raised the issue of a shared future in the Assembly during this mandate. I firmly believe that progress is being made on that issue, which is vital to the people of Northern Ireland. Last year saw the devolution of policing and justice powers, which, in many ways, was the final piece in the devolution jigsaw. I am very proud of and impressed by the work carried out by David Ford in his role as Minister of Justice.

11.00 am

From my perspective, I am very proud of the achievements of the Northern Ireland Assembly and Business Trust (NIABT). Formed in 2002, we faced difficult years when the Assembly was in limbo. However, in the past four years, progress has been made, and more than 80 companies are members of the trust. I am very grateful to the members of the trust's board and our officials for their major contributions. I also want to pay tribute to you, Mr Speaker, because you have been a great supporter of the Assembly and Business Trust as its president. That is only one aspect of the outreach programme that the Assembly Commission spearheads. It is important that we give ownership of the Assembly to the people of Northern Ireland. I am particularly pleased that all the Assembly Committees, along with the Assembly and Business Trust, held meetings outside Parliament Buildings in various venues throughout Northern Ireland.

Yesterday, the Assembly Commission had a presentation from the Northern Ireland Assembly Youth Panel, with a view to establishing a Northern Ireland youth assembly. That shows that great progress has been made in political life here in Northern Ireland.

Of course, one of the Assembly's main roles is to pass legislation. Although we got off to a slow start, at least in recent times there has been a plethora of Bills, which meant, at times, late hours for elected Members and officials. I hope that that is a sign of things to come. However, if I could make one change to legislation, I would change the rules relating to designation. What we have at the moment perpetuates sectarian and sectoral politics. Hopefully, as we move forward, we will become more mature when voting in the Assembly.

As you know, Mr Speaker, all politics is local. I am disappointed that the Minister for Regional Development has left the Chamber, because, once again, I wanted to raise the issue of the A2 between Carrickfergus and Belfast. *[Laughter.]* We have been waiting for improvements to it for over 30 years. At least the point has been made.

As Members know, I will not be standing for re-election to the Assembly. I want to pay tribute to my Alliance Party colleagues and staff, particularly my constituency staff, for their help and support over the years. I also want to thank

all Assembly staff, who have ensured that we have an Assembly that works. Finally, I want to say that, over the years, I have made many good friends in all political parties in the Assembly. I wish all the best to those who are standing for re-election.

Mr Speaker: I have had a request from Dr Paisley, now Lord Bannside, who is very much the Father of the House, to say a few words this morning. This is a historic day for the Assembly: Dr Paisley's political life spans well over two decades, and it is only right and proper that the Father of the House say a few words here this morning.

Lord Bannside: It seems that some of us are finishing our course. It is 41 years since I walked in here as an elected Member for my constituency in Antrim.

Now, I feel as if I look only 41, but that is not so, for the facts are against us. We are all moving away from youth to middle age. When we look at one another, we see that we have spread a bit in our middle age and are weakening in our old age. However, facts are facts. As an elected representative, very early in my political life, I had a maxim printed on all my papers that went out to the people: all men equal under the law, and all men equally subject to the law.

In my time, I have faced Prime Ministers. Thank God, only one of them was a female: the rest of them were males. *[Interruption.]* Well, she was a very clever woman. She was mightier at her task than any man whom I saw hold that office in my day. In my time, I faced Prime Ministers, Secretaries of State, a number of Taoiseachs and even a few American Presidents. My message to them all was the same: Ulster would have stable government only if all parties, irrespective of our differences, signed up to supporting the rule of law, the institutions of the state and the police.

I was, of course, told that that was impossible. I was told that republicans would never agree to that. I was told that it could not be, but I proceeded to advocate it, and, eventually, it has come to pass. It has come to pass because all of us were prepared to put our country before our political past, and that has been good for us all.

Of course, there are many Job's comforters around. There are moaners and complainers, pessimists and prophets of doom, with faces longer than any Lurgan spade. *[Laughter.]* I

apologise to the Lurgan people, but, for the first time since the collapse of the Northern Ireland Parliament, we can all say that the Assembly was democratically elected and has completed a full term. We are not being thrown out by English politicians; we are going to our people to get a renewed mandate. This is an Assembly that has been tested, particularly when terrorists murdered two soldiers and a police officer. Even in such times, the foundations did not give way. Today, as we mark this milestone, our thoughts and prayers are with those broken-hearted families.

There is a job to be done, and that job needs to be done. We face hard financial times ahead, and difficult decisions will have to be taken. As the Assembly sits in this place, all eyes will be upon it. We share this Province, and we have to make a shared future in it. We have a rich history, and, despite our size and problems, we have, in the past, made a contribution to the world as well. It may not be too large a contribution, but it is still there, and it is larger than most have made.

As we sit in the House today, we look back with great sorrow, and our thoughts and prayers are with the bereaved.

However, we also have hope that, at long last, we will get away from the things in the past that we now deplore; that we will go forward with the help of Almighty God to a place where all of us will be proud that we are Ulstermen and Ulsterwomen; and that we have done our best in the most difficult of circumstances to do what we can for a coming generation.

What you do in the next meeting of this House will affect a lot of young people. We want our young people to have a chance in life. All that I can say to you all is God bless you, God bless Ulster, God save us from the things that disgrace the name of Christianity and bring us in to an experience where young people will be proud, no matter their religion or politics, to say, "I come from Ulster."

Some Members: Hear, hear.

Mr Speaker: I thank everybody for their kind words. Let us move on.

I inform Members that the Employment Bill and the Budget Bill have received —

Lord Morrow: On a point of order, Mr Speaker. At our last sitting, I brought to the attention

of the House a very serious matter, which I left with the Speaker. It was in relation to the refusal of the Minister for Social Development to give me an answer to an oral question but yet we discovered that that answer was given to someone else and the details were released to the press. In light of the very bad manners and disgraceful action by the Minister for Social Development, is it in order for this matter to be brought to the attention of the new House with a view to looking at procedures and how best to protect the House and this Member from being treated with that sort of contempt in future?

Mr Speaker: I thank Lord Morrow for raising that point of order. As you know, Lord Morrow, I have spoken to the Minister, and I know that you have done likewise. I have written to the Minister and I await his reply. I agree with you: the Committee on Procedures, in the new mandate, will be extremely busy. There are a number of issues that that Committee needs to look at, particularly this one. I certainly agree with Lord Morrow on the issue.

Lord Morrow: Further to that point of order, Mr Speaker. The Minister did not seek me out; I happened to bump into him in the corridors, and he stopped me. However, it was most disappointing. It does not reflect on me as a Member; it reflects the contemptible way in which all Members are treated when they submit a question for oral answer.

Mr Speaker: To be fair to the Minister, I spoke to him and I requested that he have a meeting with you. I made that absolutely clear to him, and he said that he would do that. Let us move on.

Assembly Business

Employment Bill: Royal Assent

Budget Bill: Royal Assent

Mr Speaker: I inform Members that the Employment Bill and the Budget Bill have received Royal Assent. The Employment Act (Northern Ireland) 2011 and the Budget Act (Northern Ireland) 2011 became law on 22 March.

Ministerial Statement

Health: Capital Priorities

Mr 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 about my capital priorities for the next four years. The announcement is being made in the context of the recent Budget settlement and the ever-increasing demand for health and social care services and the ageing profile of the health estate.

Everyone in Northern Ireland has the basic right to high-quality health and social care services that are delivered in modern and well-equipped buildings. The significant challenges that face the health and social care services can be overcome only with radical changes to the way in which services are delivered and configured. Too many of our hospitals and healthcare facilities are no longer fit for purpose. Many are potentially unsafe and are of such poor quality that we should not expect staff or patients to tolerate it. Over a third of the estate is more than 50 years old.

Up to two thirds of our buildings require significant investment to bring them up to current standards. The fact is that we will spend £400 million just on essential maintenance and the replacement of critical clinical equipment and emergency vehicles over the next four years. Despite the urgent need to build new and modern facilities that will deliver efficiencies and improve care, the money is simply not there to do it.

11.15 am

Under the current investment strategy for Northern Ireland (ISNI), the proposed allocation to my Department for the Budget period was approximately £1.3 billion, which was nowhere near enough to allow many much-needed key investments to proceed. I made a bid for £1.8 billion for the new Budget period, but it was not met. The final Budget allocation slashed my available capital spend to £851 million, which is almost £500 million less than the original £1.3 billion promised under ISNI. Of the £851 million, £250 million is already committed to projects that are under way and, as I said, £400 million

is required for essential work. That leaves me with just over £200 million for the next four years to address all the new investments required.

Under those circumstances, I no longer have the funding to proceed with many important projects. I have had no option but to balance all the competing priorities and decide on a programme of work for the next four years. That was no easy task, but, when the Health Service is continually starved of the funding that it needs, very difficult decisions have to be made, such as whether to fund care for elderly people in their homes, cut thousands of jobs, increase waiting times or build a new hospital. Those choices have to be made because the health and social care service is broken, and they will cause only pain and anxiety to the public.

In light of the significant funding challenges that I face, I have had to determine which capital projects must be progressed. Even those essential projects cannot be delivered as soon as I would have wished. Several will have to be delayed to make them affordable. Other much-needed projects will not now be able to start within the period. Subject to normal business case processes, construction can start on the following high-priority schemes: the next phase of the Ulster Hospital redevelopment, which will replace the current ward block; the new regional maternity hospital at the Royal; the new enhanced local hospital at Omagh; the new acute psychiatric facility at Belfast City Hospital; the new A&E and ward accommodation at Antrim Area Hospital; new operating theatres at Craigavon Area Hospital; and new health and care centres in Ballymena and Banbridge.

I remain committed to the future development of the Altnagelvin radiotherapy unit. However, the present budget proposal seriously undermines the ability to deliver it, because of the absence of revenue funding and the reduction in capital resources available to my Department. Revenue is critical to the project. Decisions to commit revenue to commence necessary specialised training were to be taken in 2011-12, so that staff would be fully trained and available when the project opens in 2016. Those to be trained include oncologists, radiologists and radiographers. The current budget does not enable that decision to be taken. The project is also dependent on the new Government in the Republic of Ireland. We must ensure that they

are still committed to contributing towards the cost of that essential scheme.

I remain totally committed to ensuring that people with cancer in Northern Ireland have access to radiotherapy services as they are needed. Therefore, I will ask the Health and Social Care Board to put arrangements in place to introduce the two new radiotherapy machines at Belfast City Hospital over the next two years. That will help to provide the capacity that is needed in the short- to medium-term while the longer-term service issues are being resolved. Those projects will take up the vast majority of the available capital for new schemes. The remainder of that very limited budget will be used to facilitate a number of smaller, critically needed projects, more details of which I will provide in the near future. Unfortunately, the major cut to my capital budget means that, against my wishes, construction cannot now begin on a number of important projects.

Although I acknowledge that this announcement will be welcomed by those whose needs are being met, I recognise that it will bring great disappointment to many more whose vital projects have to be delayed. Unfortunately, my hands are tied, and that will continue to be the case until the need to provide properly funded health and social care services is recognised and given the priority that it deserves.

Against that background, I have come to the view that the challenges that we face cannot be achieved by tinkering around the edges; they will require fundamental and far-reaching change to the health and social care estate. It appears that the Assembly is not prepared to provide enough money to maintain health and social care in its present form, based on the long-established principles that it is free at the point of delivery, funded by taxation and with no pre-set limits on the care that will be provided. Elsewhere in the UK, if a new specialist drug is cost-effective, it is generally available. That principle is not being applied in Northern Ireland, and the Budget will only make that worse.

In order to deliver the future health and social care service needed to fulfill the needs of the public and within the constraints of the Budget, I have had no option but to introduce radical changes. Today, I announce a major review of the profile of health and social care services. The aim of the review is to ensure that the next Minister and Assembly have the best possible

analysis of the way forward for those essential services. The review will go much further than 'Developing Better Services', which focused mainly on acute services. Its remit will be to examine how to deliver the best care within the available resources to improve health and well-being and to meet the needs of all citizens. In doing so, it will take account of the following issues: the health and social care needs of citizens and views of individuals and organisations; the delivery of safe, high-quality modern and effective health and social care; the delivery of local safe and sustainable services, balanced with the need to access specialist and complex services; and ensuring the best use of resources allocated to health and social care during a period of unprecedented efficiency savings.

The review will be chaired by William McKee, who has a wealth of experience and expertise in health and social care services in Northern Ireland. He will lead a team that will include experts in nursing, medicine and social care, as well as members of the voluntary sector and trades unions. An independent expert to advise on policy will also be part of the working group. I require the review to report within nine months.

Throughout the past four years as Minister, I have championed the health and social care service; it is everyone's Health Service. It should be valued and supported, and shame on us if we turn our backs on an organisation that, every day, performs tremendous life-saving work and which provides endless care and support for the people of Northern Ireland. I wish the new Health Minister well in their new post; they will have many challenges and many more difficult decisions to make in the years ahead. I hope that they treat the service with the respect and esteem that it deserves.

The Chairperson of the Committee for Health, Social Services and Public Safety (Mr Wells): It is disappointing that such a major announcement is made on the penultimate day of the Assembly's existence, as the Minister knows that the Committee and Assembly can do very little about it. To announce such a major change in capital funding 36 hours before this Building closes for the election is unacceptable.

Equally unacceptable is the fact that he knows that the decision to mothball the Altnagelvin Area Hospital cancer facility will cause uproar west of the Bann and in the north-west of

the Province. Surely, given the facts that the Minister of Finance has ring-fenced the capital budget for that project, that the revenue funding issue does not occur until year 4, and that the Belfast City Hospital complex will run out of capacity in five years' time, he must urgently review that decision before more cancer patients are forced to make a 160-mile round trip three or four times a week for chemotherapy. That is a heartless decision, and I call on the Minister, even at this late stage, to reverse it.

The Minister of Health, Social Services and Public Safety: It would have been disappointing had Jim Wells not been disappointed. I am well used to four years of the Chairpersons of the Health Committee performing in that manner.

The fact is that the announcements that I have made have been in the public domain for many years, and the priorities are well known by the Health Committee and, indeed, should be known by the Chairman of the Health Committee if he is doing his job properly.

I am the one who has championed the Altnagelvin project from day one. I have carried it and brought it forward. Mr Wells made remarks that the capital is ring-fenced; that is not true. There is no ring-fenced capital. Resource is needed now, because we have to put staff training in place. However, that resource is not available. Also, chemotherapy is available; we are talking about radiotherapy here. As things stand, I do not have a commitment on Altnagelvin from the Irish Government. One third of the patients who go through the door at Altnagelvin will come from the Irish Republic, and the Government are required to commit as the previous Government in Dublin have done. I have tried to make contact, but I have not been able to make contact with the new Health Minister. The decision will fall to the next Minister. I am doing the final expansion work in Belfast City Hospital to allow capacity to continue. That will give us breathing space.

The outline business case 1 has been with the Department of Finance and Personnel (DFP) since last October. That business case just allows me to design it. I have still not got it out yet, and we are still waiting. Thereafter, the proper business will take at least a year at that rate. However, the problem is that, for the business case, I keep being asked how I will deal with affordability. I cannot answer that

question adequately because, from 1 April, the Health Service will go into what I have referred to as chapter 11. We will be down £135 million on 1 April and will have no means of getting that money. So, that relates to the second part of the announcement on the review. However, Mr Wells knows that of course, because Mr Wells voted to put the Health Service into chapter 11 on 1 April. I wish him luck as he knocks the doors in South Down and tells the elderly population that the reason why it is waiting for domiciliary care packages is that he voted through that Budget.

Mrs O'Neill: Go raibh maith agat, a Cheann Comhairle. It is evident to everybody in the House that we have just had a party political broadcast for the UUP. Shame on Michael McGimpsey, who frequently had to be pulled to the Chamber kicking and screaming, for announcing such a negative way forward for capital bills on the final Assembly sitting day. As I said, it is politicking by Michael McGimpsey. Shame on him.

He has outlined short-term plans and short-term solutions in his statement. Will the Minister apologise to the people of the north-west for letting them down and for playing politics with their health and social care?

The Minister of Health, Social Services and Public Safety: Mrs O'Neill said that I had to be pulled kicking and screaming to the House. I have been on my feet in the House more often than anybody else and at more debates. You referred to written questions, Mr Speaker. I have dealt with by far the most written questions and correspondence. I have handled around one quarter of all the written questions from the House. So, I have no apologies to make to Mrs O'Neill or to anybody else, including the people of the north-west. There are people who should apologise to the people of the north-west: those who have voted through the Budget. *[Interruption.]*

Mr Speaker: Order.

The Minister of Health, Social Services and Public Safety: We frequently get comments from people who cannot stop talking, mainly because they need the practice.

As far as the north-west is concerned, I have announced a new hospital in Omagh. That is very welcome. The unit in Altnagelvin has been deferred, not mothballed as Mr Wells likes

to characterise it. It has been deferred, and it will be needed. I have outlined the reason why on a number of occasions, but it is up to the Members of the House to ensure that it happens. I cannot do it on my own. Mrs O'Neill has a part to play by persuading her party to take the funding of the Health Service seriously.

Mr Gardiner: I thank the Minister for his statement to the House this morning. The Minister has been sincere and wants the best healthcare for the people of Northern Ireland. He is a man in the right position but, unfortunately, those around him have not provided the capital funding. *[Interruption.]*

Mr Speaker: Order.

Mr Gardiner: I record my appreciation for the work that he has done for Craigavon Area Hospital in giving us two additional theatres. *[Interruption.]*

11.30 am

Mr Speaker: Order. Allow the Member to ask his question.

Mr Gardiner: It goes to show the sincerity of the Health Minister, who, of course, is an Ulster Unionist. I also pay tribute to him —

Mr Speaker: I must insist that the Member comes to his question.

Mr Gardiner: We welcome the health centre in Banbridge, and the people of Banbridge welcome it. It is long overdue. If funding had been available to the Minister, what services and additional improvements could he have made in the Health Service? Again, well done, Minister.

The Minister of Health, Social Services and Public Safety: I referred to the capital project at Altnagelvin. I also had a strong desire for the building of the new children's hospital at the Royal. Members will be aware that the environment in the children's hospital is extremely poor. It is a 70-year-old or 80-year-old hospital, and that is where we put the most vulnerable members of our society: our children. The service there is very good, but the environment is extremely poor. That is another example of the schemes — I have pages of them — that require to be done.

Over the past 30-odd years, health has not had the investment that it should have had, because we funded £500 million a year to fight a terrorist

war. That is where the money went and, after all that time, there is a deficit in health, roads, education and so on. We need to fill that deficit and address it. Health is definitely not getting the priority that it requires. For example, when you consider that double the capital is going into roads as is going into health, it seems that we prefer bypasses to hospitals. That will be an issue for the next Assembly.

Mr Callaghan: Go raibh maith agat, a Cheann Comhairle. Unfortunately, I cannot stand here as a representative for Foyle and say, "Well done, Minister". The announcement that the Altnagelvin radiotherapy centre is to be mothballed or deferred will be met with widespread disappointment and anger in Derry city and across the wider north-west. In fact, many people will say to me that this decision may put lives at risk as well as causing tremendous upset. Will the Minister agree that it is time to stop treating Altnagelvin's radiotherapy centre as a political football? It is time for the Health Minister not to wind down towards the end of this mandate but to crank up efforts to resolve the issue and sit down with the Finance Minister in the North and the Health Minister in the Republic and deal with the matter once and for all so that it proceeds apace.

The Minister of Health, Social Services and Public Safety: I have sat down with the Finance Minister here on a number of occasions, and this is the result. I have made attempts to talk to the Health Minister in the South by phone, but, clearly, he is very busy. We have to have that commitment from the Irish Republic because one third of the patient flow will come from Donegal. I understand that, with the new cancer centre in Galway, the need might not be as great. That is why their support, which I got previously from Mary Harney, is crucial.

At the current rate, it will take at least one year for the business case to plough through the Department of Finance and Personnel. I cannot even get permission to design it through a business case, and that has been the situation since October 2010. A strong case can be made for doing what Mr Wells claims has been done but has not been done, which is to ring-fence capital and resource for it. That is the key element, because, at the end of the day, it is a building. The skilled staff who would work in the unit are the key. They have to be trained up, and

they cannot simply be recruited overnight. That is the problem.

Mr McCarthy: I join with the Chairperson and the Deputy Chairperson of the Health Committee to express my deep disappointment at this gloomy statement, particularly on the final day of this Assembly. I welcome the investments for the redevelopment of the Ulster Hospital and, indeed, the others.

I am disgusted by the phrase:

"Decisions...such as whether to fund care for elderly people in their homes".

It will cause enormous fear and tension among many elderly people in my constituency and every constituency in Northern Ireland.
[Interruption.]

Mr Speaker: Order.

Mr McCarthy: It is shameful. It has been said, over and over again, that elderly people are a priority. In the next Assembly we hope that there will be a Minister who can take forward actions rather than words. Out of both constituency and personal interest, I ask the Minister, in the final plenary session, to tell the House what the future will be for the new adult training centre that has been promised for Newtownards.

The Minister of Health, Social Services and Public Safety: That was a long, rambling question. The individual who asked it ignored the fact that he has voted repeatedly to cut the health budget. He has gone through the Lobbies to cut the Health Service budget —
[Interruption.]

Mr Speaker: Order. Allow the Minister to continue. The Minister must be heard.

The Minister of Health, Social Services and Public Safety: Thank you, Mr Speaker. Mr McCarthy voted repeatedly to cut the Health Service budget. He voted to take £700 million in efficiencies out of it. Despite warnings, he voted for the Budget.

I produced a letter from my accounting officer that stated that the Budget simply could not be made to balance and that, in effect, we were going into chapter 11. That is the big challenge for the next Assembly: can we adhere to the principle of healthcare from cradle to grave, free at the point of delivery? It is no use ignoring the fact that, if money is taken away, there will

be none to spend. That is the reality. As far as the elderly population is concerned, domiciliary care is a key part of that. After acute services, care and services for elderly people are the biggest part of the budget. It is being hit. Kieran McCarthy voted to hit that part of the budget —

Mr McCarthy: Absolutely not. *[Interruption.]*

Mr McNarry: Read Hansard.

Mr Speaker: Order.

The Minister of Health, Social Services and Public Safety: Thank you, Mr Speaker. I made clear what would happen. I said that those would be the consequences. We all need a reality check. Taking money from the Health Service to put into roads may be nice for the men who lay tarmac, but it is not so good for folks who need health services. If money is taken from the Health Service, there is no money to pay for certain essential services.

The Member referred to the elderly population. I gave that as an example of the services that are being pushed. It is time for Mr McCarthy to face up to that. Will he vote for older people's services or for roads? He has already answered that question four times. Elderly people are present only in his vocabulary, not in his heart.

Mr Givan: I declare an interest: my wife is a Health Service employee, so I know full well the work that staff do, and I commend them for it.

Perhaps the Minister can explain why, in his dying throes in office — I suspect that we will not see him back in that position — he has announced a fundamental comprehensive review, having had four years to bring forward such a review to ensure that the Health Service is fit for purpose. Why does he do that now and thereby pass the buck to whoever will take the office next? On the second occasion that I have offered him an opportunity to apologise to the House and the people of Northern Ireland —

Mr Speaker: The Member must come to his question.

Mr Givan: Will he say sorry for canvassing for and supporting the Conservative Party, which slashed Northern Ireland's Budget? The health budget is a manifestation of Tory government.

The Minister of Health, Social Services and Public Safety: I will attempt to answer Mr Givan's question. *[Interruption.]*

Mr Speaker: Order.

The Minister of Health, Social Services and Public Safety: Northern Ireland gets a block grant, which is divided up. *[Interruption.]* I hear constant chattering from an individual who was seldom able to stand on his feet in health debates. Indeed, I do not recall him ever being on his feet during a health debate. He is better at talking from a sedentary position — *[Interruption.]*

Mr Speaker: Order.

The Minister of Health, Social Services and Public Safety: We have a block grant of £11 billion, which, around the Executive table, we agreed to divide. The fact is that Sinn Féin's Departments did extremely well, but the Health Service did extremely badly. It was a political deal done by the DUP and Sinn Féin. That is the reality. The challenge for the Health Service is to rise above that. It is more important than that. The key challenge for us next term is whether we are prepared to sustain the principle of cradle-to-grave healthcare free at the point of delivery. In the past, the House has been found wanting in that regard.

Health services have not been reviewed since Maurice Hayes conducted his review of acute hospital services 10 years ago. Therefore, it will be a fundamental review that will go far beyond acute services. Anybody who understands the Health Service will understand that. The review that I announced will look at acute hospitals, local hospitals, community, social services and primary care. It will look at the money, which is one of the constraints, the need and at whether we are prepared to deliver cradle-to-grave healthcare free at the point of delivery.

According to the Treasury, Northern Ireland is, officially, the worst-funded Health Service in the UK. Not only does the Finance Department ask me about efficiencies, which I always strive for, and to save more money, but it asks me what I am doing about charging. I can tell the House that I am not doing anything about charging. I do not believe that people should pay for their Health Service. That is a fundamental principle, and that is the challenge. It is about working together; it is not about political catcalling from the background.

Ms S Ramsey: Go raibh maith agat, a Cheann Comhairle. Given the bouquets that Members were throwing at one another less than an

hour ago and the fact that Members have been making their final remarks of the mandate, the Minister probably thought that he would have an easy day. I am disappointed that the statement has come out. The Minister showed good manners in coming to the Assembly, and I thank him for the statement. However, the situation is like a child throwing a rattle out of the pram. A special adviser left the other day, and the elections are coming up. It is as if everybody is jumping out of a ship that, in my view, is being steered in the wrong direction.

Paul Givan, the previous Member to speak, asked why the review was being announced now. I am concerned that we must wait for it. Will the Minister give us more detail on the review? Will it look at consultants' pay? Will it look at managers? There are more managers in the Health Service now than ever before. Will it look at bonuses and merit awards — or distinction awards or whatever you want to call them? How much will it cost? I am concerned that the review will be chaired by William McKee, who received a golden handshake following the review of public administration.

I am concerned about where the Investing for Health strategy sits. Will the Minister provide more detail on the new regional maternity hospital at the Royal? I declare an interest in that, as it is in my constituency. Following the proposal to build the new women and children's hospital, the Ulster Unionists opposed the transfer of maternity services from Belfast City Hospital to the Royal. I do not wish to rehash that argument, but I am concerned that there is a pulling back from what was agreed in the Assembly.

The Minister of Health, Social Services and Public Safety: The bill for the maternity hospital was about £150 million. By separating it from the children's hospital, we had an opportunity to go ahead with it as part of the new critical care build, which is already on site. Through utilising the top three floors of the critical care building and building to the side of the newbuild, we were able to get the price down from £150 million to £50 million. That is good business in anybody's language, and it allows us to deliver. If I was trying to follow the original plan by building it according to the Budget that was voted through, the new maternity hospital would not be on the list. It must be remembered that I have £200 million to spend over four years. The

children's hospital can easily link into the new maternity hospital.

Consultants' pay is already being reviewed. That whole area is under review. What surprised me was that the House actually voted to underfund the Health Service to the point that it will be in chapter 11 on 1 April, with not enough money to do what we are doing.

11.45 am

We all agree that the Health Service has to change, but it needs evolution, not revolution. To get to a point from where we are at present we require a pathway to that point. What will the Health Service look like in five, 10 or 15 years' time, particularly in the light of the complex and changing circumstances in which we are required to deliver, not just in acute hospitals but in local and community hospitals and particularly in community care, where increasingly our investment is looking after our elderly population, and in supporting primary care through our GP practices, with all the extra responsibilities that flow from that?

That is the shape of the delivery. What will that delivery do? It has to address the needs of the population. What will those needs be? Delivery also has to be done within a financial constraint. The financial approach that we are taking here, with money being spent on roads rather than on hospitals, community services or domiciliary care, means that we will face serious questions that we will not be able to answer. For example, how do we fund the Health Service if we are not going to charge? That is where the situation is leading.

In the Irish Republic, people pay to go to the GP; pay to go to A&E; pay for a night's bed in a hospital; pay for domiciliary care and nursing care; pay for prescriptions; and pay for drugs. I believe that that is where this House is ultimately headed, unless we make a determined effort to face the challenge of effectively ensuring the Bevan principle. That is what the review is about.

Mr K Robinson: I thank the Minister for his statement, although, sadly, it does not make for very positive reading. His Department has only £200 million for capital expenditure over the next four years. If his Department is left with no option but to find additional funding internally, does the Minister agree that the money will

have to come from areas that are already under extreme pressure, such as domiciliary care?

The Minister of Health, Social Services and Public Safety: We are, of course, straying outside the realm of capital priorities. I do not see it as an entirely negative message when we are able to provide, for example, the new ward block at the Ulster Hospital. Remember that hospital services in greater Belfast are dependent on the Royal and City complex and the Ulster Hospital. Without that ward block, the Ulster Hospital has difficulty functioning, so we are talking about services for the greater Belfast area.

As far as domiciliary care packages are concerned, the Health Service has very little cash to play with. All the money goes on employees and other things. One of the areas that cash goes to is domiciliary care through the type of activity that the Member mentioned. To find cash, we are driven to go to those sorts of budgets. I have not been prepared to do that, but it seems to me that, come 1 April, that is what the Health Service will be driven to. Kieran McCarthy may protest, but he voted for the Budget. I hope that the people understand that that is where the Health Service is going, unless we are prepared to show that we support it.

Mr P Ramsey: I thank the Minister for his statement, although we seriously dislike a lot of it. Mr Speaker, this morning you spoke about the last day of this mandate and how well the Assembly has been performing, but I have to go back to my constituents to tell them that this is the worst day for them. It is the worst day for the future of the north-west. I have to tell my constituents that the Assembly has failed them on the delivery of services.

The Minister stated:

"Everyone in Northern Ireland has the basic right to high-quality health and social care services that are delivered in modern and well-equipped buildings".

We have failed them. The people in the north-west will not have access to the same facilities. There are thousands of people across Northern Ireland — it does not just affect the north-west — who will experience anguish and distress. I have repeatedly said in the Chamber that the most important matter for my constituents is the provision of a radiotherapy unit, and I am appalled that today I have to give bad news to so many people. As Jim Wells, the Chairperson of the Committee for Health, Social Services

and Public Safety, pointed out, the travelling time alone is two hours up and two hours back, for four or five minutes in Belfast. It is horrible, and it causes anguish and sheer distress, not just for families but for patients.

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

Mr P Ramsey: Even at this late hour, is the Minister prepared, along with the MLAs who represent Foyle —including the Speaker — to meet the Minister of Finance and Personnel to find a way forward and a solution to this problem?

The Minister of Health, Social Services and Public Safety: I agree with everything that Mr Ramsey and Mr Callaghan said. However, as I said, my hands are tied. The radiotherapy unit at Altnagelvin Hospital is only being deferred and not mothballed. There is no way that that would happen. It will go ahead, and it will be the next Minister who will deliver it.

This situation is not down just to me but to the entire House, which voted us into the current financial position. The Minister of Finance and Personnel may have a role to play, but just a few weeks ago the House voted through a Budget that created this situation. It is not the only situation, and there will be other parts of the Health Service, in other constituencies, that will experience difficulties. This is what I warned the House about. I know that Mr Ramsey's party has supported me, and I am grateful for the support that I received in standing up and fighting for the Health Service. However, the job cannot be done without the resources, and we must be prepared to put our money where our mouth is. I am plotting a way forward, as I have continually attempted to do. I believe that that future can be delivered within the block grant and that the Health Service can provide for the basic principle of care from the cradle to the grave. It can be done, but we need less politicking around the issue and the provision of more services for our population.

Mr Armstrong: I thank the Minister for his statement. Does he agree that, although he has not been provided with adequate resources, his Department's priority must remain insisting that the Northern Ireland Executive's first priority is the health and well-being of all those who live in Northern Ireland? That is particularly the case in light of our increasing and ageing population.

The Minister of Health, Social Services and Public Safety: I agree entirely with what Mr Armstrong said on his last day in the House. I have no hesitation in saying that that is our number one priority.

Mr Speaker: Order. That concludes questions on the ministerial statement. I ask the House to take its ease as we move to the next item of business.

Executive Committee Business

Code of Audit Practice

The Minister of the Environment (Mr Poots): I beg to move

That, in accordance with article 5(3) of the Local Government (Northern Ireland) Order 2005, and so that it may continue in force, the Code of Audit Practice 2006 prepared by the Chief Local Government Auditor be approved.

Article 5(1) of the Local Government (Northern Ireland) Order 2005 requires that the Chief Local Government Auditor shall prepare and keep under review a code of audit practice that prescribes the way in which local government auditors carry out their functions with district councils and other local government bodies. Article 5(2) of the Order provides that:

"The code shall embody what appears to the chief local government auditor to be the best professional practice with respect to the standards, procedures and techniques to be adopted by auditors."

The existing Code of Audit Practice came into force on 1 April 2006, and article 5(3) of the 2005 Order provides that its continuation in force is subject to its being approved by a resolution in the Assembly at intervals of not more than five years; that is, before 1 April 2011. I therefore seek the Assembly's approval for the existing Chief Local Government Auditor's code of practice to continue in force.

The Chief Local Government Auditor recently consulted councils and other interested parties regarding a proposed new code of audit practice, and comments were requested by 17 February 2011. With the Assembly being dissolved tomorrow, however, there was insufficient time for the due processes to be completed and for the new code to be brought into force before 1 April 2011. Hence, I seek the approval of the Assembly for the existing code to be continued. It is the intention of my Department to seek approval from the new Assembly as soon as possible after it is up and running for the proposed new code.

The Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat, a Cheann Comhairle. The Committee considered a letter from the Department about

the Chief Local Government Auditor's Code of Audit Practice on 10 March 2011. Members were disappointed to hear that the Department was not in a position to inform the Committee about the responses to the consultation on the new local government auditor's code of audit practice in time for the Assembly to approve the new code prior to dissolution. Indeed, it was agreed at the meeting that I should write to the Department to express the Committee's disappointment at the time taken to produce a new code and the fact that it would not be forthcoming in this mandate. Members felt that there had been ample time to work on a new code and that the issue should have been prioritised better in the Department. However, we are where we are, and no amount of Committee disappointment will change the situation. I hope that the Department brings a new code to the House as soon as possible in the new mandate. On behalf of the Committee, I support the motion.

Mr Speaker: Before we call for the vote, we need to ring the Division Bells to try to get a quorum in the House. Minister, do you want to conclude the debate or add anything to what you have already said?

The Minister of the Environment: I have nothing to add, Mr Speaker, other than that the matter be put to the House when we are quorate.

Notice taken that 10 Members were not present.

House counted, and there being fewer than 10 Members present, the Speaker ordered the Division Bells to be rung.

Upon 10 Members being present —

Question put and agreed to.

Resolved:

That, in accordance with article 5(3) of the Local Government (Northern Ireland) Order 2005, and so that it may continue in force, the Code of Audit Practice 2006 prepared by the Chief Local Government Auditor be approved.

Planning Bill: Final Stage

The Minister of the Environment (Mr Poots): It is good to see that I have such a moving effect on Members. I beg to move

That the Planning Bill [NIA 7/10] do now pass.

On 30 November 2010, I announced in the House my plans for strengthening local democracy by reinvigorating planning and local government reform. On 6 December 2010, I introduced the Planning Bill. Today, less than four months later, the Planning Bill has reached its Final Stage.

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

The Bill sets a framework for the future of planning and provides for the transfer of the majority of planning functions from the Department of the Environment to local government. That transfer will happen after new governance arrangements for councils and a new ethical standards regime for councillors are put in place. I have consulted on those with a view to legislation in the next Assembly.

When planning powers transfer, councils will work with the communities they serve to build a vision for the future of their area. They will bring forward development plans showing how their area will change. Councils will decide the majority of planning applications in their area and be responsible for enforcing planning decisions. The community can become involved at every stage of the planning process.

Councils will set out in their statements of community involvement how and when they will consult the community, and developers will be required to take account of the views of the community in drawing up applications for major or regionally significant development. Councils will be the decision-makers, and councillors will live with the consequences of their decisions. Ultimately, if communities are not happy with the way the area is shaping up, they can exercise their views at the ballot box.

The passage of the Bill is no mean feat. At 255 clauses, it is the largest Bill that this Assembly has seen. It is an achievement of which everyone who has been involved can be proud.

12.00 noon

Particular credit is due to the Environment Committee. The Chairperson and members of

the Committee brought to the Bill their practical understanding of how planning works and were painstaking and unstinting in their scrutiny. The Committee's success is testament to hard work and leadership, and I commend it for that. The Chairperson pledged at the Bill's Second Stage that the Committee would not shirk its responsibilities, and he set a pace with the Committee. That relentless pace has now delivered the Bill's Final Stage.

I was pleased to accept or, indeed, to support almost all of the Committee's recommendations; it is good to have some diversion and not to agree all the time. Thanks to the Committee, a number of changes have been made to the Bill. The Committee sought to have uniformity on time limits for enforcement action, substantially tougher and more realistic fines, and restrictions on the introduction of new information at appeals. All of those amendments strengthened the Bill.

I also thank Members for their contributions and amendments, as well as the officials and Assembly staff who created the Bill and nursed it through the process and the many councils and organisations and members of the public who commented on our proposals. As we have had the most Bills of any Department, I want to pay particular tribute to my own team, led by Maggie Smith, for the hard work that they have done on a whole series of Bills. They have punched above their weight with the workload that they have been carrying.

The Planning Bill is an important part of the legacy of this mandate. It will be for the next Assembly and Executive to take up the challenge of strengthening local democracy by reforming local government and transferring planning powers to councils. I commend the Planning Bill to the House.

The Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat, a LeasCheann Comhairle. Ar son an Choiste Comhshaoil ba mhaith liom fáilte a chur roimh an chéim dheireanach den Bhille. On behalf of the Environment Committee, I welcome the Final Stage of the Planning Bill.

As is traditional at this stage, on behalf of the Committee, I once again thank the departmental officials and the Minister for the close working relationship that we maintained throughout the passage of this Bill. That helped to ensure that the Committee scrutinised the Bill thoroughly

and was able to come to agreement with the Department on most of the proposed amendments. I also take the opportunity to thank the Committee staff who worked so hard on this legislation and all other pieces of legislation that the Committee dealt with in this extremely busy mandate.

The Planning Bill is a huge Bill, not only in its number of clauses but in the impact that it will have on the whole community. Members will be relieved to hear that I do not want to go over the debates again, but I do want to touch on a few things.

The Committee has been involved in the planning reform process since way back in 2007, and members support the devolution of planning matters to councils and greater community involvement in the planning process. However, it is to be welcomed that that will not and, as a result of the Committee's amendments, cannot happen until the Assembly is satisfied that a new statutory governance framework and an ethical standards regime are in place to ensure equality and fair treatment.

The Committee's scrutiny of the Bill led to it making 25 recommendations. Most of those were addressed by the departmental amendments, and some were addressed with commitments from the Department to future work or legislation. I thank the Minister for that.

The amendments have significantly improved the Bill. A few concerns remain about the implementation of the Bill, not least about resources for councils. Councils are clearly worried about being handed responsibility for planning without sufficient resources to deliver effectively and efficiently. The Committee recognised that the introduction of the new planning system will result in a sea change in responsibility and behaviour for councillors and council staff alike. Much work will need to be done in the interim period to ensure that staff and councillors are fully trained to deliver the Bill.

The Bill seeks to deliver a fundamental and long overdue overhaul of the planning system, and, on behalf of the Committee, I support the Bill.

I want to say a few words as planning spokesperson for my party and as a Sinn Féin Member for Newry and Armagh. I welcome the Bill. There will be a review of the process as soon as the planning functions are fully operational, which I welcome. A lot of capacity

building is required, and a lot of resources still need to be pumped into it. In light of that, I welcome the Bill. I pay special tribute to the Committee staff who have worked with me and all the Committee members over the past four years to bring forward a lot of legislation.

Mr Kinahan: The Ulster Unionist Party is pleased to support the Final Stage of the Bill, and we all welcome it. I did not think that we would get there when we started, but everybody buckled down and set to completing the task. I still do not think that we consulted properly, but we may have done it as well as was necessary. Only time will tell.

It is the right thing to do. It is the right form of planning to bring through, and I congratulate the Minister on pushing it through. I also congratulate the Committee and all the staff for their hard work. We need planning, and we need the Bill in place as quickly as possible so that it encourages development and jobs and a better life for all of us, and new homes for some of us. As the Bill is now spatial, it will provide a better domestic life and well-being for all of us. The Bill is absolutely vital. However, I have similar concerns to those that other Members mentioned. There are a mass of regulations and guidelines, and I look forward to seeing all those, but I hope that they are properly consulted on, if possible, in a quick and suitable manner to make sure that we get the right answers and make the right decisions. Therefore, we want to see it in place quickly, but not too quickly.

I am still concerned that the review might not happen for three years. However, the Minister said that the Bill will constantly be looked at, and I hope that that is the case. I welcome the fact that responsibility is being passed to councils, and I welcome the fact that there will be tougher fines, particularly in respect of historic buildings and trees. I am very grateful that everyone supported the amendments that I proposed on that matter. However, I am very sad that we had to see the use of a petition of concern. I think that it was completely wrong to use it in this type of legislation.

Finally, I will voice my concerns about resources, as others have done. We need to see pilot schemes with councils, so that they know exactly what is coming their way and can trim the fat, which the Minister referred to, whilst

getting extra resources if and when they are needed.

It has been a great success getting the Bill through. I hope that it all works. I look forward to seeing it going through the next Assembly, subject to my being here, or to reading about it. I congratulate everyone. We support the Bill.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. First, I thank the Minister and his staff for the introduction of the Bill. However, I pay particular tribute to the staff of the Environment Committee. They showed commitment to seeing the Bill through, from research to making sure that members were prepared and ready for the many aspects of the scrutiny that came before us, during what seemed to be interminable hours spent scrutinising the Bill, which needed to be properly scrutinised, even though it was done at some haste. I look to some of the officials who were involved in that committed level of work.

I will not speak at length, because we have devoted hours of contribution to the Bill at its scrutiny stages and at the Assembly. However, from the SDLP's point of view, the key aspect of planning must be to deliver transparency, accountability and equality for all. It cannot be emphasised enough that it must be tied in with a reform of local government that delivers that equality and has proper checks and balances in there to ensure that none of the worst excesses of the past are delivered on the people of the future. We cannot see that happening.

I have to share some concern with Mr Kinahan's point about the use of the petition of concern on third-party appeals. The petition of concern is there to protect minorities. It was unfortunate that it was used to prevent minorities in communities from gaining access to proper planning scrutiny, transparency and the various levels of accountability that should exist in the planning process.

The Bill should be welcomed in any democratic society. It will transfer powers on planning back to grass-roots level to ensure that those who know their localities and communities best can make the proper decisions for their areas, assisted ably by the professionals from the Planning Service. However, that must be done in a context that ensures consistency in application of policy right across the North, so that we do not have different interpretations of a policy, or policies that counter each other

within a mile of one council area and another. Many elected representatives in the Chamber have heard about various decisions. Depending on the divisional planning office area that one is in, an interpretation may cause concern to someone who is trying to move ahead with a development, or someone who objects to a development. Overall, the Bill holds some prospect of being one of the building blocks towards a democratic, accountable and transparent society. That, in itself, is important.

We face the inevitable Assembly elections on 5 May, with the local government elections on the same day. It is crucial that the transition of powers to councils is done on a cost-neutral basis. There should be no additional burden on ratepayers, or excessive red tape that could place consequential financial burdens on applicants. We must ensure that that does not happen because there are factors, particularly with regard to requirements, that could be left to interpretation in respect of environmental impact assessments.

Much of the Bill has been dealt with in detail, and there is no need for me to go over it again. I thank the Minister for his commitment to seeing it through. He worked very well with his officials. I thank Committee members, many of whom dedicated themselves on numerous occasions to a vast number of hours of scrutiny. That has delivered, and the Bill is before us today.

Ms Lo: I welcome the Bill's Final Stage. It contains many good measures to improve our planning system. I am not a member of the Committee for the Environment, but I have followed the process and the consultation, and have worked with many residents' groups in South Belfast. The Minister is aware that the issue has exercised many residents in South Belfast who have seen the damage that overdevelopment has done to their locality.

I was hugely disappointed that the DUP vetoed the amendment for the inclusion of the third-party appeal on two occasions by signing a petition of concern, which was a total misuse and abuse of the power given to the House. At Further Consideration Stage, when I proposed a revised amendment for third-party appeal, I said that one of my constituents talked about the close relationship that the DUP had with developers. The Minister's response was that he was in favour of development. No one in the House would dispute that we all welcome

economic development and growth in our economy. However, we all want to see a level playing field for individuals and developers. We cannot always be on one side and not listening to the other. That is why the third-party appeal (TPA) is so important.

12.15 pm

The amendment proposed by Members from four parties attempted to strike a balance between the right of individuals and the need for economic progress. The initial and revised amendments were aimed at creating an enabling clause that would have allowed the Department to consider bringing forward limited TPAs in future, with measures to prevent frivolous or vexatious abuse. Furthermore, the Department's final regulations would have been required to be brought before the Assembly for affirmative resolution. However, the DUP totally ignored not only the support in the House for that amendment but the wishes of the many respondents to the public consultation who saw TPAs as a core issue for planning reform. They want a planning system that is fair and accessible to all, based on the principles of equality and genuine engagement, rather than one that constantly sides with developers. It is shame that the DUP blocked the chance to include third-party appeals in the Bill.

Mr B Wilson: I declare an interest as a member of North Down Borough Council who has been involved in very many planning applications. The Bill is obviously one of the most important to have come before the Assembly. However, I am concerned about its impact over the next decades and about its late introduction in the House. The present system is clearly unacceptable, and no one — developers, councillors, environmentalists and residents — likes it, but the issue is whether this is the right way to go about addressing that.

I will raise a number of concerns. However, before I begin, I wish to pay tribute to the Committee Clerk, her staff and the departmental representatives for the amount of work and time that they put in at Committee Stage over the past two or three months. Those of us on the Committee appreciate just how much work has been done. Within a couple of days of one six-hour meeting, we were given everything in the proper form, and I felt that the work done at that time was amazing.

As I said, the present system is unnecessarily bureaucratic, lengthy, inflexible and undemocratic, and it clearly needs fundamental reform. However, I am not convinced that the Bill will provide us with an efficient and balanced Planning Service for decades to come. I have some concerns about the issue of balance. Given the Bill's size and scope, it is disappointing that it was introduced so late in the session. I do not believe that we had adequate time to debate many of the most important clauses or to hear from the many stakeholders who wished to give evidence. Indeed, a number of community groups and NGOs approached me to express their disappointment at not having an opportunity to put their case to the Committee.

Although I support the return of planning powers to councils, it is essential that we have the appropriate safeguards in place to ensure that councillors cannot abuse those powers. We have to look back at why we have the present planning system: the previous planning system was abused, and the powers were, therefore, taken away from councillors. There will obviously be rules and regulations on what councillors can and cannot do, but I am not convinced that the culture of local councils has changed. We talk about changing the culture of councils. However, the fact is that, regardless of whether councillors want to change that culture, constituents will still approach them on the assumption that they can influence planning decisions. Some people are concerned that we might have brown envelope syndrome. As I said, I would like to see exactly how the safeguards will operate. We do not have any detail on that, but we have had a lot of suggestions, which are all going to be in the rules and regulations. However, I think that we should see those before we agree to the transfer of planning powers.

I am not convinced that we need to rush this legislation. I am not clear when it will come into operation. Quite a lot of different signals have been coming from different people, so perhaps the Minister will clarify the situation. Can the legislation be applied to the existing 26 councils, or will it have to wait until the review of public administration (RPA) has been resolved? We could consider waiting for RPA to be resolved, but it will be at least three or four years before it will be implemented. Certainly, we do not have the money to implement it at the present time. On the basis of the legislation, and given that we have to set up the procedures

and shadow councils, it will be at least three or four years before we can implement it. Therefore, I do not see why we could not have sorted out RPA before we introduced the Planning Bill, unless it is going to apply to the 26 councils. As I said, perhaps the Minister will clear that up, but I think that we may be putting the cart before the horse.

Other Members talked about third-party appeals. At the present time, many people feel that the planning system is totally biased in favour of developers and that residents and the community do not get a fair deal. It is also felt that there is a right of appeal for developers, but that the actual objectors have no right of appeal. This legislation does nothing to resolve either that imbalance or the public's perception that the system is biased against them. We note that the Assembly and the public support third-party appeals. The fact that the Minister decided to present a petition of concern is, I suggest, a total abuse of the idea of the petition of concern. Petitions of concern are meant to protect minorities from any abuse of power by the majority. In this case, obviously, the majority supports third-party appeals. Therefore, it was a total abuse of the system to present the petition of concern.

As I said, I have some concerns about the legislation, and I cannot support it in its present form. However, I again congratulate the staff who got the Bill through to this stage. I am totally in favour of the principle of returning planning powers to local government. However, I would like to see some more details on how exactly that is going to be done and how councils are going to deal with planning applications. For example, are they going to deal with applications through a planning committee, or will it be done through the full council? That is a very important issue. The change in culture will obviously have to be worked at. However, having said that, I wish the Bill all success.

Mr Savage: I declare an interest as a member of Craigavon Borough Council. It is very fitting that, on this, my last day as a Member of the Assembly here at Stormont, we are discussing the environment, especially the Planning Bill.

The issue has been very near and dear to my heart through all my political life. The Bill is the start of something that should have taken place a long time ago. Today will kick-start the new planning system. The Bill is designed to achieve

a modern, efficient and effective planning system. Indeed, it helps to pave the way for the continued reform of the Planning Service, which I welcome. I pay tribute to the staff and to everyone who has been involved with the Bill. I also pay tribute to my colleagues on the Environment Committee, who put in a great deal of effort to bring the Bill to Final Stage.

The importance of the interpretation of the legislation has been referred to today. There are many planning applications that date back three or four years, including some in my own council area. As Mr McGlone said, that is because of the interpretation of the legislation. One big planning application, which dates back three or four years, has been passed from pillar to post, and that reflects badly on the Planning Service. If that application were approved, it would create 30 or 40 jobs. It is not about development — it is about real issues.

I want a level playing field in the Planning Service, which is long overdue. I want the red tape to be cut out and for planning to move into the twenty-first century. I hope that no obstacles will be put in the way of planning matters going to councils. At present, councillors, including me, can hide behind the Planning Service because some people are afraid to make decisions. We have to bring the issue out into the open and make real decisions to move the country forward. Therefore I welcome the Bill.

The Minister of the Environment: I wish to respond to Members' comments. A number of Members raised the issue of third-party appeals and the petition of concern. They had a little whinge about it, which is surprising as most of them supported the insertion of the petition of concern mechanism into the original Belfast Agreement. Having installed that mechanism, they now complain about its use.

I will take no lectures from the SDLP, which joined ranks with Sinn Féin when the Armed Forces and Veterans Bill was brought forward to ensure that veterans are not treated correctly. That was very sectarian. I will not take lectures from the SDLP on that issue —

Mr McDevitt: On a point of order, Mr Deputy Speaker.

The Minister of the Environment: — because it does not have a very good record itself. Does the Member want me to give way or does he want to make a point of order?

Mr Deputy Speaker: It is a point of order.

Mr McDevitt: There are two points of order. First, is it appropriate for the Minister to respond to another Bill when, in fact, his job is to respond to the Planning Bill? Secondly, is it in order for a Minister to describe the activities of colleagues, acting in a parliamentary capacity, as “sectarian”?

Mr Deputy Speaker: I encourage all Members, including the Minister, to return to the Bill.

The Minister of the Environment: Of course, those are not points of order. I am responding to the challenge that the petition of concern was abused. I am pointing out that others have abused it, including the Member's own party. The Member may not like it, but it is a fact. He will have to hang his head in shame for the activities of his party on that occasion.

On the issue of third-party appeals, Ms Lo spoke of my support for development. Of course I support development. I respect the Amish community; however, we in Northern Ireland do not wish to go down that route. We want our country to move forward, adopt new technology, develop new buildings, encourage business to locate here, encourage new people to live here, keep our young people at home and provide new schools, new hospitals and better roads.

All of that is about development, but it all has to be done in the proper context, which is to protect our environment, our built heritage and so forth. The Bill strengthens those issues, because we are increasing the fines for offences related to tree preservation, the built heritage and listed buildings. We are increasing the punishments for developers who act inappropriately. We are not going to let developers off lightly when it comes to those issues. The Bill strengthens the conditions relating to the environment and lays down a challenge to those who wish to walk all over it and line their pockets at the price of the environment. The Bill makes it clear that we are not going to tolerate that.

12.30 pm

We are going down a wholly different planning route that has not been used before in relation to third-party appeals, which is that we will be engaging with the public at the outset. Instead of the public coming in at the conclusion of a planning process to try to change things,

they have the opportunity to make changes at the foundation stage. That is a far better opportunity for the public to get involved and to influence architects and developers in order to identify changes that would be of real benefit to them. However, people cannot have it both ways. That would lead to a system that would be so elongated and prolonged that no business would wish to invest in Northern Ireland because they would have no prospect of getting an outcome for years and years. That would be damaging to our economy.

I appreciate where people are coming from on third-party appeals, but if we were to introduce them in Northern Ireland, we would have to have a much more relaxed planning system in the first instance. We have sought to tighten planning in the first instance without the check of third-party appeals. Local government will make those decisions from the outset through local councillors, who are accountable to local communities. There are only one or two votes involved when a developer wishes to ride roughshod over a local community, but there are hundreds of votes in the local community, so I suspect that councillors will withstand the pressure from developers in such instances.

Mr McCarthy: Will the Minister give way?

The Minister of the Environment: I will in a moment. Belfast City Council would have given a much stronger response to developments in areas such as Piney Hills and Malone, which Ms Lo has issues with, than the Planning Service did.

Mr McCarthy: The Minister will know perfectly well that, until now, developers have been a very persistent breed of people. If they do not get what they want in the first instance, they will come back umpteen times until they do. Despite what the Minister has said about pre-consultation, can he assure the House that, given those circumstances, repetition of requests for planning approval will become a thing of the past as a result of this Planning Bill?

The Minister of the Environment: People will be required to change planning applications; the same planning applications will not be accepted. That aspect will be dealt with. Most of the time, developers change applications. In one instance, I heard about a developer who changed a planning application 17 times, which would indicate to me that it was wholly wrong in the first instance.

Mr McCarthy: Was it approved?

The Minister of the Environment: It was approved eventually, but it demonstrated that developers do not always get what they want. However, I believe sincerely that local councils are in a better position to deal with those issues and to identify local community need and respond to it.

Brian Wilson wanted to know what the rush was to enact the Bill. I am sorry that he is not here; he must have been in a rush somewhere on the last day of the Assembly. I know that he is leaving the Assembly, so I suppose that I should not be too hard on him today. I would never be hard on anyone anyway; I am always genteel in my activities. Brian Wilson wanted to know what the rush was, and when responsibility for planning would be handed over to councils.

The Bill could be passed to either the 26- or the 11-council model; however, it will not be transferred until we have dealt with the issue of ethical standards. We are consulting local government on establishing ethical standards, codes of government, good governance regimes and so on, and we will not transfer planning powers to any council until that legislation is in place.

Other aspects of the Bill, however, will proceed. Some powers on the uniformity of the enforcement period, which Mr Boylan brought before us this week, will be brought in straightaway, as will tree preservation orders and larger fines for people who damage or demolish listed buildings. I will be careful not to stray from what I said I would do, but I am surprised at the Green Party's opposing legislation or saying that there was no rush to have legislation that strengthens planning powers on listed buildings and tree preservation orders.

I am delighted that we have achieved that, and I have paid tribute to the Committee for its work. This is my last piece of legislation. In the past 21 months, we have completed seven pieces of legislation — more than any other Department. We have brought forward six new planning policy statements; another three are out for consultation; and another two will be ready to go for the new Minister of this Department, whoever that may be. Much has been achieved through the work of this Department, and I am very grateful to my staff.

As the Bill is now complete, I trust that Her Gracious Majesty the Queen will see fit to give it her Royal Assent and stamp of approval, as she does on all legislation, and that it will come into force soon.

Question put and agreed to.

Resolved:

That the Planning Bill [NIA 7/10] do now pass.

Justice Bill: Final Stage

The Minister of Justice (Mr Ford): I beg to move

That the Justice Bill [NIA 1/10] do now pass.

Mr Deputy Speaker: Does the Minister wish to speak at this point?

The Minister of Justice: I am sorry, Mr Deputy Speaker; I thought perhaps you wished to say something about procedure. I am pleased, as Minister of Justice for Northern Ireland, to present the Final Stage of the Justice Bill to the Assembly. It is perhaps fitting that, as Minister of the youngest Department, I should have the privilege of presenting the final piece of Executive legislation to the House today.

There have been bumps along the way with this piece of legislation; indeed, there was one earlier this week. However, with the commitment and help of many in the Chamber, particularly the Speaker and his staff, I am extremely pleased to present the Final Stage of the Bill.

I thank the Speaker and his team for their assistance, especially through that final bump, and record my thanks to the many officials in the Department of Justice who have played an important part in ensuring that this significant piece of legislation can be passed. It demonstrates the commitment of the Department and its staff to playing their full part in the devolved settlement, the end of whose term we celebrate today.

I need hardly remind the Assembly that, through the various discussions and negotiations for the devolution of policing and justice powers, the delivery of a Justice Bill emerged as a key goal for the new Department of Justice. When I first introduced the Bill, it had 108 clauses. As was pointed out to me by one of my staff, that was one clause for every MLA, although some MLAs did not give much consideration to their clauses while other clauses attracted the attention of many Members. At the end of the process, there are now 112 clauses, which makes this one of the biggest Bills that the Assembly has considered in this mandate.

It is certainly the most complex. No other Bill has required six groups of amendments to be discussed at Consideration Stage and take two days in which to do that. That was a record. No other Bill has required four groups of amendments at Further Consideration Stage. That was another record. Finally, earlier this

week, for the first time ever, we had to have an Exceptional Further Consideration Stage, which is perhaps an unfortunate record to have achieved. However, I am extremely pleased that my new Department has been able to deliver such significant change in the period of less than a year since the Department of Justice was created and I was elected Minister on 12 April 2010.

To get the Bill to this stage today is testament to the hard work of the Committee for Justice and other Members of the House. I thank the Committee in particular for its detailed scrutiny of the Bill. If I recall correctly, there were something like 16 detailed scrutiny sessions of the Bill in addition to a number of preliminary discussions shortly after the Committee was set up in which consideration was given to what would be included in the Bill. I record my thanks to Lord Morrow, as Chairman, to Raymond McCartney, as Deputy Chairman, and to their other colleagues in the Committee for the intense work that was done on the Bill to make it the good piece of legislation that it now is.

The recommendations in the Committee's report led to many constructive amendments at Consideration Stage and Further Consideration Stage. I thank the other Members of the House who made helpful contributions during the very many hours — I am afraid that I was not sad enough to count how many — of debate on the Bill during its passage through the Chamber. The Bill, as it stands today, is a result of all those debates. I acknowledge that not everything that everyone sought made it into the final Bill, but it is a strategic, positive and highly significant piece of justice legislation.

I do not intend to outline in detail all the Bill's clauses, but I remind the House of the main aspects of the legislation. It will improve the services that we provide to victims and witnesses, enhance community safety and engage communities in a better way, and allow us to do our business better and more effectively and efficiently in the current economic climate. It also provides some additional sentencing powers to improve public protection. The Bill creates an offender levy to provide for a victims' fund to be used exclusively for funding services for victims of crime. It extends special measures for vulnerable and intimidated witnesses, extends live video links to courts from psychiatric hospitals for bail

hearings and widens the scope of vulnerable accused.

Community safety is enhanced through the creation of policing and community safety partnerships by bringing together the functions of district policing partnerships and community safety partnerships. That represents a pivotal move towards more joined-up working for the benefit of all our communities. After considerable debate on some specific details, the Bill provides a raft of new sports law legislation. It also provides new and additional alternatives to prosecution, such as fixed penalty notices and conditional cautions, along with a number of key financial reforms on legal aid. Criminal legal aid will, in time, be subject to means testing. Access to justice is also improved by extending the rights of audience for solicitors into the higher courts. Increased penalties are created for knife crimes and for the carrying of other offensive weapons, and breach procedures for sex offenders are being tightened.

As Members will be aware, I had hoped that we would have done more in the Bill. I had hoped to address ECHR concerns about the current law on indefinite sex offender review arrangements. I fully expect that issue and others to return to the Chamber in due course.

In summary, the Justice Bill will have a positive and practical impact on all stages of the justice system, from dealing with offenders outside and inside courts to services for witnesses and victims, and from crime in the community to court procedures. I commend the Justice Bill to the House.

The Chairperson of the Committee for Justice

(Lord Morrow): On behalf of the Committee for Justice, I welcome the Final Stage of the Justice Bill — at last. I congratulate the Minister and his officials on their staying power. The Bill has definitely been more of a marathon than a sprint. At times, it tested us all, but we got there.

On a more serious note, the Bill has undergone some of the most detailed scrutiny and debate that the Assembly has seen in relation to a single piece of legislation. As I outlined at Consideration Stage, the Committee received 69 written responses from interested organisations and stakeholders, held 16 oral evidence sessions and an evidence event in the Long Gallery and considered the detail of the Bill at 16 meetings.

12.45 pm

In his comments, the Minister said that he was not sad enough to count all the hours of debate. I am sad enough to tell him that there were more than 20 hours of debate in the Chamber. I am not sad enough to tell him how many hours it took in Committee, although I can assure him that it was a substantial number. As a result of all the debate, discussions and toing and froing, a substantial number of amendments were made and four clauses were removed.

Although the Committee supported the broad principles of the Bill, particularly those that will provide further support for victims and improved services for vulnerable and intimidated witnesses, as a result of the careful and detailed scrutiny that it undertook, the Committee recommended a range of key amendments. Those were informed by the views expressed in written and oral evidence, and I again place on record the Committee's appreciation of the time and effort taken by the organisations that contributed to the legislative process.

In its report on the Bill, which was published on 10 February 2011, the Committee outlined its recommended amendments, which were mainly to clauses and schedules relating to the policing and community safety partnerships and to the sports provisions. The Minister accepted a large number of the amendments and brought them before the Assembly for agreement at Consideration Stage.

In respect of the other recommended changes, including the removal of three clauses relating to alcohol at sporting events and the possession of drinks containers and one that placed a statutory duty on public bodies to consider community safety implications when exercising their duties, the Committee sought and received the Assembly's support, which we very much welcome.

Inevitably, some groups will feel that the Bill does not go far enough, while others will think that it goes too far. I have no doubt that the community safety partnerships and others will be disappointed that the Bill will not place a statutory duty on public bodies to consider safety implications when exercising their duties. On the other hand, the sporting bodies affected by the legislation, particularly Ulster Rugby, will welcome the removal of a number of the sporting clauses.

It is clear that the Committee's recommendations and subsequent amendments were underpinned by the evidence received, and I believe that they have improved the Bill, which, when implemented, will go some way towards delivering better and enhanced services to victims and witnesses, improving public safety, building stronger and safer communities, and improving the efficiency and effectiveness of the justice system. However, I think that we would all acknowledge that it is just a start and that there is much further work to be done.

I shall finish by thanking Committee members for their commitment and diligence in scrutinising the Bill. In addition, on behalf of the Committee, I thank departmental officials and the Minister for their patience and the constructive approach that they adopted when working with us. In particular, I thank the Committee staff for their support and assistance throughout the process. I have no doubt that without their constructive attitude and hard work we would not be at this stage today.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. Beidh mé ag tabhairt tacaíochta don Bhille seo an tráthnóna seo.

We welcome and support the Bill, and I place on record my acknowledgement of the comments made by the Minister and the Chairperson. In addition, I acknowledge the work and patience of the many officials who assisted the Committee in its scrutiny of the Bill. The Minister mentioned the fact that the Department has been in place for only 12 months, so bringing the Bill to the House today has been a good piece of work. The way in which the legislation has been handled shows the Assembly's maturity, and the Bill will certainly enhance the criminal justice system, which is something that we all want to see happening.

In itself, the Bill proves the benefit of transferring policing and justice powers to the North. In particular, we have shaped a piece of legislation to suit the needs of the people whom we represent, which is proof to those who doubted whether the Assembly was ready or in a position to accept those powers. Indeed, many Members argued that we did not have the political maturity to handle justice and to form a new Department. The Bill and, indeed, the past 12 months are proof of the opposite, and that is why we welcome it.

In a broader, shorter sense that we were not ready for it, the old maxim is that a thing is only impossible until we make it possible. The Bill is a good example of that. The Minister has already said that, in the new mandate, there will be a further justice Bill from the Department. We all accept that are gaps in some provisions of this Bill, but we have no doubt that those fortunate enough to be elected come May will face a piece of work in the second justice Bill, and I have no doubt that it will be completed with the same professionalism and support from the staff and the Minister himself.

Mr McNarry: I concur with the sentiments and accuracy of the Committee Chairperson and Deputy Chairperson.

As we leave here to electioneer, I do not intend to endanger the Lord Morrow in any way in his constituency by saying that he has led this Committee very well. I am sure that he knows where I come from and, in saying that, I express the sentiments of all the Committee members.

I also thank the Minister for his energy and diligence in bringing forward this Bill. He seems very well served by his officials, who probably spent more time with the Committee, in explaining the substance and workings of the Bill, than some members of it. In conclusion, it has been very challenging. It has shown the way in many aspects for the new Assembly when it comes to meet in this House. In the end, justice has been served, in the passing of the Bill in the right way and in the manner in which it has been brought through, and by all the Members and the decisions which the Assembly has taken, with which the Minister may have differed. However, as he said, he lives to fight again, and so does this House.

I offer my congratulations to everybody on the way in which the Bill has been put through, not least to the members of the Committee and to the very good staff that the Committee has. It was a remarkable Committee for me to serve on, because we started from scratch. We had to engage in a heavy and quick learning curve. No matter; we are where we are, and good luck to it.

Mr A Maginness: This is a very good example of collaboration and co-operation between the Minister and the Justice Committee, and also a good example of opposition by the Justice Committee on some provisions of the Bill. That is not in any way contradictory. There is a synergy born of opposition and collaboration.

That goes to make good legislation or, as the Minister might prefer, to make good legislation even better. It depends on where you are coming from.

Serving on the Justice Committee has been a considerable experience for all of us. When the Committee was set up in the first instance, I felt that it might not be a great experience. However, it has proven to be a good experience for all of us on the Committee individually and collectively. I want to pay tribute to the Chairperson, Lord Morrow, and to the Deputy Chairperson, Raymond McCartney, both of whom discharged their duties in a fair and hard-working manner.

However, there were differences of opinion, as there always will be in politics. There are some reservations that I have on the Bill even yet. I regret, for example, that we did not address, timely and effectively, the issues of sex-offender notification, the register and dealing with the whole issue of the decision by the Supreme Court on the right of review. That was unfortunate, and we should have dealt with it.

The merger of district policing partnerships with community safety partnerships was welcome, and I hope that they will work well in the future and, at the same time, retain the essence of Patten's view on the policing partnerships, which he saw as a very important element in making policing acceptable and accountable to local communities. That strengthened the Bill, and it is important that that is part and parcel of it. I wish those new policing and community safety partnerships well. There is a lot of work to be done, but there will be a lot of benefit to local communities and to policing as a result of that merger.

We have been innovative with alternatives to prosecution. I congratulate the Minister on bringing forward those alternatives, because they will keep people out of the criminal justice system, at least at an early stage. Hopefully, people will mend their ways as a result of those alternatives to prosecution.

The provisions on sports matches are good. Amendments were made that reflected very fairly the views of sporting organisations, particularly Ulster Rugby and the IFA. Those were good amendments that were made by the Committee.

I am concerned about clause 80. I am not sure whether the clause number has been rejigged in the Bill, but it is the clause about eligibility for criminal legal aid. We have to look very carefully at the subordinate legislation that will arise out of that. The power to introduce that is a good and proper one and should be supported by all. However, we have to look very carefully at the subordinate legislation to make sure that access to justice is guaranteed to those most in need of legal representation.

I welcome the provisions on rights of audience for solicitors. Again, the good work of the Committee and the fact that the Minister listened to the Committee brought about an improvement whereby those who will become solicitor advocates will have the proper experience and training at their disposal.

It is regrettable that the firearms clauses were introduced so late in the day. There is a lesson for us to learn: we should not rush legislation but should take time over it and scrutinise it as carefully as we can, particularly legislation on something as sensitive as firearms. However, we have learnt that lesson, and I hope that the Assembly will take it on board in the future.

Finally, I congratulate the Minister on his hard work on the Bill. I also congratulate the officials in the Department, who worked very hard and were almost a permanent feature at the Committee. I also thank the Committee officials, namely the Committee Clerk and those who assisted her in the Committee's work. Without that work, the Committee would not have been able to do its job as well as it did.

Mr Deputy Speaker: The Business Committee has agreed to suspend the sitting for one hour for lunch today. I therefore propose, by leave of the Assembly, to suspend the sitting until 2.00 pm.

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

Employment and Learning

Student Fees

1. **Mr McKay** asked the Minister for Employment and Learning for his assessment of whether the additional funds in his budget would offset any need for proposals to increase student fees. (AQO 1338/11)

The Minister for Employment and Learning

(Mr Kennedy): I am grateful for such a large attendance on this, the final day. Clearly, Members are expecting great things of the Minister for Employment and Learning.

I thank the Member for his question. The additional allocations that my Department received in the last stage of the Budget negotiations amounted to some £51 million, but it is important to stress that that was over the four years. There has been some confusion or, indeed, mischief-making on the part of some to indicate that the £51 million was a year-on-year allocation. It was over the four years. Those allocations equate to some £13 million each year and, of that, some £7 million is needed annually to address existing contractual commitments to capital projects on further education colleges and a further £1 million each year to deal with the consequences of DFP's cessation of the student relief scheme. As the Finance Minister said, the balance of some £5 million a year is being earmarked for innovation and welfare reform. Consequently, the additional allocation has no impact on the student fees issue.

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. He has released a consultation paper outlining the options for moving forward on the issue. Is the Minister saying that the additional funding cannot be used to ensure that fees for students will not rise above the current level? I believe that it can. Also, does he agree that we should strongly guard against the potential situation

of one university charging more than another, which would create a two-tier system?

The Minister for Employment and Learning:

I am grateful to the Member for his supplementary question. My view and that of the Department is that the additional £51 million that was allocated in the late stage of the draft Budget for the four years is not sufficient to deal completely with the issue of student fees. I have outlined the inescapable costs towards which that money has been allocated.

I also want to avoid the potential for universities in Northern Ireland to charge different fees. I hope that Mr McKay or his party will take the opportunity to make representations on the options paper that I have sent out, which is now available for public consultation. It sets out the options that are open to ensure that we retain our world-class universities, that we keep our record of widening participation and that the issue of affordability will not prevent anyone from looking towards a university place for higher education. Those proposals, properly considered, have the potential to bring forward a Northern Ireland model. My record is clear: I have tried to build consensus on the issue. I regret that we were unable to reach that consensus before the election, but the public consultation allows us to look closely at the issue, on which the new Assembly will make final decisions.

Mr P Ramsey: On the Minister's last occasion at the Dispatch Box, I thank him for his help and co-operation during his period as Minister, which I appreciate. Further to Daithí McKay's question and given the concerns about students from Northern Ireland who will travel to England and Wales and pay increased fees of upwards of £9,000, has any consideration been given to the Department assisting those students? If we set fees at £3,000 or £5,000, will help be given to students who travel to meet the difference between our fees and what the colleges and universities in England charge?

The Minister for Employment and Learning: I am grateful to the Member for his kind comments at the start of his supplementary question.

We must always realise that a section of students can be regarded as determined leavers who want to pursue higher education in other parts of the United Kingdom or, indeed, in the Republic of Ireland. Costs will certainly be involved with

going to English universities. Universities in Scotland and Wales will charge rates of up to £9,000 for non-Scottish and non-Welsh students. That already involves a cost to my Department. Certainly, we want to continue to encourage students from Northern Ireland to avail themselves of places that are available here.

Mr Beggs: Now that the final Budget settlement is known, with some additional funds having been made available that were not in the draft Budget, can the Minister confirm whether he will be able to retain the Local Employment Intermediary Service (LEMIS)? Will he also outline its importance and who it will assist?

The Minister for Employment and Learning:

I am grateful to the Member for his supplementary question. Certainly, now that Budget allocations have been confirmed and, indeed, endorsed by the Assembly, I have some good news to tell the House, particularly with regard to LEMIS. I have been impressed by LEMIS. During the past three years, it has helped 25% of clients, almost 1,500 people, to find work. I want to build on that success. I am pleased to confirm that not only am I able to retain LEMIS in Belfast, Londonderry and Strabane, but I intend to extend the service to three new areas: Newry and Mourne, Moyle and Cookstown. On the basis of the Noble indices of multiple deprivation, the three new areas are the next most deprived in Northern Ireland. The savings released by revising arrangements for stakeholder engagement have allowed me to extend the service so that more people can benefit from that type of effective intervention.

I have always said that we must invest scarce resources in front line services. That is exactly what I am doing. I have made £2 million available in 2011-12 for the service, which will also subsume the Progress to Work initiative for people with particular barriers to employment, such as homeless people, ex-prisoners and people who are recovering from drug or alcohol addiction. I am determined that my Department does all that it can to help people to find and retain work in the current difficult economic climate, especially those who are most disadvantaged.

Queen's University Belfast and Stranmillis University College: Controlled Schools

2. **Mr Kinahan** asked the Minister for Employment and Learning for his assessment

of the potential impact the proposed merger of Queen's University Belfast and Stranmillis University College may have on the controlled school sector. (AQO 1339/11)

The Minister for Employment and Learning: I thank the Member for his question. I want to indicate again in the House that I fully support the proposed merger of Stranmillis University College with Queen's University. The Member and the House will know that, recently, I launched a public consultation on the proposal to create a world-class centre of education on the Stranmillis site. The merger will mean that Stranmillis will become part of the Russell Group of universities. The enabling legislation will ensure that the traditions and ethos that are inherent in Stranmillis University College will be not only acknowledged but respected and given expression in the proposed merged entity. That can only have a positive impact on the controlled sector, and it will be achieved in two ways. First, a stakeholder forum will be created in which interested parties, including the Transferor Representatives' Council, will have guaranteed representation. That will give all interested parties, including the transferors, a direct advisory and consultative voice in the governance of the new school. Secondly, Queen's University will be required to train primary teachers to deliver the agreed religious education curriculum in schools. Both those safeguards will protect the traditions and ethos of the controlled sector. They will be incorporated into the legislation that is required to close the college in its present form and to effect the merger with Queen's University, which is to be brought before the Assembly.

Mr Kinahan: I thank the Minister for his response, in which he has shown how conscientious he has been in dealing with this matter. Will the Minister detail how significant it is for Stranmillis to become a school of education in a Russell Group university?

The Minister for Employment and Learning: I am grateful to the Member for his supplementary question and for the kind comments that led to it. I add my tribute to my predecessor, Sir Reg Empey, now Lord Empey of Shandon, for all the work that he has carried out in respect of the proposed merger.

The potential for Stranmillis to be part of the Russell Group is very considerable. The Russell Group represents 20 leading United

Kingdom universities that are committed to maintaining the very best research, outstanding teaching and learning experiences and unrivalled links with the business and public sectors. As the Member will know, the Russell Group universities play a major role in the intellectual, cultural and economic life of the United Kingdom and have an international reputation for the high quality of their research and teaching. In an increasingly global higher education market, they attract the very best academics and students from around the world as well as investment from multinational, research-intensive businesses. The potential is there; it is a very exciting potential, and I hope that it can be realised quickly.

Mr Storey: I add my congratulations to the Minister on the huge efforts that he has made, particularly in bringing the consultation to the public arena, as there was many an intricate issue around the merger. I think that some of the concerns have been allayed, particularly those around ethos. Will the Minister assure the House that he and his Department will endeavour to monitor the access and availability of teacher places for would-be teachers from the Protestant community? There is a concern that the merger and the issues around St Mary's will place pressure on the availability of positions and opportunities to teach as a career of which those from the Protestant community should be able to avail themselves.

The Minister for Employment and Learning: I am grateful to the Chairperson of the Committee for Education for his supplementary question and kind comments and for the important points that he makes. It is my intention and that of my Department to keep a watching brief on progress in respect of this matter. We are not saying that there is separation and all of that. We are clearly indicating that we want high quality for Stranmillis, and we want the linkage with and ethos of the various oversight bodies to be underlined through the Transferor Representatives' Council. We hope very much that we can make progress on that early in the new mandate.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. Last week, the Minister told the Assembly that he believed that the proposed merger of Queen's and Stranmillis would not impact adversely on St Mary's. Was the Minister aware that the equality impact assessment of the proposed merger, which

was carried out in October 2010, highlighted concerns about the equality implications for St Mary's and that his Department confirmed to the Committee last month that the merger would raise issues for the future of St Mary's? Will he explain why those pieces of information were omitted from an answer that he gave me last week in the Chamber?

The Minister for Employment and Learning:

I thank the Member for her supplementary question. I am slightly disappointed at the tone of it, because I genuinely do not believe that the arrangements that are in place for the proposed merger, which is subject to public consultation, will have adverse implications for St Mary's. Members must remember that, at this stage, it is a public consultation. The Member will have an opportunity to make her views known, as will St Mary's and anyone else who is interested in the matter.

When the governing body of Stranmillis University College announced the merger with Queen's, St Mary's stated that it was not interested in merging with any other institution. St Mary's will continue to be funded by my Department for the agreed number of teacher training places allocated to it by the Department of Education and for the agreed number of non-teacher training places allocated by my Department. I understand that St Mary's is considering a report that it commissioned that aims to provide a pathway to ensuring its long-term sustainability. My Department and I are happy to work with St Mary's on the bases of good will and making positive progress.

2.15 pm

Steps to Work: East Belfast

3. **Mr Lyttle** asked the Minister for Employment and Learning to outline the arrangements in place for the delivery of the Steps to Work programme in East Belfast. (AQO 1340/11)

The Minister for Employment and Learning:

The Steps to Work programme is currently being delivered by TWL Training Ltd. Its contract for delivery of the Steps to Work programme in east and south Belfast will cease, as the Member will know, on 31 March 2011. However, to ensure continuity of service delivery in east and south Belfast, TWL has agreed to continue to deliver the Steps to Work programme from 1 April until 26 June 2011, until a new contractor

can be appointed. A tendering process has commenced, and a new contractor will be appointed with effect from Monday 27 June 2011.

Mr Lyttle: I thank the Minister for his comprehensive answer. What steps is his Department taking to help ensure that outstanding payments for delivery of the service to subcontractors will be met as soon as possible in order to ensure its smooth delivery?

The Minister for Employment and Learning:

I can assure the Member that all appropriate and necessary steps will be taken to facilitate the matters that he raised. They are important matters, and, as we move from the end of the contract by TWL to the new situation, we will seek to iron out any outstanding difficulties.

Essential Skills

4. **Mr McCarthy** asked the Minister for Employment and Learning for an update on the effectiveness of the Essential Skills strategy. (AQO 1341/11)

The Minister for Employment and Learning:

Since the launch of the Essential Skills strategy in 2002, there have been almost 177,000 enrolments and almost 99,000 Essential Skills qualifications awarded. The PSA target for 2011 of 42,000 adult learners achieving a recognised qualification in literacy, numeracy or ICT has been exceeded, with more than 51,000 gaining a qualification by 31 January 2011. The strategy is targeting harder-to-reach adults, with 31% of enrolments coming from the most deprived Northern Ireland wards. Recent research concluded that progress on adult literacy and numeracy in Northern Ireland was performing well in comparison with progress in England, Scotland and Wales.

Mr McCarthy: I am grateful to the Minister for his positive response. We all welcome any progress that is made, but, given the recent report — the Minister will know what I am referring to — that students from certain localities in Northern Ireland perform poorly at school, will the Minister consider further targeting those areas in the strategy so that the end result will be a vast improvement to those young people and they can face the future with confidence?

The Minister for Employment and Learning: In some ways, I share the Member's concern at the numbers that I have indicated to the House.

That there is a need for the Essential Skills strategy to award up to 99,000 qualifications indicates something of the scale of the problem before us. I believe that essential skills are the bedrock for future learning here, and it is important that we have the appropriate strategy in place. It is equally important that, at all levels of our education system, the opportunities for skills are developed. That is not just my responsibility; the Department of Education also clearly has an important role in that. I share the Member's view that there needs to be more collaboration to ensure that skills in literacy, numeracy and ICT are provided at all levels of our education system.

Mr Bell: Will the Minister join me in congratulating the South Eastern Regional College (SERC), which, through its programmes in English, maths and ICT, has afforded many young people an opportunity to get a second chance in life? Can he give us any indication of what his Department can do for, in particular, young Protestant men — only one in 10 young Protestant males from a socially deprived background is able to access further and higher education — to give them a second chance?

The Minister for Employment and Learning: I am grateful to the Member for his supplementary question, and I agree largely with the point that he made. I congratulate the SERC on the work that it has carried out in parts of the Member's constituency, which will, no doubt, form the basis of a press release later this afternoon.

For all that, there are important lessons and challenges for my Department, the Department of Education, the Executive and the Assembly as we confront the issue of a sizeable proportion of our young people. The Member rightly raised concerns about young Protestant working-class males, and that issue needs to be grappled with, tackled and resolved. My Department and I will be happy to continue to take forward schemes to improve that.

Rev Dr Robert Coulter: I add my congratulations to the Minister and his predecessor on the energy that they have expended in taking forward initiatives to help young people get into further and higher education on the skills side of things. What initiatives are being looked at, in order that the deficit in learning of young people coming from primary education can be

enhanced and the real problem, when they get to further education level, can be minimised?

The Minister for Employment and

Learning: I am grateful to the Member for his supplementary question and his kind comments. On perhaps the last occasion that he will address the Assembly, I pay tribute to his contribution to this and previous Assemblies.

Some Members: Hear, hear.

The Minister for Employment and Learning: He has been a fine representative for North Antrim over many years, and I wish him well in his retirement and the days ahead.

On the issue that the Member raised, greater collaboration is needed at all levels in education. That is a clear need, arising not only from the report that was referred to yesterday but more generally. It seems to me to be obvious that early intervention is the key to all this, so that by the age when young people come under my remit many of the problems should be addressed. That is not the case at the moment, and I am happy to work with others. Whoever occupies the Education and Employment and Learning portfolios in the new mandate will have a duty to work progressively to resolve those issues.

Belfast Metropolitan College: Titanic Quarter

5. **Ms Ní Chuilín** asked the Minister for Employment and Learning to outline the options considered by the Belfast Metropolitan College before deciding to proceed with the new building in the Titanic Quarter. (AQO 1342/11)

The Minister for Employment and Learning:

I thank the Member for her question. In the outline business case the Member referred to, a number of options were considered. Option 1 was to do the minimum. Option 2 was to refurbish the existing College Square East accommodation and provide new replacement accommodation on an alternative site for the Brunswick Street accommodation. Another option was to refurbish the existing Brunswick Street accommodation and provide new replacement accommodation on an alternative site for the College Square East accommodation or provide new replacement accommodation on a new site for Belfast Metropolitan College or, indeed, provide new replacement

accommodation on a new site for Belfast Metropolitan College as part of a multi-user development.

Ms Ní Chullín: I thank the Minister for his answer, but I am at a loss. Perhaps the Minister will explain why the results of the gateway review carried out in 2008 were apparently disregarded for his Department's preferred option, which was to go straight for a newbuild in Titanic Quarter with complete disregard for the financial and educational consequences for every citizen in Belfast? In fact, can he confirm that his private secretary ignored the results of that review to go ahead to seal a deal with private developers in the Titanic Quarter?

The Minister for Employment and Learning:

Although I am grateful for the Member's supplementary question, I am again slightly disappointed to hear the chiming from that section of the Assembly, particularly on this issue. This proposal has the potential to be a really exciting and innovative development for the further education sector not only in Belfast but the greater Belfast area.

The value-for-money option was identified as a newbuild single-site development to replace the outdated accommodation on the College Square East and Brunswick Street campuses. Approval to proceed was given on the basis that the business case presented by the college had been assessed by the Department for Employment and Learning — my Department — and the Department of Finance and Personnel as demonstrating the best value-for-money solution in accordance with green book standards.

The Titanic Quarter development demonstrates the ambition of the college to become a world-class provider of further education services. I am sorry that the Member does not seem to share the ambition for a world-class centre of further education. The facility can provide a real advantage to the college in the development of its business. It is an innovative and attractive facility that will enable the college to deliver programmes that will enhance the employability of its students. In addition, the facility represents a much-needed asset in the skills development of the people of Belfast, and it is disappointing that the Member should continue to undermine the value of that new provision, which will offer first-class learning opportunities for all sections of our community for generations to come.

DEL: Budget 2011-15

6. **Mr I McCrea** asked the Minister for Employment and Learning what plans his Department has for allocating the additional £51 million received in the 2011-15 Budget.
(AQO 1343/11)

The Minister for Employment and Learning:

I refer the Member to the answer that I gave to question 1. I am not sure whether the Member was in his place, but the additional allocations equate to some £13 million each year. The additional £51 million was spread over the four years. It is important that that is clearly understood. In real terms, it represented £13 million each year. Of that, some £7 million is needed annually to address existing contractual commitments to capital projects for further education colleges, and a further £1 million each year is needed to deal with the consequences of the Department of Finance and Personnel's cessation of the student rate relief scheme. So, only some £5 million each year is uncommitted new money.

Mr I McCrea: I thank the Minister for his answer, and I will certainly check Hansard for his answer to question 1. Will the Minister assure me and my constituents that the future of the Magherafelt campus of the Northern Regional College is secure?

The Minister for Employment and Learning: I am grateful to the Member for his question. Again, I suspect that the press release people are at the ready. Call me an old cynic but maybe not.

2.30 pm

Capital resources are very stretched. I have indicated to the directors and chairpersons of the various parts of the FE sector, including the one in the Member's area, that they should proceed to make plans for the future development of their colleges so that when the economic tide turns to the better day, with planning approvals and other things in place, they will be in a position to move forward.

I am not going to give a definite commitment on any college today. It is my intention to improve the estate. The Member's colleague, the Member for North Antrim Mr Storey, has been making representations about the colleges in his area, too, so we want to be sure that, come the day that money is available, we are in a position to move the FE college estate forward.

Enterprise, Trade and Investment

Mr Deputy Speaker: Question 3 has been withdrawn.

Energy Costs: Business

1. **Mr Gardiner** asked the Minister of Enterprise, Trade and Investment whether there are any plans being developed to ensure reasonable energy costs, which are essential for business success. (AQO 1353/11)

15. **Mr I McCrea** asked the Minister of Enterprise, Trade and Investment what action her Department intends to take to address the impact of the rising price of energy on businesses. (AQO 1367/11)

The Minister of Enterprise, Trade and Investment (Mrs Foster): With your permission, Mr Deputy Speaker, I will answer questions 1 and 15 together.

Wholesale energy is traded in international energy markets, which drives retail energy prices. It is a fact that, over the past few months, there has been an increasing trend in wholesale energy costs. Although my Department has no direct influence over such costs, it continues to work with the Utility Regulator and the energy industry to ensure that energy market arrangements in Northern Ireland deliver the lowest possible energy prices for consumers.

The single electricity market (SEM), which was established in 2007, has resulted in greater transparency in energy costs and additional competition, with an increased number of electricity suppliers serving business and the wider community. The Department's recently published strategic energy framework sets a target of 40% renewable electricity. Meeting that target should assist in reducing our current over-dependence on fossil fuels. Over time, that should provide greater price stability for energy consumers.

Mr Gardiner: I thank the Minister for her answer. What are her views on the benefits of the proposed fuel cost escalator?

The Minister of Enterprise, Trade and Investment: The fuel duty stabiliser?

Mr Gardiner: Yes.

The Minister of Enterprise, Trade and Investment:

In today's Budget, I note that a fuel duty stabiliser has been introduced, and we are to see a 1p a litre drop in fuel duty. We are also to see some work done on the amount of duty that is paid on fuel as oil prices rise. I very much welcome those measures, although I wish that they could have been even more radical.

The Member knows that all the parties have been pushing for a fuel duty stabiliser, because we firmly believe that, unfortunately, Northern Ireland has to deal with the situation more than other parts of the United Kingdom do. We have seen a 15% rise in petrol prices and an 18% rise in diesel prices over the past year, which are very significant. Those rises affect the bottom lines of ordinary consumers as well as those of firms that rely on haulage to get their goods to market. Therefore, the rise in prices causes difficulties for the economy.

I welcome the Chancellor's announcement. As I said, I wish that it could have gone further, particularly for Northern Ireland, but we will wait and see whether we can gain some benefit from today's announcement.

Mr I McCrea: I thank the Minister for her answer to the substantive questions.

She recently announced a public consultation on the extension of the gas network to places such as Magherafelt and Cookstown, which are in my constituency. Will the Minister detail the benefits that that extension would bring to places such as my constituency? What costs would be associated with extending the network to the Mid Ulster constituency?

The Minister of Enterprise, Trade and Investment:

I thank the Member for his question on the gas extension consultation. I announced those plans last week. It has always been a desire of mine — and of his, I should imagine — to bring gas to the west of the Province, because there needs to be further choice for consumers in the west. Therefore, I welcome the consultation. It comes on foot of a study that we undertook between the Department and the Utility Regulator to look at the technical and economic feasibility of bringing natural gas not just to the west but to the north-west, to include Dungannon, Cookstown, Magherafelt, Strabane, Omagh and Enniskillen.

The towns were identified to try to bring extra load on to deal with the issues. The study

estimated that the cost of providing gas transmission networks to those six towns would be around £170 million. Some people were surprised that it was not a lot more. That consultation is out. I hope that it helps the conversation around bringing gas to the west. I also hope that it becomes a reality in the near future, because people who have access to gas find that it provides a good competitive basis to bid for fuel, particularly for businesses that are dealing with high energy costs.

Mrs D Kelly: I thank the Minister for her answer, and I share her concern that a 1p reduction is very little in respect of the overall rise in costs. However, can the Minister point to any specific measures that businesses might be able to take up, through her Department, to assist in reducing energy costs — through the green new deal, for example?

The Minister of Enterprise, Trade and

Investment: I visited some companies recently, including Greiner Packaging in Dungannon, which has taken advantage of new technology to bring down the bottom line of its energy costs. A lot of small and big companies work with the Carbon Trust, and the Member will know that Invest Northern Ireland funds the Carbon Trust to go around companies to identify ways in which they can bring better efficiency to their energy use, whether that is in manufacturing or in whatever type of business they are dealing with.

We need to shift to renewable energy. That is very clear, and it was set by the Department and by the policy in relation to the strategic energy framework that we wanted to move to more renewable energy. However, we also need to have energy efficiency. The Carbon Trust provides a very good service to businesses in Northern Ireland by helping them to identify where they can make those savings.

Dr Farry: Can the Minister give the House an update on her view of the Smart Grid pilot zone proposal, given the role that it could play in managing the long-term energy needs of businesses and that it could provide an opportunity for Northern Ireland to become a world leader in that area?

The Minister of Enterprise, Trade and

Investment: I thank the Member for his question. I think that that is somewhere where we can really make a difference. I have met SmartGridIreland, which is the industry group that has been working on the Smart Grid,

and I believe that Northern Ireland is a very good place to run a pilot. Essentially, you are bringing together renewable energy using smart technology in an energy efficient way. Therefore, it is bringing together the two elements that I was talking about: using more renewable energy, but in a more efficient way by using technology.

I very much hope that SmartGridIreland can bring forward a number of pilots. As I understand it, it is identifying a number of towns around Northern Ireland where it is going to place different technologies. It will test that technology out to see what the take-up is and how it will work. When that happens, it will be hugely exciting. It will help consumers, it will help technology, it will get people to look at developing technology in Northern Ireland, and it could make us a world leader in the Smart Grid area.

Tourism

2. Mr Bell asked the Minister of Enterprise, Trade and Investment what plans her Department has to increase tourism from the rest of the UK. (AQO 1354/11)

The Minister of Enterprise, Trade and

Investment: The year 2012 offers unique opportunities for Northern Ireland to increase visitor numbers from Great Britain. Events such as the Titanic centenary, the opening of the Giant's Causeway visitor centre, the Clipper round-the-world yacht race with the Londonderry host port festival, the Ulster Bank festival at Queen's and the UK City of Culture 2013 will capitalise on the new tourism product coming on stream and raise the profile of Northern Ireland globally.

Mr Bell: I congratulate the Minister on her role and the fact that we sit here four years later having achieved more jobs in Northern Ireland than at any other comparable time. With regard to tourism, particularly in Strangford, the critical issue for many people coming across is air passenger duty. Will the Minister give us an update on what happened to air passenger duty in the Budget, given the impact that it has on aircraft flying in and out of our two major airports?

The Minister of Enterprise, Trade and

Investment: I thank the Member for his question and his comments about my time as Enterprise Minister.

An hour or two ago, the Chancellor announced that he is putting a freeze on air passenger duty. He is also having a consultation to see whether there is a need to reform it. We have been vociferous about the need to reform air passenger duty. We do not have the choice of taking the train to London: we have to take the plane. Therefore, we have special circumstances to link us to London, and air passenger duty should be looked at in a meaningful way, not least with regard to the international flights that come in to Belfast International Airport.

A consultation has been announced today, and I have the document with me. It asks a number of questions about business jets and what have you. Importantly, however, it also asks for comments and evidence on the impact of air passenger duty on the UK regional economies. We have to be proactive in making it known to Treasury that air passenger duty has a disproportionate impact on us in Northern Ireland, and I will put forward that view to the Treasury in the coming days.

Ms M Anderson: Go raibh maith agat. I thank the Minister for her responses. She would probably get more work done if she took the train to Dublin, never mind the train to London.

Is Fáilte Ireland intending to withdraw funding from the Derry Visitor and Convention Bureau? Is the Minister aware of that? If she is, has she looked at the impact that that will have on tourism in Derry?

The Minister of Enterprise, Trade and

Investment: I am aware of the issue. I know that the Member will agree with me that the north-west area in general has raised its game in relation to tourism. I am aware that the Visitor and Convention Bureau in Londonderry has contacted Fáilte Ireland to request an urgent meeting to discuss the matter. I understand that those discussions are ongoing and that no final decision has been reached. I have asked the Northern Ireland Tourist Board to keep me informed of developments. I do not want to say too much more about the issue, because, as she will appreciate, it affects a member of staff. I will leave it at that. However, I assure her that I am aware of the issue, and that I will keep an eye on the matter to see what happens.

Mr P Ramsey: I thank the Minister for her response. As it is her last occasion at the Dispatch Box, I thank her again for her help and

co-operation with the constituency matters that I have raised with her during this mandate.

Following on from the question from my colleague in Foyle with regard to the importance that the city council and the constituency place on tourism, it is important that we maximise and utilise the strength of the City of Culture in 2012 with regard to tourism being the next industry for our city. Will the Minister tell us whether there has been a cross-departmental approach to maximise those benefits?

The Minister of Enterprise, Trade and

Investment: Some time ago, I asked my permanent secretary to chair a committee to look at 2012 initially, but then 2013 became an important year for us as well, and from his perspective, 2011 as well with the Clipper 2011-12 round-the-world yacht race. It starts towards the end of this year, and we are coming to a time when we need to make the most of what is coming towards us, not least with regard to the City of Culture designation. During my last Question Time, I said that the Turner Prize, the Brit Awards and all those big events coming to the city would put it on the map, not just in UK terms but in European and global terms, because so many people look at those events.

A hugely exciting time is coming for the north-west, particularly in relation to 2013, and I hope that we can get the momentum going from now on — from the end of this year, right up to 2013 — and enjoy everything that is coming towards us.

2.45 pm

Mr Deputy Speaker: Question 3 has been withdrawn.

Economy: Newry and Armagh

4. **Mr Irwin** asked the Minister of Enterprise, Trade and Investment for her assessment of the economic prospects for the Newry and Armagh constituency. (AQO 1356/11)

The Minister of Enterprise, Trade and

Investment: Independent forecasts suggest that Northern Ireland's economy will grow on average by around 1.5% this year. However, it is likely to be another difficult year for businesses across Northern Ireland as we recover from the recession, which particularly affected our labour market.

Given its location, the Newry and Armagh area has good potential for cross-border trade and tourism, and that has been reflected in the recent acquisition of 83 acres of land in that area by Invest Northern Ireland. In addition, recent announcements by Invest Northern Ireland about high-value-added projects in the Newry and Armagh constituency, such as First Derivatives, should boost its economic prospects.

Mr Irwin: I thank the Minister for her reply and, indeed, for her interest in local business. What impact, if any, would the lowering of corporation tax have on local businesses?

The Minister of Enterprise, Trade and Investment: I thank the Member for his question. It is hoped that we will soon have a paper on that very issue. When that paper is issued, I hope that everyone will engage in discussions about the figures, the block grant and the delivery of a step change in Northern Ireland's economy, which is exactly what I think that the lowering of corporation tax will bring to Northern Ireland. It would be a whole new proposition that we could make to firms looking to place their profits in Northern Ireland.

Until now, we have been telling firms from across the world to come to Northern Ireland for the skills, the young people and the cost advantage, all of which will still be here. However, if we get the additional help of lower corporation tax, I think that Northern Ireland's economic growth would be unstoppable over the next number of years. I very much welcome the paper that is coming out tomorrow, and I look forward to engaging with colleagues on its effectiveness.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra a thug sé. Does the Minister agree that enterprise agencies in Newry and Armagh are well placed to support local businesses and to encourage new set-ups? Does her Department intend to increase the amount of resources given to those agencies in order to help them develop the work that they are doing so well?

The Minister of Enterprise, Trade and Investment: I thank the Member for his question. Indeed, it gives me an opportunity to pay tribute to the enterprise agencies across Northern Ireland that do a lot of good work with micro-businesses and with people who want

to start up such businesses. The Enterprise Development programme, formerly the Start a Business programme, is now delivered by a lot of those enterprise agencies, because I felt that they were best placed to deliver that programme on the ground with all of those new businesses.

As regards resources, it will come as no surprise to the Member that budgets are very tight at present. However, if the enterprise agencies bring programmes to me or my successor, I am sure that we will look at those on a value-for-money basis. I very much value those agencies, many of which I have visited. I regret that I was not able to get to the one in Newry, which I had hoped to visit before my time in office was up. I commend them for their work right across Northern Ireland.

Employment

5. Mr A Maskey asked the Minister of Enterprise, Trade and Investment how many jobs her Department has created since May 2007.
(AQO 1357/11)

The Minister of Enterprise, Trade and Investment: During the period from 1 May 2007 to 28 February 2011, approximately 50% of Invest Northern Ireland's assistance was directed towards projects that had a job creation element. Those projects expect to create over 20,300 new jobs and to safeguard nearly 6,700 existing jobs. However, not all of those jobs are created immediately as some projects can take up to five years to fully mature. Invest Northern Ireland also assisted in the creation of almost 11,000 new jobs indirectly through the Enterprise Development programme, formerly the Start a Business programme, delivered in conjunction with Enterprise Northern Ireland.

Mr A Maskey: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her reply. Given the achievements that have been gained over the past number of years, I think that there is much to commend the Executive and the Assembly for as we reach the end of this mandate, and I thank the Minister for her personal part in that. By the same token, listening to the Assembly today, I am hearing what sounds more like a mutual appreciation society than the cut and thrust of the politics that we need. I do think that it is important —

Mr Deputy Speaker: It is Question Time, Mr Maskey. Could I please have a question?

Mr A Maskey: I appreciate that, a LeasCheann Comhairle. I am just coming to my question.

As I said, I thank the Minister for her response. Will she accept and acknowledge that there is a view out there that, given the considerable amount of money that, for example, Invest NI spends, there is a relatively low value-for-money return for that investment? Does the Minister think it appropriate and essential that all the relevant Departments work very closely together to maximise the value for money that we put in, through job creation, job retention and so on, because far too many people in all our constituencies are still suffering long-term unemployment, particularly in the current economic conditions.

The Minister of Enterprise, Trade and Investment: I thank the Member for his question, particularly the first part. Seriously though, more than anybody else, I recognise that unemployment continues to grow and long-term unemployment continues to be a problem. That is why we secured £18.8 million in the Budget to deal with short-term employment issues. We still want to rebalance our economy. The fact that Invest Northern Ireland has been able to bring in the number of jobs that it has during a global downturn is testament to the work that it is doing right across the world. However, I felt that there was also a need to do some rebuilding. That is why that £18.8 million is in the Budget. We will continue to look for opportunities with the social economy, call centres, the agrifood sector and those sectors that Invest Northern Ireland would not ordinarily work with to try to find ways to bring unemployment back down again.

I pay tribute to Invest Northern Ireland's staff across the world. They do a tremendous job for us. That is shown by the amount of investment that they have brought to Northern Ireland over this period of devolution. They have brought in investment worth £1.258 billion, which will generate total wages and salaries of £447 million against a target of £345 million. They have well exceeded their target for bringing investment and jobs into Northern Ireland, and I commend them for that. They have done a tremendous job in very, very difficult circumstances.

If we are looking for ways in which to deal with the unemployment rate, we must think more proactively. We want to rebalance, and that is

what Invest NI will continue to do, but we also need to rebuild. We must rebuild, and we must deal with that unemployment figure.

Mr K Robinson: I thank the Minister for her answer, which was quite positive in many ways. I also want to take the opportunity to congratulate the Minister. During her tenure, she has been most open and helpful to Members, such as myself, who are attempting to retain jobs in our constituencies. You will be relieved to hear, Mr Deputy Speaker, that that brings me to my question. Will the Minister tell me, in round figures perhaps, how many jobs have been created in East Antrim and how many jobs have been safeguarded in East Antrim during her tenure and due to her recent efforts, particularly those in America?

The Minister of Enterprise, Trade and Investment: I do not have them with me today, but I am more than happy to give the Member those figures. If any Member wants to see the number of jobs that have been created and sustained in his or her constituency, those figures are available. I will write to the Member with those.

Mr McQuillan: I also thank the Minister for her period in office and how well she has done. Will the Minister tell me how many inward investment projects have been secured by Invest NI during the PSA period to date?

The Minister of Enterprise, Trade and Investment: I am getting the answer to the previous question.

We have secured 127 inward investment projects with a plan to promote 7,771 jobs in the region. That is beyond the target set in the Programme for Government, which was for 6,500 jobs. Again, Invest NI has gone past that target.

Sometimes, we get blasé about those things. However, I never do. Today, I announced 125 new jobs at Deloitte in the city centre of Belfast. That means a difference for 125 people, whether they are graduates or others looking for a job in that area. We should not be blasé about job announcements, because those are real and meaningful jobs for people. We should rejoice about the fact that we have been able to secure so many new jobs over the past four years.

Giant's Causeway: Interpretative Centre

6. **Mr Storey** asked the Minister of Enterprise, Trade and Investment for an update on plans to build a new interpretative centre at the Giant's Causeway. (AQO 1358/11)

The Minister of Enterprise, Trade and Investment: The various work packages for the development of the new visitor facilities are well under way. The main contractor for the building commenced works in November 2010, and the project is on target for completion by the summer of 2012. Other work packages are also progressing, including several car park developments and the launch of a new park-and-ride facility in Bushmills.

The visitors' centre is being advanced by a leading exhibition design company, and it will be an integral part of the world-class visitor experience at the Causeway. Detailed designs have been accepted, allowing time for procurement and installation in line with work streams. The existing visitor site remains accessible while the site understandably undergoes considerable structural and operational changes, and it is still very much part of the visitor experience. My Department and the Northern Ireland Tourist Board are working with the National Trust to plan and deliver an international-scale event worthy of celebrating the centre's opening.

Mr Storey: I join the chorus of congratulations to the Minister, particularly on ensuring that this project was delivered in my constituency, given the long history of the site's development after the disastrous fire. I ask the Minister and her Department to continue to endeavour to ensure that having the Causeway as Northern Ireland's premier tourist attraction benefits not only the local community but Northern Ireland in general and for that to be a priority for her Department as we get closer to the opening of the facility and when it is fully functional.

The Minister of Enterprise, Trade and Investment: I thank the Member for his very kind comments. He is right, of course, that the Giant's Causeway is the premier tourist facility in that it receives the largest number of visitors every year. That is the case despite the fact that visitor facilities have been below par until now. Only a couple of months ago, I visited the site to see the ongoing work. It is a hugely exciting

development, and, as I said, the site has been kept open to visitors even during the works.

My great hope for the Giant's Causeway visitors' centre is that it will attract people and then point them in different directions to other events and locations right across Northern Ireland, including, obviously, the wider Causeway Coast and glens area, which is hugely beautiful in itself. There was an announcement in relation to Gobbins Path, and people from east Antrim will rejoice in the redevelopment of a very beautiful path that will attract visitors.

The Giant's Causeway is part of the overall picture for the 2012-13 proposition. It is very much part of our tourism strategy, moving forward. I wish the Member and his North Antrim colleagues every success, and I hope that they will enjoy the new visitors' centre very much.

Rev Dr Robert Coulter: In what is my final contribution in the House, I sincerely thank the Minister for the very kind attention that she has given to the needs and workers of North Antrim over quite a period. I have to declare an interest as an octogenarian. Within the plans for the visitors' centre, what definite plans are in place to assist those who are not as mobile as young people in getting down to the stones and back up again?

Some Members: Hear, hear.

The Minister of Enterprise, Trade and Investment: I join the Minister for Employment and Learning in congratulating the Member on his long period of service to North Antrim and to the House. I know that his presence will be missed on the Benches, and I wish him well.

The new visitors' centre will be accessible to everyone. It will all be on one level. If the visitors' centre turns out as per the plans, it will provide an absolutely beautiful experience in itself. There will also be direct access down to the stones. I am sure that access will be made readily available to those who are not as mobile as they used to be.

3.00 pm

Mr O'Loan: When we consider how testing an issue the interpretative centre at the Giant's Causeway was for the Assembly four years ago, it is only right to congratulate the Minister on delivering that important project in conjunction with the key partners, the National Trust and Moyle District Council. What preparations are

being made to use the new interpretive centre, as it will be, to enhance the offer at the Giant's Causeway and to market it worldwide?

The Minister of Enterprise, Trade and

Investment: The Member knows — I should know better than most — that the Giant's Causeway is the only UNESCO heritage site in Northern Ireland. Therefore, when the new visitors' centre is in place, I believe that we will get global attention. The innovative design and construction of the building will, in itself, be a marketing tool. When people arrive at the visitors' centre, it is my great hope that it will be used to point people all over Northern Ireland so that they can avail themselves of the absolutely marvellous experiences that we can offer. I have had conversations with the National Trust on that matter.

I believe that the visitors' centre currently receives 400,000 visitors a year, although I stand to be corrected if I am wrong. It is our premier tourist attraction, and I believe that we can double the number of visitors to the centre, because we are going to make it more accessible to everyone, and there will be a better understanding of the stories that are there to be told. It will be an exciting attraction, and I hope that I will be available to attend the opening ceremony.

Ministerial Statement

Northern Ireland Housing Executive

Mr Deputy Speaker: The Speaker has received notice from the Minister for Social Development that he wishes to make a statement.

The Minister for Social Development

(Mr Attwood): I want to make a statement about the Housing Executive and other matters. When I commenced the fundamental review of the Housing Executive last autumn, I said that I would update the Assembly on its progress. That is what I intend to do today, because issues around the Housing Executive — the scale of its stock, its budget, its immense achievements and the current questions that arise — require as full as possible an update to the Assembly.

Before addressing all that, I want to make a central point. Housing and housing-related issues occupy a significant proportion of the time of any Minister for Social Development, and it is absolutely right that that be the case. It is a central element in the family of responsibilities and issues of need that make up the Department for Social Development. This statement addresses the future of the Northern Ireland Housing Executive and of housing associations and aims to establish the path that the social housing sector needs to travel — in my view, must travel — over the next period. Public housing, in my very strong judgement, requires a new phase of deep and enduring reform.

The great achievements in housing over the past 40 years should not disguise the major challenges and, let there be no doubt about it, some evident deficiencies. This statement aims to be clear and unambiguous about where social housing needs to and should go. It is not a statement to appease the predatory instincts of some who believe that there is an easy path to and a quick fix for securing alternative funding for social and affordable homes and beginning the downward path towards the privatisation of social housing in Northern Ireland. Equally, this is not a statement that will appeal to those who hope that the recent interrogation of housing issues will pass on the far side of 5 May. The statement is intended to create a pathway for social housing provision that builds on past strengths but changes where necessary, in a fundamental and radical way, provision in future.

I will address the fundamental review of the Housing Executive that was announced last autumn. On 11 October 2010, I announced in the Assembly that I had initiated a fundamental review. I agreed to provide Members with an update on progress, and I have done so to the Committee for Social Development and, at relevant times, the Assembly. Given that I made an Assembly statement on the issue and said that I would be in a position to report progress by the end of 2011, I wanted to fulfil that commitment before the end of the mandate.

As previously stated, the fundamental review was going to be the first thoroughgoing review in the 40-year life of the Housing Executive. It was not, by any means, going to be a light-touch review. That was confirmed in the agreed terms of reference. PWC took forward the fundamental review. I made it clear to colleagues in the Chamber that I did not want the review to be a light-touch one; that it had to be a fundamental review; and that, subject to what I am going to say later, PWC should bring forward any and all appropriate options.

The terms of reference said:

"The Review will examine the housing and all functions of the Northern Ireland Housing Executive in detail, providing a comprehensive assessment of their contribution to housing and other Departmental and Government policy objectives. This will take account of other organisational structures in the housing policy sector and make recommendations about remit, role and responsibility to achieve best results. The Review will also examine the efficiency and effectiveness of the Northern Ireland Housing Executive's operations, including the appropriateness of existing structures."

I recall how, when draft terms of reference for the fundamental review were forwarded to me, I advised officials and reworked the terms of reference to ensure that they were as expansive and thorough as possible before advising the Housing Executive board that those were the terms that I had agreed.

As the review required specialist knowledge of organisational reform, external assistance was sought and PricewaterhouseCoopers was appointed as the successful professional adviser. It commenced work late in December 2010, and good progress has been made in that short timescale. Various issues about consultants are raised from time to time, and I want to acknowledge that PWC applied itself

quickly and diligently to this work. It brought one expert in particular from England who had good knowledge and authority around issues of social and public housing. It also kept me informed on a rolling basis of what it was doing and how it was doing it, and I was mighty impressed at the dedication and delivery, in such a short time frame, of something that may have such significance.

In taking cognisance of the important and wide-ranging role that the Housing Executive has performed over the past 40 years, the review team adopted an inclusive and collaborative approach in seeking views from a wide variety of key stakeholders, including the Housing Executive chairperson and board, whom I wish to acknowledge. They have been through something of a journey recently. The Housing Executive has had to deal with a lot of issues, including internal and external investigations. Some of those issues raised public and political concern. That was a difficult situation to manage. I want to acknowledge the chairperson of the board, senior management and the board of the Housing Executive generally for their role in taking the fundamental review forward. They provided assistance and were helpful in identifying the direction that we are now embarking on.

We also consulted the Housing Council, the Social Development Committee, the Northern Ireland Federation of Housing Associations, the Chartered Institute of Housing and the Department. My Department also wrote to all Members in February 2011 to seek their input into the review. PWC also consulted each of the major political parties and considered a wide variety of possible future service delivery options.

I do not want to pre-empt that ongoing work, but I anticipate receiving a draft report by the end of March. I wish to highlight four of the key emerging themes that I think will be reflected in the body of that report in good time and which I think are the principles that underpin the fundamental review and the direction of travel of the Housing Executive going forward. Prior to doing so, I want again to confirm a number of matters.

The Housing Executive has been the trailblazer for radical reform in Northern Ireland. A little over 40 years ago, there were politically explosive issues around housing. The housing

standards experience of a large section of people was unacceptable, unacceptable across our political tradition and community. Families lived in overcrowded and poorly maintained properties. That was a call to action, which saw the birth of the Housing Executive. As an organisation, it has single-handedly defused the social and political time bomb of unfairness in housing and achieved a great deal over the past four decades. However, despite those undoubted achievements, challenges remain, including the size and scale of continued housing need and the number of people on waiting lists and in housing stress. The fallout from welfare reform and housing benefit cuts is only part of the narrative of what still needs to be addressed. However, all that remains does not take away from all that has been achieved.

In ordering the review, I made clear my strong belief that, ultimately, responsibility for the provision of social housing should fall to the state and that there was an obligation on the state to provide substantial funding for social housing. That remains my view. That is why the recent Budget, which could see newbuild numbers decline by hundreds every year for the next five years, is a cause of deep worry. At the same time, as I said earlier, it is undoubtedly true that certain elements have what I call predatory ambitions around the Housing Executive and have a view that the use of Housing Executive stock is a quick and easy way to access large sums of capital for newbuild. There is no quick fix to the challenge of financing social housing. There remains a challenge to fund adequate newbuild provision in times of greater need, especially over the next five years. We have been doing a lot in that area, with the formation of the procurement groups to capture economies of scale, accessing European Investment Bank funding at the lowest possible borrowing rates and other initiatives. I see scope for further leveraging of public money in housing to produce more with less, but I do not see a solution that involves the privatisation of the Housing Executive or the withdrawal of government finance for newbuild social housing. I will touch on that later.

That having been said, given my commitment to reform in a positive image, I have drilled down on housing finance, including the levels of housing association grant, the total cost indicators and the cost of newbuild per unit. In those ways and others, I am still working to mitigate the consequences of a bad budget for

housing and thus to turn round the anticipated scale of reductions in newbuild over the next five years. I will apply myself to that issue in my remaining days and weeks in office.

I now turn to the key emerging themes of the review work that has been carried out to date. First, there is a strong case, which is supported by numerous reports and much good evidence — for example, Varney, Ford, Savills and Tribal — for separating the strategic and landlord functions currently carried out by the Housing Executive. The strategic direction of travel would be for the strategic housing function, which is the non-landlord activities such as urban renewal, private sector grants and warm homes, to be carried out by a new strategic housing authority while functions that were previously identified for transfer to councils under the review of public administration, such as houses in multiple occupation, housing unfitness, Travellers, Living over the Shop initiatives, local energy conservation and the like, would still transfer to those councils, with landlord services to the existing NIHE stock being delivered by a new streamlined and revitalised Housing Executive. That would enable it to concentrate on the needs of its tenants and the improvement of its stock.

There is a general recognition that there are benefits to be gained from decoupling what could at times be considered as competing priorities in a single organisation. A separation would allow a focus on both areas, which would enable an optimum solution for the overall housing sector in Northern Ireland to be delivered. There appears to be little dispute that that is the direction of travel. I expect that to be the case in the forthcoming interim report. It is a crucial fundamental structural issue around the architecture of housing going forward, and it has a very significant impact. It is one that we will not just have to seriously consider but promptly act on.

If, in time, we decide to create a new body to take forward the strategic functions of the Housing Executive, I expect that to be a radical energising and reforming body, pushing for change and challenging the operating environment. Such a body will be charged with leading and working closely with DSD in managing our desired transition away from housing policies that perpetuate separation in housing to policies that deliver across the board on the promise of our shared future objectives.

Secondly, without prejudice to comments that I made earlier, there is a need to develop structures that will allow access to new sources of funding. We are obviously living in a difficult financial climate. There is a requirement for additional funding to be injected into social housing if we are to maintain the existing housing stock to appropriate levels and continue with our focus on newbuild supported through the social housing development programme. An investment in the maintenance of existing stock and a rejuvenated newbuild programme has the potential to deliver significant benefits to the wider economy. Any new structures must provide a sustainable financial framework for housing over the next 20 years. The fundamental review looks directly at that issue; it does not shirk it. We have to challenge some of the conventional wisdom about housing finance and existing Treasury rules. I see no reason why the Housing Executive cannot access borrowing as a public body. The idea that it needs to be privatised to borrow is not sustainable. The final report will face up to that question. However, I hope and anticipate that it will do so in a measured, proportionate and discerning manner. It will not say that there is a quick and easy remedy to the issue of financing social housing, but it will scope out the options whereby a reformed Housing Executive may have access to other sources of funding, potentially in the housing association model of access to European moneys at low interest rates.

3.15 pm

Thirdly, the consensus is that a regulatory function is needed across all tenure types to protect the interests of homeowners, tenants, landlords and taxpayers. Such a regulatory function must be independent, with sufficient inspection and enforcement powers to ensure that it can intervene proactively to improve housing across Northern Ireland. For example, in relation to the recent Housing Bill, Members commented — I agree — that regulation and standards in the private rented sector must be upgraded. That should and will be an issue to be addressed further, not least if increasing numbers of people have no alternative but to seek housing in that sector. That will require management, oversight and regulation. Again, the fundamental review will face the issue directly.

Fourthly, the Housing Executive has been in existence for 40 years, and, over that period, it has developed a staff that is rightly praised

for its dedication and skill. NIHE staff, past and present, can be enormously proud of their achievements, and all our constituents live with the benefits of those achievements. Staff should be reassured that their specialist knowledge and capabilities are acknowledged. Any new delivery models must be implemented in a manner that is inclusive, structured and carefully planned. As we seek to implement solutions for the future, we must not lose the best characteristics of the existing Housing Executive. However, we are duty-bound to benchmark all activities around housing delivery in the North to make sure that we get top value for public money invested.

As I indicated, the fundamental review is due to make an interim report by the end of March. That initial report should very much be regarded as a series of recommendations designed to provide a strategic direction of travel moving forward. We all need to become actively involved in the consultation process that will follow from the report, taking the once-in-a-lifetime opportunity to shape the delivery of social housing for future generations.

The need for change is not isolated to the Housing Executive. Members will be aware of issues relating to housing associations, although they are not part of the review. Those issues do not decline. Indeed, there are a few among the housing associations who simply fail to appreciate what is needed around the reform of the housing association movement.

Mr Humphrey: Hear, hear.

The Minister for Social Development: Some even cling to the false notion that they are somehow untouchable. Perhaps that was what the Member was referring to. I have been addressing those matters, but now is the time to push on. That will involve a number of elements.

First, in my view, we should move with all due haste to having a smaller number of housing associations, the outcome of which will be that we will have larger developing associations, management-only associations and a number of specialist associations. I have said that, in total, there should be 10 to 14. It could be argued that there should be fewer. That outcome may arise in any case due to organisational need, the impact over the next few years of reductions in the housing association grant and other factors. In fact, my officials are today

meeting housing associations to set down how grant rates available for coming years are being reduced by, on average, 10%. I would point out, however, that I will continue to look at the issue and that the figure may be revisited. Indeed, there needs to be further consideration of paying housing association grant only to housing associations with a significant level of stock — some say 1,000 units, although there is an argument for fewer.

Secondly, rather than mere gestures towards it, the process of merging housing associations needs to begin. I am told that there are legal constraints on what government can do. Therefore, let us explore and exhaust what can be done. I have instructed officials to scope out what legal remedies exist and what further legal powers might be needed to encourage and enable the merger of housing associations. I am seriously considering no longer allowing housing associations to have the protection of group structures in order to enable them to continue to develop newbuilds. In addition, the power to take a housing association to inquiry and to commence the process of deregistration should now be availed of. So, there are legal options available to govern them. However, I want government to work with housing associations to achieve the desired outcomes.

Thirdly, one of the examples of doing things differently from direct rule was Margaret Ritchie's upgrading of the housing division of DSD. That reflected the imperative of housing and included enhancing DSD oversight of housing associations. With large sums of public money and the legal, contractual and administrative burden on housing associations, it was vital that oversight was escalated. I have now gone further and have instructed officials to further develop the capacity, number and character of DSD oversight of housing associations. If housing associations are doing well, we should say so and affirm them; if not, we should say so and act. That will create new disciplines for all housing associations and new practices, including the opportunity for merger.

I also advise the Assembly that, due to concerns identified in one housing association last year, I instructed the oversight team to conduct an in-depth examination of the association. Its work has been extensive, exhaustive and of worry. It has led to my decision to suspend the housing association from the development programme. The suspended association is the Helm Housing

Association, the largest in Northern Ireland. That was done after proper process and on good evidence, and it confirms that housing associations will and need to be subject to appropriate rigour and examination. This is how things shall be. Oversight is a shield to those who live up to all appropriate standards and a spotlight on those who do not.

Fourthly, the issue of internal costs — senior staff and remuneration costs — must be addressed. Not one of the senior housing association staff, who are on what I consider to be generous salaries, agreed to my request to take a salary reduction. A number confirmed that bonuses would not be paid. I welcomed that, but it was hardly the point. So, as part of governance oversight, DSD shall establish thresholds for payment of senior staff in housing associations. For legal reasons, my reach may not extend to those in contract, but all future senior staff shall be expected to comply with DSD-recommended thresholds, and procedures shall be established to enable that to happen. This model should apply to other organisations fully or partly funded by government. There should be mechanisms to control salary and remuneration packages. That is a matter that the Executive need to take forward more generally. It is, however, utterly wrong and upside down that one housing association can write to government and say that the chief executive is taking legal advice about the powers of government to request salary restraint, and another — I jest not — dared to write to government about its company car policy, stating that one car was for the use of an employee who was a single man who enjoyed driving.

Fifthly, the work of procurement groups must be accelerated. There are three groups in various stages of development. Those must all evolve quickly and have shared procurement for all their needs, not just consultants but supplies, services, finance and resources and, critically, newbuild contracts. Good work has been done in establishing the three procurement groups, one of which is more advanced than the other two, but all of them must now advance to procurement across the range of all their functions and activities.

The Northern Ireland Housing Executive has served us well over 40 years, and we should never forget that. However, we are living in different times now, and we need new solutions.

I assure the House that we will press ahead with radical reform of the delivery of housing and housing-based services in Northern Ireland so that we can be absolutely sure that we are best serving our citizens, particularly those who need us most.

There are challenges across the range of government, but Departments will fail if Ministers go into government — the easy bit — but do not go into power, which is the hard bit. That issue and that difference is what, in part, can move us beyond the mere fact of devolution into the devolution that delivers our hopes and expectations. More than any Minister in this mandate, Margaret Ritchie knew and practised the difference, being in government and in power in an attempt to redeem the powerless. We should all be judged by her standards.

The Chairperson of the Committee for Social Development (Mr Hamilton): I thank the Minister for his generally positive statement to the House on this important issue. I notice that it is not just as important to everyone in the House when I look at one corner of the Assembly.

I mark the success of the Housing Executive and its staff over the last 40 years and endorse the Minister's comments in respect of housing associations in his statement. I called for and very much welcome the instigation of the fundamental review of the Housing Executive, and I am glad to see that many of its interim findings appear to be along the lines of arguments that I have put forward. Does the Minister agree that, whatever the ultimate destination for the Northern Ireland Housing Executive, the direction of travel for the next Social Development Minister and the new Executive is towards positive change for that organisation to deal with finance, regulation, strategic and landlord functions in a way that has a positive impact on housing in Northern Ireland for the future and, indeed, for the next 40 years?

The Minister for Social Development: I thank the Chairperson for his question. I also thank him, as I have done on a number of occasions, for dealing with the volume of legislation that has gone through the House via the Social Development Committee. As I have always said, the Social Development Committee establishes a template against which other Committees should judge themselves. That

is accommodated by the Chairperson, who is exhaustive in enquiry and diligent with the paperwork and, as he indicated, asks searching questions and claims credit for ministerial decisions. I have no problem with that; I am prepared to share the glory. I also acknowledge what he said about the Housing Executive.

We have to pinch ourselves when we consider what housing was like 40 years ago and what it is still like in some parts of Northern Ireland. It takes a lot to shock me, but I was taken aback by the condition of housing in Rinmore in Derry. There is bad housing in my constituency, the worst of which is on the Shankill Road, where I visited housing that is not fit for human habitation. That is probably why Mr Humphrey made remarks earlier about one of the housing associations. Therefore, whether in mid-Shankill or in Rinmore, there are still serious issues with the fitness of housing. That is why the Rinmore decision, which was endorsed by all parties and by an overwhelming number of tenants, was right. However, the levels of unfit housing, which, as Savills confirmed, are tiny in the public sector, do not take away in any shape or form from the immense achievements of the Housing Executive.

We need to build on those achievements. Yes, the entire purpose of any fundamental review and of any further restructuring or reconfiguration of the Housing Executive is to make sure that the success of the past 40 years is replicated over the next 20 years. We must also be aware that the models of the past are not necessarily the best models for the future. If we can get that balance right, maximise the strengths of the past and scope out new ways of providing social housing in future, the Housing Executive will be sustained and successful as an organisation and, more than anything else, will meet the needs of those in housing need.

Mr F McCann: Go raibh maith agat, a LeasCheann Comhairle. I, too, thank the Minister for his extensive statement on many different aspects of housing. We have to study it, but, in many ways, it seems that his speech today has written the epitaph of the Housing Executive. There has been poor morale in the Housing Executive over the past number of months, and it will be interesting to see what message the statement will send out to it. We knew that change was coming and —

Mr Deputy Speaker: Question, Mr McCann.

Mr F McCann: Does the Minister agree that, at the end of this exercise, the Housing Executive as we know it, which has delivered thousands of houses over the past 40 years, will not be the same body? Will a review of his Department be carried out with the same rigorous authority? After all, the Department is the governing body of the Housing Executive and the overseeing body for housing associations.

The Minister for Social Development: I thank the Member for his question and for all his questions during my short life as Minister. I have appreciated all the exchanges, whatever their character.

3.30 pm

These have not been easy days for the Housing Executive. There has been a lot of political and public comment. There have been times of stress, and there are a series of ongoing internal and external investigations. I assure the Member that, more than once a week and, very often, a lot more than that, I have to apply my mind to ongoing matters. Even this morning at 9.30 am, I had the deputy secretary in to discuss ongoing issues with the Housing Executive. These have not been easy times, and I appreciate that some in the Housing Executive may feel that they are in the eye of a storm and that that might be reflected in what the Member referred to as poor morale.

On the other hand, although the Housing Executive's board and senior management is challenged, tested and pushed in a proper manner, they consistently go over the wall. That is the standard on which I judge people in times of difficulty. Many years ago, Séamus Mallon taught me to judge people and organisations on whether they will go over the wall with you when the going gets tough, because most people stand and look.

The Housing Executive board, at a senior level and at a management level, has taken forward the governance and audit review and the gateway review, which made for difficult reading. It has full management of internal investigations, and it co-operates fully with external investigations. Yes, it is an organisation in transition, and it needs to be in transition. However, it seems to me that it is occupied by people at various levels who have the capacity, intention and ambition to assist and enable

that ambition. If there have been times over the past nine months when I have felt that that has not been the case, I have made it clear to management and board members where I thought they needed to go, and they have always responded positively.

This is not the epitaph for the Housing Executive. In my view, there will continue to be a body called the Northern Ireland Housing Executive, and rightly so. That name is synonymous with transforming public policy and public life in Northern Ireland, and I hope and anticipate that the Northern Ireland Housing Executive name will be kept and that a vast range of functions will continue to be fulfilled by a body with that name.

Subject to the final report and subject to a future Minister, the Executive and the Assembly, this is potentially the time and place at which the work that the Housing Executive does can be remodelled so that the landlord and other functions are split in a way that enables all that to evolve and mature in a better way in service to tenants and to housing policy.

It is an inaccurate, even false, notion to suggest that a review of the Department is needed. Through Margaret Ritchie and, I would like to think of late, me, the Ministers in DSD have taken a hands-on approach to each and all housing issues wherever they arose. Those have included the difficulties with the winter weather, the threats and challenges that have been posed to the Housing Executive and the issues that have been identified with housing associations. In each and every one of those issues, Margaret Ritchie demonstrated, as I indicated at the end of my statement, that she knew the difference between going into government and going into power. She knew that going into power meant being hands-on and managing in a prudent, responsible and proper manner any and all issues in the Department, not least those concerning housing.

The fact that a statement such as this, which scopes where the Housing Executive and the housing associations should be next year and over the next decades, can be made is testament to the need not for a review of the Department but for the Department, both at ministerial and official level, to measure up to the radical reform that is needed. The evidence for that conclusion is overwhelming in DSD; it is not overwhelming in other Departments.

Mrs M Bradley: The review has come at the right time, and I am glad that the Minister carried it out. I welcome the work that he has done on housing. I know that he has worked hard, as did Margaret Ritchie before him.

Is the Minister satisfied that, during the period that is covered by the review, social housing has not been neglected?

The Minister for Social Development: I thank the Member for her question. Mary Bradley's contribution as an MLA and a politician was acknowledged earlier. I want to join in that. For me, Mary Bradley personifies something that was established after the death of Robert Kennedy, when one of his children set up a project called Speak Truth to Power. Yes: I will get it in one way or another. *[Laughter.]* Earlier, upstairs, when the SDLP acknowledged Mary Bradley's contribution, I said that that is her defining political characteristic: whether on the streets of Derry, the council chamber in the Guildhall, the Committee room or the Assembly Chamber, Mary Bradley speaks truth to power. Power is uncomfortable with that. When truth is spoken, even those who think that they are powerful, act as though they are, and wallow in being powerful, cannot deny it.

The authoritative and authentic voice of Mary Bradley is her defining quality. She is grounded in her community and her wonderful family. Consequently, the truth comes out of her mouth. Everybody hears it even if they want to deny it. I acknowledge Mary's other community and voluntary work, which I know that she will take forward when she steps down from the Assembly.

No; social housing has not been neglected. Mary Bradley's question is actually the best reply to Mr McCann's question. Despite all of the issues around housing; the need for radical housing reform; comment, at times, frenzied, about what was or was not happening; and the harsh words that I have had to utter in various places, publically and privately, in respect of how I believed that housing was being managed, there will be more social housing newbuild starts this year than at any time in the past 12 years. That will surpass Margaret Ritchie's achievement last year in having a greater number of newbuild starts than in any of the previous 11 years. If DSD was not on top of housing issues, that level of delivery to people

who are in housing need and stress would not be attained.

If anything has been neglected, it is Margaret Ritchie's legacy in the Department. That legacy, in the way that she profiled housing and created the volume of newbuild starts that she did, is in jeopardy because of budgetary decisions that will result in hundreds of houses not being built next year, compared with recent years.

Ms Lo: I thank the Minister for his thorough statement. It is, indeed, a fundamental review of the Housing Executive and housing associations' structure. Given the breadth and depth of the review, is the Minister concerned that the timescale is very short for a complete root-and-branch review of the future of the Housing Executive to be conducted?

The Minister for Social Development: I thank the Member for her question and for her various contributions. I do not believe that there was any housing debate, housing Bill or Committee for Social Development matter that was discussed either in Committee or on the Floor of the House for which Ms Lo was not present and to which she did not contribute.

I must acknowledge that although I, sometimes, have hostile words for other Members — oh, he is gone. *[Laughter.]* I do not mean you, Mickey. I will get you later. I do not believe that I ever had a hostile word with Ms Lo, although perhaps I did, sometimes, with her colleagues. That is because her comments are always balanced between affirming where the good is and acknowledging where things need to change. I wanted to acknowledge that. I will speak to Fra later.

She asked a fair question. I was mindful that I was asking the Department, the Housing Executive and PWC to accelerate the process of the fundamental review. Last autumn, my judgement was that, first, the issues were so multiple that we needed to be seen to be in charge and have a grip on all of that. Secondly, best advice on the options was particularly voluminous. In recent times, various authorities, such as Savills, Varney and Best, have commented on the Housing Executive and housing in Northern Ireland. There is a lot of good authority recommending where we might go. Therefore, in scoping out the recommendations, it was my sense that there was already a high level of understanding and awareness as well as a lot of good authority

and best advice of which to avail ourselves. Consequently, in these circumstances, the time frame has been reasonable and justified.

Now, though, we have to push on. I had a conversation with Simon Hamilton earlier today about what the incoming Minister will have to do in this regard. I am not suggesting that he will be the new Minister, although everybody should have ambitions to be Social Development Minister, because it is a great ministry. We need to push on. There is now a moment when the reform agenda in Northern Ireland can deepen and accelerate. There is a sort of consistency and historical completion around the fact that the Housing Executive was the beginning of the first phase of institutional reform and the moving of things to a very different place in this part of Ireland 40 years ago. As we need to embark on a new phase of deep and enduring reform across a range of public policies and the public sector in this part of Ireland, it is, perhaps, appropriate that the next phase of deep and enduring reform should start again with the Housing Executive.

Mr Craig: I take this opportunity to concur with some of the comments that the Minister made earlier about the Housing Executive. He is fully aware that his thoughts on housing associations are reasonably close to mine. We have discussed that matter many times.

In his statement, the Minister mentioned the suspension of Helm Housing from the development programme. In my capacity as Chairperson of the Audit Committee, I was made aware by colleagues that there were problems with Helm Housing around the Markets area and Newtownards.

Mr Deputy Speaker: Will the Member come to his question to the Minister?

Mr Craig: Will the Minister elaborate on why Helm Housing has been suspended and what effect that suspension will have on the development programme?

The Minister for Social Development: I thank the Member for his contribution. I learned many things from Jonathan Craig in my time as a Minister. The first is that he works the corridors very well. If he thinks that there needs to be progress on an issue, he will come quickly and enquire about where it is and where it should go. Secondly, I recall the comments that he made during one of the stages of the licensing

Bill, which dealt with the extension of a number of late licences for clubs. He outlined the temperance background that he and his family come from. Nonetheless, he saw the argument for creating a bit more flexibility around club licences. I thought that that was an extremely wise and mature standard against which a lot of us could be better judged going forward. Thirdly, he identifies issues and interrogates them to exhaustion. Look at the litany of questions around welfare fraud and error. That is where questions work very well, despite the difficulties that Lord Morrow and I are having at the moment. That series of questions brought new discipline to the Social Security Agency (SSA) at a senior management level.

Such situations escalate when the pursuit of questions leads to the chief executive of a public body saying that there is something more that they need to have a handle on. The SSA is good on fraud and error, of which we have less than Britain. Nevertheless, it has introduced a bit more discipline.

3.45 pm

I will not speak at any length about Helm. The investigation by the governance and audit team in DSD has been going on for a number of months. The team is in the process of concluding that investigation, after which it will submit a full report. In the absence of the receipt of a full report, it would be inappropriate to bore down into all the conclusions.

A combination of factors prompted me to instruct officials to investigate. Those matters are in the public domain and include: the management of a housing scheme in Newtownards; the failure to acquire planning permission for flats in Belfast's Markets area; and other matters brought to my attention. My intuition was that all those required further interrogation.

The consequence of that decision and actions taken by very good people in the governance and audit unit in the Department — it is small in number, which is why we are escalating it — led to the decision that Helm should be suspended from the newbuild programme. That will have no impact on the newbuild programme going forward. There is a competitive market among housing associations anxious to do business on behalf of those in housing need in Northern Ireland.

There are now six or seven — in fact, it will be eight — housing associations suspended from the newbuild programme. That is proof, to go back to Mr McCann's question, of DSD demonstrating that it is on top of housing associations. At no time under direct rule did such levels of interrogation and investigation of housing associations lead to that number of suspensions. Those suspensions will not impact on the newbuild programme. I only wish that there was more money for that programme to afford those housing associations still in the development programme even more opportunity to continue their good work.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. In relation to the final line of that statement, during my four years here, I have always aspired to Margaret Ritchie's high standards, and hopefully, even surpassed them on occasion.

I will follow on from Jonathan's question: will the Minister tell us what will happen to the projects in which Helm is already involved, now that it has been suspended? Will they just carry on until their conclusion? Although the review may not be the epitaph of the Housing Executive, does the Minister agree that it may well be its death knell?

The Minister for Social Development: I thank the Member for his question. My one piece of advice to any future Minister for Social Development is to tread warily when responding to Mr Brady's questions on welfare. His past work means that there is probably no one with a deeper working knowledge of the welfare system at an operational level than Mr Brady. His questions and comments confirm that knowledge. Therefore, any future Minister will need to be on top of his or her game when responding to welfare issues raised by Mr Brady. Members can rest assured that they are well grounded in —

Mr Deputy Speaker: Order. I have given a great deal of latitude. It is all very well assessing the performance of every Member over the past four years — I am sure that some Members will include those assessments in their election material — but I ask the Minister to return to responding to questions on his statement.

The Minister for Social Development: You are next, Mr Deputy Speaker. *[Laughter.]*

Mr Deputy Speaker: In that case, I will give you further latitude.

The Minister for Social Development: I confirm that all schemes for which Helm is responsible at the moment will continue, but Helm will not bid for future schemes. All past schemes and current schemes are secured, as Helm is suspended only from future schemes.

This language is just extravagant and unjustified, and diminishes the achievements of the Housing Executive. To use expressions such as "death knell" and "epitaph" about an organisation that has achieved what it has achieved — like other organisations in Northern Ireland — is disproportionate and not reflective of the true position. Yes —

Mr Brady: Will the Member give way?

The Minister for Social Development: I am not sure if I am allowed to give way, but I certainly will if I can.

Mr Brady: Can he give way?

Mr Deputy Speaker: No, this is questions to the Minister.

The Minister for Social Development: As I said, the Housing Executive needs to be reformed in a positive and radical way, and its name will most definitely continue. The splitting of the functions will maximise the capacity of the two elements to do the all the work that is required to protect tenants, maintain stock and manage affairs in the way that has been done in the past. There should be no hint or suggestion of death knells, epitaphs or the end of the organisation —

Mr F McCann: That is your opinion.

The Minister for Social Development: It is my opinion, and I advise any and all — *[Interruption.]*

Mr Deputy Speaker: Order.

The Minister for Social Development: There is a huge difference in moving forward in a constructive, positive and radical fashion. Those are concepts that we should embrace and encourage, but given the difficulties that the Housing Executive has come through and the enormous service that it has provided to the people of Northern Ireland we should not rush to easy headlines about it.

Mr Humphrey: I thank the Minister for his statement and for his visit and interest in the greater Shankill and north Belfast areas. Like the Minister, I desire and want to see greater and more affordable quality housing. In his statement today, the Minister mentioned the difficulties and problems of the appalling housing conditions that prevail in certain parts of Northern Ireland. In my area, two housing associations are suspended and the Housing Executive is obsessed with waiting lists. Will the Minister advise the House when the review he announced today will be completed?

The Minister for Social Development: I thank the Member. I enjoyed my multiple visits to the Shankill. I made one visit to inspect housing in the mid-Shankill which distressed the tenants, me and anyone who went up and down those streets. I thank the Member for those invitations.

As I said, the interim report will be here by the end of March and the final report shortly after that. It will be for an incoming Minister to take what I hope will be early decisions and actions to move the situation forward.

It is not necessarily that difficult. There seems to be little dispute about the splitting of the landlord function, there seems to be a wider sense of where the opportunities lie to borrow money to fund newbuilds going forward, and I have a sense that there is a political consensus. As a result, some of the issues could be got over the line quite promptly. The issues are not easy; they have to be managed carefully, as do staff, and stakeholders have to be fully involved. It would be premature to go into the details today, but some of the models or options that might come forward for the character of a Housing Executive with split functions, in the way that I outlined, are actually exciting. They would define public policy and institutional life in Northern Ireland in a way that we have not heretofore seen. They would use models that are out there in the community and apply them to big public bodies in a way that is far-seeing, radical and the right way to go.

The reason why I feel that there will be a political consensus around all of this is that PWC and officials came in and asked me what the outreach should be to political parties, and I made it clear that there had to be outreach and tightly focused, but not endless, conversations with the parties.

The broad structure of the review is informed by the comments and observations of all parties. That is why, to go back to Ms Lo's point, we can move this matter forward quickly.

Executive Committee Business

Justice Bill: Final Stage

Debate resumed:

Dr Farry: It is a privilege to speak on the Final Stage of the Justice Bill; it is a landmark moment for Northern Ireland. We had plenty of talk about its being the first Justice Bill in 40 years, and I shall not repeat that. In the contemporary context, however, the devolution of policing and justice has delivered for the people of Northern Ireland. There was a notion that, with all the controversy over policing and justice, we would simply get it devolved, pat ourselves on the back and stall for a year while everyone found their feet.

By contrast, there was a sense, certainly from the Minister and his Department and from other parties, that it was important that we showed the people of Northern Ireland that the devolution of policing and justice was not the end of the process but a part of it. Ultimately, it is about making people feel safer in their community and in their homes and about reducing crime and antisocial behaviour.

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

The Justice Bill is an important part of that agenda; it was set out in the Hillsborough agreement as an early commitment that parties signed up to. I am impressed that it has been followed through. The Alliance Party was keen at Hillsborough to see a commitment to take a Bill forward during the remainder of the mandate. It is pleasing to note that we have met that objective, albeit with hours to go before the Assembly is dissolved, and with a small hiccup along the way that took us slightly closer to the brink than would otherwise have been the case.

I record my party's thanks to the Committee, even though we are not members of it; although no doubt we will seek to rectify that in the new mandate. I also recognise the work of departmental officials in taking the Bill forward. As the Alliance Party spokesperson on justice, it is entirely appropriate for me to pay tribute to the strong leadership shown by my colleague David Ford as the Justice Minister in taking the Bill forward and ensuring that it became a reality.

The responsibilities of the Department of Justice are onerous. It is a broad and wide-ranging Department, and David has entirely thrown himself into his responsibilities, even though he remains leader of the Alliance Party. He has been working incredibly hard over the past year to ensure progress in our justice system.

We had detailed discussions at Consideration Stage, Further Consideration Stage and even at Exceptional Further Consideration Stage. At times, debate became controversial, even heated. In the broader context, the matters that exercised Members were only small parts of a very large and comprehensive Bill. Therefore the debates were on a select list of issues. At the same time, a huge range of reforms to our criminal justice system were essentially accepted by the Committee and Assembly and supported by civil society and other stakeholders. They have proceeded very smoothly.

Almost 95% of the Bill as originally tabled has moved forward unamended. Looking back over those debates it is important that we do not lose sight of that wider context.

Again, it is important to stress that the Bill has been handled entirely properly. It is a Bill on which people worked incredibly hard, but it is not a Bill that has been rushed and it is not a Bill on which corners have been cut. It is a Bill on which consultation, where necessary, took place prior to its publication. The Committee gave proper and due attention to all of the potential issues arising from the Bill and spent a significant number of hours going through detailed consideration of it.

4.00 pm

In conclusion, it is a Bill that my party is very proud of. I know that the Department is proud of it, and I am sure that the Assembly can be very proud of it.

Mr Givan: I thank the Minister and his officials for the work that we have been able to do throughout the Bill's various stages. We have had quite a number of lively discussions, debates and votes throughout the Bill's Consideration Stage, but ultimately we have got to a Final Stage where we are, by and large, content and pleased with the work that we have been able to do.

When I first came to the Assembly after replacing my colleague Jeffrey Donaldson, the Justice Committee was a Committee that I was keen to get on to for various reasons. Some might think that I was a glutton for punishment, because we were certainly thrown in at the deep end and given a very hefty Bill to get through. However, I have thoroughly enjoyed being on the Committee, and this legislation has provided me with experience of how the Assembly and its Committees can produce legislation.

I want to particularly thank the Committee staff for the work that they have done. I thank our Chairman for the way in which he conducted the meetings and steered us through what were, at times, choppy waters. I also thank the officials. I enjoyed the debate that took place with them, and they were usually very good at giving back what they received, and the Minister can be pleased with the work that they did on his behalf.

Today we are, ultimately, closing down for elections. We had speeches this morning, and it has been a historic day. The Justice Bill has got to this stage through our own locally devolved Justice Department and our own Minister, and it has been agreed by cross-community vote by the Assembly. Therefore, we can say that this is an occasion on which we will be able to look back and say, "There was a landmark of political maturity within the Northern Ireland political landscape."

We have discussed parts of the Bill at length. I was pleased that we were able to change some aspects, such as policing committees and how they will be chaired. Ultimately, we have come out with legislation that will go some way to improving the system.

There will be a much greater justice Bill in the next mandate, regardless of who is in this place when that comes along. It is at that stage that we will get into issues that are pretty meaty and serious. My party will certainly be coming to the next mandate with a very clear vision of how the justice system should operate, and we will put forward very clear measures that we believe will improve it. Obviously, it will be for the rest of the House to debate those measures and see how we progress them.

We can go away saying that we have done a good job with this Bill, and we can be proud of the work that we have done. We can be proud of the work of the Justice Department. Although I have not agreed with absolutely everything

that has taken place since policing and justice powers were devolved, I believe that we have a much better system than the one we had under direct rule, and it is a much better system than some had professed it would be. The scaremongering that took place in the run-up to the devolution of policing and justice powers has proven to be absolutely wrong. Those who made those scaremongering comments will get their just rewards in future elections.

We had warnings that there would not be enough money, but we got money from the Treasury and secured additional funding to deal with the terrorist threat. There were warnings that the deputy First Minister would be able to pick judges, which has not been allowed to happen. We were able to secure an Alliance Minister and not a Minister from Sinn Féin, which had been a major concern for the unionist community.

Therefore, I think that we have made good progress, but, in the next mandate, serious discussion will have to take place on the Justice Act. However, I commend the Bill and support its Final Stage.

Mr McDevitt: I join colleagues in thanking the Committee staff for their work, and Lord Morrow and Raymond McCartney for their leadership of the Committee. We have done a lot of acknowledging the work of the Committee over the past couple of days, and I want to add my voice to that.

The Committee was established in a difficult context for my party, because, to set the record straight, there would not have been a Sinn Féin Minister of Justice. Had we run d'Hondt to its logical conclusion, there would have been an SDLP Minister of Justice. However, having made a decision about the Minister, we all set about working in the best interests of the region. I am very proud to have been able to join the Committee for Justice and to be part of the first such Committee in a generation to serve the people of this region and also to have played a part in the formulation of the first Justice Bill in a generation.

I also pay tribute to the Minister. He worked hard to win everyone's confidence in his early days, and, although I have not agreed with everything that he has done, I have entirely respected his approach and enjoyed nothing but courtesy and respect from him in return.

There are a couple of other people that we should acknowledge at times such as this, such as the staff in the Bill Office. Like Mr Givan, one of the things that I had the great opportunity of doing in our early days as legislators — hopefully, not our last — was to think about how to amend a piece of legislation. Indeed, the amendments that I sought to bring were not the obvious place to start. They were complicated and challenging, and they were the sorts of amendments that required considerable input and support from teams in the Bill Office. Without them, we would have been unable to get those amendments to the House in a competent way to allow for a proper level of debate.

The great achievement of the Justice Bill is that it is a justice Bill, and it will become the first Justice Act in a generation. Nothing in the Bill stands out to me as being a real mark of what Northern Ireland should be doing for itself that is different. As I have said at previous legislative stages, much of it is tidy-up work and deals with issues that were overdue for implementation.

I welcome the fact that we had the opportunity to discuss the issues in a local context, and I am happy that certain sporting provisions were dropped from the Bill, because I do not think that they were needed or fit for purpose in our region. Like Mr Givan, I am very glad that key questions of policing, which are unique to us, were able to be reflected on fully and that the role and responsibilities of local government and other statutory agencies were properly acknowledged. However, where we really had a chance to make a difference, we chose to dodge it.

For me, the acid test for the Bill was in the sporting clauses and whether we were going to confront the elephant in the room of Northern society and do so in the context of having the courage to name sectarian chanting for what it is and then define it, but we failed. That is a great regret, and it is something that we must resolve to put right early in the next mandate. It leaves in all of us a sense of being a half-completed job, and I am sure that the next Assembly and the next Justice Committee will want to return to that issue. It is an important and essential issue for us to debate frankly and honestly, without threat and without trying to see in the issue things that are not there. If we succeed in amending the legislation early in the next mandate to tell us what a sectarian chant is, we will have done our people a great service indeed.

Equally, I regret that we did not have the courage collectively to make the necessary provisions to rectify the situation on sex offender notification. I regret it not because it was a piece of law that I would have particularly wanted to put my name to but because it is a mark of a mature and civilised society that it is capable not just of making popular law but of making necessary law. We have chosen to pass the buck to the next Assembly, and that is an issue that will have to be dealt with.

It would have been a much better Bill if we had had the courage to do it today. It would have allowed us all to be able to say that the devolution of justice in this region is not just about tidying up some of the loose ends from the past decade. In a very serious way, it is also about understanding our constitutional responsibilities within the current settlement and understanding the duty that we have to uphold the basic principles of justice — equality, human rights, liberty and fairness — irrespective of who they may need to apply to. It is easy to legislate for the righteous and the good; it is very difficult and challenging to legislate for those with whom one may have little sympathy or interest. Nevertheless, the standard of a good legislature and the benchmark of great law is that it is capable of defending everyone to the same degree.

I also thank the officials in the Department of Justice. As some Members will know, I had the great privilege of serving as special adviser to the Minister of Agriculture and Rural Development in the first mandate. When working with officials in the early years of the millennium, it was noticeable how those who had not had the opportunity to work in a devolved context during their careers really embraced it. In fact, the Minister of Justice served on the Committee for Agriculture and Rural Development at that time. I am sure that he remembers the commitment and the energy that the officials who were given the chance to make their contribution and to show their interest in devolved government were able to bring to that process. When I met the officials from the Department of Justice, it was like going back to that period. It did not take me long to stop seeing them as the NIO, and that was a benchmark in my head. The day when I would stop accidentally describing them as the NIO would be the day when I felt that they were beginning to really understand what it meant to be a part of this democratic institution, to

be accountable to this place and to be fully knitted in to our new beginning. That day arrived during the Justice Bill, and I have no qualms whatsoever in acknowledging that and saying that that was an important milestone for us all to pass.

I will not detain the House any longer, except to say, like Mr Givan, that it was a great privilege to serve on the Justice Committee. If I get the chance to do so again, I will do so with relish.

The Minister of Justice: I thank all those who contributed today, and those in the Chamber who contributed on a number of occasions. The progress of the Bill has been greatly assisted by informed, or generally informed, and constructive input from the House and the Committee. Collectively, we have taken major steps forward since devolution day on 12 April last year. We should all take credit for arriving where we are today. As others have said, today has significance for the Assembly, which is now seen to be delivering for the people of Northern Ireland justice powers that were specifically created for our needs.

I will run over some of the key points in this complex Bill. It introduces the new offender levy to make offenders more accountable for the harm that they cause by requiring them to make a financial contribution towards support services to victims of crime. It introduces provisions to improve legislation to assist vulnerable and intimidated witnesses by way of special measures to give their best evidence in criminal proceedings. It legislates to provide for new policing and community safety partnerships to provide a more joined-up approach with better local delivery and accountability targeted at meeting the real issues of concern to people in neighbourhoods right across Northern Ireland.

The Bill creates sports law provisions to promote good behaviour among sports fans in Northern Ireland. The new alternatives to prosecution powers create new diversionary disposals, such as wider fixed penalty notice powers, to deal effectively with minor offences without bringing them into the courtroom; thereby maximising the time that can be spent on front line policing duties, contributing to reducing avoidable delay in the justice system and assisting in the rehabilitation of offenders while improving the lot of victims.

The Bill makes important changes to legal aid legislation. Those who can afford to pay for their

own defence will do so, allowing increasingly scarce resources to be targeted at those in genuine need.

As Members know, the Department consulted widely on many aspects of the Bill; therefore, this legislation does not just have the support of the House. The Bill before us has wide support among a range of stakeholders, including all the key criminal justice agencies. Although I was not directly involved, I know that the Committee had many productive evidence sessions with stakeholders.

Many of the Committee's suggestions were accepted by the Department and formed the basis of amendments at Consideration Stage and, indeed, at Further Consideration Stage. Of course, I cannot forget that we even had the especially novel Exceptional Further Consideration Stage this week.

4.15 pm

We also need to look to the future. The Bill is a significant piece of legislation with 112 clauses and eight schedules, but I recognise that a major programme of reform within the justice system is still under way. There are so many areas that could be tackled, possibly even more than Conall McDevitt could think of this afternoon, but I am conscious that there is only so much reform that will come from legislation. The Justice Bill belies a large range of work proceeding in the Department towards reforming the justice system overall. I could mention the new focus on reducing offending, or the fundamental reviews of prisons, youth justice and access to publicly funded legal services. The Bill cannot tackle everything, but I believe that it is an important start. There are a number of areas, which others have highlighted, that we will need to refer to in the future, not least the indefinite period of sex offender notification.

When Lord Morrow started his remarks, I was taken that he was actually able to count the number of hours that we had spent in the Chamber on this Bill. He described it as a marathon, and then he went on to say that it was 20 hours. Even in my advanced years, I am actually capable of running a marathon in under a quarter of the time specified, so this was actually four marathons, although no doubt Conall McDevitt could do even more.

We have seen a huge amount of engagement in the Chamber and at Committee, and by my

officials and those of the Justice Committee, to ensure that we have a key piece of positive legislation. Lord Morrow said that the Committee had improved the Bill. Alban Maginness went further and subtly said that it had made good legislation even better. That is the same terminology that I used to use when I was a member of the Environment Committee in improving Bills put forward by the Environment Minister. It is definitely the way to ingratiate oneself with a Minister. However, I believe that that is the reality. We started off with good and worthwhile legislation that, although not 100% agreed, is now 95% agreed by consensus, as Stephen Farry said, which I think that many people thought would have been completely impossible. As Raymond McCartney said, it demonstrates clearly the benefits of the transfer of justice powers here, and the maturity of the House, because, in most respects, we were able to deal with difficult and awkward issues in a way that recognised other people's concerns and sought to do the best for the people that we represent.

I think that only one point was raised other than people saying that things were good, and I want to refer to that. Alban Maginness referred to legal aid changes and to his concern that subordinate legislation would ensure that there was proper access to justice. Let me assure Mr Maginness and the House that the proposals in the Bill are intended to ensure that legal aid funding is provided to people who have insufficient resources to pay for their defence. That will continue to be the case, while those who have sufficient resources will be expected to provide for their own concerns. The means test will be set at a level that does not reduce access to justice, and Committee members will clearly have a role in helping to shape the secondary legislation. The fundamental issue of legal aid reform is to ensure that we live within budget while maintaining the access to justice that people need.

Stephen Farry, in particular, thanked the Committee. However, he recorded the rather interesting point that I am the only Minister in this place who has no party colleagues on the Committee that relates to my Department. That shows all the more what positive engagement there was on all sides: the fact that a Minister with apparently no friends on the Committee — although most of the Committee was friendly most of the time — was able to ensure that we delivered this significant and major legislation

in such a short timescale, from devolution just 11 months ago. I welcome the engagement, detailed work and efforts of the Committee members from the other four parties, which ensured that we got the best possible arrangement for the Bill.

I noticed with some concern that Paul Givan said that there would have to be a greater justice Bill in the next mandate. I was looking straight down the Chamber at the time, and I saw four officials from the Department of Justice in the Box appearing to age several years at the prospect of an even greater Bill in the next mandate.

To some extent, they recovered when praise then came from Conall McDevitt, following previous praise that came, rather ironically, from an Ulster Unionist Member, for the amount of time and effort put in by officials so that people in this place would accept that this is now the Department of Justice and not the NIO. I am the Minister, not Sean Woodward or Paul Goggins, and those who work for me have shown their commitment to making the devolution of justice work. That is very significant, and I welcome Conall's recognition of that. It is something that the entire House should recognise as part of the significant change that has come about in the past year and has been shown by the operation of this Bill.

Overall, the Bill really does sweep across all aspects of crime in the community, how community safety and policing partnerships are structured and how offenders are dealt with and kept out of the courts by way of alternatives to prosecution. In the court setting, we will see extended rights of audience for solicitors and changes in how legal aid is administered, as well as the introduction of changes around appearances before the court that relate to live links, special measures and bail proceedings. Perhaps most importantly, we will see significant improvements to the way in which victims of crime and vulnerable witnesses are treated during their experience of the criminal justice system.

I conclude by looking to the future. The future is one in which this Bill will set an important template for the justice system, the operation of policing and justice under devolution, the delivery of local democracy and our shared future.

I thank all Members who took part in the debates, during the various stages in the House and in Committee, for their important

contributions, careful advice and productive and constructive approach to this really important legislation. I repeat the thanks from so many quarters of the House to my staff, the Speaker's staff and the Committee staff for their contribution towards that.

Raymond McCartney and Stephen Farry talked about justice being seen to be delivering for the people of Northern Ireland following its devolution a year ago. There is no doubt that, at that stage, some people felt that the Assembly could not take on the responsibility for justice. Indeed, there were some MLAs whose negativity was aimed not only at me as Minister, which was an entirely reasonable point of view, but at the principle of devolving justice. That was the position that they took earlier this year. It is rather noteworthy that, in the middle of this constructive debate, not a single representative of that party has chosen to be here. That is ironic, as it was those Members' predecessors who allowed the old Stormont Parliament to fall down in 1972 because justice powers were being taken away, as the Father of the House, Lord Bannside, reminded us this morning.

I believe that this Bill has shown that the Assembly is capable of working together constructively. It has shown that the Assembly, the Justice Committee and the Department are capable of working on what was seen as the most contentious issue going in a way that ensures the best interests of the people of Northern Ireland. I believe that we have been seen, as was said, to have worked together in the best interests of all the people of this region.

Members have been entirely realistic when dealing with the majority of the difficult issues around justice. However, some issues proved too difficult to tackle in the latter stages of the Bill, and we will return to those. I am extremely grateful to Members for the positive and constructive way in which that engagement happened. We can all take a collective sense of pride in what is, as others have said, the first Justice Bill for 40 years in this place. Although there is still much to be done to transform society and still much to be done to build a genuinely shared future, the Justice Act (Northern Ireland) 2011 will be seen as a significant achievement and a milestone on that road.

On behalf of my staff, I reciprocate the thanks that have been expressed elsewhere in the

Chamber. I commend this, the final Executive Bill of this session, to the House.

Question put and agreed to.

Resolved:

That the Justice Bill [NIA 1/10] do now pass.

Committee Business

Museums: Impact and Value

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

The Deputy Chairperson of the Committee for Culture, Arts and Leisure (Mr O'Loan): I beg to move

That this Assembly approves the report of the Committee for Culture, Arts and Leisure [NIA 38/10/11R] on its review into the impact and value of museums in Northern Ireland.

I welcome the report and had something to do with instigating its subject matter. Before commenting on the substantive matter, I, as Deputy Chairperson, wish to express my gratitude to the people who contributed to the inquiry. I offer my appreciation to the Committee secretariat for their work in arranging the evidence sessions for the review and for drafting the report. I also express my appreciation to the Assembly's Research and Library Services for the quality research and analysis provided to the Committee and to Hansard for its patient and accurate recording of the evidence sessions.

The Committee is grateful to all those who provided written and oral evidence during the review. I also thank my Committee colleagues for their commitment and for the constructive and collective approach that they all adopted in trying to understand the complexities of assessing the economic and social impact and value of the museums sector.

Museums are one of the key spending areas for the Department of Culture, Arts and Leisure. The Committee has taken a considerable interest in that sector, having undertaken a previous inquiry into the need for a museums policy and now this review. The first inquiry recommended a museums policy. That came to fruition on 10 March 2011 with the publication of the first museums policy, which, of course, is the property of the Department. The Committee contributed significantly to that policy and endeavoured to ensure that the Committee's recommendations for a museums policy

were taken on board as part of the policy's development.

At the launch of the museums policy, the Minister, Mr McCausland, referred to the contribution that museums can make to the economic, social and cultural life of this region. That sentiment is shared by the Committee. This report is timely, given the publication of the museums policy, which, in the Minister's words:

"provides a necessary framework that will enable our museums sector to harness its resources and maximise its impact on our society."

The review builds on the Committee's 2008-09 inquiry, and the report acknowledges the importance of assessing the economic and social value of museums. Some might ask why. We are in the midst of the toughest economic conditions in living memory, and it is fair to say that the museums sector might not necessarily be the first port of call when we, as politicians, economists and policymakers, think of ways of getting the economy going again. That impression prevailed among stakeholders during the Committee's first museums inquiry, and it continues to prevail. Put simply, the museums sector is not high enough up the Government's agenda.

I turn now to the summary of our findings. Despite that prevailing view and an apparent lack of data, the Committee was presented with compelling evidence that indicated that the museums sector is a key driver of the economy. It makes positive social and economic impacts, and it is a critical part of the region's infrastructure. The museums sector makes a contribution of more than £16 million to the economy, provides employment for almost 1,000 people and purchases services from local businesses, including small craft businesses.

The museums sector also gives a big boost to tourism. For example, the Northern Ireland Tourist Board (NITB) estimates that there were around 990,000 visits to museums and art galleries by residents and visitors in this region in 2009. It is estimated that 28% of those visits, or around 277,000, were made by people from outside this region. Those figures give a measure of the role that museums play as part of the experience of visitors to this region. It is clear from the evidence that the museums sector also has wider social and economic benefits in areas such as cultural tourism; education and lifelong learning; supporting the

knowledge economy and creative industries sector; providing an environment in which to explore a greater understanding of, and respect for, culture, history and heritage; and contributing to a positive image of this region. The Committee came to the firm conclusion that the Executive need to acknowledge that the museums and heritage sector is an important industry in Northern Ireland that has the potential to assist economic growth.

4.30 pm

In the light of the constraints of the forthcoming Budget period, not only do the Executive need to acknowledge the important role of the museums sector but they must commit to examining, across Departments, the economic and social value of museums so that programmes that have the potential to fully maximise the social and economic contribution of the sector to the economy can be informed. If we are to make that case, the statistics need to be available. To date, some good research has been commissioned, but a consistent methodology has not been used, making it difficult to measure the economic, social and cultural impact of museums. The Committee recognises that there are many challenges in undertaking that work, ranging from the difficulties in measuring many of the intrinsic benefits to the resources that are needed to undertake that type of work, as the Department and the museums sector expressed. Some of those challenges were highlighted in the last major research into the subject, which PricewaterhouseCoopers (PWC) carried out in 2008.

The report highlighted potential social benefits, including those associated with tourism, education, health, regeneration and social inclusion. However, it did not proceed beyond phase 1, because of a lack of sufficient data to carry out a meaningful assessment of the economic and social benefits of investment. We call on DCAL to take note of those findings, to urgently update the research infrastructure and to put in place a more frequent evaluation framework.

Although the challenges of assessing the economic and social impact of the value of museums are widely acknowledged elsewhere, the review, nevertheless, found that this region lags behind others in that area of research. Since at least 2005, museums bodies in

England and Scotland have sought to establish a consistent methodology by which to measure and demonstrate the economic and social value of museums. Clearly, therefore, there are lessons that can be learned from elsewhere. It is not a question of reinventing the wheel; those lessons can be applied so that a consistent methodology can be established to measure and demonstrate the economic and social value of museums. Any such agreed method needs to look beyond the direct benefits. It goes without saying that indirect benefits to the local economy should also be factored in. Those benefits include indirect employment, goods and services and associated goods. That has yet to be quantified across the museums sector, but it is likely to be substantial.

At the beginning of my speech, I acknowledged the importance of the museums policy in moving this important work on. It provides the necessary framework for the outworkings of the review. The Committee welcomes the policy's intention to incorporate the value and impact of museums into the museums policy, including the economic value of museums to tourism, but it regards it as crucial that any intelligence gathering on that should emerge as part of the key actions that flow from the museums policy.

Finally, the Department has cited cost and a lack of resources as obstacles to undertaking the work. The museums sector has stated that there are many challenges in assessing the value and impact of museums. In response to that, the Committee says that, given the positive impacts that will result from undertaking a thorough assessment of the museums sector, not least in improving the understanding of the wider public and those who shape policy, the Minister simply cannot afford not to advance work in that area. It supports the development of the museums and heritage sector, which, as I outlined, brings with it massive benefits to cultural tourism, the economy, lifelong learning and the creative sector. I commend the report to the House, and I seek support for the motion.

Mr Humphrey: At the outset, I declare an interest as a member of Belfast City Council. As the Deputy Chairperson of the Committee said, tourism is vital to the Northern Ireland economy. Cultural tourism is of particular significance in the city of Belfast, which is the region's tourism and transportation hub. Some 50% of the world's tourists travel as cultural tourists, and many of them come from Ulster's huge diaspora,

including those of the Ulster-Scots, Scots-Irish and Irish-Gaelic traditions, in the United States and Canada in particular.

Museums provide a great opportunity for Ulster to tell its story. I understand that there are 42 accredited museums in Northern Ireland, over two thirds of which do not charge an entry fee. Museums can provide a greater understanding of Ulster's culture, history and heritage. In the worldwide market, Northern Ireland has to deal constantly with problems of perception and reputation. Museums and their displays, therefore, are vital to the marketing of our Province.

Therefore, accuracy, presentation and balance are vital in what museums display for those in our community and those who travel to this place.

Northern Ireland Tourist Board statistics for 2009 found that 47% of out-of-state visitors travelled to visit friends or family and 26% travelled to see attractions in Northern Ireland. Visit Britain suggests that 21% of visitors travel the world or to any given region because of music. Visitors will come to this part of the world because of people such as Van Morrison and — for Mr Robinson's benefit — Ruby Murray and the huge reputation for music that they have left for our capital city.

We have had huge investment in museums in recent years. The flagships of that were the Ulster Museum in Belfast, the Ulster Folk and Transport Museum in Cultra and the Ulster American Folk Park in Omagh. As I said, cultural tourism is vital in bringing visitors to our museums. However, museums can and will play a hugely important role in education. Given our divided society, museums must be committed to accuracy and balance. Interpretation, therefore, is of considerable importance if not vital. Museums must be part of our aim for a shared future and shared space as we move Northern Ireland towards being an increasingly normal society, one that is tolerant and at peace with itself.

During evidence sessions of the Committee for Culture, Arts and Leisure, I stressed to National Museums Northern Ireland and the Museums Council that a joined-up approach was vital. We are a small place with a small population, but, nonetheless, in the role that it has played on an international scale, Ulster — Northern Ireland — has been hugely significant in respect

of its history, culture and heritage. Whether it be built or industrial heritage, politics, culture, military campaigns or commerce, our reach and influence has extended to other nations, particularly the new world of the United States, to which Ulster gave 17 presidents. The great seal of the United States was designed by an Ulsterman, and the declaration of the United States was printed by an Ulsterman. Our contribution to the world is hugely significant for such a small place; in my view, it is more significant than that of any other place.

The socio-economic benefit of museums is underestimated and most certainly undervalued. In my view, diversity is a strength for Northern Ireland, not a weakness. We should be proud of our traditions, whether orange, Ulster Scots, Irish Gaelic or the new communities that have come to settle here, and use that diversity to sell Northern Ireland as a unique tourist destination. Museums are part of that selling of Northern Ireland.

Given the fiscal situation that prevails in our nation at the moment, increased collaboration among National Museums Northern Ireland; the Museums Council; the Visitor and Convention Bureau; the Northern Ireland Tourist Board, in selling Northern Ireland in the Republic of Ireland; Tourism Ireland, in selling Northern Ireland nationally and internationally; local councils; and regional tourism partnerships is absolutely vital. It is essential in delivering a tailor-made, holistic approach to museum provision, so that museums are there and are welcoming to everyone and offensive to none, inclusive of all and exclusive of none.

Mr Sheehan: Go raibh maith agat, a LeasCheann Comhairle. Museums are, without doubt, a vital facility for the whole community. They are places from which we can gain a greater understanding and respect of culture, history and heritage. They support people in formal education and are undoubtedly of great assistance to creative industries.

There is a need for research in order to enhance the lifelong learning and educational aspects of museums. Those aspects need to be monitored, maintained and improved on. Quality museums need to be supported by quality research. Given that fact, there is a need for a consistent research methodology to ensure that museums provide people of all ages and abilities with an interactive venue in which to learn.

During the review, references were made to the contribution that the museums sector makes to the science, technology, engineering and mathematics (STEM) subjects. W5, which comes under the museums umbrella, in the Odyssey is an excellent example of that. Museums NI referred to its learning programmes that support the STEM agenda; however, it also explained that it has not yet reached a stage at which that can be measured. Therefore, there is a need for a consistent methodology.

There is also a need for libraries and archives to be brought under the same methodology to ensure that educational programmes complement one another and there is no duplication or additional costs. There is a need for educational authorities and establishments to use the potential of museums and work with the sector in developing a research tool to meet the needs of those in education or those who wish to learn more.

That is all that I have to say. I commend the report to the House.

Mr K Robinson: Mr Humphrey covered all the areas that I was going to cover, so I will not regurgitate them. I pay tribute to the staff and members of the Committee for Culture, Arts and Leisure. I thank those who made submissions, which enabled us to carry out our work on the review of museums.

Museums' work should not be seen as something that stands in isolation. If there is one area that should not be put into a silo, it is the work of museums. Their comprehensive work complements that of the Public Record Office, the work of our schools and of the Tourist Board and the work that goes on when the Department of Enterprise, Trade and Investment groups go overseas to bring jobs here. It is an opportunity, as Mr Humphrey said, to provide a coherent, comprehensive and clear picture of what Northern Ireland is and was and how it came to be.

It is important that all those elements be covered; that is why research is vital. Cultural tourism is an open goal. People come here as visitors, sometimes with friends, because we have a unique experience, and museums play a vital role in the overall jigsaw. When visitors get here, we have to ensure that there is a critical mass of experiences for them. Museums and the Public Record Office all have a part to play in giving people a clear understanding.

We are operating against a background of 30-plus years of media perception of Northern Ireland, a picture that does not truly reflect what happened here, why it happened and how we have come through it. Today is the last day of the current mandate, which is living proof of what can be done to get rid of the false picture and send out the real picture. The role of museums is vital.

Mr Humphrey referred to the diaspora. Whether it is the Irish diaspora or the Ulster-Scots diaspora, there are millions of people who can trace their roots back here. They can trace the reasons for their ancestors moving from this piece of land across the globe. That is an open door. Reference was made to the balance of costs, but costs have to be balanced against opportunities. The costs are minimal compared to the opportunity and the potential of tourists coming here and having an experience that sends them away better educated and with a better understanding of what happened here in the past and the potential for us in the future.

We could show more clearly the industrial heritage that we developed in this part of the world. I am afraid that that industrial heritage — I think that the Minister will agree — has, sadly, almost disappeared. One has to root around to find traces of it. Given our place a century ago in the world economy, the British economy and the empire's economy, how did that happen? We have to rediscover that, and the museum is perhaps the place to help us to do that. Let us research more fully into the potential.

If I can read the visitor figures correctly from this distance, in 2001, there were 800,000 visits. Within three or four years, the figure had grown to well over a million. Why do they come? Is it cultural tourism? In open amazement, I look time and again at the Twelfth of July parades, which, in certain areas, are portrayed as threatening. If you stand in Belfast, you will notice the number of overseas visitors who come to see that parade. On that day or on following days, is there an opportunity for museums to look at what triggers those celebrations and put them in context? That could be explored. We know that several thousand people come here regularly for such festivals or for music festivals. I do not know whether the Ruby Murray appreciation society is coming this year, but I hope that Mr Humphrey's PR will be helpful. Working together, the

Executive and DCAL can drive the whole thing forward.

4.45 pm

In our review, we have simply pointed out areas where we think progress could be made or where we could build on good practice. However, after the election, it will be for the Minister's successors and the Executive to drive the process forward. We can no longer afford to allow things to drift.

Before I forget, Mr Deputy Speaker, I declare an interest as a member of Newtownabbey Borough Council. There is a very fine museum in Newtownabbey, which you can see if you go to Mossley Mill. The Committee for Culture, Arts and Leisure had the benefit of that experience. You can also bring your fishing rod. Recently, a 7 lb trout was fished out of the mill dam. So we are doing our bit for tourism and the museums.

Mr Deputy Speaker, up till now, you have been very patient with me. I commend the review to the Assembly.

Mr McCarthy: Coming fourth or fifth, there is not much left for me to say. Nevertheless, I will make an effort to fill the gap. I welcome the report, and I hope that, by the end of the evening, it will have received the Assembly's approval.

As has already been said, museums contribute more than £16 million to the local economy. The Committee for Culture, Arts and Leisure's report, with its 16 recommendations, should help to increase that revenue substantially and, through the work of all our museums, provide real interest for residents and visitors alike. I am glad that the Minister is present, and I hope that, after May, he or his successor will initiate the 16 recommendations in the report.

At this point, I take the opportunity to sincerely thank all the Committee and research staff for their dedicated work in assisting members of the Committee to produce this very detailed and informative report.

I want to say a few words about the need for greater research to ensure that museums continue to be shared spaces. We have heard a lot about shared power and so forth, which is exactly what we want to see. Nevertheless, I want to talk about shared spaces. I will provide the Assembly with some facts and figures. There are 42 accredited museums in Northern

Ireland, comprising 20 local authority museums, 10 independently run museums, four national museums, seven National Trust properties and one university collection. That is a lot of shared space, which we must make every effort to preserve.

As has been said, more than two thirds of museums in Northern Ireland do not charge an admission fee. As long as that is the case, we can hope for increased footfall, which is good for everyone concerned. Like libraries, museums provide a safe environment for all. Unfortunately, shared spaces in Northern Ireland are all too few, but, hopefully, we can rectify that as time goes on.

Museums provide important venues in which greater understanding of and respect for culture, history and heritage can be explored by all without fear or recrimination. Consistent and better focused research will enable the museum sector to address inconsistencies and imbalances. Without that research, museums could lose their special status as shared spaces, and that is something that we do not want to see.

This is an important report. On behalf of the Alliance Party, I give it our full support.

The Minister of Culture, Arts and Leisure

(Mr McCausland): I thank the Chairperson and members of the Committee and the Assembly staff for the time and effort that they have put into preparing this important report. I also thank all the organisations that submitted evidence and views on the issue. I am aware of the presentations that the Committee received as part of its review and am grateful to the Committee for having given my officials the opportunity to make a presentation on the subject.

As the Minister with responsibility for National Museums Northern Ireland and the Northern Ireland Museums Council, I have followed the Committee's deliberations on the value and impact of museums with considerable interest. Indeed, the review took place just as the first ever museums policy for Northern Ireland was being finalised. I welcome the debate and the valued contributions from Members, who will understand that it is for my successor to consider the report's recommendations in more detail and to incorporate them into the Department's work as appropriate.

The report confirms the important and valuable contribution that museums make to the economic, social and cultural life of Northern Ireland. My Department's current public service agreements help to emphasise the value of museums at the highest levels of government in Northern Ireland. Our museums are vital for tourism and are a key driver of the Northern Ireland economy. Several of the Members who spoke previously highlighted that aspect of the importance of museums. National Museums runs four of the top 10 visitor attractions in Northern Ireland, and 10% of visitors to the Province visit a museum. Our museums welcome in excess of 1.5 million visitors each year, with 28% of those visitors from out of state. I note the Committee's findings that the museums sector contributes more than £16 million to the local economy, provides employment for almost 1,000 people and purchases services from local businesses, including small craft businesses.

I am pleased that the report recognises that the value of museums to Northern Ireland is much wider than can be expressed solely in monetary terms. Museums play a primary role as the custodians and conservers of our heritage. They protect the fundamentals of our history in perpetuity, and that is tremendously important. Their collections are then available for, among other things, inspiration, learning and enjoyment. Our museums, for example, contribute to education and lifelong learning through enhancing delivery of the curriculum, through providing inspirational learning experiences and through outreach work. Recommendations 6 and 12 are particularly relevant in that regard.

Museums are an important part of the overall process of positioning Northern Ireland as a forward-looking and progressive place, a place that people will want to visit and live in and a place for investment, with a rich past and a positive future. Museums can help to promote and enable creativity. Their artefacts, collections and programmes help develop new creative content, services and experiences. I am pleased that National Museums is running events throughout March as part of the recently launched "Creativity Month". That is very appropriate.

Good museums make an important contribution to a shared and better future for our entire community and society. That future is

based on the principles of equality, diversity, interdependence and mutual respect. Culture and identity are important facets of life in Northern Ireland. We have a diversity of culture of which we can be proud and that inspires interest around the world. As Mr Robinson said, it is a unique experience for visitors who come to Northern Ireland. Museums can help us to understand our diversity and our interdependencies. As such, they have an important role to play in creating a shared and better future for Northern Ireland, a point that Mr McCarthy raised. Collaboration between museums and communities can provide a vital role in understanding that shared history, heritage and culture.

I am also pleased that the report recognises the important role that improved partnership arrangements, whether at the highest departmental level or with arm's-length bodies, can play in enhancing the value of the museum sector. The Committee wants the museum sector to work co-operatively to improve data collection in Northern Ireland. That will allow the use of evaluation techniques to emphasise the value of our museums to society, and it is important that the techniques used are consistent across the museum sector. Given the breadth and variety of the museum sector in Northern Ireland, the work required to ensure that data are collected comprehensively and consistently should not be underestimated, nor will it necessarily be straightforward to select consistent tools to demonstrate the economic, social and cultural value of the museum sector. As Members are aware, the Department is already taking forward its own four-year economic and social research programme, which will address many of those issues. That programme will also assist with the implementation of museums policy.

The report draws attention to shortcomings in the currency and relevance of research data in the museum sector. I want to assure the House that my Department recognises that access to high-quality, up-to-date and relevant research is key to shaping and successfully delivering on its strategic priorities. To ensure that the link between evidence and policy development is strengthened, the Department has established a social and economic research and survey programme that aims to strengthen the available evidence base. The programme is managed by a research board and is jointly led by the head of economics and the head of

research and statistics. Those professional staff will have a key role in taking the programme forward. They will work with other bodies in the cultural sector in Northern Ireland, and the board will specify research issues, select projects, steer research and quality-control research outputs. Where appropriate, the programme will consider the recommendations in the report.

The museums policy was launched on 9 March 2011. Implementation of the policy has already started, and that will be an important mechanism for considering the recommendations in the report. I have always been keen that a clear framework be put in place for the long-term development of our museums. In fact, as a member of the Committee, I originally identified the need for a museums policy in 2008. The policy was developed by my officials in partnership with National Museums Northern Ireland and the Northern Ireland Museums Council, and I believe that it can contribute to increasing the impact and profile of the sector in Northern Ireland.

After consultation with the Committee for Culture, Arts and Leisure, the value and impact of museums was highlighted as the first section in the final policy. That emphasises the value of the sector in Northern Ireland. I am delighted that the Committee's report is complementary to the museums policy, and I thank the Committee again for its input throughout the policy's development process. Two of the goals set out in the museums policy are particularly relevant: to clarify how and what museums, both individually and collectively, contribute to local and central government objectives; and to gather up-to-date research on the sector in support of policy implementation and strategy development. Work on those goals during the policy implementation process will consider the recommendations in the report.

I want to pick up on a couple of issues raised by members of the Committee. In, perhaps, quite a folksy way, they served to show the affection that Committee members have for museums. I think that that reflects the wider affection for museums in Northern Ireland. I was reflecting on the fact that the greatest days of Ruby Murray were in the early and mid-1950s, and I am impressed that Ken Robinson can remember those days well and looks back on them as days that he very much enjoyed.

Therefore, to encourage him, the little museum in the Oh Yeah centre, in the centre of Belfast, includes a section on Ruby Murray, so he can be assured that the story of Ruby Murray is well covered in the telling of the story of Northern Ireland. I have no doubt that Mr McCarthy also looks back to those days with affection.

5.00 pm

I also noted his reference to the importance of "contextualising" our cultural diversity. It was an important word that he used. By way of example, of course, he referred to the way in which museums can help to contextualise the Orange celebrations for the many visitors who come to Northern Ireland in the month of July for those celebrations.

In fact, that touches on something that I highlighted some months ago about the importance of reflecting the culture of Northern Ireland, including the tradition that Mr Ken Robinson identified, inclusively and comprehensively in our museums. In fact, I think that I said that it should be done in an inclusive way, reflecting not only the Orange tradition but that of the Ancient Order of Hibernians so that the diversity, complexity, complementarity and all of the things that help to make a shared future, to which Mr McCarthy referred earlier, are reflected in the story of the museums. If they are to be shared spaces, they must be inclusive and comprehensive and reflect our diversity.

Mention was also made of our industrial heritage. It was the industrial heritage of the province of Ulster that made Northern Ireland what it is today in a whole range of ways. It impacted on us politically, socially, economically and even, in a sense, religiously. Therefore, there is a tremendously important area of our history that needs to be reflected in our museums in telling the story of our industrial past. There is an agreement across the board, across the House and across the Committee that inclusivity of representation in museums, a comprehensive approach and diversity are important principles.

Through the successful implementation of the museums policy, we can increase the impact and contribution of our museums by creating a more co-ordinated and sustainable sector. The museums policy is the vehicle through which the economic, social and cultural value and contribution of our museums can be further enhanced. That will enable this valuable sector

to maximise its impact on our society and help to create a shared and better future for all. I want our museums to harness their strengths and diversity, to maximise their resources and to support economic, social and cultural development in Northern Ireland. I welcome the report, and it is an important step in that process.

Mr Deputy Speaker: I call the Deputy Chairperson of the Committee for Culture, Arts and Leisure, Mr Barry McElduff, to wind up the debate.

The Chairperson of the Committee for Culture, Arts and Leisure (Mr McElduff): I thank Declan O'Loan, Deputy Chairperson of the Committee, for the role reversal on the motion and debate. He stepped in at short notice —

Mr Deputy Speaker: I apologise. I called you as the Deputy Chairperson. Mr McElduff is the Chairperson of the Committee.

The Chairperson of the Committee for Culture, Arts and Leisure: That was not my point at all. My point was to thank Declan for helping me by proposing the motion. It falls to me to wind it up. I apologise for my absence at the beginning of the debate. Sometimes, I pride myself on time management, but that did not seem to work on this occasion.

As Chairperson of the Committee, I reiterate the Committee's thanks to all who contributed to the inquiry, whether through written or oral evidence. I also thank the staff in the Assembly secretariat for their assistance during the review, particularly the Committee Clerk, Lucia Wilson; the Assistant Clerk, Emma Patton; and the team. I place on record my appreciation of the contribution that was made by the various organisations that submitted evidence. I thank the Hansard staff, who were very attentive to us in the inquiry. I also thank the Assembly's Research and Library Services, particularly Dr Dan Hull for his expertise. Whether from the museums sector, the heritage sector, academics or our Research and Library Services, the breadth of knowledge and research expertise that was made available to the Committee during the inquiry was invaluable and helped hugely in the preparation of our report. I trust that when they study the report, they will see their contributions reflected in it.

I am grateful to Members who contributed to the debate. In his opening remarks, the Deputy Chairperson, Declan O'Loan, referred

to the changed economic realities. During these hard times, we must be innovative in our approach and put our assets — in this case, our museums — to best use. There is huge untapped potential for museums to help to grow the tourism industry, which could be a vital source of income in future. Not only do museums benefit the economy, they contribute to wider society through lifelong learning and education, supporting the creative industries and providing an environment in which to explore and respect history and culture. However, the lack of understanding and acknowledgement of the museum sector sparked the need for the review to ensure that the museum sector is placed higher up the Government's agenda.

William Humphrey was the first Committee member to speak after the Deputy Chairperson. He stressed the importance of cultural tourism, saying that museums are a vehicle for the region to tell its own story. He also said that museums' socio-economic benefits are underestimated and that there is a need for greater collaboration between National Museums, the Museums Council, the Tourist Board and local councils in delivering a holistic approach to museums.

Pat Sheehan referred to lifelong learning and educational aspects. He said that museums are vital to the economy, education and the creative industries and that they provide a place where learning can be interactive. He said that quality museums need to be supported by quality research, and several Members made that point. He said that a research tool would ensure that the educational aspects of museums are more readily met.

Ken Robinson said that museums' work should not stand in isolation and should complement work in other areas, such as that of DETI and PRONI, all of which play their part in providing a clearer understanding of our history. He said that millions of people worldwide can trace their roots to this place. That point was also made by William Humphrey. Mr Robinson pointed to the tourism potential that goes with that. He said that more could be done to display our industrial heritage and that the Executive and DCAL could drive that work forward. He also said that that work should not be allowed to drift.

I believe that that might have been Ken's last speech in the Chamber, as he does not intend

to contest the next Assembly election. Is that correct?

Mr K Robinson: Yes.

The Chairperson of the Committee for Culture, Arts and Leisure: I would like to place on record the Committee's thanks to Ken Robinson as a valuable contributor to all aspects of the Committee's work over the past four years. As an educationalist, he often kept us right on grammar and such things as well.

Kieran McCarthy quantified the financial value of museums to the local economy; however, he said that more research was needed to refine that. He emphasised, as Kieran would, that museums are a shared space. He referred to the fact that there are 43 accredited museums in the region, more than two thirds of which have free admission. He asked for a more consistent and better-focused research approach to enable the museum sector to address any inconsistencies in other research that has already been undertaken.

Mr McCarthy: I congratulate Barry for being our Chairperson during the Assembly term. In fact, he has been Chairperson of the Committee for Culture, Arts and Leisure since 1998 and has performed that role very well.

Does the Chairperson agree that investment in the Ulster Museum has been a fantastic success and has created a real economic lifeline for museums in Northern Ireland?

The Chairperson of the Committee for Culture, Arts and Leisure: I absolutely agree with the Member that the Ulster Museum is a fantastic success. It has won many iconic awards, and it has been recognised as a museum that deserves such accolades. I congratulate the team that delivers services at the Ulster Museum.

I am appreciative of the fact that the Minister was present throughout the debate. In his contribution, he made sure that we were aware that his time in office is limited and that it will be up to the incoming Minister to address the recommendations. He emphasised the important economic and social impact of museums and described museums as a key driver in our economy. He made the point that four of our museums are in the top 10 visitor attractions in the region, thereby emphasising their importance to tourism. Like Kieran McCarthy, the Minister quantified the annual

benefit of museums to the wider community as £16 million.

The Minister is pleased that the report recognises the value of museums in much wider terms than simple economic terms. They provide inspiration and learning opportunities. He referred in particular to recommendations 6 and 12. He talked about museums promoting creativity, and he emphasised the role of museums in cultural diversity and a shared and better future. He also spoke of the collaboration that exists between museums and called for more such partnership working in the sector in the future.

The Minister gave commentary on research evaluation techniques, and said that they should be consistent. He also said that work to collect data should not be underestimated. He referred to how research should be progressed, and he said that recommendations should be looked at, where appropriate. I thank the Minister for his contribution, which I have not covered adequately.

Today represents the conclusion of the Committee's review into assessing the value and impact of museums. As we come to the end of this mandate, I hope, as do other Members, that it does not signal the conclusion of interest in this subject by a future CAL Committee. In that regard, the Committee recommends that the incoming Committee requests a response to the report from the incoming Minister of Culture, Arts and Leisure. It is another legacy issue.

We hope that the report has helped to highlight the contribution that museums do and can make to our society. We are calling on the Executive to take note of the importance of this sector and on the incoming Minister to draw on the expertise that exists in the sector to provide the means for focused research to be carried out on the value and impact of museums. Our museums sector deserves nothing less. I commend the report to the House and ask Members to support the motion.

Question put and agreed to.

Resolved:

That this Assembly approves the report of the Committee for Culture, Arts and Leisure [NIA 38/10/11R] on its review into the impact and value of museums in Northern Ireland.

Private Members' Business

Single Use Carrier Bags Bill: Final Stage

Mr McKay: I beg to move

That the Single Use Carrier Bags Bill [NIA 8/10] do now pass.

I do not wish to speak for too long, a Cheann Comhairle. I very much welcome the fact that we have reached the Final Stage of the Bill, and I am grateful to Members for approving accelerated passage and for their contributions during debates.

This marks the end of a process that was set in motion in the early part of the Assembly term when Cathal Boylan and I put forward a motion on the issue. That resulted in the Executive adopting a levy in their Budget proposals in December. The adoption of the proposal by the Executive last year meant that a number of the Bill's aims were met. The Bill was tailored accordingly, as the provisions in the Climate Change Act 2008 already allow the Department to do much of what was contained in my original Bill.

The Climate Change Act 2008 makes provision for a charge on single-use carrier bags, but it does not allow for proceeds to be paid to the Department. This Bill will ensure that that stream of revenue is created and channelled to the Department. Much of the implementation of the levy will be through regulations, which will give the Department adequate flexibility to put in place a system that works effectively and efficiently and which will ensure that the primary aim of plastic bag reduction is achieved and that any revenue generated goes towards the green new deal.

5.15 pm

I thank Members for their contributions to the debating of the Bill at each stage and look forward to the matter being progressed. I also look forward to each Member keeping their contribution short, as well.

Mr Weir: Obviously, the proposer of the Bill has thrown down the gauntlet and it will be up to all of us to meet that challenge to keep this relatively brief. I welcome the Bill as amended. As indicated, it is essentially enabling legislation. I will come on to what the next steps

are in a moment, but the broad thrust and philosophy behind this has been welcomed right across the House.

Some people drew a dichotomy between the revenue-raising side of things and the environmental impacts, and, indeed, there is a degree of see-sawing. The more we are able to drive down the number of plastic bags that are used, although that obviously has benefits from the environmental point of view, the more we will drive down the revenue. I am perhaps not as hung up on that as some people. I believe that, in many ways, it is a win-win situation. Whatever money is raised through this can be used by the Department of the Environment for environmental projects. Similarly, if we are able to use it to drive down the use of damaging bags, that is something to be welcomed. Whatever direction it ultimately goes in, in terms of its impact, there are benefits to Northern Ireland as a whole.

I think there was a need for the legislation to empower the Department, particularly with regard to making particular use of the Climate Change Act 2008. It is right that what we are left with is essentially enabling, because the meat of a lot of the implementation of it will be, as the proposer said, in the regulations. I am glad that the Minister has highlighted the fact that any future Environment Minister, when bringing forward those regulations, will have full levels of consultation, because there is a lot of importance in the detail of it.

It is important, in what is, generally speaking, a good idea, that we do not get unforeseen circumstances. To that end, for example, mention has been made of the widening of this in terms of the single use. When we talk about paper bags, we talk about a range of bags. The point has been clearly made that we do not want to see a situation where people try to obfuscate the legislation by simply moving to a different type of bag.

That said, when looking at the implementation we have to look at the potential impact on a range of industries throughout Northern Ireland. For example, we have to ensure that whatever is put in place is fair, not simply for the large consortiums and strings of shops across Northern Ireland, but for the small retailer, so that it does not become either an administrative burden or a major financial burden on those who are perhaps not able to afford it.

There are certain concerns around the widening and the introduction of paper bags. We need to make sure that, on a range of things, we do not have unforeseen circumstances. For example, I know that some medical supplies from pharmacies, for instance, are supplied in paper bags, sometimes to provide a degree of confidentiality to patients. It is important that we do not place an undue burden there. Similarly, if we are talking about unpackaged food, uncooked meat or fish, there will be a necessity for a degree of packaging. In particular, we need to take care that we do not place too much of a burden on takeaway food and hot food, for example.

Part of the argument is that, particularly when dealing with supermarkets, it is a tax that is, in many ways, avoidable in a lot of cases. For example, I have a bag for Lidl that I use when I am getting particular groceries. I see that that is leading to much amusement.

Mr Wells: Will the Member give way?

Mr Weir: I will be happy to give way. I suspect that the Member is some sort of avenging angel aiming to be the kiss of death of this Assembly by being the last Member to speak, as he has managed to do on several other occasions, but I will be happy to give way to the Member.

Mr Wells: The honourable Member refers to "Lidl", which may be how it is referred to in North Down, but I assure him that most ordinary folk call it "Lidl".

Mr Weir: The Member from South Down is obviously polishing up his act as a man of the people before the election. The point is that, for many of us doing any degree of shopping, we can take, if you like, a permanent bag, or something that will at least be there for a long period of time, and be able to avoid that.

For the takeaway food industry, that is not the case. Customers will not arrive at a hot food store with the same carton they used the previous day or week, and there will be some pressure on a number of those establishments as a result. We must ensure that whatever way the legislation is framed, either through cost or exemptions, we do not create something that, with the best will in the world, will impose an unavoidable cost on certain industries. There are health and safety implications for cooked and uncooked food that must also be borne in mind.

Companies such as McDonald's have done a great deal of good work in trying to provide containers that are as environmentally friendly as possible. However, we must ensure that, in minimising the amount of material used in packaging, we are careful to avoid cross-contamination. We must also ensure that there are no affordability issues for those who rely on that form of business, and that the charge is simply not just passed on to customers.

None of that negates the general thrust of the legislation. However, when we come to the consultation on the regulations, during which it will be important that all inputs are considered, we must ensure that there are no unforeseen circumstances. We must also ensure that the legislation is fully and properly introduced in a sensible way for all our industries and does not damage or impact badly on any one particular part.

(Mr Speaker in the Chair)

With those reservations, I commend this piece of enabling legislation to the House. I look forward to the debates that will take place in our society on the implementation of the Bill and on the regulations that are vital to its implementation.

Mr Kinahan: Some people have strange ideas of what brief means. I welcome the opportunity to speak on the Bill today and the fact that it is enabling legislation, metamorphized from something completely different when it started. The Ulster Unionist Party wants to see the Bill in place protecting the environment, as was its original aim. It also wants to see it in place to raise the funds necessary to finance the protection of the environment, and to take action on rivers, marine habitats and other environmental issues. The party wants the Bill to succeed.

However, the UUP also wants to ensure that the Bill is implemented in the correct way. Perhaps we should revisit the Danish system that was mentioned in Committee, whereby a company buys its bags in bulk and spreads the cost, including the levy, throughout everything in the store. We must learn a great deal more before we make decisions. We must also ensure that consultation with the industry is thorough, so that the unavoidable costs that Mr Weir referred to are examined in detail, and so we can make the right decisions to suit the whole of Northern Ireland. We also need to look at the environmental issues, and whether people move

to black bin bags, cloth bags or other forms of bag, to ensure that we make the right decision.

I was against the Bill's accelerated passage, but, because it has become an enabling Bill, that opposition is irrelevant. The Ulster Unionist Party supports the Bill, wants it to succeed and it looks forward to seeing it in the next Assembly.

Mr Lyttle: I also support the enabling legislation before the House. The Alliance Party is a firm supporter of the principle of environmental protection and of any legislation that will encourage the greater reuse and reduction of plastic bags. The Alliance Party is also on record as opposing accelerated passage of the Bill. I shared concerns that full consultation had been blocked by the DUP and Sinn Féin, but, as mentioned, we have received reassurances and commitments that appropriate consultation will be carried out prior to regulations being made.

It is important to restate that one of the reasons why a similar policy in the Republic of Ireland worked so well was because there was full and proper consultation with the public. The Alliance Party looks forward to that consultation occurring here.

I note that my colleague from North Down raised the issue of paper bags. I imagine that most Members have received correspondence raising concerns about paper bags being used for loose fruit, vegetables and uncooked meats. I am just wondering whether this is the final nail in the coffin of the 10p mix-up, but I am sure that we can find regulations to exempt that from these provisions.

Notwithstanding our objections to the fact that the Bill was granted accelerated passage, I welcome the enablement of important provisions of the Climate Change Act 2008. I also look forward to full and proper consultation, which has so far been refused, before the detailed regulations are brought forward.

Mr Ross: It is a pleasure to make what will be my last contribution in this mandate. Of course, I hope that I am back in the next mandate, but that is up to the people of East Antrim. I certainly would like to be back to look at the implications of this Bill and to ensure that it will work in the way that has been planned.

This is the last day of the current mandate, and that casts my mind back to the beginning of the

mandate, which began with the death of one of the Members of the House, my predecessor, George Dawson. I paid tribute to him in my maiden speech, and I do so again in my final contribution in this mandate. I know that George was a keen spokesperson on the environment, and he would have made a significant contribution over the four years of this term. I also think that he would have been very pleased that we had our full four-year term.

It is an historic moment. I heard other Members say that throughout the day, but it is significant. Not many people gave this House a chance four years ago, and it is fitting that we finish not on a moment or crisis, with a debate about suspension or with people walking out but on a piece of ordinary business that was brought through the House by a Member of the House.

I was sceptical about elements of the Bill, and I had questions about its implementation elements. I said in jest earlier that this was the Bill formerly known as the plastic bag tax. It is rare that we have a Bill that changes its name during its passage. However, this Bill has also changed its entire content. As my colleague Mr Weir said, at this stage, it is simple enabling legislation that will allow regulations to be introduced in a future mandate.

Some of my concerns have been addressed by the fact that we now have a pledge from the Environment Minister and officials that there will be a full consultation when regulations to raise a plastic bag tax are introduced. It is important for the retail sector to have the opportunity to give evidence to Committees, and it is important for members to be able to scrutinise the legislation at Committee Stage. I look forward to that happening. When that consultation takes place, it will also be important, as Mr Weir said, that we look at whether there should be certain regulations or exemptions for particular types of bags or industries. I know that other Members mentioned that, and I think it was Mr Lyttle who spoke about practice in chemists in the past, and that is important.

It is also important to ensure that, if we introduce this legislation, it is not about just tax-raising or revenue-raising powers. If it is seriously about saving the environment and reducing plastic bag use, we need to look in detail at experiences elsewhere. Other Members said that the Irish Republic was a huge success, but I think that there is evidence to suggest that

one type of plastic bag was simply replaced with another and that the type of plastic bag that replaced the carrier bag was actually worse for the environment.

Those are issues that we will need to look into in great detail when the House returns to this issue in a future mandate and when we look at bringing forward regulations and exemptions. However, the Bill is simple paving or enabling legislation, and I am more than content to let it go.

The Minister of the Environment (Mr Poots):

I do not propose to detain Members much longer. A broad range of issues was raised and, I believe, resolved during the Bill's accelerated passage. Consideration Stage saw the removal of all the detailed provisions in the original Bill. The specific role for councils is gone; the specific charge of 15p a bag is gone; the offences and penalties are gone; and the scope of the legislation has been extended from single-use plastic bags to single-use carrier bags.

All that detail was replaced by a single clause. My Department will be able to use that provision alongside the powers that are already available under the Climate Change Act 2008 to implement the Executive's decision to introduce a bag levy. I believe that that is a much more practical and, indeed, sensible approach. Importantly, the Bill will now provide sufficient flexibility to identify various options for implementation, arrange full public consultation and finalise policy direction and to legislate for that approach. That is the proper order of things.

5.30 pm

Mr McKay: Go raibh maith agat, a Cheann Comhairle. I thank Members for being as brief as possible, although Peter obviously has a different definition of brief to the rest of us. I will try to keep my remarks as short as possible.

The Member for North Down Peter Weir started by saying that this can be a win-win situation, and I broadly agreed with much of what he said. The primary aim of the legislation is to reduce the use of plastic bags. The Bill is primarily about the environment; the revenue generated is a secondary consequence, and we should avail ourselves of that in the best way that we can. He also said that the meat of the Bill will be in the regulations and that it is important that we do not have unforeseen circumstances. He also referred to the need for exemptions, as did Alastair Ross, and I totally agree that we

should have exemptions for meat and certain unpackaged foods. There are some concerns in the retail industry about that and what the exemptions will be, and we need to allay those concerns through this process.

Danny Kinahan outlined the position of the Ulster Unionist Party and said that it wants the Bill to be in place, raising funds and protecting the environment.

Chris Lyttle looked forward to the further consultation process over the next couple of years.

Alastair Ross had concerns about the Bill and was one of the most vociferous critics of the legislation and the original proposals. He has every right to be critical and to ensure that we get the legislation right.

The debate has been positive, which is welcome after this four-year period of the Assembly. Before I finish, I thank all those who assisted me with the Bill: the Bill Office, the Business Office, the Assembly Research and Library Service, the Minister and departmental officials. I thank all the members of staff of the Assembly, who have been diligent in their work and have never let me or any Members of my party down. That is something that I want to put on record.

I also thank members of the public and businesses who have contacted our office in support of the Bill for environmental reasons. Although a number of businesses raised some concerns about the levy, a lot of businesses have contacted us in support of it and have recognised that there are potential savings from not having to purchase thousands of bags to hand out to members of the public.

I speak for all Members in thanking you for how you have performed in your role as Cheann Comhairle over the past four years. I do not think that anybody in the Chamber can argue that you have not done a good job; you have been fair on all occasions and have not been hesitant to shout down any Member, which is to be welcomed. You have set a very good example.

Before we are evicted from the House, I commend all Members for playing their part in moving this society and politics in general forward over the past four years and I look forward to that work being built upon in the new term.

Mr Wells: Will the Member give way?

Mr McKay: I will.

Mr Speaker: This is a tradition for you, Mr Wells.

Mr Wells: It has been a custom over the past 30 years for me to be the last Member to speak on the last day of the Assembly. I am absolutely delighted that Mr McKay has given me the opportunity to speak, because it has saved me trying to make a bogus point of order, which, no doubt, would have been ruled as being completely out of order.

As someone who has been a Back-Bencher for many years and is destined to remain one perpetually, I thank you, Mr Speaker, on behalf of the Back-Benchers, for your performance as Speaker over the past four years. I agree with Mr McKay, which concerns me greatly, that you have been utterly fair in the way that you have dealt with the sometimes hectic proceedings in this House. I also pay tribute to your deputies: Mr Dallat, Mr McClarty and, of course, Mr Molloy.

I have had the privilege of sitting in the Chair as Deputy Speaker, and I know how difficult a position it is. Mr Speaker, am I right in thinking that you have not thrown anybody out in four years, or have you thrown one Member out?

A Member: One.

Mr Wells: If you have thrown out only one Member in four years, that is remarkable. As someone who was thrown out of this august Chamber, I paid the penalty. Not only was I thrown out of the Building, I was escorted to the gates of the precincts, excluded for a day and told that I would lose a day's pay. However, when I checked, that day's pay was never deducted. Therefore, I am glad to say that I did not lose anything financially.

Seriously, Mr Speaker, I congratulate you and your deputies on your performance. Normally, my speaking on the last day is an indication that the Assembly is doomed and about to crash around our ears. I was last to speak in the Assembly before its collapse in 1976. I was the last Member to speak before it collapsed in 1986, and I was the last person in the Building before it burned down in 1995, although I was not responsible for that particular event. My being the albatross around the neck of this Building has had its problems in the past. However, whether I come back or not, I am confident that, despite my speaking last, the Assembly has

proved itself in the furnace over the past four years and has a very bright future indeed.

Mr Weir: On a point of order, Mr Speaker. *[Laughter.]* I do not disagree with anything that the previous Member said, but I am making a desperate attempt to break the jinx that Mr Wells seems to have held over this place for about 35 years. Will you rule on whether that was a genuine intervention, because it seemed to have little to do with the Bill?

Mr McKay: I thank the Member for his intervention. Go raibh maith agat, Jim.

Mr Speaker: Order. Thank you very much to Members on all sides of the House for your kind words this morning and this afternoon. I genuinely mean that.

Question put and agreed to.

Resolved:

That the Single Use Carrier Bags Bill [NIA 8/10] do now pass.

Adjourned at 5.37 pm.

Written Ministerial Statements

The content of these written ministerial statements is as received at the time from the Ministers. It has not been subject to the official reporting (Hansard) process.

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Social Development

<http://www.dsdni.gov.uk/index/ssa/sbr/sbr-publications.htm>).

Social Security Agency: Customer First Evaluation Decision and Commencement of Roll-out

I am grateful to all who contributed to the success of this initiative.

Published at 4.00pm on Wednesday 9 March 2011

The Minister for Social Development

(Mr Attwood): I wish to update the Assembly on the outcome of the Social Security Agency's Customer First Pilot in North District, Evaluation and commencement of roll-out.

Members will recall that the Customer First initiative had been brought forward by my predecessor, Margaret Ritchie and that a pilot of the proposed changes has been operational in a number of SSA local offices for almost 12 months now. During that time a robust evaluation has been carried out. I have given the outcomes of this careful consideration and today I can confirm and report to the Assembly that the evaluation report has concluded that from an Equality perspective no differential impacts for any of the S75 groupings have been identified for either customers or staff as a result of the new service delivery arrangements. Indeed, it is my view that this initiative is proven to deliver service improvements.

Therefore today, I am agreeing with the positive Evaluation report and have accepted the Agency's recommendation to proceed with roll-out commencing with the Agency's Belfast West and Lisburn District. The implementation arrangements for these offices and rollout to other areas will now be an operational matter for the Agency and further details will be available from them shortly.

Full details of the outcomes of the Evaluation can be found in the Customer First Evaluation Report (the report can be accessed at:

Regional Development

Review of the Regional Transportation Strategy – Consultation

Published at 10.00 am on Tuesday 15 March 2011

The Minister for Regional Development

(Mr Murphy): I am pleased to inform Assembly members that consultation on the revised Regional Transportation Strategy will commence on 16 March 2011 for 15 weeks.

The current Regional Transportation Strategy 2002-12 was successful in securing high levels of public funding to improve our transportation infrastructure. However the speed and direction of change in society has prompted the need for review. The increase in population and vehicles has placed significant pressures on our transportation networks coupled with fiscal constraints and the need to reduce our environmental impacts.

The revised Strategy will seek to build on what has been achieved and summarises where we are at present in transportation terms. It sets out a range of objectives that we want to achieve and proposes how to get there. The revised Strategy emphasises the need to concentrate on moving people rather than vehicles, creating space on the networks for people and also for freight and on maintaining what is in place and using it in a smarter way.

The revised Strategy is different from the current strategy in that it is not constructed on schemes and projects. Rather it sets out the High Level Aims and the Strategic Objectives for transport in the region that should form the basis for future decision-making about funding priorities. At its core is a move towards greater sustainability which will contribute positively to growing the economy, improving the quality of life for all and reducing the transport impacts on the environment.

High Level Aims:

- A. Support the Growth of the Economy
- B. Enhance the quality of life for all
- C. Reduce the Environmental Impact of Transport

Strategic Objectives

- A. Support the Growth of the Economy
 - 1: Improve connectivity within the region

- 2: More efficiently use roads and railways
- 3: Better maintain transport infrastructure
- 4: Improve access in our towns and cities
- 5: Improve access in rural areas
- 6: Improve connections to key tourism sites

B. Enhance the quality of life for all

- 7: Improve Safety
- 8: Improve Social Inclusion
- 9: Develop transport programmes with the user in mind

C. Reduce the Environmental Impact of Transport

- 10: Reduce Green House Gas Emissions from transport
- 11: Protect biodiversity
- 12: Reduce noise and air pollution

The Consultation document and associated Equality Impact Assessment are available in the Assembly library, on the Department's website www.drdni.gov.uk/rts/ or by contacting:

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Office of the First Minister and deputy First Minister

Executive Response to the Independent Review of the Dioxin Incident

Published on Friday 18 March 2011

The First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness): We wish to inform Assembly Members of the Executive's response to the "Independent Review of the Dioxin Incident in Northern Ireland, December 2008".

The Independent Review, undertaken by Mr Kenneth J MacKenzie CB, was published on 13 September 2010. The Review set out a number of recommendations which the relevant Ministers and key stakeholders have now considered in detail. The response to the Review was considered by the Executive at its meeting on 10 March 2011.

The Executive noted the broad welcome for Mr MacKenzie's Report and a shared sense that he had consulted widely and reflected the views expressed by all parties in a balanced way so that the lessons could be learned and procedures improved, where necessary.

A significant amount has been learnt from the dioxin incident and considerable work has taken place by the relevant Departments and the Food Standards Agency over the last two years to put this learning into practice.

The Executive accepted 16 of the 17 recommendations in the Report in full. One recommendation, number 16, has been accepted in part because it would be for the Food and Feed Incident Management Group (rather than OFMDFM) to ensure that the emergency plans and communication protocols are developed and fully rehearsed.

In considering its response to the Report, the Executive emphasised the importance of effective cross-organisational working in preventing a similar incident and, if such an incident were to occur, in dealing with it effectively. This includes the need for effective joint working between the Food Standards Agency and the NI Departments and Agencies as well as between the Food Standards Agency and the Food Safety Authority of Ireland.

The Executive agreed that, building on the lessons learned and progress to date, work will now

be taken forward by the relevant Departments and organisations to implement the remaining actions flowing from the recommendations to ensure preparedness for handling any such incident in the future.

The Report is available for viewing in the Assembly Library or on the OFMDFM website at <http://www.ofmdfmni.gov.uk/index/making-government-work/making-government-work-independent-reviews-and-reports.htm>

Enterprise, Trade and Investment

Independent Review of Economic Policy (IREP)

*Published at 12.00 noon on
Monday 21 March, 2011*

The Minister of Enterprise, Trade and Investment (Mrs Foster): I wish to update the Assembly on the progress that has been made in implementing those recommendations stemming from the Independent Review of Economic Policy.

A successful economy is vital for the future prosperity of everyone in Northern Ireland. The Executive took the important step of making the economy the top priority in the Programme for Government.

In that context, I commissioned, in December 2008, an independent review to assess the policies of my department and to determine whether they were sufficient to help to deliver the productivity goal contained in the Programme for Government. The panel, chaired by Professor Richard Barnett, reported to me on 29 September 2009, and I announced to the Assembly in January last year how I proposed to address the 58 recommendations contained within the report.

Until the recession, the Northern Ireland economy had enjoyed some success with increasing employment, although, as the Programme for Government recognises, raising our employment rate remains a key economic goal. However, the IREP report rightly considered that raising productivity and living standards was our main medium to longer term economic challenge, and it set out steps which we could take to deliver this.

However, in taking forward the recommendations, it was equally important for me to consider the significant impact of the recession, the full scale of which was only apparent during 2010. For example, the number of employee jobs has fallen by 40,600 since its peak in June 2008. Unemployment as measured by claimant count has increased by 129.1% during this time. In addition, some key sectors of the economy have experienced significant declines in output as a result of the downturn.

This has brought new challenges to me as Enterprise Minister and to the wider Executive. Indeed, the IREP report recognised the need to

provide short-term support for the economy in response to the global downturn and we have taken action in this regard, not least in terms of the £15m Short Term Aid Scheme which provided eligible businesses with financial assistance during the downturn. In addition, as part of the recent budget settlement, we will be moving ahead with the £19m Short Term Employment Scheme which has set a target to promote 5000 jobs between 2011 and 2015, with approximately 4000 jobs to be created by March 2014. Support will be concentrated on a range of sectors and programmes and will include:

- Support for new business starts by residents of Neighbourhood Renewal Areas & disadvantaged young people;
- Broader support for social enterprises;
- A new programme to accelerate business growth; and
- Employment support to specifically create new jobs in the Contact Centre, Knowledge Process Outsourcing and Food Processing sectors.

The IREP report stressed the importance of taking action to rebalance the Northern Ireland economy towards more value-added activities over the medium to long term. It is within this area that the majority of recommendations were made and this statement outlines the progress we have made. I am pleased to report that many of the recommendations have already been implemented and there is a clear action plan to implement others, particularly as part of the ongoing work on the economic strategy.

This statement highlights to the Assembly the most significant achievements which have been made to date. I attach, to this statement, a table which details the progress which has been made with respect to each of the recommendations contained within the IREP report.

The report made recommendations in relation to policy development and also to governance structures and processes. A successful economy is ultimately the responsibility of the private sector as it is successful companies and organisations which produce wealth. However, to deliver growth it is imperative that we have in place the appropriate policies and initiatives that will support businesses. Such policies are not just for my department. Many, if not all, of the departments around the Executive

table, have a role to play in ensuring we have a prosperous economy.

One of the most significant recommendations in the report was the proposal that there should be a single Department of the Economy which would cover the core economic functions of DETI and Department for Employment and Learning. As I indicated in my statement in January last year, I support this and submitted a paper to the Executive which proposed that this issue needs to be considered as part of the planned review of Strand One Institutions.

While the Executive agreed with this proposal, it also recognised the need to take the interim steps that were suggested by the IREP panel to improve the structures for the co-ordination of economic policy. Central to this has been the establishment of a sub-committee of the Executive to prioritise cross-departmental action on the economy. I chair this committee which includes those Ministers from DEL, DRD, DFP, DE and the Junior Ministers from OFMDFM.

The IREP panel suggested that the subcommittee should take forward the development of an economic strategy that builds on the findings of the review and produces a single overarching economic strategy that aligns with and helps to shape other Executive strategies. Since its establishment, the primary focus of the sub-committee has been on progressing an initial consultation document which outlines a proposed framework for economic growth.

The consultation paper, Priorities for Sustainable Growth and Prosperity was launched on 13 January and closed at the end of last month. My officials are currently assessing the more than 60 responses.

The proposed economic framework for growth recognises the twin challenges facing the Northern Ireland economy. Firstly, the need to take immediate action to rebuild the labour market in the aftermath of the recession and secondly the importance of taking action to rebalance the economy towards higher value added activity in longer term, which was at the heart of the IREP report.

One of the reasons why we have only initially consulted on a framework for growth, rather than a full strategy, was recognition that the UK Government also needs to provide its own help in growing the economy.

We continue to press for policy levers that would help with the twin goals outlined in the economic framework. While this area was not within the remit of IREP, the Panel did express a view that “a reduced rate of corporation tax would improve NI’s value proposition” and that “a lower corporation tax rate could significantly boost value added FDI flows into NI”. In that regard, our officials have been working with their counterparts in HM Treasury and the NIO on the Government’s consultation paper on mechanisms to rebalance the economy through the tax system. The paper is very close to being finalised and will be launched very soon, perhaps even later this week.

To support development of the new economic strategy, and also to address one of the IREP recommendations, I have set up a new Economic Advisory Group to provide me with independent economic advice. The new group was established in May 2010 and I was delighted that Kate Barker, a former member of the Bank of England’s Monetary Policy Committee, agreed to serve as chair. The Group brings together experts in the fields of business, skills and economics.

Economic development is not just the responsibility of my department. In the context of working together on the economy, the IREP report also recommended that DETI, DEL and Invest NI should work together to more effectively implement their liaison arrangements and I am encouraged to report significant progress in this area.

In my January 2010 statement, I outlined that, as part of the incentive to attract new investments and expansions in Northern Ireland, Invest NI and DEL would be taking forward a pilot programme to offer a skilled workforce tailored to the specific needs of companies. Since then, Invest NI and DEL have identified fifteen pilot projects and, along with the Employment Minister, we recently announced the first inward investor to benefit from this approach - Heritage Administration Services Limited who will establish a fund services operation in Belfast, which could create up to 46 high quality jobs.

This is a very exciting initiative to deliver a seamless approach to companies and early feedback has been encouraging. The pilot is currently being evaluated and I look forward to hearing the outcome of that evaluation in due course.

Central to the IREP report were the recommendations which related to specific

areas of policy. In order to concentrate more on policy development, the IREP report recommended that my Department should undertake an internal review of its structures with a view to ensuring that the core functions of strategic policy development and performance monitoring should be brought together.

The panel also pointed to the need for more of my Department's resources to be made available for its core policy analysis and development function.

Since I announced my response to the IREP report last January, I can report that the Permanent Secretary of my Department has completed an internal review of DETI's structures. As a result of this work a number of structural changes will be implemented from 1 April 2011. In conjunction with a programme of process improvements and new ways of working, these changes will sharpen & strengthen the policy focus of the Department; facilitate more flexible deployment of resources and clarify roles/responsibilities within the Department especially in relation to NDPB oversight.

The IREP panel drew on the substantial body of evidence which suggested that innovation should be considered as the primary productivity driver for a regional economy such as Northern Ireland. In particular, the report recognised that innovation would be critical if local firms are to maintain and improve their competitiveness in export markets. Specifically the report recommended, and I accepted, that a number of industry-led innovation communities, as suggested in the MATRIX report, should be developed to bring together business, academia and Government to exploit available market opportunities.

Substantial progress has been made in this area. Invest NI's Collaborative Networks Team has established a competitive call to stimulate the development of such communities in priority areas for the NI economy. A coherent and sustainable system for supporting them is now being finalised and it brings together the work of MATRIX, Invest NI, the NI Science Park (Connect Programme) and the Strategic Investment Board. The first true industry-led innovation community - the Global Maritime Alliance - was announced on 17 June last year, six months ahead of MATRIX's planned schedule.

The growth and development of companies is critically important if our economy is to prosper

and Invest NI has a critical role to play in this. The IREP report made a number of important recommendations about how Invest NI could better assist companies. One of the key issues raised by the review panel was a concern that Invest NI support was not available for a large section of businesses in Northern Ireland. The panel therefore recommended that the concept of Invest NI "clients" should be removed to allow Invest NI to work with the entire business base in Northern Ireland to provide support for innovation, research and development, and export growth.

In reflecting on that recommendation, I recognise that Invest NI did provide support to the wider business base through many initiatives but support was delivered on a programme-by-programme basis which can result in a fragmented approach. I also noted that, in many cases, the 'client' approach was necessary given the need for Invest NI to maintain an ongoing relationship with certain companies where investments span a number of years.

I therefore asked the Invest NI Chief Executive to bring forward proposals to increase innovation and export growth across a much wider business base than was the case at that time. I have recently agreed the resulting proposals which will see Invest NI move from an exclusive client focused approach to a new partnership approach working with a wider range of businesses to achieve export-focused growth. It will do this by delivering a differentiated service to each segment of the market.

This approach envisages three key elements.

- Firstly, the provision of information and advice to all businesses through the web based business portal, nibusinessinfo.co.uk which will be supported by an advisory centre, with regional points of presence throughout Northern Ireland.
- Secondly, it will provide market development and capability support to help companies grow their business and move into new markets; these services will be offered through a mix of seminars, workshops and standardised solutions.
- Thirdly, Invest NI will give tailored support to companies who are assessed as being likely to make the greatest contribution to meeting future targets for productivity,

innovation and export growth in Northern Ireland.

This model will be based on companies' future contribution to the economy. It will be a dynamic, flexible approach which will allow companies to move between segments in order to reflect changing circumstances. A key priority will be how we support more companies to grow into businesses of scale.

While a standard level of service will be offered to all companies, Invest NI's resources and funding will be weighted towards those segments which can offer the greatest potential to deliver export-focused growth.

This is an innovative proposal which will allow Invest NI to work – directly or indirectly - across a much wider business base than it has to date.

Implementation of this change presents a significant challenge and Invest NI is preparing a detailed business and action plan to identify all of the activities, resources and timelines to deliver it. The proposal impacts on the current organisation structure of Invest NI and the development of a re-organisation plan, including setting up a Small Business Unit.

In adopting this approach, I want Invest NI to act as an enabler and catalyst to add value to the Northern Ireland economy. But the services proposed cannot, or should not, be delivered solely by Invest NI. Rather, Invest NI will renew and strengthen its partnership approach with the District Councils, other departments and potential providers to deliver an efficient and integrated approach which removes duplication.

The IREP report made a number of recommendations which cover the actual financial assistance that DETI and Invest NI provides to industry. One key issue at the heart of the report was the view that there needed to be an accelerated shift towards support for commercially exploitable innovation and R&D. Investment in this area is recognised as the key long-term driver of productivity growth and company success.

While I fully accepted the analysis of the IREP panel with regard to the need to channel greater levels of resources towards supporting investments in R&D and innovation, I did recognise that there have been substantial advances in this area.

Invest NI had already taken action to skew resources towards innovation and R&D support, to the extent that, over the period of its current Corporate Plan, Invest NI anticipates having supported total investment in innovation of some £320m, which is almost three times more than its target of £120m. This is delivering results.

For example, the most recently available figures for R&D show that, in 2009, business expenditure on R&D increased by £139.8million (76%) to £323.7million – the highest level on record in Northern Ireland. This is extremely encouraging, especially in a time of recession.

However, while the need to encourage yet higher levels of investment in innovation will be critical, I also recognised that, at a time of rising unemployment, there would remain a very real requirement to support employment in the short term. With that in mind, Invest NI has developed proposals as to how we should best be using Selective Financial Assistance up until 2013.

Invest NI has introduced an early stage assessment tool whereby all projects that would be supported by Selective Financial Assistance will be assessed at the outset against an Employment / Productivity matrix.

In a constrained financial environment, Invest NI will prioritise support towards "High Productivity" projects, in line with PSA1. However, recognising that increase and protection of the employment base remains a priority, those projects that deliver against PSA3 may also be attractive, with key considerations being the quality and scale of employment and location of project. Invest NI is also using this tool to assess competing projects and determine the best use of limited resources.

However, in these difficult times, it is also clear that jobs are vitally important. That is why, under the proposed framework for growth, resources will be devoted by Invest NI to both the rebuilding and rebalancing themes. However, I am equally clear that as the economy strengthens, then Invest NI resources should be directed more and more toward the rebalancing agenda.

The ability to use Selective Financial Assistance to encourage high quality inward investment, has made an important contribution to growing the value of our private sector and it is my view that Selective Financial Assistance still has a role to play in contributing to the rebuilding and rebalancing of the wider NI economy. Some

recent independent studies have revealed that Belfast has become the UK's second most attractive city (after London) for foreign direct investment, particularly in the technology and financial services sectors. This has been reflected in the quality of projects we are now winning. Over the last three years, average salaries from new inward investments increasing by over 17%, whilst the cost of securing each job has reduced by 16%. This would not be possible without the ability to attract companies using Selective Financial Assistance.

I recognise that changes have already been made to the Regional Aid guidelines from 2011 but I would seek to reassure members and the wider business community that the Executive continues to work to ensure the best possible outcome for Northern Ireland in terms of further amendments to Regional Aid guidelines that may be made post 2013.

The IREP report also challenged Invest NI to work to significantly reduce the number of its support programmes noting that with over 80 programmes, support was considered unnecessarily complex. As part of the implementation of IREP, I asked the Chief Executive of Invest NI to review the number and breadth of the programmes on offer.

Invest NI has completed this work. It has introduced a new approach and has now reduced this complex product portfolio from 80 programmes to a set of 21 solutions, grouped under five themes.

The new framework covers all aspects of business support such as start-ups, R&D, export support, and the supply chain and is presented in a simple, easy to understand format. This is a significant change as to how Invest NI operates. To support this, it has just completed an extensive training programme involving some 400 members of staff to introduce the new approach.

The IREP report also recommended changes to Invest NI's support for exports and exporting firms. In response, Invest NI has launched a new fee-paying structure for selected export services from March 2010, and will develop further proposals, as appropriate, for enhancing this important area.

One of the IREP recommendations which I did not accept was the panel's view that, aside from those funds designed to support seed and

early stage projects, Invest NI should disengage in its direct involvement in venture capital funds. Companies need finance and, whilst we recognise the difficulties banks might have in trying to meet new capital ratios, many will share my view that banks could do more to help local firms.

I would like to see more companies avail of opportunities to access other sources of finance and recent evaluation evidence confirmed a continuing equity gap in Northern Ireland covering seed and development stage investments with deal sizes up to £2m. In response, Invest NI has developed an Access to Capital strategy and is currently in the process of recruiting managers to run a £16m Co-investment Fund and a £30m Development Fund. These will fill a gap in the local venture capital market and ensure that early stage companies do not suffer from lack of investment.

The IREP report covered not only support given by Invest NI, but also commented on how it operated. A criticism often levelled at DETI and Invest NI, was that the governance and accountability framework remained too complex and time-consuming and that it impeded Invest NI's responsiveness. IREP recommended that the organisation should be given more freedom to operate and increased delegated authority in terms of project expenditure. I am pleased to report that a new framework for Delegated Authority Limits was agreed between Invest NI, DETI and DFP, and became operational from 1st July 2010.

These changes mean that the Invest NI Board has, for the first time, absolute decision-making authority for investment decisions, and on top of that has the ability to approve expenditure up to £3 million for projects supported by Selective Financial Assistance and £6 million for all other projects without recourse to me as Minister. The Chief Executive also has a much greater level of decision making and accountability for major investments and in order to underpin the new delegation framework Invest NI has also introduced a simplified internal project casework approval process for all investments above £50,000.

Since the introduction of the new delegated limits, I am pleased to report that at a time when the number of projects over £1m has almost doubled, Invest NI has been able to

deliver a 15% efficiency in average processing times.

I can also confirm that DETI and Invest NI have agreed the broad mechanisms for future reporting on Invest NI's strategic performance. This will be taken forward in the next financial year, when the Department will report on Invest NI's performance against its corporate plan objectives.

In closing, I am pleased to report that considerable progress has been made over the last year. Many of the key recommendations of the IREP panel have already been implemented and the strategic policy direction set by the panel has influenced the thinking of the Executive sub-committee on the economy as it has been developing a new Economic Strategy for Northern Ireland.

The last Programme for Government made the economy the Executive's number one priority. The action my Department and others have taken over the last year to address the recommendations of the IREP panel has underlined this commitment. As we move to develop a new Economic Strategy and Programme for Government it is imperative that the economy remains the key focus of the Executive and we build on what has been achieved to date.

Progress on List of Recommendations

Economy Remain Top Priority of Executive

The Executive has decided to defer publication of a new PfG until after the election, although preparatory work at an official level is ongoing.

The Executive Sub-committee on the Economy has agreed a broad framework for a new economic strategy which will include measures to support the local economy as it emerges from recession, as well as ensuring that it can take full advantage of the economic recovery.

On 13 January 2011, and on behalf of the Northern Ireland Executive Sub-committee on the Economy, Enterprise Minister Arlene Foster launched an initial 6 week consultation on the priorities for a new economic strategy for Northern Ireland.

The priorities identified in the developing NI Economic Strategy will determine the

economic priorities of the new Programme For Government.

Create a Single Department of the Economy

A Ministerial Paper, which sought Executive agreement to consider this issue in the context of the review of Strand one institutions, was agreed by the Executive on 15 April 2010.

There are no immediate plans to create a new department. The Panel (to conduct the review of Strand One institutions) has not yet been appointed but is among the matters to be covered by the draft report which is being prepared for consideration and agreement of the St Andrews Agreement Working Group established under the Hillsborough Castle Agreement.

Establish a Sub-Committee on the Economy

On 15 April 2010, the Executive agreed to establish a Sub-Committee on the economy, comprising lead departments involved in economic development policy on 15 April 2010. The DETI Minister chairs the committee which includes those Ministers from DEL, DRD, DFP, DE and the Junior Ministers from OFMDFM.

The Sub-committee has met on several occasions since with the main focus being the development of a new Economic Strategy for Northern Ireland.

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Sub-Committee to Agree an Economic Strategy

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On 13 January 2011, and on behalf of the Northern Ireland Executive Sub-committee on the Economy, Enterprise Minister Arlene Foster

launched an initial 6 week consultation on the priorities for a new economic strategy for Northern Ireland.

The consultation, entitled, 'Priorities for Sustainable Growth and Prosperity, 'is the first of a two stage approach to the development of the strategy. This approach has been adopted as the outcome of the UK Government exercise into rebalancing the Northern Ireland economy has the potential to significantly influence the content of the economic strategy.

Remove Concept of Invest NI 'Clients'

Invest NI has developed a proposal to service the wider business base through a tiered and segmented approach working in partnership across the business support network. This will enable Invest NI to work – directly and indirectly – across the whole private sector business base.

The market segmentation approach envisages three key elements:

- the provision of information and advice to all businesses;
- market development and capability support to help companies grow their business and move into new markets; and
- tailored support to companies who are assessed as having the ability to make the greatest contribution to meeting future targets for productivity, innovation and export growth in Northern Ireland.

The new approach will be reflected in Invest NI's next Corporate Plan.

Invest NI Reduce Number of Support Programmes

Invest NI has developed a new customer solutions framework to communicate its support to businesses. The framework is comprised of 21 solutions which are grouped under five themes covering the total breadth of Invest NI support from start-ups, capability development to R&D and export support.

Invest NI staff have received training support on the new solutions framework and the plan is to launch the new framework externally in May 2011.

The new approach will be reflected in Invest NI's next Corporate Plan.

Redirect SFA to Provide Greater Levels of Support to R&D&I

To optimise resources Invest NI has developed an early assessment matrix to assist with ranking and prioritising SFA projects against PSA 1 (Productivity) and PSA 3 (Employment). Furthermore, a more detailed assessment is carried out of all potential projects over £250K.

In a constrained financial environment, Invest NI has been and will continue to prioritise support towards "High Productivity" projects, in line with PSA1. However, recognising that the increase and protection of the employment base remains a priority in the aftermath of the recession, those projects that deliver against PSA3 are also attractive. Key considerations in allocating SFA have been the quality & scale of employment and the location of a project. Invest NI is also using this tool to assess competing projects and determine the best use of limited resources.

Phase Out Grants for Business Expansions

In the statement to the Assembly in January 2009, the Minister outlined that it was important to recognise the realities of business investment where a company will make an initial investment before progressing subsequent expansions.

The assessment tools outlined in Recommendation 7 will also be used to rank and prioritise support offered to assist companies achieve ambitious growth plans that would otherwise not happen.

Support Non-R&D&I Expansions Using Co-Investment Involving Sub-Ordinate Debt

A proposal on the optimising of the use of Selective Financial Assistance (SFA) against productivity and employment measures was agreed by the IREP Steering Group in August.

In addition, Invest NI has developed an Access to Capital Strategy which provides an over-arching strategy for venture capital and debt markets and seeks to provide a continuum of funding (£50K to £2m) to early stage and growth companies.

The Access to Capital Strategy includes a Loan fund targeting smaller businesses which are not attractive to the VC market.

Invest NI Reduce Support for Company Training

The evidence underpinning this recommendation is drawn from an evaluation of the Company

Development Programme (CDP) and this programme has been superseded by Business Improvement Training Programme (BiTP)

An evaluation of the BiTP Programme has been completed. The evaluation recommended that Invest NI continues to support company training with an increased focus on small businesses, particularly owner managed companies, as it is these companies which experience the most difficulty in both funding and identifying the training and development needs to improve their workforce skills.

The evaluation also recommends that the programme focuses on delivering where it is needed most with skills development focused on companies investing in R&D, innovation, exporting and on transferable skills

Invest NI Transfer Tourism Budget Back to DETI

The Tourism (Amendment) Bill received Royal Assent on 25 January 2011. Provision is included in the legislation for NITB to grant assist tourist accommodation. This can be enacted by way of Commencement Order.

A business case to decide what aspects of support might be best provided by the NITB and Invest NI respectively is being prepared and that will help inform decisions on transfer.

Explore Commercially Orientated Research Institution Along Lines of VTT

DETI commissioned research into best practice in economic development policy in other small open economies throughout the world with an aim of identifying transferrable lessons for Northern Ireland.

Finland (home of VTT) was one of the key case studies identified for this research. The final report is being considered by the Department and any decisions on the applicability of the VTT model to Northern Ireland will be taken forward in the context of the New Economic Strategy.

Develop Industry-Led Innovation Communities

The MATRIX Secretariat is managing the development of a coherent and sustainable system for supporting IICs - known as the Innovation Gateway. As part of this Gateway, a comprehensive on-line business support service for Innovation Communities has been developed and is now being promoted by Invest NI & SIB.

Ten collaborative networks, all of which have characteristics of an Innovation Community, and one internationally trading Innovation Community were established by December. The first IIC - the Global Maritime Alliance - was announced on 17 June 2010 - six months ahead of MATRIX planned schedule.

The MATRIX Secretariat is leading on the development of a systems-based approach, the Market Opportunities Scanning System (MOSS), to stimulate the development of IICs in priority areas for the NI economy.

Provide more Support For Services Innovation

Invest NI's proposal to service the wider business base, through a tiered and segmented approach, will cover both manufacturing and service businesses. In populating the customer segmentation model Invest NI will identify those segments of the services sector that have the potential to achieve the greatest contribution to GVA, Export and Innovation growth and determine the appropriate allocation of resources.

Finance R&D and Innovation Assistance from Savings in Existing Firm Support and Property

Invest NI has already skewed more resources toward R&D&I support in recent years and over the period of its current Corporate Plan anticipates having supported total investment in innovation of some £320m, which is almost three times more than its target of £120m.

DETI & Invest NI are currently finalising an evaluation of Invest NI's suite of property interventions. DETI & Invest NI will consider the findings of this evaluation and the impact on budget allocations.

Dedicated Fee-Charging Export Assistance

Invest NI introduced a new fee-charging structure for selected export services in March 2010.

An evaluation of Invest NI's export support is being finalised; Once the evaluation is completed, Invest NI will develop further proposals as appropriate to enhance export support

Prepare Case for Retaining State Aid Limits

The Commission has still to outline its timetable for replacing any of the State Aid rules that expire at the end of 2013. These rules include those for Regional Aid (i.e. programmes such as SFA) and well as the rules for R&D&I and Training.

The Commission is planning to hold a workshop on Regional Aid post 2013 on a date still to be finalised. It has been agreed that the devolved administrations will participate fully in the UK's preparation for this workshop and will be represented at the workshop.

DETI Economists are preparing a preliminary paper on the economic case for Retaining State Aid Limits, with input from other relevant bodies.

Higher Priority to Promoting Energy Efficiency

Energy efficiency and sustainable energy are key issues in the Strategic Energy Framework which was approved by the Executive and published on 27 September 2010.

Review of Strategic and Sectoral Approach to Telecoms

The MATRIX Telecoms Horizon Scanning Panel Report on Telecoms was launched as part of a "Telecoms Week" in early-December 2010.

This report is being built upon by the Invest NI funded collaborative venture, DNI 2020, which is exploiting the capability of NI's digital infrastructure to maximise the potential of the identified opportunities.

Evaluation of the Telecoms Strategic Action Plan 2006-2010 has been completed and the results of this work are reflected in the successor Telecoms Action Plan for the period 2011-2015.

A full public consultation on the new Telecoms Action Plan was launched on 7 March 2011.

Invest NI Disengagement in VC Funds

Recommendation noted but not accepted

Recent evaluations confirm that an equity gap continues to exist in NI covering seed and development stages with deal sizes up to £2m. This is in line with other UK regions.

Invest NI should therefore continue to intervene where appropriate to support the development of the venture capital market.

Invest NI has developed an Access to Capital strategy and received approval to proceed with setting up two new investment funds. CPD is currently managing a tender competition on behalf of Invest NI to appoint a fund manager for the Development Fund.

Study into Attracting High Value Added FDI

Work is ongoing in the context of developing the economic strategy. The research is due to report in Summer 2011.

The overarching aim of the research project is to identify the scope to improve the quality of FDI in Northern Ireland, as well as the key actions that will be needed to shift the pattern of investment towards higher value added sectors.

Particular objectives of the research include, assessing the proportion of global FDI flows which Northern Ireland could expect to contest if Corporation Tax was equalised to the rate in the Republic of Ireland and to make recommendations as to how the NI Executive could improve increase Northern Ireland's competitiveness in attracting higher value added FDI going forward by taking action in areas such as workforce skills, economic infrastructure, business regulation, and financial assistance to industry

Study on Invest NI Land Acquisition Strategy

DETI & Invest NI are currently finalising an evaluation of Invest NI's suite of property interventions. DETI & Invest NI will consider the findings of this evaluation and the impact on budget allocations.

Study into Social Economy

DETI have commissioned a report into 'the role of the Social Economy sector and it's unique value in terms of economic, social and environmental impact in the Northern Ireland context'. To ensure best value for money the report will also evaluate the performance of the Social Economy Network and the impact of the SEE Strategy.

A final report is expected in May 2011.

Improve DETI, DEL, Invest NI Liaison Arrangements

DETI and Invest NI continue to work closely with DEL and are currently progressing two major initiatives:

Assured Skills: Invest NI and DEL have jointly developed a pilot programme under the banner of Assured Skills. This programme contains a number of elements designed to provide a guarantee that companies creating new jobs in Northern Ireland will be able to fully satisfy their skills needs. The new approach has been particularly successful to date with potential

new FDI investors; Ministers Foster and Kennedy announced, in February 2011, the first joint support package to a new FDI investor (Heritage) as part of this programme. The pilot programme will be evaluated by the end of March 2011.

Management & Leadership Framework: Invest NI and DEL have developed a joint approach to the provision of support in this area.

DETI should undertake an internal review of its structures

There are two phases to the Organisational Review, Phase I involved the analysis of current Departmental activities and an assessment of the need for structural change and resource re-allocation.

Phase II of the Review will develop and implement the capacity and capability requirements of the new Departmental structure to develop and deliver policy.

Work on Phase I is now complete. A number of structural changes will be implemented from 1 April 2011 in conjunction with a programme of process improvements and new ways of working. These will:

- Sharpen/strengthen the Policy focus
- Begin to break down silo thinking and facilitate more flexible deployment of resources
- Provide greater coherence in the grouping of activities
- Provide access to policy support expertise
- Clarify roles/responsibilities between the Department and its NDPBs

Phase II has now commenced.

Core functions of strategic policy development and performance monitoring should be brought together within any revised DETI structures.

The new structures and processes will ensure greater integration between strategic policy development and performance monitoring.

Invest NI should consider an internal reorganisation that reflects the differing

skills sets required to support FDI, exports, Innovation/R&D and small business support.

Invest NI has completed an internal review and is currently considering options to re-align organisation structure to support delivery of the proposed Customer model (see recommendation 5) moving forward.

A Small Business Unit should be created within Invest NI

The key functions to support small businesses have been considered as part of the proposal to widen the Invest NI customer base. This will require management of the network of support between Invest NI and its partners. The implications on structure & staffing resources will be considered as part of Invest NI's Organisation Plan.

Invest NI to providing world class training in sales and marketing (particularly those working internationally)

Invest NI launched a new learning and development platform for internationally based staff in Feb 2010. An online learning platform has been rolled out to all staff in March 2011. Invest NI's suite of training programmes covers development of skills in the areas of communication, selling, negotiation and personal impact and effectiveness.

More Freedom to Operate for Invest NI

A new framework for Delegated Authority Limits has been agreed between Invest NI, DETI and DFP, operational from 1st July 2010. The Invest NI Board and designated Accounting Officer, has assumed a much greater level of accountability for major investment decisions.

The number of cases over £1m almost doubled over the period July to December 2010 compared to 2009; despite this significant increase in the number of cases handled the average time to process a case fell by 15%.

Delegated Authority Limits for Invest NI

A new framework for Delegated Authority Limits has been agreed between Invest NI, DETI and DFP, operational from 1st July 2010. The Invest NI Board and designated Accounting Officer, has assumed a much greater level of accountability for major investment decisions.

End Year Flexibility (EYF) for Invest NI Budget

The IREP Steering-Group has concluded that, based on advice from DFP, the recommendation cannot be implemented.

It is noted that any concession would be highly repercussive. It has been concluded that it is not possible to grant automatic access to EYF to Departments or other bodies such as Invest NI.

With regard to expenditure movement, it has been concluded that it is not possible to allow individual bodies, such as Invest NI, the flexibility to move between categories of expenditure as this would impact on the overall Treasury control total for the NI Block.

Establish Central Project Review Group (CPRG)

A Central Project Review Group (CPRG) has been established. The protocol for this Committee has been endorsed by Invest NI, DETI and DFP.

The protocol stipulates that DFP will continue to maintain its independence and that its role on this Committee would be limited to an observational or advisory role and would not imply DFP approval in cases where formal DFP approval is required.

Project Appraisal Rules for Innovation and R&D Projects

A proposal for an enhanced appraisal methodology has been developed and agreed by DETI & Invest NI and forwarded to DFP who have considered and provided useful feedback. Work to finalise the methodology is continuing and it is hoped that the new appraisal rules can be introduced during 2011/12.

Invest NI Board should cease to perform executive functions and focus on providing strategic direction and oversight.

Recommendation noted but not accepted.

The Invest NI Board will continue to focus on providing strategic direction and oversight. However, the Board provides a valuable challenge function to casework submissions and has approval authority for casework submissions at an appropriate level.

A senior member of DETI Departmental Board should be represented on the Invest NI Board

Recommendation noted but not accepted.

Current DFP guidance is that there should not be joint membership, although it is important that there continues to be good communication senior level.

International Business Experience on Invest NI Board

No change required. Criteria will continue to be applied in future Board appointments.

Ex-Post Assessments Taken on a Portfolio Basis

Invest NI will adopt a portfolio approach to manage some of its financial investments in the new Corporate Plan period as there is merit in using a portfolio approach to set strategic objectives for investment and then to evaluate the effectiveness and value for money from that investment.

The nature of the portfolios will align with the proposed Customer Segmentation Model.

DETI / Invest NI Accounting Officer Memorandum

The existing Accounting Office Memorandum has been reviewed and it is concluded that no amendments are required.

Management Statement and Financial Memorandum (MSFM)

DETI and Invest NI are continuing to work together to review the existing MSFM and prepare a revised draft for consideration.

DFP has recently provided the final approved template for MSFM to be adopted by Departments / Agencies and DETI is re-aligning the current draft to meet the new template.

The new MSFM requires Departments to identify and specify the role / functions of a sponsor branch; DETI is considering this issue as part of its organisation review.

More DETI Resources for Policy Development and Monitoring

Phase I of DETI's Organisational Review is now complete. A number of structural changes will be implemented from 1 April 2011 in conjunction with a programme of process improvements and new ways of working. These will:

- Sharpen/strengthen the Policy focus
- Begin to break down silo thinking and facilitate more flexible deployment of resources

- Provide greater coherence in the grouping of activities
- Provide access to policy support expertise
- Clarify roles/responsibilities between the Department and its NDPBs

Phase II of DETI's Organisational Review has now commenced this will seek to build the capability and capacity of staff to deliver these objectives.

DETI to Report on Strategic Performance of Invest NI

The IREP Steering Group has agreed a preferred option for the review of Invest NI performance.

DETI will publish a review of Invest NI Performance during the current Corporate Plan period later in 2011.

Policies to be Updated Annually to Demonstrate Impact on Productivity Goal

The 2011-14 Corporate Plans of DETI and Invest NI will reflect how policies impact on the productivity goal and will include identified KPIs.

Potential Key Performance Indicators have been identified with examples of absolute and relative performance measures to be developed.

The delay in developing a new PfG has impacted upon the development of the DETI and Invest NI Corporate Plans.

Targets to be Expressed in Relative and Absolute Terms

The 2011-14 Corporate Plans of DETI and Invest NI will reflect how policies impact on the productivity goal and will include identified KPIs.

Potential Key Performance Indicators have been identified with examples of absolute and relative performance measures to be developed.

The delay in developing a new PfG has impacted upon the development of the DETI and Invest NI Corporate Plans.

Invest NI's Operating Plan Targets 2010/11 should Include Investment New to NI.

Proposals outlining the definition and disaggregation of 'new' investment to Northern Ireland have been developed and accepted by the IREP Steering Group.

Invest NI's Operating Plan for 2010/11 includes targets specifically for investments new to Northern Ireland from April 2010, and where data availability allows, these will be expressed as a share of equivalent jobs coming into the UK.

DETI to Maintain Single Invest NI Database

A statistician is now in place in Invest NI to take forward the development and maintenance of an integrated data sharing platform.

A permanent datalink between DETI and Invest NI has been installed to enable access to all databases.

This will facilitate improved measurement and reporting of Invest NI client performance and will aid the review of Invest NI performance, which is to be completed later in the financial year 2011/12

EDF to stand down and an Advisory Group to be established.

The EDF was stood down following a Ministerial memorandum on 25 January 2010.

Membership and terms of reference were agreed for the Economic Advisory Group, with Kate Barker installed as Chair.

The EAG met for the first time on 28 May 2010 and in September 2010 agreed a programme of work with the DETI Minister.

It has met regularly since, and has responded to both the consultation on the draft budget and the initial consultation exercise on the executive's Sub-Committee framework for economic growth.

DETI to Appoint an Independent Economic Advisor

Membership and terms of reference has been agreed for the Economic Advisory Group.

Kate Barker has been installed as Chair.

Stakeholders to Continue to Engage Bilaterally

Engagement with economic development stakeholders is on-going.

As part of the initial consultation exercise to inform development of the new Northern Ireland Economic Strategy, officials from all Department's represented on the Executive Sub-Committee on the economy have held a number

of meetings with key stakeholders during February.

Align Research in Universities and Public Research Bodies to Needs of Industry and Investors

Work is ongoing to conduct a mapping exercise which outlines, by INI key sectors the existing University and public sector research initiatives. Discussions have been held between DETI, DEL and Invest NI to progress this recommendation and a research project is now underway.

Funding of the 300 additional PhDs announced as part of PfG and of 12 cross-border projects (£17m) is restricted to areas of “economic relevance”.

Further work in this area will be reflected in the new Northern Ireland Economic Strategy.

Education System to prepare now for Increased Demand for STEM Subjects

The draft Government STEM Strategy has been approved Executive. The consultation period has formally closed and it is envisaged that the finalised strategy will be published during 2011. A Government STEM group has been established which brings together the key government stakeholders (DHSSPS, DETI, DARD, DCAL, DEL and DE) and is tasked with implementing the Government STEM strategy.

DE has been taking significant action on a number of fronts to ensure that STEM subjects are seen as exciting, stimulating and fulfilling by young people and has been enhancing STEM through:

- The development of specialist STEM schools at post-primary level;
- The development of Careers Education, Information and Advice and Guidance for STEM areas;
- The development of curriculum resources to support the growth of STEM take-up in schools;
- The promotion of STEM work in primary and post-primary schools through competitions and exhibitions; and
- The purchase of a major new STEM resource ‘the STEM truck’, which was launched in September 2009.

DEL continues to take forward a number of actions aimed at encouraging more people to study STEM, post 16. These actions include:

- the ‘Step Up’ programme;
- Funding Sector Skills Councils to take forward various projects aimed at raising the profile of opportunities available in STEM
- Support for a range of activities organised by the further education colleges and universities, including the Innotech Centre at South West College, the College STEM Initiative and STEM bursaries at Queen’s University

These issues will be reflected in the developing Economic Strategy

Apprenticeships and Vocational Training to Emphasise Higher Level Qualifications

The Apprenticeships NI and Training for Success programmes continue play a pivotal role in ensuring the development of skills and achievement of qualifications in readiness for the economic recovery.

These issues will be reflected in the developing Economic Strategy.

Develop Management and Leadership Skills

Work is being taken forward and will feed into the Economic Strategy as it develops.

Invest NI and DEL have agreed a joint framework for Management & Leadership. The framework is based on the European Quality Model and the level and type of support offered will be based on the sophistication and needs of the company. The joint framework will involve a single access to support and a connected range of solutions from both Invest NI and DEL

ISNI 3 Should Take a Greater Economic Focus

The Current Investment Strategy for Northern Ireland (ISNI 2) runs until 2018.

The framework for Economic Growth agreed by the Executive Sub-committee on the economy and published for consultation in January 2011, recognises the importance of capital investment in Northern Ireland’s economic infrastructure.

Planning Service to be Given Comparable and Competitive Targets

The introduction of streamlined council consultation has also been successful in speeding up the processing of non-contentious applications. The impact of these measures means that 60 per cent of all applications are now being processed and approved, on average, in just 40 days.

The Planning Bill (which provides for the transfer of the majority of planning powers from DOE to Councils) will have its final reading in the Assembly on March 23. The legislation will come into effect in circumstances and within a timescale to be agreed by the Executive Committee.

This will make the planning system more democratic, and the legislation also provides for streamlining the process with faster decision making.

Planning Service to Ensure Reform Timetable is Met

The Planning Bill (which provides for the transfer of the majority of planning powers from DOE to Councils) will have its final reading in the Assembly on March 23. The legislation will come into effect in circumstances and within a timescale to be agreed by the Executive Committee.

This will not be until new governance arrangements for councils and an ethical standards regime (including a code of conduct for councillors) are brought into effect. The DOE Minister launched consultation on these on Nov 30 and legislation is expected early in next Assembly.

From 1 April, Planning Service will be de-agentised with planning functions taken forward by two new DOE Divisions. Local Planning Division (including the area planning offices) will take forward the development plan and development management functions that will eventually transfer to local government.

Strategic Planning Division will have advisory and oversight role and will continue to determine regionally significant applications and special projects (eg minerals and wind farms) and will be responsible for the marine plan.

Following consultation, regulations on the restructuring of planning fees are now with the environment committee. These proposals will

improve cost recovery and the fairness of the system

Strategic Projects Team to deal with all applications relating to investment new to NI.

As part of the wider reforms of Planning, a new Strategic Planning Division in DOE will have advisory and oversight role and will continue to determine regionally significant applications and special projects (eg minerals and wind farms) and will be responsible for the marine plan.

Pre Application Discussion (PAD) process to be more efficient

Employing pre-application discussions with developers has already resulted in 90 strategic applications being processed to approval, resulting in excess of £2 billion investment. Since April 2009, 34 economically significant applications have been processed, the majority of which within 6 months.

The introduction of streamlined council consultation has also been successful in speeding up the processing of non-contentious applications. The impact of these measures means that 60 per cent of all applications are now being processed and approved, on average, in just 40 days.

Social Development

Social Clauses in Government Contracts

*Published at 12.00 noon on
Tuesday 22 March, 2011*

The Minister for Social Development

(Mr Attwood): 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 all. I am, therefore, writing to advise you that I instructed 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 a work placement opportunity for an unemployed person through the Department for Employment and Learning's Steps to Work Programme or equivalent.

This new social clause provides that 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 and doing so significantly 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.

I am aware that the Derry City Council area does not currently operate the Steps to Work

Programme. However, I have ensured that the same work experience opportunities will be made available to unemployed people in the Derry City Council area as a result of Social Housing and Urban Regeneration contracts through utilising the Department for Employment and Learning's New Deal Programme.

Government needs to push on with the social inclusion agenda and there is clear potential for the public sector in Northern Ireland to make a difference through their procurement processes. Indeed, based on the figures available to me, the total number of work placements that could have been accommodated if the above 'unemployment' social clause had been applied to 2009/10 social housing construction works contracts, under the Social Housing Development Programme, is approximately 73 26-week work placements or 146 13-week work placements.

Whilst the Construction Industry Forum NI is considering the potential of including this sort of clause across all Government contracts, I moved forward unilaterally as of 1 January 2011, so that immediately we can extend the potential of social benefits for all communities.

My instruction is impacting on the projects being delivered in my Department.

In Housing, local company T & A Kernoghan, undertaking work for Clanmil Housing Association at the Bass Brewery site on the Glen Road in West Belfast have 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 January 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 2 long-term unemployed people as well as an electrical apprenticeship for one young person. In a number of projects such as the Colin Gateway, Andersonstown 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.

I have also instructed that a similar social clause be taken forward for all other contracts such as maintenance; warm homes; and consultancy contracts. Five NIHE Egan-type contracts being tendered this year will have social clauses built into its terms and I welcome the endorsement of the NIHE to this approach.

Clearly major potential exists through this initiative to improve employment opportunities for unemployed people or to assist them gaining vital work experience they need to complete a vocational qualification. For example, in 2009/10 the total value of procurement expenditure for Northern Ireland Departments, Agencies, NDPBs and Public Corporations totalled £2.3bn.

Of that figure, Construction Contracts awarded by Centres of Procurement Expertise for NI Departments amounted to £925m. Under the arrangements that have previously applied new construction works arranged by Centres of Procurement Expertise have included minimum requirements to recruit one apprentice per £2m of capital value and one long term unemployed per £5m of capital value. This potentially could be translated as 462 apprentices and 185 long term unemployed (647). If the new arrangement put in place by my Department were in place across government, there is the potential for 1850 work opportunities. The new arrangements potentially could mean a 65% increase.

Supplies and Services and Services awarded by Centres of Procurement Expertise for NI Departments amounted to £1.38bn. Under the new arrangements £0.5m of labour value the main contractor would be required to provide a work placement opportunity which could be translated as 2760 opportunities in consultancy; in cleaning, catering and security services; in utility services; in maintenance; and in other areas too. I met again with officials last week in relation to social clauses for supplies and services. I understand that this approach may be adopted in relation to current tenders for portering, security and cleaning provision.

I have also instructed officials to put a social clause into the conditions of funding, say of the larger regional infrastructure organisations.

This shows that by rolling out my initiative across the totality of Government spending, the outcomes could be even more impressive and at a time when we have rising unemployment, the opportunities for work placements is one we should comprehensively interrogate and implement.

I am determined to ensure that my Department's spending on procurement incentivises training and work experience opportunities for the unemployed and regenerates communities. I also have written to Ministerial colleagues on the 28 February 2011 to inform them of my plans and to encourage them to consider the potential of bringing this forward in their own Departments' as soon as possible. I believe that in the current economic climate there is a need for an even more profound focus on enhancing employment opportunities from public spending.

Written Answers

This section contains the written answers to questions tabled by Members.

The content of the responses is as received at the time from the relevant Minister or representative of the Assembly Commission, and it has not been subject to the official reporting (Hansard) process or changed.

Northern Ireland Assembly

Friday 11 March 2011

Written Answers to Questions

Office of the First Minister and deputy First Minister

Draft Savings Delivery Plans

Dr S Farry asked the First Minister and deputy First Minister whether their Department will publish their draft Savings Delivery Plans within one week of the publication of the draft Budget 2011-2015; and whether it will include details of departmental savings measures and their anticipated impact.

(AQW 3203/11)

First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness): OFMDFM published its draft Savings Delivery Plans, which included details of departmental savings measures and their anticipated impact, on 1 February 2011.

European Microfinance Scheme: PROGRESS

Mr D O'Loan asked the First Minister and deputy First Minister for an update on the promotion and uptake of the European microfinance scheme, PROGRESS, which was launched in October 2010.

(AQW 4630/11)

First Minister and deputy First Minister: The first call for expressions of interest under the new EU PROGRESS Microfinance Facility was launched in October 2010. The aim of this initiative is to increase the volume of finance available to the disadvantaged, unemployed and micro-companies, particularly those in the Social Economy, who would otherwise find it difficult to access finance from the usual sources to start-up or to expand a small business.

Junior Minister Kelly and Junior Minister Newton first became aware of the proposed new initiative in 2009 in the context of the Barroso Task Force for Northern Ireland and were kept informed of its adoption by the European Council and the European Parliament during 2010. Junior Ministers issued a Press Release on 11 October highlighting the new call for expressions of interest with the aim of encouraging microfinance providers to consider making applications. Information is also provided on the Departmental websites of OFMDFM, DETI (including Invest NI) and DEL. Applicant organisations must apply directly to the European Investment Fund (EIF), and not through national agencies.

Junior Ministers held an information meeting for a cross-section of potential applicant organisations including the banks, the Credit Unions, Enterprise NI and The Prince's Trust in Stormont on 11 November 2010 to promote awareness and encourage uptake. Subsequently, the Prince's Trust, the Credit Unions and Enterprise NI have declared an interest in the current call. The Prince's Trust expects to have a draft application ready by end-February/early-March and the other organisations will take advice in light of the Prince's Trust experience.

An official from our Department is in contact with the EIF on the proposed application and the EIF has agreed to provide guidance and advice on the application procedure. We have been informed that, to date, two contracts have been signed under the present call, one in the Netherlands and one in Belgium.

The current call is in the form of microfinance guarantees and new calls for different types of financial instruments, e.g. equity instruments, are expected during 2011/2012. These may prove to be of more

interest to certain organisations than the current guarantee call. The EIF, which manages the facility on behalf of the EU, will not provide loans directly to individuals or companies but rather, it will offer the different forms of financial support to micro-finance providers to encourage them to increase lending to these target groups.

PROGRESS is estimated to lever approx 500 million Euro over three years to credit providers throughout all 27 EU Member States. No pre-set amounts have been earmarked for different regions so it is entirely up to micro-finance organisations to apply to the EIF for the support on offer.

If organisations within Northern Ireland do apply and are successful, then this information will be passed on to potential beneficiaries to alert them to the fact of increased lending capacity in those bodies.

Junior Ministers and officials will continue their engagement with the lending bodies to explore every opportunity under PROGRESS to assist the unemployed and to promote enterprise in these difficult times.

Appointments and Nominations

Mr G Campbell asked the First Minister and deputy First Minister to detail the number and names of individuals that have been (i) appointed; and (ii) nominated to (a) public bodies; and (b) arms-length bodies since May 2007.

(AQW 4633/11)

First Minister and deputy First Minister: We have made 64 appointments (including 12 re-appointments and 8 nominations) to public bodies and arms length bodies since 8 May 2007. The details are as follows:

Public Body	Appointees	Date Appointed	Date Left
Commissioner for Children & Young People	Ms P Lewsley	08/01/2011 (R)*	
Commission for Victims & Survivors	Ms P MacBride	02/06/2008	
	Mr B McAllister	02/06/2008	
	Mrs B McDougall	02/06/2008	
	Mr M Nesbitt	02/06/2008	17/02/2010
Economic Research Institute of NI Ltd	Dr I McMorris	19/08/2008 (R)*	24/02/2010
Illex Urban Regeneration Company Ltd	Mr T J Fanning	01/04/2008	08/12/2009
	Mr M Heaney	28/07/2009 (R)*	
	Mr F A Hewitt	01/07/2010	
	Dame G M M Keegan	01/07/2010	
	Mrs M Lee	01/07/2010	
	Mr J McDaid	28/07/2009 (R)*	
	Mr C C McKenna	01/07/2010	
	Mr M McNulty	01/04/2008	
	Sir R W McNulty	01/10/2007	
	Sir R W McNulty	01/10/2010(R)*	

Public Body	Appointees	Date Appointed	Date Left
Ilex Urban Regeneration Company Ltd	Professor R J Sterling	01/10/2007	24/07/2009
Strategic Investment Board Ltd	Mr D Dobbin	01/10/2008 (R)* Board Member	31/03/2009 Board Member
	Mr D Dobbin	01/04/2009 Acting Chairperson	17/11/2009 Acting Chairperson
	Mr D Dobbin	18/11/2009 Chairperson	
	Mr F A Hewitt	01/12/2010	
	Ms G McAteer	01/11/2009	
	Mr A J McFerran	01/11/2009	
	Mr D Rooney	01/11/2009	
	Mr C Thompson	01/12/2010	
	Mr D J Waugh	01/11/2009	
Planning Appeals Commission	Mr A Allen	02/01/2008	
	Mr A Allen	02/01/2011 (R)*	
	Mr D K Beggan	01/09/2008	
	Mr A R Beggs	15/09/2008	
	Mr G S Carlisle	01/09/2008	
	Mr M J Culshaw	01/09/2008	
	Mr A J Dale	01/09/2008	
	Ms R Daly	15/09/2008	
	Ms J de-Courcey	02/01/2008	
	Mr M W Evans	01/09/2008	
	Mr I B Fernie	05/04/2010 (R)*	
	Mrs S J Glover	01/09/2008	
	Mr D A Hainsworth	01/09/2008	
	Mrs S E Hesketh	01/09/2008	
	Mrs S M Holden	01/09/2008	
	Mr N P Howard	21/03/2008 (R)*	
	Mr M C Hurley	01/09/2008	
	Mrs A R Jones	15/09/2008	
	Mr J B Martin	28/04/2008	

Public Body	Appointees	Date Appointed	Date Left
Planning Appeals Commission	Mr J H Martin	01/09/2008	
	Ms D M MacGabhann	01/09/2008	
	Mr A L McCooey	28/04/2008	
	Mr D F McCoy	01/09/2008	
	Mrs B McGlinchey	07/01/2008	
	Mr S G O'Hare	28/04/2008	
	Miss P O'Donnell	07/01/2008	
	Mr D Storrie	01/09/2008	
	Mr M Watson	07/01/2008	

Public Body	Appointees as a Result of a Nomination	Date Appointed	Date Left
Economic Research Institute of NI Ltd	Mr J McKenna	26/02/2010	
	Mr D Prince	26/02/2010	09/11/2010
Ilex Urban Regeneration Company Ltd	Mr K Alexander	09/03/2009	31/07/2009
	Professor D Heenan	01/08/2009	
	Dr Mrs A McGinley	08/09/2009	
	Mrs V Watt	01/10/2008	28/02/2011
Strategic Investment Board Ltd	Mr D Gavaghan	21/07/2007 (R)*	30/04/2010
	Mr R Hannam	04/01/2009 (R)*	

Arms Length Body	Appointees	Date Appointed	Date Left
Attorney General for Northern Ireland	Mr J Larkin QC	24/05/2010	
Commissioner for Public Appointments	Mrs F Huston	01/08/2008 (R)*	

* (R) denotes re-appointment

Northern Ireland Commissioner for Children and Young People

Mr P Butler asked the First Minister and deputy First Minister for their assessment of the recent review of the Northern Ireland Commissioner for Children and Young People.

(AQW 4648/11)

First Minister and deputy First Minister: The report outlined some areas for improvement. Officials will be working closely with the Commissioner's Office to address these issues of concern.

Strategic Investment Board

Mrs D Kelly asked the First Minister and deputy First Minister to list all the suppliers who were paid £100,000 or less by the Strategic Investment Board in (i) 2007/08; (ii) 2008/09; and (iii) 2009/10. **(AQW 4727/11)**

First Minister and deputy First Minister: Suppliers paid £100,000 or less by the Strategic Investment Board for the period requested is set out in the table below.

07/08 Financial Year Supplier	£K Total
Office of Government Commerce	70.5
Belfast Health & Social Care Trust	69.6
Primary Care Foundation	67.2
TMD Supply Chain	61.0
Partnerships UK PLC	54.0
Capita Resourcing Ltd	53.6
Frank Mulgrew	46.1
British Telecommunications	46.0
BTW Shields Ltd	45.4
London Economics Limited	44.6
Kilsharan Ltd	42.8
Central Procurement Directorate	42.4
Belfast Education & Library Board	37.9
Armagh City & District Council	37.8
C Cunningham	35.6
Penna PLC	34.0
Julie D Browne	31.4
Ballykeel Environmental	29.7
ESRI Ireland Ltd	27.7
VFM Consultancy	25.0
South Eastern Health & Social Care Trust	24.1
I.E.H.	21.7
Ernst & Young LLP	17.6
BMF Business Services	17.2
EMcG Solutions	15.0
International Centre for Regional & Local Development	15.0
Enviros Consulting	11.8
Travel Services (IOM)	9.9

07/08 Financial Year Supplier	£K Total
ERINI Ltd	9.0
Social Research Centre	6.2
Ulster Bank Limited GPC	5.9
Institute of Waste Mgmt	5.9
L'Estrange & Brett	5.9
City Hotel	3.3
Arthur Cox	2.6
Global Professional Media	2.4
Chandler KBS	2.2
Smi Group Ltd	2.2
Carlson Wagonlit UK Ltd	2.0
Coyne Associates	1.7
Bevan Brittan	1.5
MarCam Business Solutions	1.5
Emap Communications	1.4
Landsdowne Hotel	1.3
Excite Exhibition & Display	1.1
Achilles Information Ltd	0.8
Verbal Arts Centre	0.7
Denise Wheatley	0.6
Prestige Catering	0.5
Banner Business Services	0.5
Value Cabs	0.4
AV Browne Advertising Ltd	0.3
Vodafone Ltd	0.2
Hays Office Support	0.2
Comber Commercial Centre	0.2
The Clinton Centre	0.2
Picture House	0.2
Leslie Stannage Design	0.1
Café Avoca	0.1
Rocwell	0.1
W&N Services Ltd	0.1

07/08 Financial Year Supplier	£K Total
Belfast City Council	0.0
Total Under £100k	1095.5
Non Suppliers (internal salary costs/ grant aid)1	70.4
Grand Total	1165.9

08/09 Financial Year Supplier	£K Total
Ballykeel Environmental	105.0
GVA Grimley	90.4
TMD Supply chain	86.3
Belfast Education & Library Board	67.6
Land & Property Services	66.6
Penna	50.7
FGS McClure Watters	46.0
C Cunningham	40.0
University of Ulster	40.0
Geronimo	36.5
Northern Ireland Transport Holding Company	36.2
Office of Government Commerce	34.6
Eversheds	31.7
L'Estrange & Brett	31.1
Driver Jonas	29.0
DHSSPS	25.5
Atkins	25.0
Kilsharan	23.1
South Eastern Health & Social Care Trust	21.4
Deloitte	19.2
Comedia	18.2
WYG Management Services	17.1
PUK	15.5
Addleshaw Goddard	13.5
Institute of Civil Engineers	12.8
CPD	11.1
ASM Horwarth	9.4

08/09 Financial Year Supplier	£K Total
International Capital Partnerships	7.8
BMF Business Services	4.9
BDO Stoy Hayward	3.3
Experian Ltd	2.9
Eyesparks	2.9
North Down Borough Council	1.3
British Telecom	1.1
Achilles	0.7
Primary Care Foundation	0.2
Belfast Health & Social Care Trust	-1.3
ERINI Ltd	-9.0
Total Under £100k	1,018.4
Non Suppliers (internal salary costs/ grant aid)1	181.0
Grand Total	1199.4

09/10 Financial Year Supplier	£K Total
Cora Systems	68.0
Sport NI	60.2
Northern Ireland Transport Holding company	55.8
The Paul Horgarth Company	50.0
Stratagem	48.5
DSD	48.4
Northern Ireland Housing Executive	48.4
Kilsharan Ltd	44.5
ESRI	43.2
FGS McClure Watters	38.3
Venturi	30.0
Office of Government Commerce	24.6
Ordinance Survey	18.8
Driver Jonas	15.9
Oxford economics	15.1
Royal Society Ulster Architects	12.5
Kindred Agency	12.3

09/10 Financial Year Supplier	£K Total
DHSSPS	12.2
BTW Shields	8.2
Addleshaw Goddard	8.0
Nigel Pantling	6.0
Land & Property Services	2.3
Grafton Recruitment	2.1
Phil Smyth Photography	2.1
PUK	1.8
Ecole Polytechnique Federale	1.6
CPD	1.2
Comedia	-0.3
Belfast Metropolitan college	-1.7
Total Under £100k	677.8
Non Suppliers (internal salary costs/ grant aid) 1	263.8
Grand Total	941.6

- 1 Includes staff on payroll whose costs were allocated to project and support from other non-supplier organizations such as the Belfast Area Partnership. These costs are included by SIB in their annual accounts within the total payments to suppliers under £100,000.

Please note rounding applies to all tables

Strategic Support Fund

Mr T Elliott asked the First Minister and deputy First Minister to detail (i) all the organisations that applied to the Strategic Support Fund; (ii) the organisations that were successful; and (iii) the amounts awarded to the successful applicants.

(AQW 4787/11)

First Minister and deputy First Minister: There were two separate application windows for victims and survivors groups to apply to the Strategic Support Fund. The first application window was for those groups wishing to apply for an 18-month programme of funding from October 2010 to March 2012. The second window was for those groups wishing to apply for a 12-month programme of funding from April 2011 to March 2012. Groups could choose to apply to either funding programme, but not to both.

Those groups that applied for 18-months' funding are listed in the table below. The Table identifies those groups that were successful and the amounts awarded. All awards are subject to the availability of funding. Applications to the second window are still under consideration and it would not be appropriate to publish details of those groups until decisions have been taken.

GROUPS APPLYING FOR 18-MONTH STRATEGIC SUPPORT FUNDING (1 OCTOBER 2010 TO 31 MARCH 2012)

Group	Outcome	Amount Awarded
Ashton Community Centre – Bridge of Hope	Successful	£772,073.20

Group	Outcome	Amount Awarded
Cunámh	Successful	£265,745.00
WAVE Trauma Centres	Successful	£1,924,804.00
Relatives for Justice	Successful	£982,282.51
Lenadoon Counselling	Successful	£137,816.61
Colin Community Counselling	Successful	£113,415.67
Pat Finucane Centre	Successful	£19,198.00
Corpus Christi Counselling Centre	Successful	£229,612.81
Centre for Creative Energy	Successful	£120,114.00
New Life Counselling	Successful	£375,015.81
Tara Centre	Successful	£254,847.80
Victims and Survivors Trust (VAST)	Successful	£230,756.08
Koram Centre	Successful	£314,217.84
Holy Trinity Centre	Successful	£57,506.03
Firinne	Successful	£226,203.33
NI Centre for Trauma & Transformation	Successful	£537,600.46
Cookstown Voluntary Welfare Group	Unsuccessful	–
USCA	Unsuccessful	–
Conflict Trauma Resource Centre	Unsuccessful	–
Justice for the Forgotten	Unsuccessful	–
Nexus Institute	Unsuccessful	–
Saver/Naver	Unsuccessful	–
FAIR	Unsuccessful	–
Ballymurphy – Centre for Health & Well Being	Unsuccessful	–

Maze/Long Kesh Development Unit

Mr T Elliott asked the First Minister and deputy First Minister (i) for an update on the work of the Maze/Long Kesh Development Unit, including details of the Peace III funding proposal submitted on behalf of their Department; and (ii) why resources are required to build a Conflict Transformation Facility at the site.

(AQW 4791/11)

First Minister and deputy First Minister: The Programme Delivery Unit (PDU) is currently procuring expertise to produce a development framework and implementation strategy for the site. The PDU is also taking two key projects forward, the Peace Building and Conflict Resolution Centre along with, potentially, the relocation of the Royal Ulster Agricultural Society to the site.

In parallel and to ensure there is no loss of momentum pending the creation of the Corporation, the PDU continues to prepare the site for future development including progressing the essential remediation programme required to clear the site of contaminants and assessing utility requirements for the site.

PEACE III funding offers the prospect of financial support for capital projects under measure 2.2 entitled 'Key Institutional Capacities to be Developed for a Shared Society'. The Peace Building and Conflict Resolution Centre fits the criteria and the PDU submitted an £18.2m EU funding application on 14 January 2011.

Maze/Long Kesh Site

Mr T Elliott asked the First Minister and deputy First Minister for a breakdown of the anticipated spend by their Department on the development of the Maze/Long Kesh site, as detailed in their budget. (AQW 4793/11)

First Minister and deputy First Minister: The anticipated spend on the development of the Maze/Long Kesh site as detailed in the OFMDFM budget is outlined in the table below.

	Year 2011-12 £m	Year 2012-13 £m	Year 2013-14 £m	Year 2014-15 £m	Totals £m
Resource	1.782	1.781	1.780	1.778	7.121
Capital	1.880	2.000	6.000	11.500	21.380
Total	3.662	3.781	7.780	13.278	28.501

S.A.V.E.R. N.A.V.E.R. Organisation

Mr D Bradley asked the First Minister and deputy First Minister, in light of the revelations in the Spotlight Programme on 22 February in relation to alleged fraud by the S.A.V.E.R. N.A.V.E.R. organisation, what action their Department is taking to investigate the allegations and allay public concerns. (AQW 4827/11)

First Minister and deputy First Minister: In July 2010 the Community Relations Council (CRC) was notified of suspected fraud in the victims group SAVER NAVER.

Payments were suspended at that point and a forensic audit into the group's financial affairs was commissioned.

The case was referred to the PSNI in August 2010 for criminal investigation. We cannot comment on any matters pertaining to the allegations against this group during the course of an active PSNI investigation.

We asked for a wider review of funding to the victims sector last September. This was commissioned through CRC with a final report due by the end of March.

Report into the Commissioner for Children and Young People

Mr P Butler asked the First Minister and deputy First Minister when the PricewaterhouseCoopers report into the Commissioner for Children and Young People will be published. (AQW 4840/11)

First Minister and deputy First Minister: The final review report is available on request, and will shortly be published on our website.

Ulster Defence Regiment Memorial

Mr P Butler asked the First Minister and deputy First Minister why the Equality Commission did not initiate an investigation under Paragraph 11 of schedule 9 of the Northern Ireland Act 1998 in relation to (i) Lisburn City Council's decision to allow an Ulster Defence Regiment memorial on Council owned land; (ii) the equality impact assessment of the UDR memorial undertaken by the Council; and (iii)

Lisburn City Council's equality scheme and its commitment to promote good relations and equality of opportunity.

(AQW 4844/11)

First Minister and deputy First Minister: Any decision to initiate an investigation under Paragraph 11 of schedule 9 of the Northern Ireland Act 1998 is a matter for the Equality Commission for Northern Ireland.

Suicide Prevention

Ms S Ramsey asked the First Minister and deputy First Minister to outline where suicide prevention sits within their Department's Programme for Government targets.

(AQW 4878/11)

First Minister and deputy First Minister: PSA8 "Promoting Health and Health Inequalities", Indicator 12 "By 2011 achieve a reduction of at least 15% in the suicide rate" is the responsibility of the Department of Health Social Services and Public Safety and is also a Key Goal within the current Programme for Government. Whilst not our direct responsibility, we are very concerned that the suicide rate remains high and the recent increase has been particularly prevalent in areas of economic deprivation where suicide rates are twice that in non-deprived areas.

We, together with Junior Ministers, have met a number of community groups who have been severely affected by the impact of suicide. Junior Ministers also sit on the DHSSPS-led Ministerial Co-ordination Group on Suicide Prevention.

We will ensure that the Executive does everything it can to identify and address the reasons why someone would want to take their own life.

Maritime and Coastguard Agency

Mr P Weir asked the First Minister and deputy First Minister to outline the outcome of their meeting with the representatives of the Maritime and Coastguard Agency at Bregenz House in Bangor.

(AQW 4898/11)

First Minister and deputy First Minister: Lady Hermon invited us to visit our only remaining Coastguard Centre at Bregenz House, Bangor on 17 February 2011.

The visit was very useful in understanding the vital role played by MRCC Belfast which represents the Maritime and Coastguard Agency and is an integral part of multi-agency resilience structures here. The Coastguard keeps watch for maritime and inland waterways emergencies and co-ordinates the response to them. It also organises and manages volunteer Coastguard Rescue Teams.

As a result of our visit to Bregenz House, we are much better informed about the issues specific to here and this has helped to inform our response to the Coastguard Modernisation consultation. Our response 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 a 24/7 coastguard presence here.

St Patrick's Barracks in Ballymena

Mr D McKay asked the First Minister and deputy First Minister to outline the future plans for the St Patrick's Barracks in Ballymena; and how these plans are progressing.

(AQW 4911/11)

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. The Agreement states that the sites (with the exception of lands in Omagh for an education campus) would be sold to meet resource pressures.

We are aware 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 are making every effort to ensure that the Hillsborough Castle Agreement is implemented properly in accordance with its aims, which would allow this and other projects to proceed.

Draft Programme for Cohesion, Sharing and Integration

Mr C Lyttle asked the First Minister and deputy First Minister when their Department's analysis of the consultation responses to the draft Programme for Cohesion, Sharing and Integration will be published.
(AQW 4983/11)

First Minister and deputy First Minister: The draft Cohesion, Sharing and Integration Programme was consulted on during the period July to October 2010.

The consultation attracted 290 written responses and included the wealth of views and material gathered from 11 public meetings and 15 targeted sectoral meetings.

The level and detail of the public responses reflects the importance and regard in which this subject is held. It is therefore appropriate that all the complex and extensive views of consultees are given proper consideration. We continue to give this matter careful and detailed attention and will make a decision on publication in due course.

Regional Childcare Strategy

Mr C Lyttle asked the First Minister and deputy First Minister for an update on the status of the Regional Childcare Strategy; and what arrangements have been made to maintain Playboard administered funding for school-aged childcare projects beyond March 2011.
(AQW 5001/11)

First Minister and deputy First Minister: The economic and policy appraisal report on Childcare was issued as an Executive paper on 11 February 2011 and, as a cross-cutting issue, is scheduled to be discussed by the Executive Committee on 10 March 2011.

The paper outlines 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 will be identified and that the Childcare Strategy would then be developed with lead from that department in collaboration with the Child Poverty sub-group and the Executive Sub-Committee on Poverty and Social Inclusion, where it has been agreed that this sub-group will now sit.

You will be aware that our Department has been co-ordinating a package of funding, through the Ministerial Sub-Committee on Children and Young People, to enable those after school projects originally supported by the Children and Young People's Funding Package via PlayBoard to continue whilst work on the future delivery of childcare was progressed.

With the current funding package due to end on 31 March 2011, we are currently considering a number of options in regard to the future funding of the projects beyond that date, but no decisions have yet been taken. However, we expect to make an announcement on this issue shortly.

Non-departmental Public Bodies and Arm's-Length Bodies

Mr P Weir asked the First Minister and deputy First Minister to list all the Non-Departmental Public Bodies and Arm's-Length Bodies and their estimated annual cost.
(AQW 5023/11)

First Minister and deputy First Minister: As at March 2011, OFMDFM has responsibility for a total of 7 Non-Departmental Public Bodies (NDPBs) and 8 Arms Length Bodies (ALBs).

The annual resource cost for 2010/11 of these NDPBs and ALBs is estimated at a total of £34 million as outlined in the table below.

OFMDFM - NDPBs & ALBs and their Estimated Annual cost for 2010/11	£'000
NDPBs:	
The Economic Research Institute of Northern Ireland	925
Equality Commission for Northern Ireland	6,985
Strategic Investment Board	6,363
Ilex Urban Regeneration Company	2,473
The Commissioner for Children and Young People for Northern Ireland	1,784
The Commission for Victims and Survivors for Northern Ireland	1,126
Northern Ireland Judicial Appointments Commission	1,471
NDPB Total	21,127
ALBs	
North/South Ministerial Council Joint Secretariat	789
Planning Appeals Commission and Water Appeals Commission	2,375
Community Relations Council for Northern Ireland	3,654
Attorney General Northern Ireland	1,018
Office for the Commissioner for Public Appointments for Northern Ireland	135
Older People's Advocate	297
Northern Ireland Memorial Fund	4,441
Sustainable Development Commission	161
ALB Total	12,870
Grand Total	33,997

Costs exclude Capital

St Andrews Agreement

Mr A Maginness asked the First Minister and deputy First Minister to outline the actions that are outstanding from the St Andrews Agreement.

(AQO 1200/11)

First Minister and deputy First Minister: As part of the implementation of the Hillsborough Castle Agreement, the Executive agreed on 11 February 2010 to establish a Working Group to identify all matters contained in the St Andrews Agreement which had not been faithfully implemented or actioned, and to make recommendations on how progress could be made on those matters which had not been actioned.

Following preliminary consultations with other parties in the Executive, we circulated to Party Leaders on 3 June 2010 a schedule of specific issues from the St Andrews Agreement which parties believe have not been faithfully fulfilled and remain outstanding.

That schedule formed the basis of the work to be taken forward by the St Andrews Agreement Working Group which met on a number of occasions and commissioned a draft report for its consideration and agreement which would include draft recommendations on how progress could be made on those matters listed within that Schedule. Work is ongoing to prepare this draft report.

In line with the Hillsborough Castle Agreement, the Working Group will forward its report, when agreed, to us for consideration.

City of Culture 2013

Mr P Ramsey asked the First Minister and deputy First Minister to outline the meetings his officials have held with the Derry-Londonderry UK City of Culture 2013 organisation committee.

(AQO 1201/11)

First Minister and deputy First Minister: Officials from Ilex, our urban regeneration company dedicated to the regeneration and transformation of the City, has worked in close co-operation with Derry City Council representatives over the last year to prepare the winning bid for the City of Culture. Ilex continues to work closely with the new organisation committee. A regular series of liaison meetings are held every Tuesday of the core management group, every fortnight with the management team and monthly with the Interim Board or as required. Furthermore, extensive briefings have been given to a wide range of departments and organisations.

Programme for Cohesion, Sharing and Integration

Dr S Farry asked the First Minister and deputy First Minister for an update on the outcome of the consultation on the draft Programme for Cohesion, Sharing and Integration.

(AQO 1202/11)

First Minister and deputy First Minister: The draft Cohesion, Sharing and Integration Programme is under development, following the consultation process which closed on 29 October.

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, 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 2010.

The draft report on the analysis of the consultation responses was completed in early January 2011. Officials are considering the findings and proposals for the ongoing development of the Programme for Cohesion, Sharing and Integration which will be passed to us shortly for our deliberation. 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.

Department of Agriculture and Rural Development

Rural Development Programme

Mr P Frew asked the Minister of Agriculture and Rural Development, in regards to the Rural Development Programme, for her definition of a (i) mobile infrastructure; (ii) basic service; and (iii) recreational activity. [R]

(AQW 3778/11)

Minister of Agriculture and Rural Development (Ms M Gildernew): As you will be aware as a member of North East Region (NER) Joint Council Committee, guidance from my Department on defining (i) mobile infrastructure; (ii) basic service; and (iii) recreational activity are already in the public domain. This is set within the Axis 3 Operating Rules which as you know LAGs and JCC use in the implementation of their local rural development strategies and assessment of applications.

For ease of access a fully up to date version of the Axis 3 Operational Rules is maintained on the Department's web site at

<http://www.dardni.gov.uk/index/rural-development/rdp-campaign/rdp-downloads.htm>

I understand that NER has already offered funding to promoters for items of mobile infrastructure (including boats and has also offered funding to 8 promoters for assistance under Measure 3.4 (Basic Services). If an individual case arises where there is doubt about admissibility your Administrative Council can give advice and failing that Departmental officials are available to assist.

Young Farmers' Clubs of Ulster

Mr A Bresland asked the Minister of Agriculture and Rural Development, in light of her decision to stop funding the Young Farmers' Clubs of Ulster, how she plans to support young people in rural areas.

(AQW 4453/11)

Minister of Agriculture and Rural Development: I was very aware of the considerable concern that was raised and the many submissions received in response to my proposal to stop funding the Young Farmers' Clubs of Ulster.

I met the YFCU recently to hear their views and discuss the potential value that a programme of work targeted at specific areas could deliver. After carefully considering the budget pressures on my Department, I was content to continue funding the YFCU for a further three years, subject to them providing a suitable business proposal covering the specific areas we agreed.

I am confident that this new programme of work will complement the existing support available to young people in rural areas through the education and training programmes available at CAFRE, and the 'listening ear' and signposting service provided by Rural Support.

In addition to the above, within the NI Rural Development Programme a key criterion for submission of the local development strategy by each of the seven clusters as an application for Axis 3 Rural Development Programme funding was that the strategy must address the needs of children and young people, and must be informed by the Ten year strategy and action plan for children and young people. It is expected that at least 5% of any funding awarded will be devoted to projects focussed in this area including rural youth groups. Examples of groups with letters of offer for Axis 3 NIRDP funding which involve clear social benefits for youth are Greenhill YMCA and The Boys Brigade.

The rural challenge programme, as part of the anti-poverty and social exclusion programme provided grant assistance to 21 'Children and Young People' projects to a range of community organisations, sectoral organisation, youth groups and GAA clubs to tackle local issues impacting young people. I have made proposals to raise overall rural poverty and exclusion 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.

Young Farmers' Clubs of Ulster

Mr A Bresland asked the Minister of Agriculture and Rural Development, apart from the Young Farmers' Clubs of Ulster, what other means do young people in rural areas have to learn valuable skills and meet new people.

(AQW 4454/11)

Minister of Agriculture and Rural Development: Young people in rural areas can avail of a wide range of opportunities provided by a range of statutory and voluntary bodies to learn skills and meet people. These include school and further education provision, sports clubs, interest or hobby groups, church based activities plus other uniformed and non uniformed youth organisations.

The College of Agriculture, Food and Rural Enterprise (CAFRE) provides a range of programmes designed to meet the needs of young people who want to work in the land-based industry. These education and training opportunities are available at locations throughout the north with most of the provision for new entrants delivered on the College Campus sites at Greenmount, Loughry and Enniskillen.

During their time at College many students attend on a residential basis where they learn the vocational skills and knowledge required for their future, and also have a great opportunity to meet, socialise and develop friendships. On completion of their studies many students join the Greenmount Association through which they maintain lifelong friendships with their peers.

In addition to the above, within the NI Rural Development Programme a key criterion for submission of the local development strategy by each of the seven clusters as an application for Axis 3 Rural Development Programme funding was that the strategy must address the needs of children and young people, and must be informed by the Ten year strategy and action plan for children and young people. It is expected that at least 5% of any funding awarded will be devoted to projects focussed in this area including rural youth groups. Examples of groups with letters of offer for Axis 3 NIRD funding which involve clear social benefits for youth are Greenhill YMCA and The Boys Brigade.

The rural challenge programme, as part of the anti-poverty and social exclusion programme provided grant assistance to 21 'Children and Young People' projects to a range of community organisations, sectoral organisations, youth groups and GAA clubs to tackle local issues impacting young people. An example is a project with Crossmaglen Rangers GFC, which aims to deliver a youth training programme across the themes of Health and Well-being and Social and recreational opportunities through training young people to train and educate other young people on these issues. I have also made proposals to raise overall rural poverty and exclusion 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.

Sale of Puppies

Mr C Lyttle asked the Minister of Agriculture and Rural Development how many people who breed pure bred, mongrel or designer puppies pay tax on the profits made from the sale of the puppies.

(AQW 4807/11)

Minister of Agriculture and Rural Development: Dog breeding establishments must be registered annually with local Councils who are responsible for inspecting these establishments.

Under Section 52 of the Dogs Order 1983, local Councils are required to provide my Department with statistics relating to the enforcement of the legislation, including the number of dog licences issued and the number of breeding establishments registered. In 2010, Councils reported that 228 breeding establishments were registered in the north of Ireland.

However, these statistics do not include any information on business operations, such as income or taxes paid, as the Councils are not required to collate these details. I am therefore unable to provide this information.

Draft PPS 16: Tourism

Mr P McGlone asked the Minister of Agriculture and Rural Development to detail her Department's, and any of its agencies, input into the formulation of Draft PPS 16 - Tourism.

(AQW 4872/11)

Minister of Agriculture and Rural Development: My Department has been actively involved with DOE throughout the development of Draft PPS16 to ensure complementarity between this planning policy and my department's policies. In particular, the relevant measures within the Rural Development Programme and the potential contribution from the Forest Service Recreation and Social Use Strategy and its ongoing work with the Tourist Board.

I have also written to Minister Poots advising that a rural proofing statement should be included within the consultation documentation to demonstrate how rural areas were considered in the development of this policy.

New Headquarters

Mr G Campbell asked the Minister of Agriculture and Rural Development, pursuant to AQW 4320/11, whether she will ensure that areas such as Claudy will be considered as a potential location for her Department's new headquarters, given its rurality as well as the good access routes from the North West to the rest of Northern Ireland.

(AQW 4877/11)

Minister of Agriculture and Rural Development: It is not possible for me to provide assurances at this time in relation to which rural areas will or will not be considered as a potential location for the proposed new DARD headquarters. This aspect will be examined in due course as part of a relocation project. As I outlined to you in my earlier answer to AQW 4320/11 part of the remit for this project will include formulating criteria to determine the location of the proposed new headquarters.

Legislation

Mr D Kinahan asked the Minister of Agriculture and Rural Development 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 4881/11)

Minister of Agriculture and Rural Development: A list of all legislation made by my Department which devolves powers or responsibilities to local government authorities since May 2007 is set out below

Title of Legislation	Powers / responsibilities devolved to local Government	Date legislation came /to come into operation	Additional Information
The Olive Oil (Marketing Standards) Regulations (Northern Ireland) 2008 (S.R. 2008 No.189)	District Councils to enforce this food related legislation in respect of production, labelling and marketing.	20 June 2008	

Title of Legislation	Powers / responsibilities devolved to local Government	Date legislation came /to come into operation	Additional Information
The Local Government (Constituting a Joint Committee) Order (Northern Ireland) 2008	This order provides for the establishment of seven rural development joint council committees to deliver Axes 3 and 4 of the NI Rural Development Programme 2007 – 2013	14 February 2009	
The Wine Regulations (Northern Ireland) 2009 (S.R. 2009 No. 354)	District Councils to enforce these Regulations in so far as they relate to retail sale.	1 December 2009	These regulation replace the Common Agricultural Policy (Wine) (England and Northern Ireland) (Amendment) Regulations 2007 in so far as they relate to the north of Ireland
Water Environment (Floods Directive) Regulations (NI) 2009	Compliance with EU Floods Directive	14 December 2009	The Regulations place a statutory duty on all responsible authorities, including District Councils, to exercise their relevant functions in a manner which ensures compliance with the requirements of the EU Floods Directive. The Regulations also place obligations on public bodies, if requested, to provide information and assistance to the Department in implementing these Regulations in the north of Ireland.
The Dogs (Licensing and Identification) (Amendment) Regulations (Northern Ireland) 2009 S.R. No. 396 (Replaces Schedule 8 of S.R. 1983 No. 378)	Legislation sets the colour for Licence discs. Administered by local Councils	1 January 2010	This legislation is made every 4 years

Title of Legislation	Powers / responsibilities devolved to local Government	Date legislation came /to come into operation	Additional Information
Diseases of Animals Act 2010	District Councils are given power to inspect, cleanse and disinfect vehicles	12 March 2010	Legislation amends the Diseases of Animals (Northern Ireland) Order 1981 (NI 22)
The Eggs and Chicks Regulations (Northern Ireland) 2010	<p>The Regulations are enforced by DARD and District Councils.</p> <p>District Councils are required to enforce the provisions of the EU Regulations as they apply to the retail sale of eggs within their area</p>	28 April 2010	The 2010 Regulations replaced the Eggs and Chicks (No. 2) Regulations (Northern Ireland) 2008 (S.R. 2008 No. 451) which contained the same enforcement provisions. The 2008 (No. 2) Regulations replaced the Eggs and Chicks Regulations (Northern Ireland) 2008 (S.R. 2008 No. 98) which contained the same enforcement provisions.
The Beef and Veal Labelling Regulations (Northern Ireland) 2010	<p>These Regulations are enforced and executed by DARD or any District Council, or by DARD and any District Council acting jointly.</p> <p>District Councils are required to enforce the provisions of the EU Regulations in relation to beef labelling in retail premises within their area.</p>	17 May 2010	The 2010 Regulations replaced the Beef and Veal Labelling Regulations (Northern Ireland) 2009 (S.R. No. 2) which contained the same enforcement provisions. The 2009 Regulations replaced the Beef Labelling (Enforcement) Regulations (Northern Ireland) 2001 (S.R. No. 271) which also contained the same enforcement provisions.
Welfare of Animals Act (NI) 2011	Enforcement of welfare provisions with respect to "other animals" and licensing and registration functions by local Councils.	March/April 2011	Powers will not commence until 12 months after Royal Assent is received (March/April 2012).

Title of Legislation	Powers / responsibilities devolved to local Government	Date legislation came /to come into operation	Additional Information
Dogs (Amendment) Act 2011	Builds on enforcement responsibilities devolved to local authorities by the Dogs (NI) Order 1983 to introduce a small number of new offences and improve resourcing of local authority dog warden services (by increased licence fees and fixed penalties.)	March 2011 – Summer 2012 (some secondary legislation required)	Key powers and responsibilities for dog control (dog licensing and control of stray dogs) were devolved to local authorities in 1983. The Dogs (Amendment) Act 2011 does not substantively add to or subtract from these.

Department of Culture, Arts and Leisure

Libraries

Mr D Kinahan asked the Minister of Culture, Arts and Leisure whether he is considering alternative community uses for libraries which are threatened with closure.

(AQW 4836/11)

Minister of Culture, Arts and Leisure (Mr N McCausland): It is the responsibility of Libraries NI to dispose of any of their property if it were to become vacant. In line with established procedure this would initially involve consideration of transfer within the public sector which provides an opportunity to find an alternative community use for the building.

Libraries

Mr G Campbell asked the Minister of Culture, Arts and Leisure, of the new libraries which have opened since 2008, what was the percentage change in the number of people who used each new library in its first year compared to the number of people who had used the library, that was previously in that location, in the year before the new library opened.

(AQW 4963/11)

Minister of Culture, Arts and Leisure: Four new libraries have opened since 2008: Antrim Library, Bangor Library, Dungiven Library and Grove Library.

As there are different ways to measure the number of people who use libraries it is recommended that the overall increase is best represented by showing all four measures: New Borrowers, Issues, Public Access Terminals (PAT) and Visits.

Please refer to the tables in the attached annex.

Annex 1**Antrim Library****OPENED IN ITS NEW LOCATION IN FEBRUARY 2010.**

Measurement	Feb 2009-Jan 2010	Feb 2010-Jan 2011	Percentage Change
New Borrowers	696	2,644	+280%
Issues	34,224	75,901	+122%
*PAT Sessions	15,680	34,248	+118%
Visits	85,222	114,646	+35%

Bangor Library

Opened in November 2008 in its Hamilton Road location. The library was in temporary accommodation in the Flagship centre while the building work was carried out.

Measurement	Nov 2007-Oct 2008	Nov 2008-Oct 2009	Percentage Change
New Borrowers	1,713	6,347	+271%
Issues	110,244	220,380	+100%
PAT Sessions	24,718	45,599	+84%
Visits	144,144	281,833	+95%

Dungiven Library

Opened in September 2010. As the new library has only been open for six months, attached is a six month comparison for the same period the previous year.

Measurement	Sep 2009-Feb 2010	Sep 2010-Feb 2011	Percentage Change
New Borrowers	104	434	+317%
Issues	6,339	12,274	+94%
PAT Sessions	856	1,479	+73%
Visits	5,307	9,656	+82%

Grove Library

Opened in Grove Well-being Centre in May 2008. Previously it was called Skegoneill Library and located on an adjacent site.

Measurement	May 2007-Apr 2008	May 2008-Apr 2009	Percentage Change
New Borrowers	187	850	+355%
Issues	15,116	25,674	+70%
PAT Sessions	5,046	9,888	+96%
Visits	45,924	67,035	+46%

*PAT = Public Access Terminals

Proposed Ulster-Scots Academy

Mrs D Kelly asked the Minister of Culture, Arts and Leisure to outline the business case for the proposed Ulster-Scots Academy including the terms of reference, the Academy's purpose and any potential locations.

(AQW 5004/11)

Minister of Culture, Arts and Leisure: The Business Case for the Ulster-Scots Academy was completed in 2004. An update of this has been prepared to review and refresh the Academy concept and to move the work forward in a way which reflects the needs of the Ulster-Scots community. The Terms of Reference for the review of the business case are attached.

This update provides me with a strategic and operational context for the development of an Academy. As this policy is a work in progress, I cannot comment further at present, however I plan to make an official announcement on the way forward before the Assembly rises. Business Case Terms of Reference

The terms of reference for this assignment require early work conducted (including an economic appraisal) to be updated in accordance with HM Treasury (The Green Book) and Department of Finance and Personnel (DFP) guidance – The Northern Ireland Guide to Expenditure Appraisal and Evaluation (NIGEAE).

The nature of the Terms of Reference implies that much of the background analysis presented in this report has been taken from earlier work however, further analysis and in-depth challenge has been undertaken to ensure the outcome is consistent with the most up to date and accurate information and evidence available. In particular this business case will respond to key issues raised during previous work on the subject including:

- the need to minimise potential duplication of effort and investment across the wider Ulster-Scots community in Northern Ireland, specifically in relation to the Ulster-Scots Agency;
- maximising the impact of investment made in the area of Ulster-Scots by ensuring a more competent and strategic approach to development and also that the Ulster-Scots community feel engaged and part of the proposed solution; and
- ensuring that the proposed solution represents value for money and is accepted by key stakeholders.

Gilford Library

Mrs D Kelly asked the Minister of Culture, Arts and Leisure what consideration was given to the impact of renovation work and structural repairs to the viability of Gilford Library.

(AQW 5076/11)

Minister of Culture, Arts and Leisure: This is fundamentally an operational issue for Libraries NI and the future of Gilford library is subject to public consultation as part of its 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 refer you to the Libraries NI website for additional background information on this Review.

Football: North Antrim

Mr M Storey asked the Minister of Culture, Arts and Leisure how much funding his Department has invested in football in the North Antrim Constituency since 2007.

(AQO 1217/11)

Minister of Culture, Arts and Leisure: Sport Northern Ireland is responsible for the development of sport in Northern Ireland including the distribution of funding. Since 2007, Sport NI has awarded £1,101,980 to projects in the North Antrim Constituency and specifically in the Ballymena and Ballymoney areas.

Ulster Scots: West Tyrone

Mr A Bresland asked the Minister of Culture, Arts and Leisure what action his Department has taken over the past four years to assist the Ulster-Scots community in West Tyrone to develop its culture and heritage.

(AQO 1218/11)

Minister of Culture, Arts and Leisure: The Department of Culture, Arts and Leisure does not fund community groups directly however support and funding has been provided by the Department's ALBs and through the Community Festival Funding for Ulster-Scots cultural and heritage projects in West Tyrone.

The Ulster-Scots Agency has awarded grants to the value of over £190,000 for a wide range of projects to assist the Ulster-Scots community in West Tyrone including funding for music tuition, dance tuition, Ulster-Scots festivals, week long Ulster-Scots summer schools and after schools clubs for children.

The Arts Council of NI provides funding to the Ulster-Scots Community Network which, although based in Belfast, works throughout Northern Ireland. The organization includes a Development Officer with responsibility for West Tyrone, Londonderry and Donegal.

World Police and Fire Games

Mr T Lunn asked the Minister of Culture, Arts and Leisure for his assessment of Northern Ireland's state of readiness and capacity to host the World Police and Fire Games in 2013.

(AQO 1220/11)

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. I have appointed the Chairman and Directors of the Company and a shadow meeting of the Board was held on 21 February 2011.

The former 2013 Stakeholder Group, that managed the 2013 World Police and Fire Games project until a delivery vehicle was established, had identified and taken forward work on the various workstreams, including: Volunteering, Tourism, Legacy, Transport and Logistics and Sport. This will now be the responsibility of the Company.

Although no final decisions have been made in regard to the location of the 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 from venue owners who wished to host sporting events.

Sport Northern Ireland has completed Stage One of the Expression of Interest exercise. Venues both within and outside of Belfast have met the standard and a process to select the venues is currently underway. As yet no final decisions have been made. The new 50m Swimming Pool in North Down Borough Council is scheduled for completion in June 2012 and is under consideration as a venue for the swimming in 2013.

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.

Irish Football Association

Mr P Ramsey asked the Minister of Culture, Arts and Leisure what progress has been made in relation to the resolution of the management and governance issues associated with the Irish Football Association.

(AQO 1221/11)

Minister of Culture, Arts and Leisure: The IFA's current Review of Corporate Governance is being carried out by an Independent Review Panel. The Panel commenced their work during November 2010 and have now got to a stage where they have developed a framework for consultation with stakeholders. The Panel have identified a number of broad areas, including the role and composition of the Board, compliance with the UK Corporate Governance Code, the role of Council, the positions of President and Chairman of the Board and the Committee structure and responsibilities. The Panel which met with the IFA Executive Board on Thursday 24 February 2011, also made a presentation to the IFA Council on 28 February. It will now hold a series of meetings with other stakeholders throughout Northern Ireland in the forthcoming weeks with a view to producing a final report to present to the Executive Board for approval. This will then enable proposals to be put to an Extraordinary General meeting.

I regard the approach now being undertaken by the IFA to the corporate governance of the Association as positive. I will nevertheless continue to take a close interest in the way in which Review develops; in particular the need to ensure that the outcomes clearly demonstrate that the IFA will be fit for purpose.

Sports Facilities: North Down

Mr A Easton asked the Minister of Culture, Arts and Leisure what action he is taking to promote the sharing of sports facilities in the North Down area.

(AQO 1222/11)

Minister of Culture, Arts and Leisure: Responsibility for taking action to promote the sharing of sports facilities in the North Down area is a matter for the owners of those facilities and North Down Borough Council. However, under my sports strategy, Sport Matters, I am promoting the provision of shared spaces for sport across all areas and amongst all people in Northern Ireland. I have also been encouraging all stakeholders to identify opportunities for greater sharing of facilities and have, for example, been in on-going discussion with the Minister of Education, Catriona Ruane MLA, about the possibility of sharing and opening up school sports facilities to the community.

In addition to this, Sport Northern Ireland, which is responsible for the development of sport including the distribution of funding, requires all successful applicants to its capital programmes to ensure that its facilities are accessible to the wider community and that no person is denied the right to equal access to their sports facilities on grounds of race, gender, sexual orientation, disability, religious belief, political opinion, marital status, age or having or not having dependents. This condition also applies to any facilities in the North Down area which receive funding from Sport Northern Ireland. Over the last 3 financial years SNI has awarded almost £15.5m to capital projects in the North Down area which are designed, in part, to help promote shared access to sports facilities across the community.

Salmon and Sea Trout Stocks

Mr A McFarland asked the Minister of Culture, Arts and Leisure for an update on the plans to replenish salmon and sea trout stocks in rivers.

(AQO 1284/11)

Minister of Culture, Arts and Leisure: DCAL, in co-operation with the Loughs Agency, has developed a Salmon Management Strategy for Northern Ireland and the cross border catchments. The strategy is informed with scientifically robust management tools to meet statutory, national and international commitments on an on-going basis. The document is available on the North Atlantic Salmon

Conservation Organisation (NASCO) website at http://www.nasco.int/pdf/implementation_plans/IP_NIreland.pdf

A major element of the DCAL strategy for salmon conservation is the protection, restoration and enhancement of habitats common to the requirements of salmon and sea trout. Details of the activities associated with this are contained in the Focus Area Report on Protection, Restoration and Enhancement of Salmon Habitat available at http://www.nasco.int/pdf/implementation_plans/IP_NIreland.pdf.

DCAL works in partnership with the Rivers Agency and the Northern Ireland Environment Agency in the context of the EU Water Framework Directive River Basin Management Plans, which take an integrated and holistic approach to the protection, improvement and sustainable use of the water environment. DCAL provides conservation advice to competent authorities that regulate activities with potential to impact on salmonid fishes and their habitats.

The River Bush Salmon Station has facilities for salmonid fish supportive breeding programmes. The Department supports the work of a number of angling clubs in this regard, provided that these take heed of advice to safeguard the genetic integrity of salmonid populations.

Department of Education

Behavioural Difficulties

Mrs D Kelly asked the Minister of Education how many school children, under 8 years old, display behavioural difficulties in each Education and Library Board area.

(AQW 4089/11)

Minister of Education (Ms C Ruane): Ní bhailíonn mo Roinn an t-eolas seo.

My Department does not collect this information.

My Department has committed resources including written guidance to assist schools and the Education and Library Boards to develop practices which focus on improving the climate for learning for all pupils. Guidance includes the publication "Promoting and Sustaining Good Behaviour: A Discipline Strategy for Schools" which sets out a support model of progressively more intensive interventions for pupils whose behaviour is challenging.

Schools can access support and advice from their local Education and Library Board on appropriate behaviour programmes and, in certain cases, short term support for individual pupils; general advice on developing whole school approaches and teachers classroom management skills; and immediate advice in response to serious incidents.

Languages Strategy

Mr D Bradley asked the Minister of Education when she intends to publish the Languages Strategy commissioned by her Department.

(AQW 4123/11)

Minister of Education: Choimisiúnaigh mo Roinn tuarascáil ina bhfuil moltaí a d'fhéadfadh straitéis nuatheangacha a fhoirmiú, agus tá dréacht den tuarascáil sin, atá a chóir críochnaithe, faighte againn ó Lárionad Ábhar um Theangacha, Theangeolaíocht agus Léann Ceantair Ollscoil na Ríona/Ollscoil Uladh (QUB/UU Subject Centre for Languages, Linguistics and Area Studies).

My Department commissioned a report containing recommendations that might inform a modern languages strategy and has received a near final draft of that report from the QUB/UU Subject Centre for Languages, Linguistics and Area Studies.

The original commission, which predated the restoration of devolution, envisaged a wide ranging report that would focus on the place of language learning not just in schools but for the economy and for society more generally. For that reason, we have identified the need to engage with other relevant departments on the final draft of the report.

The feedback received is being relayed to the two universities and I expect that they will be in a position to submit their final report to me very shortly. Recognising that it will contain recommendations for other Ministers, I intend to circulate that final report to the Executive. As Education Minister I will also be looking carefully, within the resources available to me, at how best to move forward on those recommendations that are focused on the teaching and learning of modern languages in schools. I will be doing so informed by the success of my Primary Languages Programme which is built on the recognition that early language learning builds both important communication skills and positive attitudes to learning another language.

General Teaching Council

Mr P Butler asked the Minister of Education to provide a breakdown of the funding allocated to the General Teaching Council by her Department in each of the last five years.

(AQW 4221/11)

Minister of Education: D'aistrigh an fheidhm a bhaineann le cáilíochtaí múinteoirí a fhaomhadh ar mhaithe le bheith i dteideal teagaisc/clárúcháin leis an Chomhairle Ghinearálta Teagaisc (GTC) ón Roinn s'agamsa go dtí an GTC i mí Dheireadh Fómhair 2007.

The function of approving teachers' qualifications for the purposes of eligibility to teach/registration with the General Teaching Council (GTC) transferred from my Department to the GTC in October 2007. In order to cover the costs to the Council of undertaking this transferred function, the Department has allocated funding to the GTC over the last five years as follows:

Financial Year	Approval of Qualifications (£k)
2006/07	0
2007/08	29
2008/09	71
2009/10	72
2010/11	73

The GTC's other statutory functions are funded entirely via income from the teachers' registration fees charged by it. In line with current arrangements in England and Wales, DE reimburses this fee to the teachers as part of their salary and has provided funding of around £1.1m per annum over the last five years for this purpose.

My Department's Draft Budget 2011-2015 includes a proposal to remove the reimbursement to teachers of the GTC registration fee.

Colin Area of Belfast

Ms J McCann asked the Minister of Education to detail what percentage of the overall budget of the South Eastern Education and Library Board was spent in the Colin area of Belfast, in each of the last four financial years.

(AQW 4753/11)

Minister of Education: Sonraítear thíos an céatadán den bhuiséad foriomlán de chaiteachas Bhord Oideachais agus Leabharlann an Oirdheiscirt i gceantar Ghleann Chollainn i mBéal Feirste, i ngach ceann de na ceithre bliana airgeadais seo chuaigh thart.

The percentage of the overall budget of the South Eastern Education and Library Board spend in the Colin area of Belfast, in each of the last four financial years is detailed below.

Financial Year	2006/07	2007/08	2008/09	2009/10
Percentage of overall SEELB Budget spent in the Colin area of Belfast	4.59%	4.81%	4.66%	4.56%

Teachers and Principals Deemed Unsatisfactory

Mr D Kinahan asked the Minister of Education to detail (i) the level of support and training that is available for teachers and principals whose work has been deemed unsatisfactory; and (ii) how the support and training is delivered, monitored and assessed by her Department.

(AQW 4789/11)

Minister of Education:

- (i) Cuireann nósanna imeachta a bhíonn á ndrúachtú i gcomhpháirt le chéile ag údaráis fostaíochta múinteoirí i gcomhairle leis an Roinn Oideachais meicníocht ar fáil do Bhoird Ghobharnóirí le déileáil le múinteoirí a meastar a gcuid oibre a bheith míshásúil.
- (i) Procedures drawn up jointly by teachers' employing authorities in consultation with the Department of Education provide Boards of Governors with the mechanism for dealing with teachers whose work is deemed to be unsatisfactory. The procedures were ratified by the Teachers' Salaries and Conditions of Service Committee (Schools) and are currently under review by the Committee.

Where there are concerns regarding a teacher's work, the school Principal, in consultation with the employing authority, arranges a training and support programme designed to address those aspects of the work which have been deemed unsatisfactory. The length, format and intensity of this programme depend upon the nature and seriousness of the weakness(es) in the teacher's work.

- (ii) The programme of support is drawn up in consultation with the teacher concerned, implemented within a specified time frame, normally within three months, and monitored by the Principal.

These procedures apply to all teachers, including principals and vice principals. In cases of concern regarding a principal's work, the support programme is arranged and monitored by the Board of Governors in consultation with the employing authority.

The work of a teacher, principal or vice principal, may be evaluated as unsatisfactory as part of a school inspection carried out by the Department's Education and Training Inspectorate (ETI). The Department requires schools to put in place action plans to address any areas including the quality of teaching or leadership, identified through the inspection as being in need of improvement. The Department evaluates the quality of the school's action plan and monitors and evaluates progress against its implementation through the ETI. Where the provision is evaluated as satisfactory or as less than satisfactory, schools routinely have a follow-up inspection and the report is published on the ETI website.

Vacancies for Enrolment

Mr P Weir asked the Minister of Education whether the removal of temporary classrooms has been taken into account when assessing the number of vacancies for enrolment.

(AQW 4862/11)

Minister of Education: Bíonn seomraí ranga sealadacha san áireamh i ríomh uimhir rollaithe scoile má sainíodh iad mar spásanna múinteoireachta lánaimseartha.

Temporary classrooms are included in the calculation of a school's enrolment number if they have been designated as full-time teaching spaces. It is the responsibility of the school to notify the Department

of any changes in accommodation which need to be taken into account at the annual review of enrolment numbers.

Enrolment Places

Mr P Weir asked the Minister of Education how the maximum number of enrolment places in a school is calculated.

(AQW 4863/11)

Minister of Education: Comhairtear áiteanna rollaithe mar a leanas:

Enrolment places are calculated as follows:

Statutory Pre-school sector: Enrolment numbers are approved on the basis of multiples of 26 ie a 1:13 pupil teacher ratio.

Primary Schools: Enrolment numbers are calculated on the actual floor space available for teaching purposes in two stages:-

- i each room with 50m² or more available for teaching purposes is regarded as having a capacity of 29 pupils; and
- ii. for rooms with less than 50m² available for teaching purposes, the total

area of those rooms (excluding storage) is aggregated and divided by 1.72. The resulting figure rounded down to the nearest whole number, is the total capacity for those rooms.

The total of i and ii is the school's enrolment number.

Post-Primary Schools: Enrolment numbers are calculated based on the number of centrally timetabled teaching spaces over 28m² multiplied by a Room Usage Factor of 87% and a Pupil Teacher Ratio of 14.5 (non grammar schools) or 16.0 (grammar schools) divided by a teacher contact ratio of 0.76.

Enrolment Figures

Mr P Weir asked the Minister of Education when the maximum enrolment figures for schools were last calculated.

(AQW 4864/11)

Minister of Education: Is féidir uimhreacha rollaithe na hearnála réamhscoile reachtúil bheith gan athrú mar socraítear iad ar bhonn chóimheasa daltaí le múinteoir 1:13.

In the statutory pre-school sector enrolment numbers remain unchanged as they are set on the basis of a 1:13 pupil teacher ratio.

A primary and post-primary school's enrolment number is reviewed on an annual basis and schools are given the opportunity to either request an increase or decrease in the enrolment number. It is the responsibility of the Board of Governors of the school to notify the Department of any changes in accommodation which may affect consideration of these numbers.

Cycle to Work Scheme

Mr B Armstrong asked the Minister of Education which Education and Library Boards have engaged with the Cycle to Work Scheme.

(AQW 4901/11)

Minister of Education: Ní dheachaigh aon cheann de na cúig Bhord Oideachais agus Leabharlann i ngleic leis an Scéim um Rothaíocht chun na hOibre.

None of the five Education and Library Boards have engaged with the Cycle to Work Scheme. The Association of Chief Executives have determined that in the current challenging financial environment they could not support such a scheme.

School Places

Mr D McKay asked the Minister of Education to detail the number of pupils, currently in Year 8 and Year 9, in post-primary schools in the North Antrim area who were (i) offered a school place based on their transfer test result, broken down by the grade obtained; and (ii) offered a place without having taken the transfer test.

(AQW 4926/11)

Minister of Education: Sáraíonn úsáid na scrúduithe iontrála malartacha ag scoileanna gramadaí treoir mo Roinne ar an aistriú iarbhunscoile.

The use of breakaway entrance tests by grammar schools is in contravention of my Department's guidance on post-primary transfer. As such, my Department has no involvement in the administration of breakaway tests, nor does it have access to information about test grades obtained by pupils currently in Year 8 in post-primary schools. The information in respect of pupils currently in Year 9 is set out in the table below:

(i) Number of Year 9 pupils offered a school place based on their transfer test result, broken down by grade						(ii) Number of Year 9 pupils offered a school place without having taken the transfer test
A	B1	B2	C1	C2	D	
401	40	56	48	25	22	414

The above table excludes Slemish Integrated College. This is a bilateral college and it is not possible to disaggregate pupils admitted on the basis of test grade.

Ring-fenced Funding for Special Education

Mr S Hamilton asked the Minister of Education whether she intends to ring-fence funding for special education, including associated transportation costs.

(AQW 4927/11)

Minister of Education: Agus mo dhréacht-leithdháiltí agus pleananna coigiltis á gcinneadh agam tar éis fhoilsiú Dhréachtbhuiséad an Choiste Fheidhmiúcháin 2011-15, tá cosaint curtha ar fáil agam do chlár a dhíríonn ar mhíbhuntáiste agus a fheabhsaíonn torthaí oideachais lena n-áirítear oideachas speisialta.

In determining my draft allocations and savings plans following publication of the Executive's Draft Budget 2011-15, I have afforded protection to programmes which target disadvantage and improve educational outcomes including special education. Following the Executive's agreement of the Final Budget allocations for Departments on 3 March, I am now in a position to make final decisions on the allocation of resources for education.

The majority of funding for special education, including transport, is provided to ELBs via Block Grant. Each ELB has discretion over the use of funding provided in the form of Block Grant to cover the remit of services provided within their respective geographical areas, to take account of local needs. This includes special education, transport and a range of other services. Consistent with the approach to approving ELBs financial plans in 2010-11 there will be a requirement for ELBs to continue to protect front-line services as outlined in my draft Budget proposals. It is the responsibility of each ELB to consider how best to meet the needs of all children in their area and make decisions, where necessary, about alternative methods of service provision, to meet those needs.

Assaults on School Staff

Mr G Campbell asked the Minister of Education to detail the number of (i) teaching staff; and (ii) non-teaching staff who have been assaulted by a pupil or a parent in each of the last three years.

(AQW 4928/11)

Minister of Education: Ní bhailfionn an Roinn ná na húdaráis fostaíochta an t-eolas a iarradh.

Neither the Department nor the employing authorities collect the requested information.

Statistics on the reasons for suspensions and expulsions of pupils are gathered each year but no statistics are available on assaults on school staff by parents. The table below provides the number of occasions where pupils were suspended or expelled for physical attack on staff in each of the last three school years for which figures are available:-

	Number of suspensions for physical attack on staff	Number of expulsions for physical attack on staff
2007/08	228	1
2008/09	265	2
2009/10	241	5

Notes

- 1 These figures relate to all pupils undertaking Key Stage 1-4 in primary and post-primary schools.
- 2 The information reflects the number of individual suspensions, as opposed to the number of pupils suspended. Pupils may be suspended more than once.
- 3 The information cannot be disaggregated by teaching and non-teaching staff.

New Primary School in Carrick, Warrenpoint

Mr P J Bradley asked the Minister of Education when (i) the announcement of the successful tender for the new primary school in Carrick, Warrenpoint will be made; and (ii) the sod-cutting ceremony on this site will take place.

(AQW 4930/11)

Minister of Education: Fógraíodh an tairiscint rathúil do thógáil an fhoirgnimh scoile nua do Bhunscoil na Carraige, an Pointe ar 1 Márta 2011.

The announcement of the successful tender for the construction of the new school building for Carrick PS. Warrenpoint was made on 1 March 2011. It is anticipated that the sod-cutting ceremony to mark the start of construction work will take place on Wednesday 16 March 2011.

Review of Literacy and Numeracy Strategy

Mr K Robinson asked the Minister of Education, pursuant to AQW 4426/11, in relation to the Review of Literacy and Numeracy Strategy (i) in which language the document was produced; (ii) the languages into which it was translated; and (iii) the language to which 'literacy' in the title refers.

(AQW 4937/11)

Minister of Education: Mar is gnách le gach foilseachán de chuid na Roinne, cuireadh an doiciméad comhairliúcháin a bhaineann leis an athbhreithniú ar an straitéis litearthachta agus uimhearthachta ar fáil i bhformáid dhátheangach, ag cuimsiú Gaeilge agus Béarla araon.

As is standard with all Departmental publications, the consultation document relating to the review of the literacy and numeracy strategy was produced in a bilingual format, encompassing both Irish and English. The Department was prepared to translate the document into other languages or formats upon request but no such requests were received.

With regard to the strategy, the term 'literacy' is used in an inclusive way and refers to the development of this important skill in English and also, for those learning through the medium of Irish, in Irish. The strategy also makes links to our policies for special educational needs and inclusion to support pupils who do not have the language skills to access the curriculum.

Consultations

Mr K Robinson asked the Minister of Education, pursuant to AQW 4426/11, to detail the total cost of each consultation, broken down by (i) printing; (ii) the hire of premises; (iii) translation; (iv) consultants' fees; and (v) other associated costs.

(AQW 4938/11)

Minister of Education: Sonraítear an t-eolas a iarradh sa tábla thíos.

The information requested is detailed in the table below.

Consultation	Printing	Hire of premises	Translation	Consultants fees	Other associated costs
EQIA consultation on funding for Transfer interviews	NIL	NIL	544.08	NIL	3246.65
DE Draft Budget 2011-2015	NIL	406.25	NIL	NIL	3535.97
Draft Early Years (0-6) Strategy Consultation	NIL	3998.90	2415.36	NIL	12251.00
Disability Action Plan 2010-2013	NIL	NIL	848.00	NIL	3902.00
Community Relations, Equality & Diversity in Education Policy (Note 1)	NIL	TBC	TBC	TBC	TBC
Teacher Education in a Climate of Change - The Way Forward	NIL	NIL	2097.36	NIL	4670.56
Draft Government STEM Strategy	NIL	NIL	2670.24	NIL	NIL
Consultation on draft Education (School Development Plans) Regulations (NI) 2010	NIL	NIL	400.00	NIL	NIL
Draft Equality Impact Assessment (EQIA) on the Proposal to withdraw Funding from Preparatory Departments of Grammar schools	NIL	NIL	616.68	NIL	NIL
Common Funding Formula Consultation January 2010	NIL	NIL	419.88	NIL	NIL

Consultation	Printing	Hire of premises	Translation	Consultants fees	Other associated costs
Every School A Good School: The Way Forward for Special Educational Needs and Inclusion	5522.00	5078.00	2023.00	NIL	10795.00
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	NIL	NIL	2092.80	NIL	NIL
Consultation on the Equality Impact Assessment (EQIA) Every School A Good School – School Improvement Policy	NIL	NIL	393.00	NIL	NIL
Food in Schools Policy	NIL	NIL	1848.10	NIL	3061.93
School Admissions (Exceptional Circumstances) Regulations 2010	NIL	NIL	643.80	NIL	2662.55
Equality Impact Assessment of the Transfer 2010 Guidance	NIL	310.00	2695.50	NIL	3081.49
Transfer 2010 Guidance	5175.00	NIL	525.15	NIL	3225.00
Consultation on the draft teachers' (Compensation for Redundancy and Premature Retirement) Regulations (NI) 2009	NIL	NIL	643.65	NIL	1214.24
Consultation on Draft Pupil Records and Reporting Regulations and Levels of Progression	NIL	NIL	141.00	13400.00	NIL
Review of Irish-medium Education	3000.00	13395.11	3896.13	21550.51	4605.90
Local Management of Schools - Common Funding Formula	NIL	NIL	717.12	NIL	NIL

Consultation	Printing	Hire of premises	Translation	Consultants fees	Other associated costs
Review of Literacy and Numeracy Strategy	1700.00	NIL	3727.00	17400.00	NIL
Every School A Good School – School Improvement Policy	1700.00	NIL	1657.00	NIL	NIL
Consultation on the Area-based Planning Policy	NIL	NIL	761.85	NIL	NIL
Public Consultation on Building a Better Future	NIL	320.00	NIL	NIL	1543.86
Consultation on Draft Regulations to Prohibit Discrimination by General Qualifications Bodies on the Grounds of Disability	NIL	NIL	280.00	NIL	1500.00
Consultation on Draft Amendment Regulations to Prohibit Discrimination by General Qualifications Bodies on the Grounds of Disability	NIL	NIL	300.00	NIL	1500.00
Policy on Supporting Ethnic-Minority Children and Young People who have English as an Additional Language	1216.13	Included in consultants fees	3719.12	16718.25	2477.50

Note 1 - Community Relations, Equality & Diversity in Education Policy. The total costs of this consultation were reported in AQW4426/11 at £15000. Unfortunately a full breakdown of this amount is not yet available.

Policy on Supporting Ethnic Minority Children and Young People

Mr K Robinson asked the Minister of Education, pursuant to AQW 4426/11, in relation to the Policy on Supporting Ethnic Minority Children and Young People who have English as an additional language, to detail (i) in which language the document was produced; (ii) the languages into which it was translated; and (iii) which languages, other than English, are spoken by pupils at home according to the latest school census, from rank 1 to 10.

(AQW 4939/11)

Minister of Education: Táirgeadh an doiciméad comhairliúcháin maidir le ‘Tacú le Leanaí as Mionlaigh Eitneacha agus le Daoine Óga a bhfuil Béarla acu mar Theanga Bhreise’ i mBéarla agus aistríodh go dtí na 6 barrtheanga é mar a léiríodh i ndaonáireamh Dheireadh Fómhair 2006.

The consultation document on ‘Supporting Ethnic-Minority Children and Young People who have English as an Additional Language’ was produced in English and translated into the top 6 languages as indicated in the October 2006 census. These were Chinese (Cantonese), Filipino, Hindi, Lithuanian, Polish and Portuguese. The document was also translated into Braille following a request.

The final policy ‘Every School a Good School - Supporting Newcomer Pupils’, launched in April 2009, was produced in English and Irish. A summary of the policy was translated into the top 6 languages as

indicated in the October 2008 census. These were Chinese (Cantonese), Filipino, Lithuanian, Polish, Portuguese and Slovakian.

The latest school census was taken in October 2010. The top ten languages, other than English, spoken by newcomer pupils at home according to that census are as follows:

	Language	Pupils
1	Polish	2,832
2	Lithuanian	1,170
3	Portuguese	605
4	Tagalog/Filipino	410
5	Chinese (Cantonese)	351
6	Malayalam	327
7	Latvian	274
8	Slovak	242
9	Chinese (Mandarin)	137
10	Hindi	132

The figures above relate to children in voluntary and private pre school centres, nursery schools, primary schools, post-primary schools and special schools.

Education Psychology Service

Mr K Robinson asked the Minister of Education, pursuant to AQW 4427/11, what action she intends to take to reduce the number of children waiting to be assessed by the Education Psychology Service. (AQW 4941/11)

Minister of Education: Tá na Boird Oideachais agus Leabharlann (BOL) freagrach as soláthar seirbhíse síceolaíochta oideachais do leanaí agus do dhaoine óga.

The Education and Library Boards (ELBs) have responsibility for the provision of educational psychology services to children and young people. The five ELBs' Educational Psychology Services are working together to deliver an agreed action plan which promotes commonality, consistency and equity of practice and service delivery. It is expected that this will result in greater uniformity in the way services are delivered.

Each ELB continues to work closely with schools, children and parents to ensure that they are able to carry out educational psychology assessments as soon as possible. An increase in the number of referrals from Health and Social Care Trusts has, however, increased the pressure upon the Educational Psychology Services. Trends show that increasing numbers of pre-school children and children and young people with possible diagnoses of autism spectrum disorders are being referred. Boards are working in partnership with the Health and Social Care Trusts to address these trends as swiftly as possible.

My Department continues to provide funding towards the delivery of the Doctorate in Educational, Child and Adolescent Psychology by Queens University in order to ensure an appropriate flow of qualified educational psychologists are available to be recruited by the ELBs.

Suspended Teachers

Mr J Dallat asked the Minister of Education to detail (i) the number of teachers who are currently suspended; (ii) the length of time of each suspension; (iii) the total cost incurred in each case,

including pay and National Insurance Contributions/superannuation; and (iv) the total cost of substitute teachers employed to fill these posts.

(AQW 4947/11)

Minister of Education: Ar 28 Feabhra 2011, tá ochtar múinteoirí ar fad atá ar tréimhse fionraíochta.

At 28 February 2011 there are a total of 8 teachers who are on a period of suspension. The table below outlines the duration of each suspension in calendar days also all costs inclusive of employers' national insurance and superannuation contributions.

No. of Teachers	Start Date of Suspension	Total Number of Calendar Days Absent	Total Cost of Absence resulting from Suspension	Total Cost of Substitute Cover
Teacher 1	04/12/2009	451	£58,275.45	£32,511.60
Teacher 2	10/12/2009	445	£54,875.54	£28,617.87
Teacher 3	01/03/2010	364	£76,473.92	£79,388.57
Teacher 4	24/08/2010	188	£70,543.83	£34,819.90
Teacher 5	30/11/2010	90	£11,690.35	£8,732.20
Teacher 6	03/12/2010	87	£10,506.41	£6,394.46
Teacher 7	07/01/2011	52	£9,516.19	£3,610.99
Teacher 8	12/01/2011	47	£8,776.74	£3,087.35

Convergence Programme Management Board

Mr P Weir asked the Minister of Education when a democratically chosen representative from the former South Eastern Education and Library Board will be co-opted to the Convergence Programme Management Board.

(AQW 4967/11)

Minister of Education: Níl aon phlean ann faoi láthair ionadaí tofa go daonlathach a chomhthoghadh ó Bhord Oideachais agus Leabharlann an Oirdheiscirt ar Bhord Bainistíochta an Chláir Choinbhéirseachta (PMB).

There are currently no plans to co-opt a democratically chosen representative from the South Eastern Education & Library Board onto the Convergence Programme Management Board (PMB). Membership of PMB consists of the Chairs of the Education and Library Boards and a Commissioner from the SEELB.

Commissioners for the South Eastern Education and Library Board

Mr P Weir asked the Minister of Education to detail the cost of employing commissioners for the South Eastern Education and Library Board in each year since 7 July 2006.

(AQW 4968/11)

Minister of Education: Tá na costais seo a leanas, lena n-áirítear táillí laethúla, taisteal, cothú agus gach costas eile, curtha ar fáil ag Bord Oideachais agus Leabharlann an Oirdheiscirt.

The South Eastern Education and Library Board has provided the following costs which include daily fees, travel, subsistence and all other expenses.

Financial Year	Costs
2006/07	£81,472

Financial Year	Costs
2007/08	£108,637
2008/09	£79,472
2009/10	£83,717
2010/11	£49,683 (up to 31 December 2010)

Convergence Programme Management Board

Mr P Weir asked the Minister of Education to detail the remuneration to members of the Convergence Programme Management Board since its formation.

(AQW 4969/11)

Minister of Education: Ní bhfuair aon chomhalta de Bhord Bainistíochta an Chláir Choinbhéirseachta (PMB) a luach saothair as a bheith i láthair ag PMB, ach is féidir go ndearna comhaltaí éileamh le haghaidh taistil agus cothabhála go díreach tríd a mBoird féin.

No member of the Convergence Programme Management Board (PMB) has been remunerated for their attendance at PMB, however members may have claimed for travel and subsistence directly through their respective Boards.

Bytes Projects Based in West Belfast

Ms J McCann asked the Minister of Education if, and by how much, funding for the Bytes Project has been cut in her Department's spending plans; and for her assessment of the impact of these cuts on Bytes Projects based in West Belfast.

(AQW 4992/11)

Minister of Education: Agus mo dhréacht-mholtaí Buiséid á gcinneadh agam, bhí mé in ann roinnt cosanta a sholáthar do roinnt réimsí tábhachtacha lena n-áirítear riachtanais speisialta oideachais, scoileanna méadaithe, seirbhísí comhairleoireachta agus seirbhísí óige.

In determining my draft Budget proposals, I have been able to afford some protection to a number of important areas which include special educational needs, extended schools, counselling services and youth services. The Executive agreed the Final Budget allocations on 3 March and I am now in a position to consider how best to allocate the resources available to me. Until I have had the opportunity to do this,, no decisions on allocations for 2011/12 can be made in relation to any organisation funded by the Department.

Significant savings must be delivered from the education budget over the next four years and I want to protect front line services as far as possible. Funding for the Bytes Project is allocated by the Youth Council. In terms of the impact of any potential reduction in funding to individual organisations funded from the youth budget in 2011/12, this can only be determined by the Youth Council and Education and Library Boards when they receive their budget allocations.

Year 1 School Places

Mr A Easton asked the Minister of Education how many Year 1 school places are available in (i) Towerview Primary School; (ii) Ballymagee Primary School; and (iii) Kilmaine Primary School for the 2011/12 academic year.

(AQW 4995/11)

Minister of Education: Seo a leanas na huimhreacha iontrála le haghaidh Bliain 1 atá ar fáil i (i) mBunscoil Towerview; (ii) Bunscoil Bhaile Mhig Aoidh; agus (iii) Bunscoil Kilmaine don bhliain acadúil 2011/12

The approved admission numbers for Year 1 available in (i) Towerview Primary School; (ii) Ballymagee Primary School; and (iii) Kilmaine Primary School for the 2011/12 academic year are as follows

Primary School	Approved admissions number
Towerview	46
Ballymagee	87
Kilmaine	58

Private Finance Initiative Contract

Mr R McCartney asked the Minister of Education whether a Private Finance Initiative contract for a school building programme can limit the hours during which (i) a school can be used by the community; and (ii) school facilities can be used by the community.

(AQW 5005/11)

Minister of Education: Nuair a fhaightear foirgnimh scoile trí chomhpháirtíocht phríobháideach phoiblí (PPP), agus úsáid bainte as an Tionscnamh Príobháideach Airgeadais (PFI), ní bhíonn na huaireanta a bhaineann le húsáid na scoile ná háiseanna na scoile ag an phobal teoranta.

The procurement of school buildings through a Public Private Partnership (PPP), using the Private Finance Initiative (PFI) does not limit the hours during which a school or school facilities can be used by the community. A school procured using PPP actively encourages community use by making the whole school fully available for the prescribed hours as set down in the contract, as well as for a generous bank of additional hours during which the community can use the facilities for any event which would normally be expected to take place in a school. Furthermore, the design of PPP schools also takes community usage into account by incorporating the ability to segregate certain areas of the school from the remainder, for reasons of security and utility usage.

The Working Group on Community Use of Schools, established to make recommendations for consideration by both DE and ESA, has reported to DE. The report contains 36 wide ranging recommendations many of which impact on policy and operational areas outside the remit of DE. The Department will ensure that guidance for schools takes account of any issues raised in response to the recommendations.

Draft Partnership Agreement

Mr C Lyttle asked the Minister of Education to detail the nature of the new draft Partnership Agreement that has been prepared to formalise existing arrangements between schools and the Department for Employment and Learning Careers Service.

(AQW 5014/11)

Minister of Education: Déanann Comhaontú Seirbhíse Comhpháirtíochta um Scoileanna-Gairmeacha na socruithe atá ann ar feadh roinnt blianta foirmeálta agus tógann sé orthu.

The Schools-Careers Service Partnership Agreement formalises and builds on the arrangements which have existed for a number of years. The focus of the Partnership Agreement is to provide a framework for joint support from schools and the Careers Service to enable all learners in post-primary education to develop their career plans and career decision making skills most effectively.

The Partnership Agreement details the menu of services offered to schools by the Careers Service at Key Stage 3, 4 and Post 16 and lists the roles and responsibilities of the Careers Advisors, Principals and Careers Teachers in the provision of high quality Careers Education Information Advice and Guidance for young people. The Partnership Agreement will be reviewed and evaluated in due course.

School Inspections

Mr D Kinahan asked the Minister of Education what indicators of effectiveness are used to measure (i) the extent to which inspections improve the quality of teaching and learning in schools; and (ii) the quality of educational provision within schools.

(AQW 5056/11)

Minister of Education: Tá an t-eolas seo ar fáil go poiblí ar shuíomh gréasáin na Cigireachta Oideachais agus Oiliúna sa cháipéis ‘Together Towards Improvement’ ag an nasc seo a leanas: www.etini.gov.uk/index/together-towards-improvement.htm

This information is publicly available on the Education and Training Inspectorate's website in the document ‘Together Towards Improvement’ at the following link: www.etini.gov.uk/index/together-towards-improvement.htm

Department for Employment and Learning

Regional Colleges: Industrial Tribunal of Fair Employment Tribunal Cases

Mr Pól Callaghan asked the Minister for Employment and Learning to detail the total amount spent in settlements of industrial tribunal or fair employment tribunal cases by each Regional College, in each of the last three years.

(AQW 4423/11)

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
Amount spent in settlements of industrial tribunal or fair employment tribunal cases	Undisclosed*	0	0	0	Undisclosed*	0

2008/09

College	Belfast Metropolitan College	Northern Regional College	North West Regional College	South Eastern Regional College	Southern Regional College	South West College
Amount spent in settlements of industrial tribunal or fair employment tribunal cases	Undisclosed*	Undisclosed*	0	£ Undisclosed*	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
Amount spent in settlements of industrial tribunal or fair employment tribunal cases	Undisclosed*	0	£4,966	0	Undisclosed*	0

* The College have indicated that due to the terms applied to the settlement, they are not at liberty to disclose the settlement amount

Students: Sexual Offences Prevention Order

Lord Morrow asked the Minister for Employment and Learning to detail (i) how many students attending Further and Higher Education facilities are subject to a Sexual Offences Prevention Order; and (ii) what procedures are in place to protect other students, particularly those who are young or classed as vulnerable.

(AQW 4663/11)

Minister for Employment and Learning:

- (i) There are seven students attending Further Education Colleges who are known to be subject to Sexual Offences Prevention Orders. One other person subject to an Order is entering the Steps to Work Programme and is due to take up a placement at a Further Education College shortly. There is currently one student enrolled at a Higher Education Institution who is subject to a Sexual Offences Prevention Order (SOPO).
- (ii) Any individual subject to a SOPO is, depending on the nature of the offence and assessed level of risk, managed and monitored by an appropriate criminal justice agency such as the PSNI, the Probation Board, the Youth Justice Agency, Social Services or, on a multiagency basis, by a Local Area Public Protection Panel. When seeking to enrol in a College or University, the individual is subject to a risk assessment carried out by the relevant agency in collaboration with the College or University. All students with SOPOs have been subject to this process and appropriate measures have been put in place to ensure the safety of all other students.

Colin Area of Belfast

Ms J McCann asked the Minister for Employment and Learning to detail what percentage of his Department's budget was spent in the Colin area of Belfast, in each of the last four financial years.

(AQW 4812/11)

Minister for Employment and Learning: The figures below represent the amount of funding paid to training suppliers in the Colin area of Belfast for the last four financial years for the delivery of Training for Success, ApprenticeshipsNI and Jobskills training.

Financial Year	Amount of Funding
2009/10	£3,024,067.27
2008/09	£1,761,987.84

Financial Year	Amount of Funding
2007/08	£1,436,958.83
2006/07	£1,390,964.84

The Department has provided funding to one project in the Colin area under the Northern Ireland European Social Fund Programme, 2007-2013, involving a DEL contribution of £121,617.

With regard to such DEL programmes as Steps to Work, Step-Up to Science and Discovering Queen's, however, identification of all expenditure specifically in the Colin area would require a major manual exercise at disproportionate cost. For this reason, it is not possible to provide an accurate assessment of the percentage of my Department's budget spent in the Colin area.

Union Flag

Mr P Butler asked the Minister for Employment and Learning how many (i) further education colleges; and (ii) buildings of his Department's arm's length bodies display a Union flag.

(AQW 4818/11)

Minister for Employment and Learning: Neither Further Education colleges nor any of the Department's arm's length bodies are specified in The Flags (Northern Ireland) Order 2000 or The Flags Regulations (Northern Ireland) 2000.

Consequently, the colleges and ALB buildings do not display the Union flag.

Suicide Prevention

Ms S Ramsey asked the Minister for Employment and Learning to outline where suicide prevention sits within his Department's Programme for Government.

(AQW 4854/11)

Minister for Employment and Learning: The Executive's Programme for Government has "reducing the incidence of suicide" as one of a number of objectives that contributes to PSA 8, "Promoting Health and Addressing Health Inequalities". My Department is represented on a variety of Inter-Departmental Groups dealing with the subject of suicide prevention. My Department's main role in suicide prevention is to help people develop their skills and assist them into work, thereby raising their self esteem and sense of well-being.

Students from the Republic of Ireland

Mr P Weir asked the Minister for Employment and Learning how many students from the Republic of Ireland were enrolled in each university in Northern Ireland in each of the last ten years.

(AQW 4897/11)

Minister for Employment and Learning: The numbers of students from the Republic of Ireland enrolled at Northern Ireland Universities in each of the last ten years is given in the table overleaf.

Academic year	Queen's University of Belfast	University of Ulster	Stranmillis University College	St Mary's University College	Total
2000/01	1,260	2,090	20	55	3,425
2001/02	1,170	2,055	30	65	3,320
2002/03	1,135	2,205	25	65	3,430
2003/04	1,025	2,465	35	65	3,590

Academic year	Queen's University of Belfast	University of Ulster	Stranmillis University College	St Mary's University College	Total
2004/05	1,180	2,520	40	65	3,800
2005/06	965	2,650	40	45	3,700
2006/07	880	2,200	35	45	3,165
2007/08	875	2,340	35	40	3,290
2008/09	930	2,250	35	25	3,240
2009/10	920	2,810	35	35	3,800

Source: HESA

Note: Figures have been rounded to the nearest 5. Due to rounding figures may not sum to totals. 2009/10 is the latest year for which data are available.

Essential Skills Strategy

Ms M Ritchie asked the Minister for Employment and Learning to detail the costs associated with the implementation of the Essential Skills Strategy for each of the last three years.

(AQW 4908/11)

Minister for Employment and Learning: The cost of implementing Essential skills in each of the last three years has been £7.8 million in 2008/09, £9.4 million in 2009/10 and £11.1 million in 2010/11. These costs include programme expenditure and other activities such as research, tutor training, curriculum development and advice and marketing.

European Social Fund

Ms S Ramsey asked the Minister for Employment and Learning how many applications were made under Tranche 2 of the European Social Fund, and how many of the successful applications were for (a) regional; and (b) local projects.

(AQW 4932/11)

Minister for Employment and Learning: A total of 112 applications were made to the second call of the NIESF Programme. 100 met the minimum quality threshold and bid for £43.1 million in ESF. In the context of a finite ESF 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, in merit order, to look again at their overall costs, and we have offered these applicants some 75% of the amount they bid for.

Of the 83 successful projects, 17 will offer a service throughout Northern Ireland. The remaining 66 projects will either operate in their local areas or provide training to specific geographical areas which are not Northern Ireland wide.

European Social Fund

Ms S Ramsey asked the Minister for Employment and Learning to outline the projects that were successful under Tranche 2 of the European Social Fund; and to detail how many were from women's organisations.

(AQW 4933/11)

Minister for Employment and Learning: Under the second call for ESF funding a total of 112 applications were received with 100 meeting the minimum quality threshold and bidding for £43.1 million in ESF against a finite ESF budget of £30 million. 83 of these applications have been offered

funding at 75% of the allocation bid for on a merit order basis subject to a successful economic appraisal. Of the 83 projects offered funding 9 were from women only groups, an increase from 8 to 9 compared to the first call. The remaining applicants fall into the following broad categories of disability voluntary sector, community and voluntary sector, ex offenders, colleges and public authorities.

European Social Fund

Ms S Ramsey asked the Minister for Employment and Learning, in relation to the applications made under Tranche 2 of the European Social Fund, to outline why the minimum points threshold is different from that in Tranche 1.

(AQW 4935/11)

Minister for Employment and Learning: A second Call for applications under Priority 1 of the Northern Ireland European Social Fund (NIESF) Programme 2007 -13 was launched on 23 September 2010. The selection process and scoring procedures for the second Call were not changed and were consistent with arrangements applied under the preceding Call. A minimum pass mark of 130 marks was applied to applications to the second Call, as was the case for the preceding Call.

The second Call for applications to Priority 1 was over-subscribed and it was not possible to offer funding to all applications that met the minimum pass mark. A cut-off point of 134 marks was required for an allocation from the funding available under Priority 1.

Priority 1 of the European Social Fund

Ms D Purvis asked the Minister for Employment and Learning to detail the criteria used to assess applications for funding under Priority 1 of the European Social Fund, including the points system used by his Department to assess the extent to which the projects met the selection criteria outlined in the application and supporting documents.

(AQW 4964/11)

Minister for Employment and Learning: A second Call for applications under Priority 1 of the Northern Ireland European Social Fund (NIESF) Programme 2007 -13 was launched on 23 September 2010. Details of the associated selection criteria and scoring procedures are set out in the ESF Promoter's Operating Manual 2007-13 which is publicly available from the European Funding section of the Department's websiteError! Hyperlink reference not valid.

www.delni.gov.uk/index/esf/niesfprog0713/ni-esf-forms-guidance.htm

Training for Women Network

Ms S Ramsey asked the Minister for Employment and Learning for his assessment of the impact on communities if the Training for Women Network does not receive funding from the European Social Fund.

(AQW 4973/11)

Minister for Employment and Learning: The second open and competitive call for projects seeking funding under the Northern Ireland European Social Fund Programme period 2007-2013 has seen a growth in the number of funded projects from 72 in the first call to 83 projects in the second call, an increase of 15%. In addition the number of women's projects has increased from 8 in the first call to 9 in the second call. At the same time the number of projects supported in the community and voluntary sector has increased from 32 in the first call to 38 in the second call, an increase of 16%.

On this basis the provision of projects to support the objectives of the Northern Ireland European Social Fund Programme generally and specifically to women has increased. This will result in greater support being provided to communities throughout Northern Ireland.

Training for Women Network whilst awarded a score above the quality threshold did not receive sufficient marks to receive funding under the second open and competitive call to the Northern Ireland European Social Fund.

The Northern Ireland European Social Fund budget has been maintained at 2007 levels, with an increase in the number of projects in the women's and community and voluntary sector providing valuable support to communities throughout Northern Ireland.

European Social Fund

Mr P Frew asked the Minister for Employment and Learning to outline the economic and vocational criteria used to select the organisations for the European Social Fund Schemes that are match funded by Health and Social Care Trusts.

(AQW 4975/11)

Minister for Employment and Learning: A second Call for applications under Priority 1 of the Northern Ireland European Social Fund (NIESF) Programme 2007-13 was launched on 23 September 2010. All applications were subject to the same selection criteria and scoring procedures. Detailed information on the selection and scoring procedures are set out in the ESF Promoter's Operating Manual 2007-13, which is publicly available from the European Funding section of the Department's website www.delni.gov.uk/index/esf/niesfprog0713/ni-esf-forms-guidance

Education and Training Inspectorate

Ms M Ritchie asked the Minister for Employment and Learning to detail the number of inspections and surveys conducted by the Education and Training Inspectorate in each of the last three years; and the grade awarded in each case.

(AQW 4977/11)

Minister for Employment and Learning: The tables attached detail the inspections and surveys conducted within the last three years (Annex 1).

Annex 1

For each of the Business Years below the dates relate to 1 April to 31 March

Further Education Inspections 2008/2011

Number of Inspections and Associated Performance Levels for the Further Education Colleges over Past Three Business Years

Performance Level	Out-standing	Very Good	Good	Satisfactory	Inadequate	Unsatisfactory
08/09		1	2	1		
09/10		1	2	2		
10/11			2	1		

Work-based Learning Inspections 2008/2011

Number of Inspections and Associated Performance Levels for the Work-based Learning over Past Three Business Years

Year*	Number Outstanding	Number Very Good	Number Good	Number Satisfactory	Number Inadequate	Number Unsatisfactory
TfS/ANI Inspections						
2008/09	1	1	3	1	1	
2009/10		1	4	1	3	

Year*	Number Out- standing	Number Very Good	Number Good	Number Satis- factory	Number Inadequate	Number Unsatis- factory
2010/11	2	3	3	2		
Steps to Work						
2008/09*						
2009/10			2	1		
2010/11		3		1		
New Deal						
2008/09			1			

Two-phase longitudinal inspections were carried out in the Steps to Work adult employment programmes and no performance level was provided during the first phase. Only the overall performance levels, covering both phases of the inspection, are included;

Further Education and Work-based Learning Follow-up Inspection including Steps to Work and New Deal 2008/2011

2008/09: Five follow-up inspections took place. These were re-evaluated as: 3 Good and 2 Satisfactory.

2009/10: Five follow-up inspections took place. These were re-evaluated as: 5 Good.

2010/11: To date, Five follow-up inspections have taken place. These were re-evaluated as: 1 Very Good, 2 Good, 1 remained satisfactory and 1 remained inadequate.

In addition, two Further Education Colleges are currently in follow-up inspection procedures.

Number of Surveys and Evaluations and Associated Performance Levels for the Further Education and Work-based Learning over Past Three Business Years

Performance Level	Out- standing	Very Good	Good	Satis- factory	Inadequate	Unsatis- factory
08/09			2			
09/10		3	6	1		
10/11					1	

Over the past 3 years a number of reports were commissioned by the Department for Employment and Learning covering a range of thematic areas, including, for example, Special Educational Needs, Information and Learning Technology and Cultural Diversity. These reports do not contain descriptor levels.

Number of Inspections	
2008/2009	2
2009/2010	1
2010/2011	6

European Social Fund

Ms D Purvis asked the Minister for Employment and Learning why the minimum points threshold used to assess applications for funding under Priority 1 of the European Social Fund was raised in the most recent round of applications; and how his Department calculated this threshold.

(AQW 4994/11)

Minister for Employment and Learning: A second Call for applications under Priority 1 of the Northern Ireland European Social Fund (NIESF) Programme 2007 -13 was launched on 23 September 2010. The selection process and scoring criteria for applications were not changed and were consistent with arrangements applied under the preceding Call. A minimum pass mark of 130 marks was applied to applications to the second Call, as was the case for the preceding Call.

The second Call for applications was significantly over-subscribed and it was not possible to offer funding to all applications that met the minimum pass mark. The Department set a cut-off point of 134 marks for an allocation from the finite funds available under Priority 1. The cut-off point was applied in order to ensure that available funds were distributed to as many projects as would be practicable.

A total of 83 applications met the cut-off score of 134 or more. The available funds enabled each of the 83 projects to receive a conditional offer of funding amounting to 75% of the amount they initially sought. This arrangement resulted in a much greater number of projects to be funded than would otherwise have been the case.

Education Maintenance Allowance

Mr C Lyttle asked the Minister for Employment and Learning whether any student has received Education Maintenance Allowance due to exceptional circumstances, despite failing to meet age requirements.

(AQW 5042/11)

Minister for Employment and Learning: The Student Loans Company, which administers the Education Maintenance Allowance scheme on behalf of my Department and the Department of Education, has confirmed that no Northern Ireland domiciled student has received Education Maintenance Allowance payments if he/she has not fulfilled the age requirements of the scheme.

I should also advise that there is no scope for “exceptional circumstances” cases as the scheme is administered by the Student Loans Company in strict accordance with the age criterion which is line with current Department of Education legislation.

Department of Enterprise, Trade and Investment

Legislation

Mr D Kinahan asked the Minister of Enterprise, Trade and Investment 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 4847/11)

Minister of Enterprise, Trade and Investment (Mrs A Foster): My Department has not enacted any legislation since May 2007, nor is it currently in the process of enacting legislation, to devolve powers or responsibilities from DETI to local government authorities.

Suicide Prevention

Ms S Ramsey asked the Minister of Enterprise, Trade and Investment to outline where suicide prevention sits within her Department's Programme for Government.

(AQW 4855/11)

Minister of Enterprise, Trade and Investment: The Programme for Government has, under PSA 8, a target to reduce suicide rates in Northern Ireland. This PSA is led by the Department for Health and Social Services and this target also includes responsibility for the Department for Education.

While my department does not have any PSA targets directly relating to this area I am aware of evidence, including that reported to the Health Committee, which indicates that unemployment is a potential risk factor in the case of suicide.

Undoubtedly unemployment contributes to economic hardship and this in turn can have many consequences for individuals. It is for these reasons that we have every motivation to promote employment and the benefits it brings for the individual and society.

As a result, I believe it is an imperative that we do all that we can in the current economic climate to ensure that there are employment opportunities. This is why, even in the currently constrained financial position, I secured funding for a package of measures to support the promotion of 5,000 jobs in Northern Ireland as part of the recently announced draft Budget proposals.

Draft PPS 16: Tourism

Mr P McGlone asked the Minister of Enterprise, Trade and Investment to detail her Department's, and any of its agencies, input into the formulation of Draft PPS 16 - Tourism.

(AQW 4871/11)

Minister of Enterprise, Trade and Investment: Tourism is a major contributor to economic development in Northern Ireland and it is essential that the planning system supports its future development in terms of facilitating tourism in appropriate locations. DETI and NITB officials have therefore had extensive engagement with officials in DOE on the preparation of PPS 16.

My Department supports the core principles of PPS 16: for example the need to facilitate tourism development in an environmentally sensitive manner, safeguarding tourism assets from inappropriate development, utilising the tourism potential of settlements, sustaining a vibrant rural community and ensuring a high standard of quality and design for all tourism developments.

The NITB has organised a series of policy engagement group meetings to discuss PPS 16 with the tourism industry and other stakeholders and is actively encouraging the sector to respond to the consultation within the 25 March deadline.

I hope to have a meeting with the DOE Minister in the near future to discuss PPS 16.

Decentralisation of Public Sector Jobs

Mr P Callaghan asked the Minister of Enterprise, Trade and Investment for an update on the implementation of the plan to decentralise public sector jobs within her Department, and its agencies, since the publication of the Bain Report.

(AQW 5089/11)

Minister of Enterprise, Trade and Investment: The report by Professor Sir George Bain on Location of Public Sector Jobs did not identify any areas of the Department or its NDPBs for relocation.

Department of the Environment

Extended Driving Test

Lord Morrow asked the Minister of the Environment (i) what is the minimum driving disqualification for a driving offence before the Extended Driving Test has to be taken; and (ii) how this Test differs from the standard Driving Test.

(AQW 4766/11)

Minister of the Environment (Mr E Poots): The requirement to undertake an extended driving test is dependent upon the offence for which the person is convicted, rather than the length of period of disqualification ordered by a court. Where a person is disqualified for certain offences, irrespective of the period of disqualification, the court must order that person to be disqualified until passing the appropriate driving test. The appropriate driving test is defined by Article 41 of the Road Traffic Offenders (Northern Ireland) Order 1996 as being either a test of competence or an extended driving test.

For the purposes of the extended driving test, these offences are: manslaughter by the driver of a motor vehicle; causing death, or grievous bodily injury, by dangerous driving; dangerous driving; causing death, or grievous bodily injury; or disqualification for repeated offences.

Where a person is disqualified for any other offence involving obligatory endorsement the court may order the person to be disqualified until passing a test of competence, but not an extended driving test.

The standard car and motorcycle driving test involves at least 30 minutes on-road driving and test routes approximately ten miles in length. The extended driving test increases the on-road driving time to at least 60 minutes, with test routes between 18 to 24 miles in length. The longer testing period will mean that a greater proportion of the test will examine the candidate's performance in open road driving, thus enabling a more thorough check of their basic skills to ensure they are applied competently and safely on a wide range of road and traffic conditions. The assessment criteria is exactly the same as the standard test, however candidates will be required to demonstrate the required skills and aptitude over a longer period of time, thus making the test more demanding.

Planning Applications

Mr D Bradley asked the Minister of the Environment to detail the average length of time it takes to process a planning application for a renewable energy source, such as a wind farm, in the Armagh City and District Council area.

(AQW 4820/11)

Minister of the Environment: Within the Armagh City and District Council area over the last 4 years, on average it has taken Planning Service 18.4 weeks to process renewable energy applications. The Public Service Agreement target for major applications is to process 60% of major applications to decision or withdrawal in 23 weeks which Planning Service achieved within the Armagh Local Government Area.

Website for Tracking Planning Applications

Mr D Bradley asked the Minister of the Environment since the new Public Access website for tracking planning applications states that one of the important dates to note is the 'expiry date for standard consultation', why the Planning Service, in explaining the delays in processing applications, states that it is awaiting consultation responses, when the 'expiry date for standard consultation' has passed.

(AQW 4826/11)

Minister of the Environment: The comments of consultees are an important part of the development management process as they provide inputs to be considered on a range of relevant matters for example, road safety, environmental protection and the provision of services.

Whilst ePIC reflects target response times for consultation requests by way of Service Level Agreements, there is currently no statutory timescale which places an obligation on consultees to respond to planning applications within a specified timeframe.

Legislation

Mr D Kinahan asked the Minister of the Environment 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 4850/11)

Minister of the Environment: The attached table details all legislation, since May 2007, that has gone through, or is going through, the Assembly, which devolves powers or responsibilities from my Department to local government authorities. The table sets out the titles of the relevant legislation, the powers or responsibilities devolved, and the date when the legislation has been, or is expected to be, made.

Title of Legislation	Summary of Powers / Responsibilities Devolved to Councils	Date / Expected Date of Enactment
The Clean Neighbourhoods and Environment Bill (Northern Ireland)	The Bill is designed to improve the quality of the local environment by giving district councils additional powers to deal with litter, nuisance alleys, graffiti and fly-posting, abandoned and nuisance vehicles, dogs, noise and statutory nuisance.	The Bill is expected to receive Royal Assent in late March / early April 2011.
The Waste and Contaminated Land (Amendment) Act (Northern Ireland) 2011	One of the main objectives of the Act is to legislate for a partnership between the Department and the local government sector in tackling illegal waste activity. The Act therefore gives new powers to district councils in relation to the investigation and enforcement of illegal waste offences so that councils and the Department have identical powers in this regard.	Received Royal Assent on 10 February 2011.
The Planning Bill	The Bill will deliver a reformed planning system and transfer the majority of planning functions to district councils as part of the implementation of local government reform.	The Bill is currently at Consideration Stage. Subject to completion of all Assembly Stages, it is expected to receive Royal Assent in April / May 2011.
The High Hedges Bill (Northern Ireland)	The Bill is intended to provide a means of resolving disputes between neighbours with regard to the adverse impact on the reasonable enjoyment of property due to an evergreen/semi-evergreen hedge acting as a barrier to light.	The Bill is expected to receive Royal Assent in late March / early April 2011.
The Local Government Finance Bill (Northern Ireland)	<p>The Bill will give councils more direct control over, and responsibility for, the management of their financial affairs. It will remove the current requirements for councils to obtain permission from the Department for borrowing, for establishing certain funds, or for the application of their funds or proceeds from the sale of capital assets.</p> <p>This will be replaced by a prudential regime for capital finance, which will, for example, allow councils to determine for themselves how much they can afford to borrow, and to operate within affordable limits in accordance with the prudential regime and recognised accounting codes of practice.</p>	The Bill is expected to receive Royal Assent in late March

Planning Application

Mr J Dallat asked the Minister of the Environment, in relation to planning application C/2009/0143/F, to detail the reasons why approval was granted contrary to (i) advice provided by the Council for Nature Conservation and the Countryside that it would impact negatively on tourism in the area; (ii) recommendations from the Northern Ireland Tourist Board; (iii) advice that the site is an important part of the Giant's Causeway, Antrim and Causeway Coast Signature Project ; and (iv) the Planning Strategy for Rural Northern Ireland and Policy TOU 2, Protection of Tourist Assets.

(AQW 4852/11)

Minister of the Environment:

- (i) I am aware of the opinion provided by the Council of Nature Conservation and the Countryside (CNCC) that the development was inappropriate in an Area of Outstanding Natural Beauty and is contrary to Policy DES 4 of the Planning Strategy for Rural Northern Ireland (PSRNI). CNCC was also of the view that the proposal is contrary to Policy TOU 2 of the PSRNI.

NIEA assessed the impact on areas within its remit which included the AONB. They considered that, on balance, the proposal was acceptable in the long term within the AONB and provided Planning Service with conditions to be attached to any permission granted. Taking into account the assessments undertaken by Planning Service on advice from NIEA, I am satisfied that the proposal will not result in a negative impact on tourism in the area.

- (ii) & (iii) I am aware of the opinion provided by NITB stating they do not support the proposal for a landfill site at this location.

I am however satisfied that the proposal will not impact negatively on tourism in the area. While I am aware that part of the Ulster Way is in close proximity to the site, the vast majority of the route threads its way through Cam Forest and Springwell Forest to the South and West of the site. Although there will be an increase in HGV traffic along the Craigmore Road, it already is a feature within the immediate vicinity and it will be relatively short-term in nature.

The proposed landfill is located within an existing quarry and other quarries also feature in the surrounding area. In this regard, I am satisfied that the proposal will not result in an adverse impact on the area as a tourism asset.

- (iv) Policy TOU 2 of the PSRNI is applicable as the proposed site is located within Binevenagh AONB and is within a Countryside Policy Area.

NIEA assessed the impact on areas within its remit which included the AONB. They considered that on balance the proposal was acceptable in the long term within the AONB and provided Planning Service with advice on conditions that could be attached to any permission granted. In this regard, I am therefore satisfied that the proposal is not contrary to Policy TOU 2 of the PSRNI.

Suicide Prevention

Ms S Ramsey asked the Minister of the Environment to outline where suicide prevention sits within his Department's Programme for Government.

(AQW 4856/11)

Minister of the Environment: The current Programme for Government, which spans 2008 – 2011, contains 23 high level Public Sector Agreements, and responsibility for their delivery lies with the NICS departments. PSA 8 sets a target for the reduction in the incidence of suicide in Northern Ireland by at least 15%, and is led by the Department for Health, Social Services and Public Safety.

My department does not have any targets directly relating to PSA 8 and suicide prevention. It has lead responsibility for PSA 14 (Promoting Safer Roads) and PSA 22 (Protecting our Environment and reducing our Carbon Footprint). In addition it contributes part input to PSA 20 (Improving public services), for which DFP is the lead Department. The Department also reports on 3 Key Goals and Commitments for which it has responsibility relating to the work of Planning Service, NIEA and Environmental Policy Division.

The Department recognises that suicide prevention is a communal issue and supports DHSSPS's Protect Life suicide prevention strategy and the work of the Ministerial Co-ordination group on Suicide Prevention which comprises representatives from DHSSPS, OFMDFM, DCAL, DE, DRD and DEL.

Kerb-Side Glass Recycling Facilities

Mr P Butler asked the Minister of the Environment when all District Councils will provide kerb-side glass recycling facilities for households.

(AQW 4866/11)

Minister of the Environment: Northern Ireland is required to meet the European statutory household waste recycling target of 50% by 2020. The most recent data indicates that we are currently recycling around 35.6% of household waste. Much progress has been made to date and councils and householders are to be commended for their efforts in this regard. It is clear that further progress is required in coming years to ensure we can deliver the statutory targets.

Waste management is a key function of local government and my Department has no statutory powers to compel Councils to provide a particular kerb-side collection scheme. I also recognise that Councils will have their own priorities and methods for providing kerb-side collections for different waste streams in order to meet statutory targets.

However I have made it clear that waste is a top priority for me and my Department. I have made available resources to local government through the Rethink Waste communications campaign and the Rethink Waste Fund. The latter, in particular, has seen over £4 million capital funding earmarked by the Department for local government waste initiatives including kerb-side glass collections, for example, funding of a Larne Borough Council project to enable the Council to collect an additional 295 tonnes of glass per annum for recycling from around 500 households.

Draft PPS 16: Tourism

Mr P McGlone asked the Minister of the Environment to detail the involvement of the Department of Enterprise, Trade and Investment and the Department of Agriculture and Rural Development in the formulation of Draft PPS 16 - Tourism.

(AQW 4870/11)

Minister of the Environment: The Department of Enterprise Trade and Investment was fully involved in the formulation of Draft PPS 16. Officials from both Departments met regularly to discuss issues and progress policy development. My Department worked with the Department of Agriculture and Rural Development to ensure that the impact of the policy on rural areas was fully considered.

Heavy Goods Vehicles Drivers

Mr G Campbell asked the Minister of the Environment whether he is aware of any distinctions between Heavy Goods Vehicles drivers who have been diagnosed as diabetic and are based in (i) Northern Ireland; (ii) Great Britain; and (iii) the rest of Europe, as regards their entitlement to drive as part of their job description.

(AQW 4929/11)

Minister of the Environment: The current medical standards regarding the physical fitness of applicants for, and holders of, Northern Ireland driving licences are derived from Council directive 91/439/EEC of 29 July 1991. Commonly referred to as the second directive on driver licensing, this applies to all member states of the European Union. The minimum health standards in both Northern Ireland and Great Britain equal or exceed the requirements of the second directive.

Under the second directive, diabetes requiring insulin treatment is prescribed as a relevant disability in respect of Group 2 licences such as those for the drivers of goods vehicles and passenger-carrying vehicles. This means that the Department must refuse to grant a licence to a person who suffers from diabetes requiring insulin treatment. An exception exists where the licence applied for confers

entitlement to drive only medium-sized goods vehicles and the applicant is able to meet certain prescribed conditions.

There are no differences between the substance or application of the medical standards in Great Britain and Northern Ireland. Some minor variations may exist among the member states of the European Union. However, all are required by the second directive to refuse to issue Group 2 licences to persons who suffer from diabetes requiring insulin treatment, other than in the most exceptional cases.

Illegal Waste Activity at 67 Tullyrusk Road, Hannahstown, Belfast

Mr M McLaughlin asked the Minister of the Environment whether his Department's officials have established that illegal waste activity is continuing to take place at 67 Tullyrusk Road, Hannahstown, Belfast, BT17 0NJ.

(AQW 5046/11)

Minister of the Environment: Officials from the Northern Ireland Environment Agency's Environmental Crime Unit received a report of this allegation on 28 February 2011. In line with their prioritisation of the investigation of serious and persistent environmental offences, officials will be investigating the site this week.

Removal of Waste at Ballymartin Gaelic Athletic Club in Ballymartin

Mr W Clarke asked the Minister of the Environment to outline the time-scale for the removal of the waste at Ballymartin Gaelic Athletic Club in Ballymartin, County Down.

(AQW 5049/11)

Minister of the Environment: Discussions on arrangements for the Ballymartin repatriation are ongoing, but my officials anticipate that work at the site will commence in June 2011.

NI Water Infrastructure

Mr B McCrea asked the Minister of the Environment how many applications they have received, in each of the last three years, that have required an extension to the existing NI Water infrastructure.

(AQW 5051/11)

Minister of the Environment: Due to the way information is recorded on the current system of electronic data retrieval, in order to provide accurate figures for the information requested can only be provided by carrying out a manual search of all our existing files in Headquarters and in all Divisional Planning Offices. This is disproportionate in terms of time and costs and would result in un-validated statistics being released.

Licensed Taxi Drivers

Mr C McDevitt asked the Minister of the Environment to detail the total number of licensed taxi drivers broken down by (i) public hire drivers; and (ii) private hire drivers.

(AQW 5134/11)

Minister of the Environment: At 8 March 2011, there were 19,191 licensed taxi drivers in Northern Ireland. Although taxi vehicles are classified as either for public hire or for private hire, there is no differentiation between public and private hire drivers. All licensed drivers may drive either public or private hire taxi vehicles.

Wind Farm at Fardross, Slieve Beagh, Clogher

Mr W Irwin asked the Minister of the Environment, given that a wind farm was recently granted planning approval in Cumbria at a location where there is a recorded presence of hen harriers, what steps he is

taking to ensure parity of policy in the processing of the planning application, M/2006/1754/F, for a wind farm at Fardross, Slieve Beagh, Clogher.

(AQW 5160/11)

Minister of the Environment: In Northern Ireland planning applications for wind farm developments have received permissions in locations where the presence of hen harriers has been recorded. These include Lendrums Bridge, Hunters Hill, Screggagh, Tievnameenta, Bin Mountain Lough Hill, Gruig and Slieve Rushen windfarms. The presence of the hen harrier is not in itself an absolute block on windfarm development.

Planning application M/2006/1754/F for a windfarm at Fardross, Slieve Beagh relates to a site lying entirely within the Slieve Beagh Special Protection Area, a European designated site. I have instructed my officials to write to the European Commission to ask them to consider our approach in the light of the Commission's own guidance on Wind Energy and European designated sites and the challenging targets set for renewable energy in Northern Ireland.

Health Risks Associated with Illegal Waste Sites

Mr T Gallagher asked the Minister of the Environment (i) for his assessment of the health risks associated with the illegal waste sites at (a) Slattinagh, Garrison; and (b) Moneygar, Trillick; and (ii) if he can confirm that both sites are safe.

(AQW 5162/11)

Minister of the Environment: Work of repatriating illegally deposited waste back to the Republic of Ireland commenced in August 2010 when waste was removed from the first two sites at Slattinagh, Co. Fermanagh and Trillick in Tyrone to an agreed licensed landfill in Donegal. The nature of waste in both sites was similar – mixed household and commercial waste.

There are a number of risks to human health known to be associated with the way waste behaves in landfill, which are obviously more serious at illegal sites such as these where extensive controls do not exist. These include the risk of odours, release of harmful substances to air or drinking water and release of explosive landfill gas which can migrate over large distances.

Before removing waste from the sites, NIEA and Dublin City Council engaged environmental consultants to assist in the preparation of method statements to ensure works were carried out in a way that protected the environment and human health.

As the waste has now been removed from each site the source of risk to human health has also been removed.

Rose Energy Incinerator at Glenavy

Mr T Burns asked the Minister of the Environment, in light of Mr Justice McCloskey's comments on 2 March 2010, about how the Planning Service should consider the legal submissions from the Communities Against the Lough Neagh Incinerator before issuing a planning decision notice for the Rose Energy incinerator at Glenavy, whether he intends to make such a decision before dissolution of the Assembly or if he will allow the Planning Service time to consider all the important outstanding issues.

(AQW 5185/11)

Minister of the Environment: I am aware that in adjourning the Judicial Review (JR) proceedings Mr Justice McCloskey observed that there are a number of steps in the planning process that still have to be taken, the next one being the issuing of the formal Notice of Opinion and that for the Court to intervene at this stage in the planning process would be inappropriate and could cause delay. I am also aware that Mr Justice McCloskey noted that an application to the Courts for Judicial Review should be a matter of last resort and that this is not an appropriate time for them to intervene. Mr Justice McCloskey adjourned the proceedings to enable the Department to complete the next steps in the planning process.

I wish to consider Mr Justice McCloskey's comments carefully before reaching a view on the way forward. Once I do, I shall of course advise Assembly Members of my decision.

Department of Finance and Personnel

Job Cuts

Mr J Dallat asked the Minister of Finance and Personnel to detail the number of job cuts that were planned by each Department in the period 2008-11.

(AQW 4388/11)

Minister of Finance and Personnel (Mr S Wilson): The number of reductions already achieved since 1 April 2008 and projected reductions up to 1 April 2011 are set out in the attached table.

Planned reductions in Posts (full-time equivalent) in NICS Departments.

Department	Reductions Achieved from 1 April 2008 to 1 January 2011	Projected further Reductions to 1 April 2011	Total Reductions 2008 to 2011
DARD	154.0	2	156.0
DCAL	45.0	3.7	48.7
DE	57.9	0.6	58.5
DEL	+151.7	+38.9	+190.6
DETI [^]	130.9	+0.9	130
DFP	97.4	+8.2	89.2
DHSSPS	267.5	17.5	285.0
DOE	460.1	28.3	488.4
DRD	264.7	0	264.7
DSD	568.0	79.7	647.7
OFMDFM	64.7	0	64.7
DOJ*	+0.9	0	+0.9
PPS*	0	16	16
Total	1957.6	99.8	2057.5

* DOJ/PPS figures compared to starting baselines at 12 April 2011 (when they joined the NICS)

“+” figure represents an increase in posts.

[^] DETI includes Health and Safety Executive NI

Figures are net of any additional posts transferred into the NICS (eg NIO staff to Central Procurement Division, DFP, or Fisheries Conservancy Board to DARD) and include posts which transferred out of the NICS (eg Tribunal staff seconded to NI Court Service before devolution).

Parking Charges

Mr D McNarry asked the Minister of Finance and Personnel whether he has received any representations from retailers who are seeking rates reductions due to the impact parking charges have had on retail footfall and sales.

(AQW 4690/11)

Minister of Finance and Personnel: I have received no representations from retailers seeking rates reductions due to the impact of parking charges on retail footfall and sales.

This is a matter that is raised from time to time with the District Valuers (within LPS) by individual retailers who appeal their assessments, but it is not an issue that predominates

HR Connect

Mr D O'Loan asked the Minister of Finance and Personnel for his assessment of the research report quoted in NIPSA Reports, January 2011 which states that nearly half of Civil Service employees had a negative experience of HR Connect, and that less than one-third of respondents reported a positive experience; and what steps he is taking to address this issue.

(AQW 4805/11)

Minister of Finance and Personnel: There are a number of strands of work underway which are expected to improve the overall customer experience and satisfaction with HRConnect.

These include completion of the outstanding project deliverables and the improvements identified in the 2010/11 Business Plan. A Service Improvement Plan for 2011/12 which aims to target the areas which are of most concern to customers is under development and implementation of this plan will commence in April 2011.

Legislation

Mr D Kinahan asked the Minister of Finance and Personnel 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 4883/11)

Minister of Finance and Personnel: Since 2007, the Department of Finance and Personnel has enacted the Building Regulations (Amendment) Act (Northern Ireland) 2009 which devolved powers to local government authorities.

NICS Cycle to Work Scheme

Mr B Armstrong asked the Minister of Finance and Personnel to explain the delay in the commencement of the NI Civil Service Cycle to Work Scheme.

(AQW 4922/11)

Minister of Finance and Personnel: There are two issues currently delaying the proposed Cycle to Work Scheme. First, Her Majesty's Revenue and Customs has changed its guidance on aspects of cycle to work schemes, which means that the pilot that was run in DRD is no longer suitable for full roll out across the NICS unless changes are made. DFP need to assess the impact of this.

Secondly and more importantly, introducing a scheme means that changes need to be made to the HR systems. This change sits alongside a range of other important changes that need to be made to our systems, some of them arising from statute and others associated with pay. These take priority.

Civil Service Pay Award

Mrs D Kelly asked the Minister of Finance and Personnel whether all Civil Servants have received the incremental pay rises to which they are entitled.

(AQW 4943/11)

Minister of Finance and Personnel: Civil Servants have received incremental payments due in respect of the 2009 pay award. The detail of the 2010 pay award is currently the subject of discussions with the Northern Ireland Public Service Alliance.

Decentralisation of Civil Service Jobs

Mr P McGlone asked the Minister of Finance and Personnel for an update on the decentralisation of Departments and the relocation of Civil Service jobs.

(AQW 4988/11)

Minister of Finance and Personnel: There is no centrally directed programme for the decentralisation of Departments or the relocation of civil service jobs. Any decisions about relocating Departments or civil service jobs will have to be taken on the basis of the normal considerations of business need, value for money and affordability.

Public Expenditure Reductions

Mr D Bradley asked the Minister of Finance and Personnel what is the likelihood that the remaining £758m of the £1.6bn of additional revenue to help mitigate the impact of public expenditure reductions will be realised; and when he will be in a position to make an announcement on this matter.

(AQW 4997/11)

Minister of Finance and Personnel: The £758 million of potential additional revenue will only be factored into firm departmental allocations when there is confidence that the measures can be delivered.

The Final Budget publication reflects only those revenue generating measures that are robust. The Budget Review Group will continue to explore and develop, where appropriate, all remaining new revenue raising proposals.

Performance and Efficiency Delivery Unit's Review of the DHSSPS

Mr P Weir asked the Minister of Finance and Personnel to detail the timescale for the Performance and Efficiency Delivery Unit's review of the Department of Health, Social Services and Public Safety.

(AQW 5118/11)

Minister of Finance and Personnel: As part of the finalisation of Budget 2011-15, the NI Executive agreed that the Performance and Efficiency Delivery Unit (PEDU) would be commissioned to identify the scope to make savings in the Department of Health, Social Services and Public Safety (DHSSPS).

A draft Terms of Reference for this review has been developed with a significant amount of work to be taken forward in the coming months. However, the key issue is implementation which means that there will need to be an ongoing role for PEDU to provide support to the department in the timely and effective implementation of actions to deliver savings.

Increase in Rates Collection

Mr P Weir asked the Minister of Finance and Personnel to detail the expected level of increase in rates collection by Land and Property Services; and to outline the financial implications this will have for local government.

(AQW 5143/11)

Minister of Finance and Personnel: Land & Property Services will this year collect or discharge an estimated 96% of April 2010 rate assessments. This is an increase from 94.5% in 2009-10 and indicates continuing progress in improving the operation of the rating system. I expect there to be further consolidation of rate collection performance in 2011-12.

The financial implications of rate income for district councils are set out in the Penny Product figures that are estimated for each Council in November of each year, with quarterly updates of progress during the year. The most recent figures provided to Councils were the 2011-12 Estimated Penny Product (EPP) in November 2010, and a quarterly progress report on 2010-11 Actual Penny Product in January 2011. The EPP for 2011-12 showed an average 0.97% growth on 2010-11.

In essence, the Penny Product is calculated from rate assessments raised, not rates collected. Income to Councils therefore increases if rate assessments increase – either through new entries in the Valuation List, or through an increase in the District Rate. Improvements in collection levels do not directly affect the Penny Product.

Department of Health, Social Services and Public Safety

Land Deemed Surplus to Requirements

Dr A McDonnell asked the Minister of Health, Social Services and Public Safety to detail any (i) land; and (ii) property owned by his Department which is currently deemed surplus to requirements, including the location of the land or property and any plans for its disposal.

(AQW 777/11)

Minister of Health, Social Services and Public Safety (Mr M McGimpsey): A table showing DHSSPS retained land and property deemed surplus to requirements is attached.

DHSSPS retained land and property currently deemed surplus to requirements	Location of land and property
Braniel Health Clinic	16 Glen Road BELFAST
Land and property at Knockbracken Healthcare Park	Saintfield Road BELFAST
Property at Falls Road	149 Falls Road BELFAST
Property at Falls Road	151 Falls Road BELFAST
Ormeau Road Clinic	137-141 Ormeau Road BELFAST
Land at Downshire Hospital	Ardglass Road DOWNPATRICK
Land and property at Tyrone and Fermanagh Hospital	Donaghane and Riverview Road OMAGH
Land at Drumcoo	Derrygore Road ENNISKILLEN
Glasvey Special Care School	Loughermore Road BALLYKELLY
Land and property at Gransha Hospital Site	Gransha Park LONDONDERRY
Land at Omagh General Hospital	Woodside Avenue OMAGH
Land at Knock Golf Club	Upper Newtownards Road DUNDONALD
Land at Whiteabbey Hospital	34 Station Road NEWTOWNABBEY

There are plans for each of the identified properties. These plans are subject to confirmation of funding, resolution of planning and legal issues and verification from the relevant HSC Trust on land requirement for future health needs.

Review into the Western Health and Social Care Trust

Lord Morrow asked the Minister of Health, Social Services and Public Safety when he will be in a position to provide an answer to AQW 3257/11, which was due for answer on 13 January 2011.
(AQW 3572/11)

Minister of Health, Social Services and Public Safety: The member was provided with an answer to AQW 3257/11 on 24 January 2011.

Efficiency Plan for the Health Committee

Mr A Easton asked the Minister of Health, Social Services and Public Safety whether he will provide an efficiency plan for the Health Committee as part of his budget proposals for 2011-2015.
(AQW 3727/11)

Minister of Health, Social Services and Public Safety: Whilst it is clear that, in order to deliver services within a budget which is below that required to keep pace with inflation, demographic change and increased demand, it will be necessary to deliver efficiency savings, I am not in a position to provide such a plan. The work which the HSCB has undertaken would suggest that in order to do this without damaging services would require strategic change both in terms of service configuration and delivery and would require me to have a budget of £4.8 million not the £4.6 million which the Draft Budget proposes. It is inevitable that with the extent of shortfall between the proposed budget and assessed need that there will be cuts to services. That will be unavoidable.

Interviews with Media Outlets

Mr G Campbell asked the Minister of Health, Social Services and Public Safety how many bids for interviews he received from media outlets between the 24 January 2011 and 31 January 2011, in connection with the health incidents at the Western Health and Social Care Trust; and how many interviews he carried out as a result of these requests.
(AQW 4036/11)

Minister of Health, Social Services and Public Safety: A total of four interview bids were received by my department during this period.

All bids were referred to and interviews conducted by the HSC Board.

Follow-up Patient Review Appointments

Mr T Buchanan asked the Minister of Health, Social Services and Public Safety how many (i) 3 month; and (ii) 6 month follow-up patient review appointments were cancelled in each Health and Social Care Trust in each of the last three years.
(AQW 4657/11)

Minister of Health, Social Services and Public Safety: Information on the number of (i) 3 month and (ii) 6 month follow-up patient review appointments that were cancelled in each Health and Social Care Trust in each of the last three years is not collected centrally by my Department. Provision of these data by Health and Social Care Trusts would incur a disproportionate cost.

Draft Budget 2011-15

Mr M Storey asked the Minister of Health, Social Services and Public Safety whether the reference in the draft Budget 2011-15 to stopping the practice of putting new patients on high-cost drugs includes Anti-Tumour Necrosis Factor drugs.
(AQW 4658/11)

Minister of Health, Social Services and Public Safety: My Department remains committed to providing specialist drugs, including anti-TNF drugs, where possible throughout Northern Ireland. In that regard,

my Department included a substantial bid for demographic change and demand growth as part of its request for funding over the Draft Budget period.

However, whilst the demand for services continues to grow, the Draft Budget proposals leave my Department with an estimated funding shortfall 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.

Anti-Tumour Necrosis Factor Drugs

Mr M Storey asked the Minister of Health, Social Services and Public Safety how many patients are currently on a waiting list for Anti-Tumour Necrosis Factor drugs.

(AQW 4659/11)

Minister of Health, Social Services and Public Safety: This information is not available centrally and could only be obtained at disproportionate cost.

Draft Budget 2011-15

Mr C Lyttle asked the Minister of Health, Social Services and Public Safety whether he intends to protect statutory funding for the Northern Ireland Hospice in the draft Budget 2011-15.

(AQW 4669/11)

Minister of Health, Social Services and Public Safety: My Department remains committed to protecting and supporting palliative care 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. 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.

Draft Budget 2011-15

Mr C Lyttle asked the Minister of Health, Social Services and Public Safety whether funding will be allocated in the draft Budget 2011-15 to support delivery plans associated with 'Living Matters: Dying Matters - A Palliative and End of Life Care Strategy for Adults in Northern Ireland'.

(AQW 4670/11)

Minister of Health, Social Services and Public Safety: I remain committed to protecting and supporting palliative care 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 services continues to grow, the Draft Budget proposals leave my Department with an estimated funding shortfall 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.

Neurology Referrals

Mr P Callaghan asked the Minister of Health, Social Services and Public Safety to outline the current anticipated waiting times for (i) urgent; and (ii) routine neurology referrals in each Health and Social Care Trust area.

(AQW 4673/11)

Minister of Health, Social Services and Public Safety: The waiting times for (i) urgent and (ii) routine neurology referrals in each Health and Social Care Trust at the 18th February 2011 are outlined in the tables below.

(i) Urgent Referrals

HSC Trust	Patients Waiting for a First Neurology Appointment by Weeks Waiting (Urgent referrals)				
	0 - 6	> 6 - 9	> 9 - 13	> 13 - 26	> 26
Belfast	192	26	26	20	0
Northern	58	16	23	34	3
South Eastern	36	3	20	44	6
Southern	5	1	1	1	0
Western	39	5	2	8	0

Source: HSC Trusts

(ii) Routine Referrals

HSC Trust	Patients Waiting for a First Neurology Appointment by Weeks Waiting (Routine referrals)				
	0 - 6	> 6 - 9	> 9 - 13	> 13 - 26	> 26
Belfast	586	119	232	624	6
Northern	169	30	82	285	117
South Eastern	134	29	68	107	9
Southern	138	4	18	12	0
Western	258	70	118	463	274

Source: HSC Trusts

Child and Adolescent Mental Health Services

Mr C McDevitt asked the Minister of Health, Social Services and Public Safety for an update on the Equality Impact Assessment on accommodation for Children and Adolescent Mental Health Services in the Belfast Health and Social Care Trust area.

(AQW 4680/11)

Minister of Health, Social Services and Public Safety: In March 2010 the Belfast Health and Social Care Trust consulted on the proposal to relocate Child and Adolescent Mental Health out-patient Services to Forster Green. On 16th February 2011, the Trust issued a letter to all those who responded to the Equality Impact Assessment Consultation Document. After consideration of all responses to consultation, the Trust decided that the proposed move should not proceed.

Fertility Services

Mr A Easton asked the Minister of Health, Social Services and Public Safety whether he will continue to invest at least the current annual amount of £1.5 million in fertility services over the next four years.

(AQW 4725/11)

Minister of Health, Social Services and Public Safety: Currently, fertility services have recurrent funding of over £3m per year.

As the future budget has not yet been finalised, it is too early to predict what the possible impact may be on service provision across the whole of the health service. However, if I have to consider further controls on budgets, no area of the health service will be free from scrutiny and funding allocations will have to be prioritised.

Infertility Services

Mr A Easton asked the Minister of Health, Social Services and Public Safety for his assessment of how the planned reduction in grants to the voluntary sector might affect infertility services.

(AQW 4726/11)

Minister of Health, Social Services and Public Safety: My Department does not provide core grant funding to any voluntary sector body involved in the provision of fertility services.

The commissioning of fertility services, including counselling services which may be commissioned from the voluntary sector, is a matter for the Health and Social Care Board. The Board will commission services based on assessed population needs, with due consideration given to competing priorities for health and social care.

Private Office Staff

Mr P McGlone asked the Minister of Health, Social Services and Public Safety to detail the (i) number; and (ii) grade of staff employed in his Private Office.

(AQW 4728/11)

Minister of Health, Social Services and Public Safety: There are 12 staff employed in my Private Office, broken down by grade as follows:

Grade	Number of Staff
Staff Officer	1
Executive Officer 1	1
Executive Officer 2	4
Administrative Officer	4
Administrative Assistant	1
Typist	1

Home Start Scheme in Newcastle and Ballynahinch

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety whether he will commit funding to the HomeStart scheme in Newcastle and Ballynahinch, as the organisation has now reached crisis point.

(AQW 4738/11)

Minister of Health, Social Services and Public Safety: My Department, through the Health and Social Care Board, is currently providing financial support to the majority of locally-based Home Start schemes, including Down District which incorporates Newcastle and Ballynahinch. This funding is delivered through the Health and Social Care Trusts and, as I understand it, will continue in 2011/12.

Action on Disability

Ms C Ní Chuilín asked the Minister of Health, Social Services and Public Safety, given that he has stated his intention to support frontline services, whether a funding bid has been made for Action on Disability for the 2011-15 period, an organisation that provides vital services and support for children and young people with a disability and their families.

(AQW 4745/11)

Minister of Health, Social Services and Public Safety: My Department has submitted a range of funding bids to meet the increased demand over the 2011-15 period across health, social care and

public safety services, including the needs of people of all ages who have disabilities, and their families.

However the Draft Budget proposals leave my Department with an estimated funding shortfall 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.

Foyleville Nursing Home

Mr P Ramsey asked the Minister of Health, Social Services and Public Safety, given that the Western Health and Social Care Trust had determined that it would continually review the operation of Foyleville Nursing Home, why the Trust subsequently decided to close this nursing home.

(AQW 4746/11)

Minister of Health, Social Services and Public Safety: As part of its Comprehensive Spending Review proposals in 2008, the Western Health and Social Care Trust proposed that Foyleville Residential Home would cease to operate from 30th September 2009, a recommendation which I endorsed on 9th April 2009.

The Trust subsequently engaged in a 12-week consultation exercise on the proposal, and as a result of this consultation, the Trust revised its proposal and recommended that Foyleville continue to provide Residential Care to existing permanent residents for as long as it continued to meet their assessed care needs.

The Trust continued to meet with residents, their families and carers, and staff to review the situation and ensure Foyleville continued to meet the assessed care needs of each individual. In May 2010, the number of permanent residents had reduced to 5. In consultation with those residents, their families and carers, and staff in the home, it was agreed that residents could have their social care needs better met in alternative accommodation. The final residents moved from Foyleville on 14th June 2010 and it ceased to operate as a Statutory Residential Home.

Care Packages

Lord Morrow asked the Minister of Health, Social Services and Public Safety how care packages to assist older people in their homes are allocated; and at what stage is it deemed more suitable for a person to enter a residential facility.

(AQW 4755/11)

Minister of Health, Social Services and Public Safety: Care packages are allocated to older people following a comprehensive assessment of each individual's needs. The assessment process includes an evaluation against the risks to the client's independence that result from needs both in the immediate and long term. In line with Regional Access Criteria for Domiciliary Care, appropriate domiciliary care services will be provided if the individual risk assessment identifies a critical or substantial risk to independence and help cannot be sourced from elsewhere.

As circumstances change, domiciliary care may not be the best way of supporting some service users. The stage at which an admission to a residential or nursing home is considered will depend on factors such as intensity of each service user's needs, the safety of the service user and care worker, pressure on the family and cost effectiveness of the package.

Colin Area of Belfast

Ms J McCann asked the Minister of Health, Social Services and Public Safety what percentage of the South Eastern Health and Social Care Trust's annual budget was spent in the Colin area of Belfast, in each of the last four financial years.

(AQW 4756/11)

Minister of Health, Social Services and Public Safety: Expenditure information is not collected at the level requested and is therefore unavailable.

Compensation Scheme for Patients who Contracted Hepatitis C

Mr G Campbell asked the Minister of Health, Social Services and Public Safety whether consideration is being given to a compensation scheme for patients who contracted Hepatitis C through contaminated blood, similar to the scheme recently announced for parts of Great Britain.
(AQW 4760/11)

Minister of Health, Social Services and Public Safety: I am considering the expert review team's report and the recommendations which the Department of Health (London) is implementing for patients affected by contaminated blood.

In principle I would seek to maintain parity with England, however until I have fully considered the financial implications of this along with other pressures on my budget I am not in a position to make any firm commitments on this issue.

Health Service

Mr J Craig asked the Minister of Health, Social Services and Public Safety whether his Department has considered adopting the changes that are being implemented by the Coalition Government to the way the local NHS is run in England and implementing them in the Health Service.
(AQW 4762/11)

Minister of Health, Social Services and Public Safety: The core aims of the Coalition Government's reforms to the NHS in England have already been addressed in Northern Ireland as part of my reforms of Health and Social Care, which came into effect in April 2009.

For example, I established a Public Health Agency (PHA), specifically charged with improving poor health and wellbeing and addressing inequalities. I have also established Local Commissioning Groups (LCGs) as committees of the Health and Social Care Board. LCGs, which are led by primary care professionals and include members from the voluntary and community sector and local government, are responsible for the assessment of local health and social care needs and the development of services to meet that need.

In November 2010, I launched Primary Care Partnership Pathfinder Projects. Primary Care Partnerships will be established by Local Commissioning Groups to develop and implement integrated care pathways and develop plans for more cost effective prescribing. Membership of PCPs will include health professionals from primary, secondary, and community care sectors as well as social care professionals and patient representatives.

Patient and Client Council

Mr R McCartney asked the Minister of Health, Social Services and Public Safety (i) why the Patient and Client Council has postponed a series of public meetings that were due to be held in February and March 2011; (ii) for his assessment of the impact this will have on the public's opportunity to express their views on the Health Service; and (iii) whether this series of meetings will be rearranged and held before the end of this Assembly term.
(AQW 4767/11)

Minister of Health, Social Services and Public Safety: The decision to postpone a series of public meetings due to be held in February and March is as a result of guidelines received by the Department and other public sector bodies from the Head of the Northern Ireland Civil Service. The guidance advises civil servants on their role and conduct in the run up to an election. The Department informed the Patient Client Council that as a result of this election guidance its officials were no longer able to take part in the roadshows. OFMDFM also indicated that officials from the HSCB should not attend the roadshows as public comment on the issues likely to arise would be outside the election guidance. The decision to postpone the roadshows was entirely a matter for the Patient Client Council.

There is no impact on the public's opportunity to express their views on the Health Service as their views can still be expressed directly to the Patient and Client Council. They can, for example, at any

time inform the Patient and Client Council about their experience of health and social care and share any concerns or comments they may have about health and social care by telephone, email or in writing.

The Patient Client Council has advised that it intends to reschedule the roadshows for after the election.

Fire and Rescue Service

Mr S Moutray asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 4171/11, whether a costing of the deployment of a fire crew to fill a header tank has been carried out. **(AQW 4771/11)**

Minister of Health, Social Services and Public Safety: The Northern Ireland Fire and Rescue Service did not carry out a specific costing of the deployment of a fire crew in this case.

Fire and Rescue Service

Mr S Moutray asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 4171/11, on how many occasions in each of the last five years has a fire crew been deployed to fill a header tank. **(AQW 4774/11)**

Minister of Health, Social Services and Public Safety: The information requested was not recorded by Northern Ireland Fire and Rescue Service prior to December 2010.

Fire and Rescue Service

Mr S Moutray asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 4171/11, to outline the circumstances in which a retained fire crew was deployed to fill a header tank. **(AQW 4776/11)**

Minister of Health, Social Services and Public Safety: A retained fire crew was not deployed at this incident.

Ambulances and Fire Appliances: Hoax Call-Outs

Mr J Dallat asked the Minister of Health, Social Services and Public Safety to detail the number of times (i) ambulances; and (ii) fire appliances attended hoax call-outs in the last twelve months; and the costs incurred. **(AQW 4800/11)**

Minister of Health, Social Services and Public Safety: Between 1 January and 31 December 2010 the Northern Ireland Fire and Rescue Service responded to 824 malicious false alarm calls; the estimated cost was £2,219,032. This represents a 17.3% reduction in mobilisations to malicious false alarms compared to 2009.

During the same period the Northern Ireland Ambulance Service (NIAS) attended 1,526 possible hoax calls. NIAS estimates that responding to hoax calls cost £228,900 in 2010.

Phase II of the Royal Victoria Hospital Redevelopment Plan

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety to detail the works that will be carried out in Phase II of the Royal Victoria Hospital redevelopment plan. **(AQW 4806/11)**

Minister of Health, Social Services and Public Safety: Phase 2 of the Royal Group of Hospitals redevelopment programme encompasses 2 distinct projects. Phase 2a saw the completion in June 2007 of a 5 storey Imaging Centre at a capital cost of £2m.

The construction contract for Phase 2b, the Critical Care Building, was signed in July 2008 with completion anticipated in 2012. It includes Accident & Emergency; Theatres; Intensive Care and High Dependency beds; and, a Burns Unit.

In June 2010 I instigated a review of the top 3 floors of this building to ensure that best clinical use of this accommodation might be made, in terms of addressing the areas of highest need. As a result of the review, a business case which is currently being appraised, was prepared. It includes proposals to locate part of the new women's hospital in the new critical care building which is currently under construction.

As well as a plan to locate post natal beds and outpatient services on the top three floors of the critical care building, the proposal includes a new build which will house the remaining maternity services including delivery theatres, birthing rooms, antenatal services and neonatology. This new build will be linked to the main building by a bridge.

Causeway Hospital

Mr M Storey asked the Minister of Health, Social Services and Public Safety, pursuant to AQO 1047/11, what steps have been taken at the Causeway Hospital to sustain services on a 24-hours a day, seven days a week basis.

(AQW 4815/11)

Minister of Health, Social Services and Public Safety: The delivery of services at the Causeway Hospital is a matter for the Northern Health and Social Care Trust. 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 the Causeway Hospital in order to sustain services on a 24 hour day, 7 day week basis. The Trust continues to keep this situation under review.

Swine Flu: Admissions to Hospital

Mr M Storey asked the Minister of Health, Social Services and Public Safety how the number of people admitted to hospital with swine flu is recorded and monitored.

(AQW 4816/11)

Minister of Health, Social Services and Public Safety: Information on people admitted to hospital with swine flu was monitored for both: (i) general hospital beds, and (ii) critical care beds.

- (i) For those patients admitted to general hospital beds, a daily return was set up by the HSC Board from 12 January 2011 for hospitals to report the number of patients each day in a hospital bed with confirmed or suspected swine flu. The information for this daily return was provided from a bed report completed by hospital bed management teams. This information was submitted by each Trust to the HSC Board by noon each day to 3 February 2011 to monitor the impact of swine flu on overall bed occupancy.
- (ii) The Critical Care Network facilitated a daily conference call with all of the critical care units across Northern Ireland to establish the number of patients in critical care each day with both confirmed and suspected swine flu. The Critical Care Network submitted a daily return to the HSC Board to monitor the impact of swine flu on critical care capacity.

Swine Flu: Admissions to Hospital

Mr M Storey asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 4177/11, why the figures for the number of people admitted to hospital with swine flu in each week since 29 November 2010 are not available.

(AQW 4819/11)

Minister of Health, Social Services and Public Safety: Following assessment of the potential impact of swine flu on health services, the HSCB, in discussion with the PHA and Critical Care Network, took the decision to move to Phase 2 of its Critical Care escalation plan from 5th January 2011. Information on

the numbers of patients with swine flu and other flu-like illness in critical care beds was collated and monitored centrally daily from that date.

Following a further assessment of the situation on Tuesday 11th January, it was decided to centrally collate and monitor information on patients with swine flu symptoms in general hospital beds on a daily basis.

Replies to Assembly Questions

Mr M Storey asked the Minister of Health, Social Services and Public Safety to how many Assembly Questions he has replied stating that “the information is not available” or that “the information could only be provided at disproportionate cost”, in each year since May 2007; and what this number represents as a percentage of the questions asked in each year.

(AQW 4821/11)

Minister of Health, Social Services and Public Safety: I refer the member to the answer I gave to AQW 25/11.

Staff Salaries

Mr G Campbell asked the Minister of Health, Social Services and Public Safety how many staff paid by his Department received a salary of (i) over £200,000; and (ii) between £100,000 and £200,000 per annum in 2010.

(AQW 4843/11)

Minister of Health, Social Services and Public Safety: The requested information is available in the Department's Resource Accounts: these have been published annually since 2001/02, and contain a remuneration report which includes the details sought by the Member.

The Department's Resource Accounts for the year ending 31 March 2010 is available on the DHSSPSNI website.

Parkinson's Disease

Mr P Weir asked the Minister of Health, Social Services and Public Safety to detail the number of (i) patients diagnosed with Parkinson's Disease; and (ii) dedicated Parkinson's nurses, in each Health and Social Care Trust.

(AQW 4861/11)

Minister of Health, Social Services and Public Safety:

- (i) Information on the number of patients diagnosed with Parkinson's disease is not available.
- (ii) Information on the number of dedicated Parkinson's nurses employed by each Trust is provided in the table below.

HSC Trust	Headcount	Whole-time Equivalent
Belfast	2	1.8
Northern	1	1.0
South Eastern	0	0
Southern	1	1.0
Western	2	2.0

Source: NI HSC Trusts

IVF and ICSI Fertility Treatment

Mr P Callaghan asked the Minister of Health, Social Services and Public Safety how many (i) couples; and (ii) individuals; received publicly funded (a) IVF; and (b) ICSI fertility treatment, in each of the last three years.

(AQW 4873/11)

Minister of Health, Social Services and Public Safety: The Belfast Health and Social Care Trust has advised that activity for IVF and ICSI in the last three years is as itemised in the table below. All treatments were provided to couples. The following information relates to couples only –

Year	IVF	ICSI
2007/08	263	177
2008/09	325	247
2009/10	288	199

Frozen Embryo Transfer

Mr P Callaghan asked the Minister of Health, Social Services and Public Safety how many (i) couples; and (ii) individuals underwent (a) publicly funded frozen embryo transfer; and (b) privately funded frozen embryo transfer within Health and Social Care facilities in each of the last three years.

(AQW 4874/11)

Minister of Health, Social Services and Public Safety: As Minister for Health, Social Services and Public Safety, I am only able to comment on publically funded treatment; any queries on the provision of private services should be directed to the Belfast Health and Social Care Trust, who is responsible for the Regional Fertility Centre.

In Northern Ireland, we aspire 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. Patients currently receive one cycle of fertility treatment but this is not a full cycle, as the replacement of any frozen embryos has to be financed by the patients. It is hoped that it will be possible to introduce a cycle of frozen embryo transfer (FET) in the future; however, this and further expansion of the service will be dependent on funding availability.

Although we do not routinely provide FET, if a patient eligible for publically funded fertility treatment had a previous private treatment cycle at the RFC and has more than five embryos in storage, then their publically funded cycle must be a FET treatment.

The Belfast Health and Social Care Trust has advised that no individuals have received publically funded FET in the last three years. The following information relates to couples only –

Year	Publically funded FET
2007/08	23
2008/09	11
2009/10	11

Proposed New GP Surgery: Meigh

Mr M Brady asked the Minister of Health, Social Services and Public Safety for an update on the proposed new GP surgery in Meigh, including when the work will begin.

(AQW 4919/11)

Minister of Health, Social Services and Public Safety: The Health and Social Care Board has advised that the practice is in the process of finalising finances with their Bank; this is expected to be signed of within the next two weeks.

The project has recently gone out to tender and it is anticipated work will commence in late May or early June, subject to finances being approved.

NI Music Therapy Trust

Mr B McElduff asked the Minister of Health, Social Services and Public Safety to detail (i) the educational settings where music therapy is provided for children and young people who have severe learning disabilities in the West Tyrone constituency; and (ii) if he can offer an assurance that funding for NI Music Therapy Trust will continue.

(AQW 5140/11)

Minister of Health, Social Services and Public Safety: Part (i) of this question is for the Department of Education to answer.

Part (ii) Responsibility for commissioning services at regional level rests with the Health and Social Care Board. The Northern Ireland Music Therapy Trust, being a regional project, should engage directly with the Board about funding issues. It is for the Board to determine the level of funding it makes to individual groups, based on assessed need, the resources it has available to it and its priorities at that time.

In addition, I can advise that the current three-year Departmental funding cycle for Northern Ireland Music Therapy Trust ends in March 2011 and the Trust has applied for a renewal of the grant. This is being considered under the normal Departmental procedures.

Home-Start Schemes in Ballynahinch and Newcastle

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety to outline his plans for the continuation of funding for Home-Start schemes in Ballynahinch and Newcastle.

(AQW 5159/11)

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. 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. My Department, through the Health and Social Care Board, is currently providing financial support to the majority of locally-based Home Start schemes, including Down District which incorporates Ballynahinch and Newcastle. This funding is delivered through the Health and Social Care Trusts and, as I understand it, will continue in 2011/12. It is for the Down District project to decide how best to use the funding being provided to it.

St Luke's Hospital, Armagh

Mr W Irwin asked the Minister of Health, Social Services and Public Safety for an update on the strategic plans for the St. Luke's Hospital site and the future of health provision in Armagh City.

(AQO 1224/11)

Minister of Health, Social Services and Public Safety: My Department and the Southern Trust are leading on the Strategic Development Plan for the St. Luke's site. A Steering group was established in February 2010, comprising of DHSSPS, the Southern Health and Social Care Trust and Armagh City and District Council, with the aim of developing a strategic plan which takes into account the Estate Requirements of the Southern Health and Social Care Trust and makes best use of the site. Working with stakeholders and interested parties within and external to the Steering Group, they have explored economic alternatives for the use of the site which would benefit the population of Armagh, including users of health and social services.

The Southern HSC Trust has developed a number of service realignments aimed at maximising delivery of safe, high quality effective and efficient care for the Armagh area. These plans have included the establishment of a Centre of Excellence for Older People's services delivering integrated multi-disciplinary care teams including Dementia care in the Mullinure Building on the St. Luke's site.

Royal Victoria Hospital: Critical Care Centre

Mr P Maskey asked the Minister of Health, Social Services and Public Safety when the new critical care centre at the Royal Victoria Hospital will be completed.

(AQO 1225/11)

Minister of Health, Social Services and Public Safety: The new Critical Care building, currently under construction is due to be completed during 2012 and, if approved, the new planned maternity element of the scheme will be finished in 2014.

However, I submitted bids for £1.8bn of capital to address the legacy of under investment and I have received less than half of that, £851m. With contractual commitments of £250m and annual fixed costs of £100m for maintenance of an ageing HSC estate this leaves only £200m for new investment.

This level of funding is insufficient to meet the demands being placed on the health service and the impact on the health capital programme will be disastrous. Some very difficult decisions are going to have to be made.

Royal Victoria Hospital: Neurology

Mr T Burns asked the Minister of Health, Social Services and Public Safety for his assessment of the impact on patient care arising from the reduction in neurology beds at the Royal Victoria Hospital.

(AQO 1230/11)

Minister of Health, Social Services and Public Safety: The specialist neurology unit in the Royal Victoria Hospital continues to provide a high quality service to patients from across Northern Ireland. An analysis of the monthly activity for inpatients and day cases indicates a continuing increase in admissions compared with the previous year. However with the exception of video EEG the 13 week target for inpatients and day cases will be achieved by the end of March 2011

In respect of the recent changes made as part of the Trust's modernisation programme in Neurology, I have been absolutely assured by the Trust that the reduction in the number of beds in the unit will not impact on patient care. In addition waiting list initiative clinics are held on a regular basis and additional clinics have been provided for both new and review outpatients.

A new 'Hold and Treat' system recently introduced will ensure full utilisation of clinic capacity and deliver improvements in terms of waiting times.

Funding is also available to appoint an additional consultant neurologist later this year and this will help to ensure the delivery of more responsive services.

Hospitals: Delayed Discharges

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety if there are any plans to address the issue of delayed patient discharges, following the Public Accounts Committee's report on Arrangements for Ensuring the Quality of Care in Homes for Older People.

(AQO 1231/11)

Minister of Health, Social Services and Public Safety: My Department is preparing a formal response to the Public Accounts Committee's recent report on Arrangements for Ensuring the Quality of Care in Care Homes for Older People. This will be set out in a detailed Memorandum of Reply to be compiled and published by the Department of Finance and Personnel.

Plans to continue to avoid delayed patient discharges will depend on the scale of the resources made available in the final draft of the 2011-2015 health budget.

DHSSPS: Budget 2011-15

Rev Dr R Coulter asked the Minister of Health, Social Services and Public Safety for his assessment of his Department's budget allocation in the draft Budget 2011-15.

(AQO 1232/11)

Minister of Health, Social Services and Public Safety: The draft Budget settlement for my Department is a bad settlement. The Executive has shattered the principle of parity of services. We can no longer proudly claim that there is a national health service.

I need the same settlement for health and social care as DoH in England - 1.3% over inflation over a four year period to give people a recognisable service. Even with that, just as in England, I would still have to find £600 million further cost reductions to keep the service to the patient at the same level.

Even with the additional funding that has recently been made available in the final Budget this still leaves me with the totally unrealistic task of identifying in excess of £100m savings over the next few weeks simply to achieve financial balance alone.

Hospital Appointments

Mrs D Kelly asked the Minister of Health, Social Services and Public Safety when the report into hospital appointments within Health and Social Care Trusts will be available.

(AQO 1233/11)

Minister of Health, Social Services and Public Safety: I am not aware of the existence of any report into hospital appointments. I understand from the member's office that she is specifically asking about review appointments.

Trusts have advised me that they are implementing a range of measures, including arranging additional clinics, to meet the targets that I have set.

NHS: Bureaucracy

Mr J Craig asked the Minister of Health, Social Services and Public Safety what action he is taking to reduce bureaucracy in the Health Service.

(AQO 1234/11)

Minister of Health, Social Services and Public Safety: As a result of the RPA reforms I have implemented there has been a reduction of 1,600 administrative posts to date, saving over £49m per annum. The number of senior managers has reduced by 57% and I have delivered efficiencies of £344m per annum the largest Budget 2007 efficiencies of any NI Department.

I continue to roll out the use of information technology to support the frontline. By exploiting modern technology new clinical systems, such as Electronic Referrals, and the Electronic Care Record we can both improve patient safety and offer significant potential for efficiency gains .

Altnagelvin Area Hospital: Radiotherapy Unit

Mr P Ramsey asked the Minister of Health, Social Services and Public Safety if he has had any recent discussions with the Minister of Finance and Personnel in relation to the Radiotherapy Unit in Altnagelvin Hospital.

(AQO 1235/11)

Minister of Health, Social Services and Public Safety: I have met with the Minister of Finance and Personnel 4 times since September 2010 to discuss my budget, however I have not had any formal meetings with him to specifically discuss the Radiotherapy Unit in Altnagelvin Hospital.

Officials in my Department are having ongoing discussions with officials from the Department of Finance and Personnel on the Business Case for the new Unit.

Craigavon Area Hospital: X-rays

Mr S Moutray asked the Minister of Health, Social Services and Public Safety for an update on the review by the Regulation and Quality Improvement Authority on the handling of X-rays at Craigavon Area Hospital.

(AQO 1236/11)

Minister of Health, Social Services and Public Safety: On 15 February 2011 in response to public concerns about the reading and reporting of plain film x-ray examinations I commissioned the RQIA to carry out an independent review on the handling and reporting arrangements for radiological investigations across Northern Ireland. The Terms of Reference for the review have been issued and RQIA will provide me with an initial report by 24 (26th) March 2011. Given the short period of time that the review has been underway it would not be reasonable to ask for an update at this stage

Antrim Area Hospital: Palliative Care Unit

Mr A McQuillan asked the Minister of Health, Social Services and Public Safety what impact the Palliative Care Unit, due to open this year, at Antrim Area Hospital will have on the Robinson Palliative Care Unit in Ballymoney.

(AQO 1237/11)

Minister of Health, Social Services and Public Safety: The existing beds within the Robinson Hospital in Ballymoney are not specialist palliative care beds but general beds made available for patients with palliative care needs. I am advised that no change to the number of these beds is envisaged by the Trust.

The Northern Trust has invested £3.22m, at the Antrim Area Hospital site, to provide the first ever specialist palliative care beds in the Trust area. The new unit will provide a purpose-built environment, staffed by a specialist team. The unit will offer a comfortable and caring environment for patients beyond the scope of a normal hospital ward. Patients, their families and carers will be able to access a wide range of services including expert clinical assessment and symptom management, rehabilitation, emotional and social support, practical help, complementary therapies and respite care.

Department of Justice

Education and Training for Prisoners

Mr J Dallat asked the Minister of Justice what steps he has taken to ensure that education and training is obligatory for prisoners serving a sentence of more than three months.

(AQW 4809/11)

Minister of Justice (Mr D Ford): Education and training is not obligatory for prisoners over the age of 16 unless forming part of a court order. However, NIPS actively encourages both sentenced and remand prisoners to participate in a range of academic and non-academic education classes and training courses. This includes an assessment of their essential skills and learning and skills needs on committal, discussion of opportunities with resettlement panels and linking education and training to sentence plans and prisoners' regimes. Where a prisoner agrees to attend an education or training course as part of their sentence plan they are expected to attend, any unreasonable failure to comply can affect their regime status with a consequential impact on access to approved privileges.

Legislation

Mr D Kinahan asked the Minister of Justice 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 4848/11)

Minister of Justice: Part III of the Justice Bill, which is currently proceeding through the Northern Ireland Assembly, requires district councils to establish Policing and Community Safety Partnerships (PCSPs). Following Further Consideration Stage on 07 March, Schedule 1 of the Bill provides councils with a range of powers including the determining of membership of the PCSPs; appointment or nomination of political or independent members, and removal of any member; appointment of chair; indemnity of members; insuring members against accidents; and payment of member expenses. Schedule 2 of the Bill provides Belfast City Council with similar powers in relation to District Policing and Community Safety Partnerships.

As the Department of Justice came into existence on 12th April 2010, legislation before this date is not applicable.

Suicide Prevention

Ms S Ramsey asked the Minister of Justice to outline where suicide prevention sits within his Department's Programme for Government.

(AQW 4857/11)

Minister of Justice: Suicide prevention continues to be a high priority for my Department and its Executive Agencies and Arms Length Bodies. For instance, the Northern Ireland Prison Service, the Youth Justice Agency, the Police Service of Northern Ireland and the Probation Board for Northern Ireland act as delivery partners for the Northern Ireland suicide prevention strategy and action plan, 'Protect Life: A Shared Vision'. In addition, many of their frontline staff have received Applied Suicide Intervention Skills Training (ASIST).

The Ministerial Forum on Safer Custody, which I chair, is working with senior representatives from the criminal justice, healthcare and voluntary sectors to promote and support the development of best practice in the area of safer custody in our prisons. Accurate and informed risk assessment when a person enters police custody is essential for the management of the risk that a person may attempt or complete suicide. Youth Justice Agency staff work with children who are assessed as being a high risk to themselves on issues such as self-esteem and relationships.

In the related area of mental health, my officials have established a multi-disciplinary, cross-Departmental Criminal Justice Board Mental Health Sub-group and are working closely with the Department of Health and Social Services in relation to the civil and criminal justice implications of the Bamford Review of Mental Health and Learning Disability.

Larne Probation Office

Mr A Ross asked the Minister of Justice to outline his plans for the future of the Larne Probation Office.

(AQW 4986/11)

Minister of Justice: The PBNI Larne Office is currently under review in line with other parts of the Probation estate. The review is expected to be completed by June 2011. The Probation Board is considering options for the continuing provision of service to clients in Larne and the surrounding areas and seeking to maintain the current level of service.

Larne Probation Office

Mr K Robinson asked the Minister of Justice (i) if there are any plans to close the Larne Probation Office, and when these plans would become effective; (ii) for his assessment of the impact of such a closure on staff; and (iii) where existing and new clients would be expected to attend.

(AQW 4990/11)

Minister of Justice: The situation is as follows:

- (i) The PBNI Larne Office is currently under review in line with other parts of the Probation estate. The review is expected to be completed by June 2011. The Probation Board is considering options for the continuing provision of service to clients in Larne and the surrounding areas and seeking to maintain the current level of service.
- (ii) If the Probation presence in Larne is changed from the current Probation Office (which operates on a full-time basis) to a Reporting Centre (operating on a part-time basis only), staff will be re-located to the Antrim Road, Belfast Office, which is in the same team area. Staff will attend the Larne Reporting Centre in support of their supervision of adjudicated offenders.
- (iii) Existing and new clients would be expected to attend the current Larne office for the immediate future. If a decision was taken not to retain a full-time office in Larne, existing and new offenders would be expected to attend a reporting centre in the Larne area.

Hazel Stewart

Mr P Givan asked the Minister of Justice whether the defendant, Hazel Stewart, is in receipt of legal aid, and if so, to detail the cost to date.

(AQW 5097/11)

Minister of Justice: The Legal Services Commission (the Commission) has advised that Hazel Stewart was granted criminal legal aid by the courts for legal representation in the Magistrates' Court and in the Crown Court.

The bills for legal representation in the Magistrates' Court have been assessed and paid and the total costs were £13,135.10 (excluding VAT of £2,298.64).

The Commission has not received any bills for assessment for the Crown Court trial. Provisional estimates suggest that the cost is unlikely to be less than £62,000 (including VAT).

PSNI: Back Pay

Mr R Beggs asked the Minister of Justice for an update on when PSNI civilian staff will receive their back pay entitlement.

(AQO 1246/11)

Minister of Justice: I am very conscious that there has been an expectation amongst police support staff that the issue relating to a potential Equal Pay settlement would have been concluded by now, I continue in my determination to see the resolution of the issue as soon as possible. Members will be aware that resolution will require further discussion between DFP, PSNI and the Policing Board. The DOJ will continue to facilitate that dialogue.

Family Courts: Mediation

Mrs M O'Neill asked the Minister of Justice to outline the mediation process available in Family Courts.
(AQO 1247/11)

Minister of Justice: The processes governing mediation before the Family Courts in Northern Ireland are set out in the "Children Order Advisory Committee Best Practice Guidance".

The guidance emphasises the potential benefits of using mediation in appropriate cases and encourages legal practitioners to give early consideration to a referral to Family Mediation for a pre-mediation information and assessment appointment.

Ideally cases would be referred to Family Mediation before issuing court proceedings. Alternatively, when a case is first listed before the court, the Judge may enquire if the parties are interested in mediation. If the parties agree to mediation the case will be adjourned to facilitate the mediation process.

If mediation is successful and the parties may choose to have the agreement ratified as a Court order or choose to withdraw the summons.

If the mediation was not or only partially successful, the mediator may inform the Court, with client consent, of the areas of agreement and of the issues which remain unresolved and require Court adjudication.

Where a party is eligible for legal aid, the mediation will be provided at no cost to the client. If a party is not eligible for legal aid, the cost of mediation varies depending on the provider.

While we must ensure that access to legal representation will always be available to those who need it, I believe that we should try to find ways of avoiding the costly, adversarial and often stressful experience of a court hearing. For that reason, the Access to Justice Review that I announced last year and which is due to publish its interim report shortly is examining the scope for making greater use of mediation and other forms of Alternative Dispute Resolution.

Parades: Rosslea

Mr T Elliott asked the Minister of Justice for his assessment of the release 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.

(AQO 1248/11)

Minister of Justice: The Public Prosecution Service has issued a statement regretting that an administrative error led to the dismissal of this case. The statement also confirmed that an internal review has been carried out by the Public Prosecution Service resulting in additional arrangements being put in place to address the issue which led to the administrative error.

Although the Department of Justice has no responsibility for the Public Prosecution Service, and I have proper regard for the independence of prosecutorial decision making, I continue to be mindful of the importance of the criminal justice system as a whole working effectively.

Youth Justice: Conferences

Mrs C McGill asked the Minister of Justice what is the recommended number of times an individual should participate in a youth conference before alternative measures are introduced.

(AQO 1249/11)

Minister of Justice: Sentencing of young people charged with offences is entirely a matter for the courts and it is the responsibility of District Judges to consider each individual case on merit and award an appropriate sentence proportionate to the crime.

The youth conference is one of a range of disposals open to the courts and there is no recommended ceiling to the number of times an individual should participate. The conference gives the victim an opportunity to engage fully in the process, allows them a platform to be heard, and enables them to have an input into how the young person can put right the harm caused. The legislation allows for repeat conferences and to impose a limit would deny victims of subsequent offences their central position in this process.

Policing and Community Safety Partnerships

Mr P Frew asked the Minister of Justice what measures and incentives will be put in place to attract the widest range of people possible to apply for positions in the new Policing and Community Safety Partnerships if they are established.

(AQO 1250/11)

Minister of Justice: I firmly believe the attraction to all participants is that Policing and Community Safety Partnerships (PCSPs) will be able to contribute effectively to making communities safer and, ultimately, to improving the lives of local people.

As set out in the Justice Bill, membership of PCSPs will be, from the outset, constituted from a wide range of groups:

- elected members, reflecting the make-up of their local council;
- independent members, appointed by the Policing Board from nominations made by the council and in line with guidance issued by my Department; and
- representatives of designated organisations which have a valuable contribution to make in a local context.

In addition, PCSPs will be able to establish delivery committees comprising organisations which can make a relevant contribution, ensuring maximum representation from a broad range of groups.

County Courts: Judges

Mr P Callaghan asked the Minister of Justice, in light of the proposals to expand the jurisdiction of the County Courts, whether he has any plans to increase the complement of County Court Judges to address the potential increase in workload.

(AQO 1252/11)

Minister of Justice: The number of county court judges is a matter for the Northern Ireland Judicial Appointments Commission to determine in agreement with my Department. My Department has written to the Commission to notify them of the proposals. We will continue to engage with the Commission to ensure this matter is settled before the changes to the county court and district judge jurisdictions are brought into operation.

I am bringing forward the proposed increase in the Small Claims jurisdiction from £2,000 to £3,000 from 2 May. This will provide enhanced access to the quicker and cheaper small claims system. I have consulted the Lord Chief Justice who agrees that there is no obstacle to this increase being brought forward now.

Department for Regional Development

Blue Badge Scheme

Mr G Robinson asked the Minister for Regional Development to outline the processes that are in place to safeguard the Blue Badge scheme from being abused.

(AQW 4685/11)

Minister for Regional Development (Mr C Murphy): My Department's Roads Service has advised that all applications for Blue Badges are subject to a stringent assessment against a number of set criteria. All applications are accompanied by two signed photographs, one of which is attached to the badge, which is then laminated. Each badge is numbered and also contains a hologram to make it easier to distinguish between genuine and possible counterfeit badges.

A Guidance Leaflet is issued to all Blue Badge holders explaining where they may, or may not park. This leaflet explains that a Blue Badge may be withdrawn in cases of misuse by the badge holder, or

others. It also warns that it is a criminal offense (maximum penalty £1,000), for a person, other than the person to whom it was issued, to use a Blue Badge. Roads Service may refuse an application for a badge, or request the return of a badge, where misuse of the badge has led to a relevant conviction or a penalty charge notice has been issued on three occasions.

In addition, as part of Roads Service's parking enforcement contract with NSL Services Group, a small team of Traffic Attendants is deployed whose objective is to identify cases of suspected Blue Badge misuse and to issue a PCN for the parking contravention in cases where misuse can be confirmed.

Further information on the Blue Badge Scheme can be found at the following web address:

<http://www.roadsni.gov.uk/index/bluebadge.htm>

Parking Tickets

Mr D McNarry asked the Minister for Regional Development to detail the number of parking tickets issued by traffic wardens that have been quashed in each of the last three years.

(AQW 4693/11)

Minister for Regional Development: Roads Service has advised that details of the number of Penalty Charge Notices (PCNs) cancelled in each of the last three years as a result of successful Challenges, Representations, and Appeals, are detailed in the table below:

	PCNs Issued	PCNs cancelled following Challenge, Representation, Appeal
2008/09	140,694	12,868 (9%)
2009/10	129,926	11,804 (9%)
2010/11 (10 months to end Jan 2011)	97,780	8,298 (8.5%)

Parking Charges

Mr D McNarry asked the Minister for Regional Development whether he plans to increase parking charges, and if so, to detail the level of increase.

(AQW 4694/11)

Minister for Regional Development: My Department's Roads Service is currently in the process of implementing an increase in car parking tariffs. The implementation exercise requires changes to both the On-Street Parking Order (NI) and the Off-Street Parking Order (NI). The most significant change being introduced as part of this review will be an increase in the 30p tariffs to 40p in provincial towns, an increase of 33%. These tariffs have largely been unchanged over the past 12 years and it is proposed that the planned changes in car parking tariffs will be introduced early in the 2011-12 financial year.

In addition, the draft Budget for 2011-15 considers options for changes in car parking charges, including:

- an average 15% per annum increase to existing car park income for each of the budget years;
- introducing on-street charging to all towns/cities covered by the Sub Regional Transport Plan and Belfast Metropolitan Transport Plan (approximately 27 towns/cities); and
- the extension of charging hours for all car parks and on-street Pay and Display.

Prior to the implementation of any changes under Budget 2011-15, Roads Service envisages a high level of consultation on all aspects of parking policy, as well as an opportunity for consultation on individual schemes at the legislation stage.

Impact of Parking Charges on Retail

Mr D McNarry asked the Minister for Regional Development (i) whether he has made an assessment of the impact of parking charges on the retail sector in major towns; and (ii) whether he has had any communication with local Chambers of Commerce and Trade in relation to the level of parking charges. (AQW 4695/11)

Minister for Regional Development: My Department's Roads Service is currently in the process of implementing an increase in car parking tariffs. These proposals are generally in line with the Department's transportation policies to promote public transport and deter commuter parking, through the use of pricing of car parking facilities. In addition, a key financial objective is to fully recover the cost of providing the car park services. This is in line with the Department of Finance and Personnel (DFP) guidance in Managing Public Money in Northern Ireland (MPMNI).

Although an assessment of the impact of parking charges on the retail sector has not been carried out, Roads Service car park tariffs are generally lower than those of private sector operators. In many instances free, or less expensive, off-street car parks are provided by Roads Service on the periphery of urban centres, which can be used by those requiring all day parking. This enables Roads Service to contribute to the vitality and viability of urban centres by trying to ensure that the most convenient off-street car parks in the urban area are made available to shoppers and visitors.

Roads Service has had no communication with local Chambers of Commerce regarding the implementation of the new parking tariffs, however, the amendments to the On-Street Parking Order (NI) and the Off-Street Parking Order (NI) are published in the local press. Those that relate solely to changes in tariffs will be notified to local Councils in due course, while those seeking to introduce charges for the first time will be subject to a full consultation exercise in accordance with the appropriate legislation.

Car Park in Millisle Beach Park

Mr P Weir asked the Minister for Regional Development if there are any plans to repair the wall at the car park in Millisle Beach Park. (AQW 4750/11)

Minister for Regional Development: For the purpose of reply, I have assumed that the Member is referring to the wall between my Department's Roads Service car park at Ballywalter Road, Millisle and the beach.

My Department's Roads Service has advised that arrangements have been made to carry out repairs to this wall.

However, if the Member is referring to the wall at Ards Borough Council's beach park, the matter should be referred to Ards Borough Council.

Roads in the Ards Peninsula

Mr P Weir asked the Minister for Regional Development to detail the level of investment planned for roads in the Ards Peninsula in each of the next three years. (AQW 4752/11)

Minister for Regional Development: It is not possible, at present, to confirm details of planned expenditure for roads in the Ards Peninsula, for the next three years.

I would advise the Member that information on the completed and proposed roads schemes for the current financial year can be found in Roads Service's Spring and Autumn Reports to Councils. These reports can be accessed from the Roads Service internet site at the following web address: http://www.roadsni.gov.uk/index/publications/publications-council_reports.htm

Information on future years' programmes of work will, when finalised, be presented in the Spring and Autumn reports to Councils.

A6 Londonderry to Dungiven Dual Carriageway Project

Mr G Campbell asked the Minister for Regional Development to detail (i) the current status of the A6 Londonderry to Dungiven dual carriageway project; (ii) the estimated cost of the project; and (iii) the expected commencement date.

(AQW 4764/11)

Minister for Regional Development: The overall reduction of 40% in the Executive's Spending Review settlement has had a significant impact on the draft budget available to my Department for infrastructure investment.

Nevertheless, I am pleased to inform you that the draft allocations allow for the start of road improvements on the A6 within the budget period. I believe that priority should be given to Dungiven Bypass.

It is anticipated that draft Statutory Orders will be published later this year for public consultation. It is expected that the consultation process will indicate the need for a public inquiry, which could be expected to take place in late 2011/early 2012.

The estimated cost of this scheme is within the range £350 to £390 million.

Road Improvements and Road Surface Maintenance

Mr P McGlone asked the Minister for Regional Development to detail how much each Roads Service division has spent on (i) road improvements; and (ii) road surface maintenance, in each of the last five years.

(AQW 4769/11)

Minister for Regional Development: My Department's Roads Service has advised that its budget allocations are made on the basis of need to its four Roads Service Divisions and, in turn, allocated across Council areas. While it does not maintain the information you have requested on a Divisional basis, it does maintain an analysis of its capital and resource expenditure in each financial year, according to each Council Area.

The table below provides a list of the council areas which each Roads Service Division is responsible for:

Eastern	Northern	Southern	Western
Carrickfergus Belfast Castlereagh Newtownabbey Lisburn North Down	Antrim Ballymena Larne Ballymoney Coleraine Limavady Derry Moyle	Armagh Banbridge Craigavon Newry & Mourne Ards Down	Magherafelt Cookstown Dungannon Fermanagh Omagh Strabane

While Roads Service total expenditure on capital includes major capital schemes, minor capital schemes, street lighting renewal, land, capital structural maintenance & other capital activities, the following table, in response to the Member's query regarding expenditure on road improvements provides details of road improvements for Roads Service expenditure on both Major and Minor Capital Schemes only.

EXPENDITURE ON MAJOR & MINOR CAPITAL WORKS

Council Area	2005/06	2006/07	2007/08	2008/09	2009/10
	£'000				
Antrim	289	607	1,234	624	1,345
Coleraine	793	342	1,289	315	879
Limavady	749	354	758	1,086	743
Moyle	97	42	142	386	644
Ballymoney	3,091	911	251	494	938
Derry	1,585	2,459	3,281	4,165	25,334
Ballymena	388	1,147	1,878	3,814	8,069
Larne	373	124	982	1,926	1,868
Belfast	1,722	22,317	2,169	4,860	3,766
Castlereagh	540	319	811	259	1,902
Newtownabbey	561	714	357	587	1,329
Carrickfergus	1,136	898	949	943	1,295
North Down	479	171	1,098	553	279
Lisburn	633	822	882	1,411	1,484
Ards	865	552	462	7,849	3,249
Armagh	1,334	952	2,448	2,042	2,392
Newry & Mourne	1,332	490	2,206	2,725	1,822
Banbridge	396	217	323	738	866
Craigavon	3,740	794	952	1,392	999
Down	1,886	508	817	853	944
Magherafelt	1,113	704	2,296	2,174	476
Omagh	1,643	244	3,215	11,234	18,141
Strabane	1,819	1,490	680	410	951
Cookstown	379	193	599	1,025	363
Fermanagh	1,339	660	2,815	3,229	3,428
Dungannon	1,042	762	632	1,065	3,151
Total	29,324	38,793	33,526	56,159	86,657

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.

Roads Service's total expenditure on operation and maintenance includes Structural Maintenance, Routine Maintenance, Traffic Maintenance, Winter Maintenance, Street Lighting Maintenance, and Car Parking Maintenance. However the following table, in response to the Member's query regarding expenditure on road surface maintenance, details total expenditure (operation & maintenance + capital) on Structural Maintenance only.

EXPENDITURE ON STRUCTURAL MAINTENANCE ACTIVITIES

Council Area	2005/06	2006/07	2007/08	2008/09	2009/10
	£'000				
Antrim	2,164	1,740	2,096	1,742	2,794
Coleraine	2,431	2,317	2,597	1,862	2,736
Limavady	2,020	1,561	2,391	1,558	2,344
Moyle	1,301	1,187	1,340	993	1,397
Ballymoney	1,527	1,433	1,648	1,463	2,002
Derry	2,667	2,510	2,998	2,673	3,086
Ballymena	3,354	2,471	2,749	2,654	3,339
Larne	1,285	1,280	1,273	1,116	1,704
Belfast	5,408	4,946	6,009	4,630	6,039
Castlereagh	2,073	1,842	2,165	1,623	1,792
Newtownabbey	1,412	1,869	2,846	1,860	2,455
Carrickfergus	754	934	1,186	783	1,036
North Down	2,537	2,368	2,465	1,462	1,755
Lisburn	3,585	3,077	3,066	4,364	4,604
Ards	2,120	2,118	3,335	1,726	3,065
Armagh	4,202	3,661	4,907	4,439	5,388
Newry & Mourne	4,394	3,634	3,944	2,700	5,605
Banbridge	2,205	2,222	2,734	1,880	2,811
Craigavon	3,055	2,948	3,614	2,231	3,867
Down	3,003	2,794	2,552	3,336	3,377
Magherafelt	2,346	1,755	2,771	2,107	2,885
Omagh	3,939	3,458	4,424	2,971	4,923
Strabane	3,146	3,056	3,617	3,028	4,592
Cookstown	1,823	1,980	1,976	1,738	2,145
Fermanagh	3,844	4,522	4,578	4,638	4,951
Dungannon	3,920	3,911	4,051	3,410	4,498
Total	70,515	65,594	77,332	62,986	85,190

NI Water

Mr P Butler asked the Minister for Regional Development to provide an estimate of the costs that would be incurred if NI Water were brought under public ownership.

(AQW 4813/11)

Minister for Regional Development: I should point out that Northern Ireland Water (NIW) is already under public ownership – it is a Government owned company. Although NIW was set up to be a self-financing company this is not the current situation as the current Executive position, which I fully support, is to defer the introduction of additional household water and sewerage payments.

In my statement to the Assembly on 13 September 2010 I said I would put proposals on the status of NIW to the Executive and I intend to do so in the near future. I acknowledged that there are financial implications for the Executive in changing the status of NIW. However, against that there are potentially significant financial implications of leaving things as they are.

A24 Ballynahinch to Belfast Road

Mr S Hamilton asked the Minister for Regional Development to detail (i) what resurfacing work (a) has been carried out; and (b) is planned to be carried out on the A24 Ballynahinch to Belfast road in this financial year; and (ii) the total cost of this works.

(AQW 4817/11)

Minister for Regional Development: My Department's Roads Service has just completed the resurfacing of a 700 metre stretch of the A24 Ballynahinch to Belfast Road at the Lakeview lay-by. This work, which involved the resurfacing of the carriageway and hard-shoulders, was completed on Friday 25 February 2011 at an estimated cost of approximately £185,000.

I am further advised that there are no current proposals to carry out any additional resurfacing work on this route during this financial year or within the 2011/12 financial year.

Safe Routes to School

Mr M Storey asked the Minister for Regional Development for an update on the Safe Routes to School initiative.

(AQW 4828/11)

Minister for Regional Development: The Safer Routes to Schools Initiative (SRS) aims to encourage parents, children and teachers to use sustainable modes of travel for the "School Run". Since the inception of the SRS initiative almost 250 schools have benefited from a range of physical infrastructure improvements as well as classroom based awareness resources. My Department's Roads Service aims to have implemented a further 31 schemes by the end of the 2010/11 financial year.

City of Derry Airport

Lord Empey asked the Minister for Regional Development, in relation to the safety works at the City of Derry Airport, to detail (i) whether he issued a Ministerial Direction for the funding; (ii) what advice he received from his departmental accounting officer in relation to the proposals; (iii) what representations were made to his Department in support of the proposals; (iv) what discussions he has had with the Minister of Finance and Personnel in relation to the proposals and the outcome of any discussions; and (v) whether he has received any applications for funding safety works from any other airports in Northern Ireland.

(AQW 4838/11)

Minister for Regional Development: I issued a Ministerial Direction to my Department, on 21 February 2011, to pay grant towards the cost of safety works at City of Derry Airport. I had previously received advice from my departmental accounting officer that the business case, submitted by Derry City Council in support of its request for grant, although showing significant economic benefits, did not meet the financial assessment criteria necessary to justify further central government investment in the airport.

Having considered the business case, I took the view that the wider economic benefits to the North, arising from further investment in the airport, outweighed this adverse financial assessment. The Executive has considered the competing arguments and has endorsed my decision to issue a Ministerial Direction.

Representations in support of further funding for the airport were made by Derry City Council.

I have attended three meetings involving the Minister of Finance and Personnel at which funding for the airport safety works was discussed. These took place on 25 January 2010, 11 February 2010 and 13 January 2011. The outcome was agreement that the Council's funding request should be considered by the Executive on the basis that the adverse financial assessment was countered by strong political reasons to support grant funding in terms of addressing economic disadvantage in the north west.

I have not received applications for funding of safety works from any other airports in the North.

City of Derry Airport

Lord Empey asked the Minister for Regional Development what financial contribution Derry City Council is making to safety works at the City of Derry Airport, given that it owns the airport.

(AQW 4839/11)

Minister for Regional Development: The estimated final cost of the safety works at City of Derry Airport is £11.5 million and Derry City Council is committed to meeting 25% of these costs, which is a financial contribution of £2.9 million.

Assembly Legislation

Mr D Kinahan asked the Minister for Regional Development 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 4846/11)

Minister for Regional Development: The Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 introduced new arrangements to provide district councils with powers to restrict or prohibit traffic using a road (except motorways) to facilitate the making of a film or the holding of certain sporting, social and entertainment events on roads.

Parking Tickets

Mr M Storey asked the Minister for Regional Development how many parking tickets issued in the North Antrim area have been successfully appealed in each of the last three years.

(AQW 4858/11)

Minister for Regional Development: My Department's Roads Service has advised that details of challenges, representations and appeals made against Penalty Charge Notices (PCNs) are not compiled on a regional basis. However, for all PCNs issued in the last three years, some 12.6% were challenged with 64% being successful. Following the issue of a Notice to Owner, some 3.6% of PCNs were subject to Representation, with 22% being successful. Some 0.2% of PCNs issued were subject to formal Appeal with 25% being successful.

I am further advised that the number of PCNs issued in the last three years in the district council areas of Ballymena, Ballymoney, Moyle, and Coleraine are detailed in the below:

Council Area	PCNs Issued 2008/09	PCNs Issued 2009/10	PCNs Issued 2010/11 (to end Jan 2011)
Ballymena	4155	3242	3439

Council Area	PCNs Issued 2008/09	PCNs Issued 2009/10	PCNs Issued 2010/11 (to end Jan 2011)
Ballymoney	1348	1110	906
Moyle	347	351	330
Coleraine	5476	3983	3192

I hope you find this information helpful.

Cycle Lanes

Mr P Butler asked the Minister for Regional Development how much his Department intends to spend on cycle lanes in each Belfast constituency over the next five years.
(AQW 4867/11)

Minister for Regional Development: My Department's Roads Service has advised that as budget allocations for future years have yet to be confirmed, it is unable to outline its spending plans for cycle lanes in Belfast at this time. Roads Service is fully committed to carrying out further improvements to the cycling infrastructure and it is anticipated that a range of measures will be provided, including cycle lanes, advance stop lines and cycle stands, subject to the availability of funds.

Once work programmes for Roads Service's Eastern Division, which incorporates the Greater Belfast area, have been finalised, details of the proposed works will be contained within the Division's Spring reports to the relevant Councils. These reports, when complete, can be accessed from the Roads Service internet site at the following web address:

http://www.roadsni.gov.uk/index/publications/publications-council_reports.htm

In addition to the capital investment in cycling measures by Roads Service, my Department promotes the use of sustainable modes of transport, including cycling, through its Travelwise initiative, as part of its interaction with schools, employers and the general public. I have also established an advisory Active Travel Forum to bring forward recommendations to me for an Active Travel Strategy and this will include proposals to encourage and increase cycling. I expect proposals for a high level Active Travel Strategy in mid-2011.

Seagahan Dam, Armagh

Mr W Irwin asked the Minister for Regional Development, pursuant to AQW 4875/11, whether the arrangements for the fishing rights at Seagahan Dam in Armagh were put out to tender.
(AQW 5012/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that the fishing rights for Seagahan Dam were not tendered. The fishing rights are currently leased 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. Although not part of its core business, NIW and its predecessors have been involved in the leasing of fishing rights for some considerable time and traditionally have renewed the rights with the existing club. There has been no history of more than one fishing club expressing an interest in obtaining the fishing rights at any particular location, indeed fishing clubs will normally be local to the particular lough or dam associated with the club and other clubs are unlikely to be interested. The cost of tendering and selecting suitable fishing clubs against any income from the club is likely to make this exercise uneconomical. However, NIW is currently reviewing their procedures in relation to fishing rights.

Door-to-Door Service in the South Antrim Area

Mr T Clarke asked the Minister for Regional Development what stage the tendering process is at for the door-to-door service in the South Antrim area which is currently operated by Chambers Coaches; and when the process will be complete.

(AQW 5043/11)

Minister for Regional Development: The tendering process for door-to-door services for all operating areas with the exception of the Derry urban service is currently at the stage of tender evaluation. I anticipate that the evaluation process will be completed by the end of March 2011.

Personal Injury Claims

Mr P McGlone asked the Minister for Regional Development (i) how many Personal Injury Claims were made against his Department in each of the last five years; and (ii) how much this cost his Department in (a) legal fees; (b) compensation fees; and (c) any other costs.

(AQW 5048/11)

Minister for Regional Development: The particulars of the number of Personal Injury Claims received and of legal fees, compensation fees and other costs paid in each of the last five years are set out in the table below.

Year	Claims Received	Legal Fees Paid £	Compensation Paid £	Other Costs Paid £
2005/06	762	1,917,997.87	1,628,859.68	25,221.38
2006/07	609	1,759,382.06	1,331,819.15	35,132.23
2007/08	632	1,784,332.04	1,941,861.10	259,091.66
2008/09	695	2,120,955.18	1,634,743.27	183,418.71
2009/10	871	2,169,651.38	1,673,597.28	135,868.12

Refurbishment Work at Coleraine Train Station

Mr G Robinson asked the Minister for Regional Development if he will re-examine the need for refurbishment work to be carried out at night on Platform 2 at Coleraine Train Station, given the impact of the excessive noise on residents.

(AQW 5094/11)

Minister for Regional Development: Translink have told me that NITHC/Translink's Infrastructure Executive contacted you directly on 7 March 2011 following phone calls made to other senior staff.

The Project Manager for this work, with a colleague from the Infrastructure Property Division, will be meeting you and residents' representatives at Coleraine railway station on Thursday 10 March 2011 at 12:00.

I would hope this operational matter can be satisfactorily resolved for all parties concerned.

Department for Social Development

Housing Executive Tenants

Mr S Anderson asked the Minister for Social Development, as of 31 January 2011, how many Housing Executive tenants, in each District Office area, remained unable to live in their homes having had to leave them as a result of the severe winter weather.

(AQW 4166/11)

Minister for Social Development (Mr A Attwood): The table below provides details of the number of Housing Executive tenants in each of the District Office areas who remain unable to live in their homes, having had to vacate them temporarily as a result of the severe winter weather:-

Housing Executive District Office area	Number of Tenants at 3 March 2011
Belfast East	3
Bangor	1
Downpatrick	2
Lisburn, Antrim Street	2
Fermanagh	1

Given the small number of properties, caution must be exercised about providing further particulars with the risk of compromising privacy and identifying tenants. However, I have considered each of the Housing Executive's cases where tenants remained out of their homes mainly for particular personal reasons, including health issues; delays in reporting damage to the property by the tenant; and severity of damage.

Research and Development

Mr C Lyttle asked the Minister for Social Development how much his Department spent on research and development in each of the last five years.
(AQW 4285/11)

Minister for Social Development: The term research and development is generally applied to engineering, scientific or pharmaceutical issues where there is ultimately a marketable end product. In line with this definition and the activities undertaken by the Department for Social Development, I would advise that there have been no such research and development costs in the last five years.

Foodbanks by Registered Charities

Mr G Campbell asked the Minister for Social Development whether his Department supports the creation of foodbanks by registered charities to help local people in need.
(AQW 4707/11)

Minister for Social Development: The Social Security Agency is aware of a pilot food bank scheme currently being operated by the Trussell Trust Charity in conjunction with the Department for Work and Pensions Jobcentre Plus Offices in a number of areas in Great Britain. This involves referring Jobcentre Plus customers, who are ineligible for a Social Fund Crisis Loan, to a neighbouring Trust outlet. The pilot commenced on 4 January 2011 and is due to end on 2 April 2011. It is expected that it will provide information necessary to have a clear view on the effectiveness of the process from Jobcentre Plus, Trussell Trust and customers' perspectives and the impact on Jobcentre Plus business.

I will closely examine the outcome of the pilot scheme. Independently, I have instructed officials to make an assessment of what emergency measures, in terms of alternative accommodation, places of warmth, food etc, may be necessary in the event of a future emergency requiring people to leave their homes. I consider this work to be necessary, going forward given the increasing pressures on people with less work, welfare, money and higher costs, housing need and stress.

Disability Living Allowance Oral Appeal Tribunals

Mrs C McGill asked the Minister for Social Development, for each of the last three years, to detail the cost to his Department of sending Presenting Officers from the Social Security Agency to Disability Living Allowance oral appeal tribunals.

(AQW 4735/11)

Minister for Social Development: The table below sets out the cost of sending Presenting Officers from the Social Security Agency to Disability Living Allowance oral appeal tribunals for each of the last three years. These oral hearings take place across 18 tribunal centres geographically dispersed across Northern Ireland.

Year	Cost
2007/08	£92,917
2008/09	£91,279
2009/10	£84,971

Disability Living Allowance and Employment Support Allowance Oral Appeal Tribunals

Mrs C McGill asked the Minister for Social Development for a breakdown of the cost to his Department of holding (i) Disability Living Allowance; and (ii) Employment Support Allowance oral appeal tribunals in each of the last three years.

(AQW 4736/11)

Minister for Social Development: The table below details the annual expenditure of the Appeal Service for each of the last three years. It also details the total volume of hearings per year, the volume of hearings that are Disability Living Allowance Appeals and Employment Support Appeals and the percentage of the total this represents. The exact expenditure for each of these benefit types cannot be provided in detail as resources are allocated across a wide range of benefit appeals.

Financial Year	Actual Spend	Total Number of Appeal Hearings	DLA Oral Appeal Hearings	DLA - % of Overall Appeal Hearings	ESA Oral Appeal Hearings	ESA - % of Overall Appeal Hearings
2007/08	4'469,212	16,200	6,759	41.72	0	0
2008/09	4'827,704	16,940	7,146	42.18	0	0
2009/10	5'322,808	18,181	6,439	35.42	1,498	8.24

Colin Area of Belfast

Ms J McCann asked the Minister for Social Development what percentage of his Department's annual budget was spent in the Colin area of Belfast, in each of the last four financial years.

(AQW 4758/11)

Minister for Social Development: The amount spent over the last 4 financial years and the equivalent proportion/percentage this represented as compared to the annual budget is set out in the table below. The table excludes social security benefit expenditure, as information broken down by precise geographic area is not available.

	2006-07 £m	2007-08 £m	2008-09 £m	2009-10 £m
Housing	3.54	4.56	3.59	3.15

	2006-07 £m	2007-08 £m	2008-09 £m	2009-10 £m
Urban Regeneration	0.78	1.35	1.97	1.09
Voluntary & community	0.16	0.30	0.40	0.26
Total spend (A)	4.48	6.21	5.96	4.50
Total DSD budget (B)	540	692	759	736
Spend as % of annual budget (A as % of B)	0.83%	0.90%	0.79%	0.61%

The Housing expenditure shown included improvement works, planned and response maintenance, as well as disabled adaptations and private sector grants within the Housing Executive's Dairy Farm District office area. Urban Regeneration expenditure included neighbourhood renewal funding and physical development works, the latter mainly from property maintenance, environmental improvements and public realm schemes. Voluntary & community expenditure included funding for various community forums, the Footprints Women's Centre, various residents associations and other youth related centres/clubs.

Households Below Average Income Publication

Mr G Campbell asked the Minister for Social Development, given that his Department's Households Below Average Income Publication shows that Limavady has a greater number of households in this category than the average, what steps are being taken to ensure that pensioners living in that area are receiving the necessary assistance.

(AQW 4761/11)

Minister for Social Development: My Department's current Benefit Uptake Programme has offered over 200 people living in Limavady Borough Council area the opportunity of a benefit assessment through Citizens Advice. A total of 19,000 people across Northern Ireland have been offered an assessment through Citizens Advice. The Programme also includes an Outreach approach delivered in twelve council areas¹ to ensure older people are aware of their potential entitlements. A free-phone telephone line has been set up for older people to have a benefit assessment. Pension Advisers are available to help with the application process. The results of this Programme will be available in June 2011.

The Department of Agriculture and Rural Development's (DARD) initiative - Maximising Access to and Uptake of Services, Grants and Benefits in Rural Areas is offered to people living in the Limavady Borough Council area. This is a joint initiative between DARD and the Public Health Agency (PHA) which aims to improve the health and wellbeing of people in rural areas who are living in or at risk of poverty and social exclusion.

Based on a partnership model, the initiative is being delivered through various agencies, the advice sector and the voluntary and community sector to encourage uptake of grants, benefits and services which people may not otherwise have known about. The initiative aims to reach 4,200 households in the most deprived rural areas.

In addition to the Benefit Uptake Programme, my Department takes significant steps in providing a range of services to make people throughout Northern Ireland aware of their entitlements. This includes Outreach services, participation in local promotional activity, the production of specific publications, some in minority ethnic languages, information on the nidirect website including an online Benefits Adviser Service and general assistance with advice and information through our network of local and centralised offices.

¹ Antrim, Armagh, Ballymoney, Banbridge, Coleraine, Down, Dungannon, Fermanagh, Larne, Magherafelt, Newry & Mourne and Omagh

Agency officials continue to review research to determine which customer groups are missing out on social security benefits. A workshop has been organised for 10 March for voluntary and community organisations to discuss how future uptake activities could be designed to meet this need.

Housing Executive Office in Craigavon

Mr S Anderson asked the Minister for Social Development, pursuant to AQW 4263/11, whether he has sought an explanation from the Housing Executive for why there is such a disparity between the recruitment of people from Protestant and Roman Catholic backgrounds to its Craigavon office.
(AQW 4778/11)

Minister for Social Development: During the last five years the opportunity for recruitment activity in the Housing Executive has been severely restricted due to the need to deliver efficiency savings in running costs through the reduction in staffing levels. The information provided to the previous questions shows a small number of appointments each year most of which were of a temporary nature.

The Housing Executive is employing what the Equality Commission considers to be best practice and what is recognised as being part of international best practice. One of those interventions is an affirmative action plan to encourage people from the Protestant community to consider working in the Housing Executive and to apply for vacancies there. It so happens that fewer people are moving from one place of work to another and areas of recruitment in the Housing Executive in recent times have included Derry and Omagh. Given the religious profile of the communities in those areas, and given the fact that an in-house voluntary redundancy scheme has had a disproportionate impact on people from Protestant backgrounds, progress that could be made is not being made in respect of creating overall balance. This is further compounded by the number of retirements in the organisation from the Protestant community.

Suicide Prevention

Ms S Ramsey asked the Minister for Social Development to outline where suicide prevention sits within his Department's Programme for Government targets.
(AQW 4825/11)

Minister for Social Development: The Department of Health, Social Services and Public Safety (DHSSPS) is the lead department on suicide prevention. There are significant interdependencies between the aims of the Investing for Health Strategy and my Department's Neighbourhood Renewal Programme in relation to addressing the social and economic determinants of ill-health.

These shared outcomes are reflected in the current Programme for Government's Public Service Agreement (PSA) 12, which the Department for Social Development leads, that aims to 'Promote decent, energy efficient, affordable housing and regenerate disadvantaged areas and towns and city centres, and support community development to create environments which enhance quality of life and contribute to well-being'. This target is cross referenced to the targets outlined in PSA's 3, 8 and 11, namely to; 'achieve measurable long-term reductions in health, educational and employment differentials for those living in Neighbourhood Renewal Areas'. PSA 8 aims to promote healthy lifestyles, address the causes of poor health and wellbeing and achieve measurable reductions in health inequalities and preventable illnesses. This includes a specific target (objective 4) to reduce suicide rates by 15% by 2011.

In pursuance of these targets my Department works closely with DHSSPS and others to address the underlining issues that contribute to the increased risk of suicide in local communities. At a policy level we continue to be involved in the formulation and oversight of 'Protect Life – A Shared Vision, The Northern Ireland Suicide Prevention Strategy'. We work at a local level in partnership with health officials and communities to deliver action on the ground in relation to a wide range of health related matters. These include; suicide prevention, mental health and well-being, drugs and alcohol and a wide range broad health improvement initiatives.

State Pension Credit

Mr G Campbell asked the Minister for Social Development what steps he is taking to ensure that single people who are entitled to State Pension Credit are claiming their entitlement.

(AQW 4845/11)

Minister for Social Development: My Department introduced a targeted approach to benefit uptake in 2005. Specific exercises from the Benefit Uptake Programme, targeting people with potential benefit entitlement, including State Pension Credit, have been undertaken. By June 2010 this work had generated an additional £33 million of annual benefit and arrears; a substantial amount available to go back into the Northern Ireland economy. While we cannot focus our uptake activities on single people, they were included amongst those contacted. Currently there are over 97,000 awards to State Pension Credit of which approximately 65,000 are to single people, where the term “single” means living alone.

In addition to the Benefit Uptake Programme, a range of services are provided on a daily basis to make people aware of their entitlement which includes a focus on State Pension Credit. This activity covers outreach services, participation in local promotional work, the production of specific publications, some in minority ethnic languages, information on the nidirect website including an online Benefits Adviser Service and general assistance with advice and information through our network of local and centralised offices.

Kitchen Replacement Scheme

Mr S Hamilton asked the Minister for Social Development, pursuant to AQW 4294/11, what areas of the Scrabo Estate in Newtownards will be covered by the kitchen replacement scheme; and how many homes will benefit.

(AQW 4860/11)

Minister for Social Development: The table below gives details of the areas in Scrabo Estate that are covered by the kitchen replacement scheme, which totals 160 properties.

Street	Number of Properties
Carmeen Gardens	13
Circular Road	13
Donard Avenue	24
Linden Place	7
Lisbane Drive	35
Lisleen Place	6
Lismara Place	5
Mill Street Court	1
Old Priory Close	3
Quinton Park	7
Rathmullan Drive	39
Shimna Close	6
The Brae	1
Total	160

Legislation

Mr D Kinahan asked the Minister for Social Development 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 4885/11)

Minister for Social Development: My Department has not made any legislation since May 2007 which devolved powers or responsibilities from this Department to local government authorities.

While there is no legislation going through the Assembly at present to this effect, the Member may wish to note that my Department intended, under the wider Review of Public Administration, to transfer a range of housing and regeneration functions to the new local Councils. However the Executive did not agree a way forward for the reform of local government and subsequently my Department's legislation could not be progressed.

Disability Living Allowance

Mr P Weir asked the Minister for Social Development how many people in the North Down constituency will be affected by the removal of the mobility component of Disability Living Allowance from care home residents.

(AQW 4895/11)

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 North Down constituency who are in state-funded care homes/residential homes and are currently receiving the mobility component is 200. This is 3.3% of the Disability Living Allowance liveload in North Down constituency (6,139).

Housing Executive Houses in the My Lady's Road Area of South Belfast

Mr J Spratt asked the Minister for Social Development if he plans to provide double-glazing for Housing Executive houses in the My Lady's Road area of South Belfast, given that residents live under the flight path and also experience noise from traffic.

(AQW 4904/11)

Minister for Social Development: The Housing Executive has advised that the dwellings in the My Lady's Road area are included in a window replacement scheme currently programmed for 2012/13. This start date is provisional and depends on funding being available.

Housing Executive Houses in the My Lady's Road Area of South Belfast

Mr J Spratt asked the Minister for Social Development if he plans to provide a more cost-effective heating system for Housing Executive houses in the My Lady's Road area of South Belfast by upgrading from Economy 7 to gas heating.

(AQW 4905/11)

Minister for Social Development: There are no houses in the My Lady's Road area with Economy 7 heating. There are 21 flats with Economy 7 heating in the My Lady's Road area and these are likely to be included in a scheme for replacement in 2012/13. This start date is provisional and depends on funding being available.

Ravenlink Residents Group in South Belfast

Mr J Spratt asked Minister for Social Development if he plans to allocate funding to the Ravenlink Residents Group in South Belfast, which provides an excellent service to young people in the area and currently operates on a voluntary basis.

(AQW 4906/11)

Minister for Social Development: While the Housing Executive does make limited funding available for Community Development Projects, they have not received any application from Ravenlink for consideration for the next financial year 2011/12 and is therefore not in a position to award any funding.

I am aware that Belfast City Council's Community Development Unit allocates small grants to local community based groups through their Community Support Programme. Ravenlink Residents Group may wish to consider applying to the Council for a grant under the Community Support Programme scheme in support of a programme of locally based community work.

Rent Increases in Housing Executive Properties

Mr S Hamilton asked the Minister for Social Development to detail the rent increases in Housing Executive properties in each of the last five years; and the total revenue these increases have raised.

(AQW 4910/11)

Minister for Social Development: The table below details the Housing Executive rental increases and the revenue these increases have raised in each of the last 5 years.

Year	% increase	Total Rental income revenue raised £	Annual Increase of Rental income £
2006/07	2.70	229m	2m
2007/08	3.60	234m	5m
2008/09	3.95	241m	7m
2009/10	1.95	249m	8m
2010/11	1.90	251m	2m

It is extremely difficult to put an exact figure on how much additional income is raised through the annual rent increase as rental income is heavily influenced by void property levels. The 2009/10 figure shows a significant increase from 2008/09 as a result of the Voids Reinstatement Programme.

Announcements Relating to Work in the West Belfast Constituency

Mr W Humphrey asked the Minister for Social Development what announcements his Department (i) has made; and (ii) plans to make in relation to its work in the West Belfast constituency between April 2010 and April 2011.

(AQW 4948/11)

Minister for Social Development: Since April 2010, I have made the following announcements by press release relating to events my Department and I have worked on in the West Belfast constituency:

Attwood takes the controls in regeneration of Bass Brewery site	24 May 2010
Attwood commends staff at Shankill Jobs & Benefits Office following shooting	28 May 2010

Attwood enjoys a cuppa in new kitchen scheme in West Belfast	11 June 2010
Alex Attwood meets Shankill business and community leaders	8 July 2010
Social Development Minister Alex Attwood today opened much needed family apartments at Clonard Gardens in West Belfast.	21 July 2010
Ross Street Flats to be demolished – Attwood	28 July 2010
New Jobs & Benefits Office bringing a dynamic and modernised service to Andersonstown	29 July 2010 (Joint announcement with Sir Reg Empey, then minister of DEL)
‘A Leap of Faith’ for the Stewartstown Road	6 August 2010
‘Glen Ten Development’ moves to next phase	27 August 2010
Attwood makes final call for views on Ross Street redevelopment	3 September 2010
£280,000 boost for Tullymore Community Centre	3 September 2010
More new homes will put another dent in West Belfast waiting list	3 September 2010
Continued development of Upper Springfield community is crucial – Attwood	10 September 2010
Attwood Hears the Views of Westside Traders	22 September 2010
Attwood wants to build houses on former SSA site In West Belfast	24 September 2010
Much needed regeneration to breathe new life into Lower Shankill – Attwood	30 September 2010
Attwood publishes response to proposed masterplans for Belfast’s disadvantaged areas ¹	14 October 2010
Attwood welcomes plans for West Belfast site	20 October 2010
Attwood visits Glen Road, West Belfast to see finished ‘ReStore’ project	1 November 2010
Attwood launches International Design Competition for West Belfast	17 November 2010
Attwood praises exemplar interface initiative	24 November 2010
Attwood opens refurbished West Belfast landmark	25 November 2010
World’s leading architect in Belfast to help decide future of Andersonstown barracks site	29 January 2011
Attwood visits the Colin neighbourhood after recent tragedies to make significant announcement	3 February 2011

1 Covers all areas of Belfast including West.

In the forthcoming weeks before the Assembly elections, the following table details subject areas about which I intend to make announcements relating to the constituency of West Belfast:

Housing	
Customer First	

Town Centre Regeneration

Mr P McGlone asked the Minister for Social Development what measures have been taken by his Department to encourage town centre regeneration.

(AQW 4950/11)

Minister for Social Development: My Department adopts a number of measures to encourage Town Centre Regeneration. Primarily, Comprehensive Development Schemes, such as that seen in Belfast with Victoria Square have provided a base for economic stability and prosperity during difficult financial times. This particular scheme has realised £400m of private sector investment and has vastly enhanced the potential of Belfast as a prime weekend city-break destination on the European tourism platform. In addition the job creation in the construction industry that a scheme such as Victoria Square brings also provides a significant social and economic boost to the region.

My Department's investment in Public Realm is also critical in providing attractive town centres within which people want to spend time. For example, the recently completed Public Realm scheme in Newcastle, Co. Down has demonstrated a 300% increase in footfall within the town centre and helped to re-position Newcastle as more than a traditional seaside resort. This not only confirms the considerable economic impact of my Department's work but also demonstrates the value added by tailoring development to the unique strengths of each town.

Masterplanning is another critical piece in the jigsaw of town centre regeneration. Thirty years of conflict within Northern Ireland had a huge impact on our towns and city centres. Many suffered major bombing attacks, which not only caused direct damage but also had an indirect impact in the form of many quality, quickly erected replacement buildings. The Masterplanning process provides a concerted and co-ordinated approach to the regeneration of town centres and adopts an outward-looking standpoint, considering not only at what the town itself has to offer, but also the surrounding areas in an attempt to create individual, prosperous and carefully positioned towns that will attract economic activity in their own right and allow small businesses to thrive.

Co-ownership Scheme

Mr P McGlone asked the Minister for Social Development what measures have been considered to allow the Co-Ownership Scheme to become more accessible to first time buyers.

(AQW 4953/11)

Minister for Social Development: The Co-Ownership Scheme is administered by the Northern Ireland Co-Ownership Housing Association (NICHHA). In recent years my Department has provided funding of £15m per year to NICHHA; this public investment has allowed private finance to be levered in which enabled 325 homes to be purchased during 2008/09 and 461 homes to be purchased in 2009/10. I have secured a further £3m post-February monitoring for the scheme this year. At present there are no plans to make changes to encourage greater numbers of applicants to the scheme as Co-Ownership are currently receiving significantly more eligible applications than they can afford to support.

Theft of Copper Storage Tanks from Vacant Properties

Mr P Frew asked the Minister for Social Development, pursuant to AQW 4058/11, whether there is now a Housing Executive policy in place in Ballymena to remove copper storage tanks from vacant properties; and for his assessment of the necessity of such a policy given the low number of thefts of these tanks.

(AQW 4974/11)

Minister for Social Development: The Housing Executive has advised that there is no policy in place for the removal of copper tanks from void properties. Any properties deemed at risk are protected by shutters and alarms. Copper cylinders are vulnerable to damage and it would therefore be unwise to remove them and then reinstate such a cylinder due to the potential risk of damage.

Vacant Housing Stock

Mr P McGlone asked the Minister for Social Development for his assessment of the quantity of vacant housing stock and its potential usage.

(AQW 4989/11)

Minister for Social Development: There is currently no central or reliable source of information for the number or condition of empty homes, particularly those in the private sector. Normal churn in the housing market causes properties to move in and out of the empty home designation and once identified the reasons why homes are left empty are varied and complex. The Housing Executive recently implemented an empty homes strategy when it had been thought some 13,000 homes were vacant. Of these the Housing Executive identified a total of 1764 as potentially suitable for use to meet social housing need. This figure allows for unfit properties, those being modernised, those unavailable due to legal issues and those unsuitable for social allocation, due mainly to location and/or affordability. Further analysis showed that only in very few of these cases were the owners not actively trying to sell their properties.

I have also asked the Housing Executive and Housing Associations to look again at the issue of social voids and my officials in Housing and Regeneration continue to work with the Housing Executive to address all those problems associated with empty homes. In addition the introduction of rating of empty homes, which Finance Minister Sammy Wilson intends to introduce from October 2011, will present a further opportunity and incentive to make better use of these properties and increase the supply of affordable housing.

Flats at 127 Woodvale Road, Belfast

Mr P Maskey asked the Minister for Social Development to list any outstanding work to the flats at 127 Woodvale Road, Belfast; and when this work will be completed.

(AQW 5002/11)

Minister for Social Development: The Housing Executive has advised that the communal area of the flats had recently been replastered and is still awaiting repainting. The contractor has been requested to ensure that this work is completed within the next four weeks. The Housing Executive is not aware of any other outstanding work to the flats and has not received any complaints regarding the condition of the block. However, a Maintenance Officer and a Housing Officer visited the flats on 9 March 2011 and spoke to one of the tenants who reported issues such as damp in the property, a small hole where pipe work enters the property, remedial work needed to the stairway in the communal area and a lack of insulation in the roof space. The reported lack of insulation had been investigated previously and the Housing Executive's contractor advised there is adequate insulation in the roof space. However, as a measure of goodwill, the Housing Executive contractor will carry out a further inspection and will replace insulation in the roof space as necessary. The Housing Executive will also ensure that the other issues are addressed within the next four weeks.

Rodent Infestations

Mr P Maskey asked the Minister for Social Development to outline the Housing Executive's responsibility regarding rodent infestations in their properties.

(AQW 5003/11)

Minister for Social Development: The Housing Executive has an arrangement with Belfast City Council who deal with infestations in Belfast on their behalf. Outside of Belfast, the Housing Executive's response maintenance contractors either deal with the problem directly or have the appropriate local Council deal with it for an agreed fee.

Northern Ireland Assembly

Friday 18 March 2011

Written Answers to Questions

Office of the First Minister and deputy First Minister

Arm's-Length Bodies

Mr J Craig asked the First Minister and deputy First Minister, for each Department, to (i) list each Arms-length body which was in existence five years ago; (ii) list each Arms-Length body which currently exists; (iii) detail the annual cost of each Arms-Length body which was in existence five years ago; (iv) detail the annual cost of each Arms-Length body which is in existence today; (v) detail the number of staff employed in each Arms-Length body which was in existence five years ago; (vi) detail the number of staff employed in each current Arms-length body; and (vii) to detail the departmental Arms-Length bodies which are in the process of being set up, including those for which legislation is currently progressing.

(AQW 3223/11)

First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness): The information requested was not all readily available and departments have had to collate the details and we apologise for the delay in answering.

Information on many of the Arms length Bodies (ALBs) in existence five years ago and currently is published in the Public Bodies 2006 report and the Public Bodies and Public Appointments Annual Report 2009/10 publications, which are available on the internet at:

http://www.civilservice.gov.uk/Assets/publicbodies2006_tcm6-2474.pdf

and

http://www.ofmdfmni.gov.uk/microsoft_word_-_of1_10_0152180__public_bodies__annual_report_-_pdf.pdf

Information on ALBs not included in the publications above and lists of those ALBs in the process of being set up have been placed in the Assembly Library.

The Department of Justice (DoJ) came into existence on 12 April 2010. DoJ has indicated that details of expenditure and staff numbers relating to ALBs before that date are a matter for the previous department. DoJ is therefore unable to provide an answer to parts (i), (iii) and (v) of the Question.

Child Poverty Strategy

Ms D Purvis asked the First Minister and deputy First Minister what specific measurements and targets they will use to (i) calculate the reduction in child poverty levels when implementing the Child Poverty Strategy; and (ii) meet the requirement to report annually on progress.

(AQW 5058/11)

First Minister and deputy First Minister: The measurements and targets that will be used to calculate the reduction in future child poverty levels here will be those set out in the Child Poverty Act 2010.

Child Poverty Act

Ms D Purvis asked the First Minister and deputy First Minister whether, as part of Northern Ireland's obligations under the Child Poverty Act, they have considered the models established by the Scottish Parliament and National Assembly for Wales which set clear, specific and measurable targets to gauge their progress in reducing child poverty .

(AQW 5059/11)

First Minister and deputy First Minister: In developing a Child Poverty Strategy we have taken advice from officials who have considered a number of similar strategies put in place by other administrations, including those in Scotland and Wales. Officials monitor progress across jurisdictions, not least to ensure that we comply with the requirements of the Child Poverty Act 2010 which makes requirements on administrations across the UK, individually and collectively.

Our strategy will be supported by a Delivery Plan which will set clear, specific and measurable targets, that are both appropriate to the particular needs of children and families here and that will allow us to effectively measure the progress being made in reducing child poverty. The Delivery Plan is currently being prepared with inputs from across government departments and from key stakeholders represented on the Ministerial-led Poverty Stakeholder Forum.

Child Poverty Strategy

Ms D Purvis asked the First Minister and deputy First Minister whether they have considered adopting the standard established by the National Assembly for Wales to match the lowest child poverty rate in Europe of 5 per cent before housing costs in developing the Child Poverty Strategy.

(AQW 5060/11)

First Minister and deputy First Minister: In considering possible changes to the draft Child Poverty Strategy which was published for a period of public consultation on 6 December 2010, our officials have taken account of a wide range of inputs including an assessment of the child poverty strategy proposals for Scotland and Wales.

We are currently considering some proposed changes to our draft strategy, in light of some of the comments made during the public consultation period and an agreed Executive strategy is on schedule to be laid before the Assembly before its dissolution on 24 March, in line with the requirements of the Child Poverty Act 2010.

Severe Child Poverty in Northern Ireland

Mrs D Kelly asked the First Minister and deputy First Minister for their assessment of the recent Save the Children report, Severe Child Poverty in Northern Ireland, which includes a call for an emergency plan to tackle severe child poverty in the Chancellor's Budget and the Child Poverty Strategy.

(AQW 5075/11)

First Minister and deputy First Minister: We welcome the production of Save the Children's recent report on severe child poverty here.

The report is a valuable addition to the body of evidence that our officials are considering in developing the Child Poverty Strategy's Delivery Plan that will be necessary when the Executive publishes its Child Poverty Strategy in March 2011.

As members of the recently re-established Ministerial-led Poverty and Social Inclusion Stakeholder Forum, which met for the second time on Thursday 3 March 2011, Save the Children will be actively involved in both the development and implementation of the delivery plan.

Appointment of a New High Court Judge

Mr A Maginness asked the First Minister and deputy First Minister to outline the reasons for the delay by the NI Judicial Appointment Commission in the recruitment and appointment of a new High Court Judge.
(AQW 5077/11)

First Minister and deputy First Minister: The Northern Ireland Judicial Appointments Commission was established to enhance the independent process for the appointments of judicial office holders to courts and tribunals. Whilst OFMDFM holds resourcing and sponsorship responsibility for the Commission it has no locus in appointment matters. It may be helpful therefore for you to direct your enquiry to the Northern Ireland Judicial Appointments Commission.

Decentralisation of Public Sector Jobs

Mr P Callaghan asked the First Minister and deputy First Minister for an update on the implementation of the plan to decentralise public sector jobs within their Department, and its agencies, since the publication of the Bain Report.
(AQW 5119/11)

First Minister and deputy First Minister: The decentralisation/relocation of posts within OFMDFM remains under consideration.

Playboard: Funding

Ms A Lo asked the First Minister and deputy First Minister for an update on the funding that has been allocated to Playboard from April 2011.
(AQW 5247/11)

First Minister and deputy First Minister: You may be aware that our Department has been co-ordinating a package of funding, through the Ministerial Sub-Committee on Children and Young People, to enable those after school projects originally supported by the Children and Young People's Funding Package via PlayBoard to continue whilst work on the future delivery of childcare here was progressed.

With the existing funding package due to end on 31 March 2011, we are currently considering a number of options in regard to the future funding of the projects beyond that date, but no decisions have yet been taken. However, we expect to make an announcement on this issue shortly.

European Micro-Loan Funding

Ms D Purvis asked the First Minister and deputy First Minister why Northern Ireland has not drawn down any of the European micro-loan funding for businesses.
(AQW 5248/11)

First Minister and deputy First Minister: The first call for applications under the new EU microfinance facility 'PROGRESS' was launched by the European Investment Fund (EIF) in October 2010. The facility is aimed at microfinance organisations across the EU who provide loans to individuals or micro-companies in the social economy who would otherwise find it difficult to access finance from mainstream sources. The EIF will not make direct loans to individuals or businesses.

PROGRESS aims to provide up to €500 million to eligible organisations but there are no pre-allocated amounts set aside for different regions: it is entirely up to interested microfinance providers to apply directly to the EIF in response to open calls for applications.

We have followed the development of the PROGRESS facility very closely in the context of the special EU Barroso Task Force for Northern Ireland. In November 2010, soon after the first call was published, the Junior Ministers met with a range of microfinance bodies including the credit unions, The Prince's Trust and the banks to promote awareness of the new EU facility and to encourage take-up where applicable.

The Department of Enterprise, Trade and Investment, Invest Northern Ireland and the Department for Employment and Learning have information about PROGRESS on their websites and are promoting awareness among their client bases.

To date, The Prince's Trust is the only organisation considering an application under the current call which offers microfinance guarantees and an official in our Department is assisting them with the application process. We understand that further calls will be issued by the EIF in the coming years offering different forms of financial support which may prove more attractive to microfinance providers.

We understand that to date, the EIF has awarded two contracts under PROGRESS, one in Belgium and the other in the Netherlands. Our office will continue to monitor the development of PROGRESS and track future calls for applications.

Department of Agriculture and Rural Development

Consultation Documents

Mr P J Bradley asked the Minister of Agriculture and Rural Development to list the number and titles of all consultation documents published by her Department since May 2007.

(AQW 4993/11)

Minister of Agriculture and Rural Development (Ms M Gildernew): A total of 240 consultations have been published by my Department since May 2007. A list of these consultations is attached at Annex A.

ANNEX A

Title of Consultation	Date Published
Environmental Impact Assessment - Carrickacullion	4 May 2007
Application to register "NI Beef" as a Protected Geographical Indicator	8 May 2007
Application to register "NI Lamb" as a Protected Geographical Indicator	8 May 2007
Environmental Impact Assessment – Garvaghy	25 May 2007
Environmental Impact Assessment – Liscalgat	15 June 2007
Disability Action Plan 2007-2010	27 June 2007
Environmental Impact Assessment - Derrygonnelly	28 June 2007
Proposed Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Amendment) Regulations	9 July 2007
Zoonoses and Animal By-Products (Fees) Regulations 2008	10 July 2007
Products of Animal Origin (Disease Control) (Amendment) Regulations 2009	23 July 2007
Environmental Impact Assessment – Drumaness	24 July 2007
Environmental Impact Assessment - Cam Forest, Springwell Forest and Grange Park Forest, Loughermore Forest, Co Derry	27 July 2007
Equality Impact Assessment of the Rural Development Programme 2007-2013	August 2007
Eggs and Chicks Regulations (NI) 2008	1 August 2007
Control of Salmonella in Poultry Scheme Order 2008	11 September 2007
Environmental Impact Assessment - Ballycastle Forest	10 October 2007

Title of Consultation	Date Published
The Olive Oil Regulations (NI) 2008	12 October 2007
Reform of the Common Agricultural Policy (CAP) Fruit and Vegetable Regime: Consultation on the possible allocation of new entitlements/reference amounts under the Single Farm Payment Scheme to fruit, vegetable, potato, orchard and nursery stock producers.	18 October 2007
Environmental Impact Assessment - Breen	22 October 2007
Environmental Impact Assessment - Carnmore Forest	7 November 2007
The Plant Health (Amendment No 2) Order (NI) 2008	7 November 2007
Environmental Impact Assessment - Ballypatrick Forest	16 November 2007
Strangford Lough Non Disturbance Zones	23 November 2007
Environmental Impact Assessment – Donemana Tyrone	30 November 2007
Environmental Impact Assessment - Davagh Forest Learmount	30 November 2007
Environmental Impact Assessment - Cam, Gortnamoyagh, Loughermore Forests	30 November 2007
Environmental Impact Assessment - Glenshane	30 November 2007
Environmental Impact Assessment – Drumnamalta Tyrone	30 November 2007
Environmental Impact Assessment – Altmore Tyrone	30 November 2007
Consultation on an Administrative System for Dealing with Fisheries Offences	December 2007
Environmental Impact Assessment - Forest Roadworks – Narrow Water, Mourne, Tollymore, Castlewellan, Drumkeeragh, Tievenadarragh Forests	14 December 2007
Environmental Impact Assessment - Forest Roadworks - Camlough, Carnagh, Fathom, Slieve Gullion, The Fews, Gosford, Drumbanagher	14 December 2007
Environmental Impact Assessment - Slievedoo Forest	14 December 2007
Consultation on a Diseases of Animals Bill	7 January 2008
Consultation on Proposal for 2% Increase to Milk Quotas from 1 April 2008	8 January 2008
Environmental Impact Assessment - Deforestation - Banagher Forest	18 January 2008
Environmental Impact Assessment - Forest Roadworks - Banagher Forest	18 January 2008
Environmental Impact Assessment - Afforestation - Riversdale Forest	24 January 2008
Environmental Impact Assessment - Legaghory, Co Derry	25 January 2008
Environmental Impact Assessment - Lislea Fermanagh	30 January 2008
Environmental Impact Assessment - Dungiven	1 February 2008
Environmental Impact Assessment - Lisvellaw Fermanagh	1 February 2008
Environmental Impact Assessment – Cregan Tyrone	1 February 2008
Seed Potato Growing Crop Inspection Fees - The Seed Potatoes (Crop Fees) (Amendment) Regulations (NI) 2008	1 February 2008
Environmental Impact Assessment - Cullion Tyrone	8 February 2008
Implementation of the Aquatic Animal Health Directive 2006/88/EC in NI	8 February 2008

Title of Consultation	Date Published
Policy Consultation on Electronic Recording and Reporting of Fishing Activities and on Means of Remote Sensing	11 February 2008
Environmental Impact Assessment – Drumrany	15 February 2008
Environmental Impact Assessment - Armagh	15 February 2008
Environmental Impact Assessment – Ballymullan Down	15 February 2008
Environmental Impact Assessment - Ballynagarraick	22 February 2008
Environmental Impact Assessment – Cormullagh Tyrone	22 February 2008
Environmental Impact Assessment – Glenariff	22 February 2008
Environmental Impact Assessment – Glenderg	22 February 2008
Consultation on a Draft All-Island Animal Health And Welfare Strategy	13 March 2008
Environmental Impact Assessment - Cornamucklagh Tyrone	21 March 2008
Environmental Impact Assessment - Trillick Tyrone	21 March 2008
Implementation of European Council Directive 2007/33/EC in Potato Cyst Nematode - The Plant Health (Amendment No 3)Order (NI) 2010	21 April 2008
Draft Investment Plan for the European Fisheries Fund	2 May 2008
Environmental Impact Assessment – Omagh	23 May 2008
EU Consultation on Review of Less Favoured Area Scheme	27 May 2008
Application to register “Armagh Bramley Apple” as a Protected Geographical Indicator	29 May 2008
Forestry Bill	June 2008
Consultation on Responsibility and Cost Sharing for Animal Health and Welfare	June 2008
Scrapie Monitoring (Fees) Regulations (NI) 2008	10 June 2008
Consultation on a Draft Evidence and Innovation Strategy	18 June 2008
Consultation on CAP Health Check Legislative Proposals	23 June 2008
Environmental Impact Assessment - Ballycoan, Purdysburn, Co.Down	4 July 2008
Consultation on the proposed Transmissible Spongiform Encephalopathies (TSE) Regulations (NI) 2008	4 July 2008
The Beef and Veal Labelling Regulations (NI) 2009	7 July 2008
Scallop Fishing in NI Inshore Waters	7 July 2008
Eggs and Chicks (No. 2) Regulations (NI) 2008	9 July 2008
Environmental Impact Assessment - Carnmore Forest	25 July 2008
Rural Champion	13 August 2008
Environmental Impact Assessment - Carrickrovaddy	12 September 2008
Environmental Impact Assessment – Maghery Armagh	19 September 2008
Environmental Impact Assessment – Drumahoe	03 October 2008

Title of Consultation	Date Published
Seed Potato Growing Crop Inspection Fees - The Seed Potatoes (Crop Fees) Regulations (NI) 2009	9 October 2008
Environmental Impact Assessment – Randalstown Antrim	10 October 2008
Environmental Impact Assessment – RSPB – Lough Erne Fermanagh	10 October 2008
Environmental Impact Assessment - – Newtownbutler Fermanagh	24 October 2008
Environmental Impact Assessment - Pomeroy – Tyrone	31 October 2008
Environmental Impact Assessment – Newtowncromelin Antrim	31 October 2008
Environmental Impact Assessment - Bushmills Antrim	31 October 2008
Joint Department of Agriculture and Rural Development and Food Standards Agency Consultation on Changes to BSE Testing	31 October 2008
Electronic Sales Note Legislation (Buyers and Sellers)	Industry Workshops at Fishing Ports November 2008
The Swine Vesicular Disease Regulations (NI) 2009	04 November 2008
Environmental Impact Assessment - Omagh	7 November 2008
Environmental Impact Assessment – Caledon Tyrone	21 November 2008
The Horse Passports Regulations (NI) 2010	5 December 2008
Developing the Recreational and Social Use of Forest Service Forests	1 January 2009
Implementation of new EU Animal By-Products Regulations	January 2009
Consultation on the European Commission's Review of the Animal By-Products Regulation (EC) No 1774/2002	5 January 2009
Environmental Impact Assessment – Ballylenaghan, Belvoir Park Forest, Co Down	9 January 2009
Equality Impact Assessment on our strategy for 'Developing the Recreational and Social Use of Forest Service Forests'.	14 January 2009
Environmental Impact Assessment – Derrylin Fermanagh	16 January 2009
Implementation of CAP Health Check Milk Quota Increases	21 January 2009
Rural Anti Poverty and Social Inclusion Framework 2008 – 2011	26 January 2009
Proposed Donaghadee Wild Mussel Fishery	27 January 2009
Environmental Impact Assessment - Lurgan	30 January 2009
Environmental Impact Assessment – Bleary Armagh	30 January 2009
Environmental Impact Assessment - Downpatrick	6 February 2009
The Wine Regulations (NI) 2009	18 February 2009
Environmental Impact Assessment - Castlewellan	20 February 2009
Consultation on policy options arising from the CAP Health Check agreement	02 March 2009
Review of Support Arrangements for Less Favoured Areas - Full Report	05 March 2009
Environmental Impact Assessment – Ardboe Tyrone	6 March 2009

Title of Consultation	Date Published
Environmental Impact Assessment – Belleek Fermanagh	6 March 2009
The Beef and Veal Labelling Regulations (NI) 2010	10 March 2009
Environmental Impact Assessment – Randalstown Antrim	20 March 2009
Consultation on New EU Rules To Safeguard The Welfare of Meat Chickens (Broilers)	24 March 2009
Environmental Impact Assessment - Ballinamallard Fermanagh	27 March 2009
Proposed Strangford Lough Pot Fishing Management Plan	6 April 2009
Rural Anti Poverty and Social Inclusion Framework 2008 – 2011 EQIA	8 April 2009
Environmental Impact Assessment - A & B Contracts - Omagh	10 April 2009
Environmental Impact Assessment - Dromore	24 April 2009
Reform of the EC Marketing Standards for Fresh Fruit and Vegetables	24 April 2009
The Marketing of Fresh Horticulture Produce Regulations (NI) 2010	24 April 2009
Consultation on Lough Neagh (levels) Scheme 2009	29 April 2009
Environmental Impact Assessment – Belleek Fermanagh	8 May 2009
Environmental Impact Assessment – Portadown	8 May 2009
Environmental Impact Assessment - Ballynacraig, Crossgar, Co Down	22 May 2009
Environmental Impact Assessment – Ballynacraig, Crossgar, Co. Down	22 May 2009
Environmental Impact Assessment – Glenarm Antrim	22 May 2009
Environmental Impact Assessment - Ballygilbert	5 June 2009
Consultation on the Diseases of Animals (Importation of Machinery and Vehicles) Order (NI) 2009	22 June 2009
Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Amendment) Regulations (NI) 2009	3 July 2009
The Charges for Residues Surveillance Regulations (NI) 2010	3 July 2009
Eggs and Chicks Regulations (NI) 2010	7 July 2009
The Draft Water Environment (Floods Directive) Regulations (NI) 2009	5 August 2009
Environmental Impact Assessment – RSPB - Rabbit Island, Lower Lough Erne	21 August 2009
Environmental Impact Assessment - Lisnevanagh	28 August 2009
Environmental Impact Assessment - Drummuck	4 September 2009
Application to register “Lough Neagh Eel” as a Protected Geographical Indicator	4 September 2009
Consultation on the Implementation of Individual Movement Recording for Sheep and Goats and Electronic Identification (EID) for Sheep	11 September 2009
Environmental Impact Assessment - Mullaghbawn	25 September 2009
Consultation on the Scrapie (Fees Amendment) Regulations (NI) 2010	2 October 2009

Title of Consultation	Date Published
Horse Racing (Charges on Bookmakers) Order (NI) 2010	5 October 2009
Environmental Impact Assessment - The National Trust - Newtownbutler	16 October 2009
Control of Salmonella in Turkey Flocks Scheme Order 2010	28 October 2009
Environmental Impact Assessment - Greencastle	30 October 2009
Environmental Impact Assessment - The National Trust - Ballytintagh	30 October 2009
Application to register “New Season Comber Potato” as a Protected Geographical Indicator	30 October 2009
Control of Salmonella in Broiler Flocks Scheme Order 2009	5 November 2009
Zoonoses and Animal By-Products (Fees) (Amendment) Regulations 2010	5 November 2009
Environmental Impact Assessment -Tempo	06 November 2009
DARD Children & Young People’s Action Plan	20 November 2009
Environmental Impact Assessment – Tyrone	20 November 2009
Proposals for changes to dog control legislation.	23 November 2009
Environmental Impact Assessment – Tyrone	27 November 2009
Environmental Impact Assessment - Fermanagh	27 November 2009
Equality Impact Assessment for the Roll-out of DARD Direct	10 December 2009
The Specified Disease & Insect Transmissible Disease Regulations (NI) 2010	14 December 2009
Environmental Impact Assessment - Magherydogherty	08 January 2010
Environmental Impact Assessment -Newtownbutler	08 January 2010
Environmental Impact Assessment - Sixmilecross	08 January 2010
Consultation on the Equality Impact Assessment of the Agri-Environment Programme and the Less Favoured Area Compensatory Allowances Scheme	11 January 2010
Environmental Impact Assessment – Belleek Fermanagh	15 January 2010
Consultation on Options for Distribution of the UK Share of the EU Dairy Fund	20 January 2010
Draft Proposals for the DARD Research Challenge Fund	21 January 2010
Environmental Impact Assessment - Glasdrummond	22 January 2010
Consultation on the review of the NI Poultry Health Assurance Scheme (NIPHAS) fees 2010	22 January 2010
Environmental Impact Assessment - Gortmellon, Donemana. Co Tyrone	05 February 2010
Illegal, Unreported and Unregulated Fishing Regulation	Industry seminar 9 February 2010
Beef and Pig Carcase Classification Regulations (NI) 2010	10 February 2010
The African Horse Sickness Regulations (NI) 2010	23 February 2010
Environmental Impact Assessment- Derrygortrevy	26 February 2010

Title of Consultation	Date Published
Environmental Impact Assessment - Tycanny, Augher, Co. Tyrone	5 March 2010
Environmental Impact Assessment – Augher Tyrone	05 March 2010
Environmental Impact Assessment – Dromore Tyrone	05 March 2010
Environmental Impact Assessment - Caledon, Co. Tyrone	05 March 2010
Consultation on the Equality Screening of the Farm Modernisation Programme	8 March 2010
Environmental Impact Assessment - Fivemiletown, Co. Tyrone	19 March 2010
The Olive Oil Regulations (NI) 2011	19 March 2010
Environmental Impact Assessment - Cavanacaw, Armagh	26 March 2010
Environmental Impact Assessment - Maghera	26 March 2010
Consultation on the proposed Transmissible Spongiform Encephalopathies (TSE) Regulations (NI) 2010	26 March 2010
Environmental Impact Assessment - Gortreagh, Tyrone	2 April 2010
Environmental Impact Assessment - Derrywilligan, Newry	2 April 2010
Environmental Impact Assessment – Armagh	2 April 2010
Consultation on an Amendment To The Welfare of Farmed Animals Regulations (NI) 2000 (as amended) – Beak Trimming Of Laying Hens	28 April 2010
Environmental Impact Assessment -Pomeroy, Co. Tyrone	30 April 2010
Consultation on the Implementation of EU Pesticides Legislation	May 2010
The Seed Potatoes Regulations (NI) 2010 – consolidated Regulations	4 May 2010
Environmental Impact Assessment - Castlewellan, Co. Down	7 May 2010
Environmental Impact Assessment - Claudy, Co. Derry	21 May 2010
Environmental Impact Assessment - Balleyharvey Upper, Antrim	28 May 2010
Environmental Impact Assessment - Clough Mills, Co. Antrim	28 May 2010
Environmental Impact Assessment - Toomebridge, Co. Antrim	28 May 2010
Consultation Paper on the proposed Nitrates Action Programme Regulations (NI) 2010	June 2010
Proposed Regulations for the Protection and Conservation of Sea Bass	1 June 2010
Strategy for the Sustainability of the Honey Bee	7 June 2010
Zoonoses and Animal By-Products (Fees) (Amendment) Regulations 2009	9 June 2010
Environmental Impact Assessment -Templepatrick, Co. Antrim	11 June 2010
Disability Action Plan 2010-2013	16 June 2010
Environmental Impact Assessment - Sixmilecross, Co. Tyrone	18 June 2010
Draft Poultrymeat Regulations (NI)	18 June 2010
Consultation on the Code of Practice for Using Plant Protection Products	July 2010
Equality Impact Assessment of Farm Modernisation Programme, Tranche 2	9 July 2010

Title of Consultation	Date Published
Environmental Impact Assessment - Loughgall, Co. Armagh	23 July 2010
Consultation on Proposals for the transposition of EU Directive 2009/145 on Amateur Vegetables Varieties	August 2010
Environmental Impact Assessment - Middletown, Co. Armagh	13 August 2010
Equality Screening - Supply Chain Development Savings Proposal	25 August 2010
Equality Impact Assessment of the Manure Efficiency Technology Scheme Tranche 2	27 August 2010
Environmental Impact Assessment - Monkstown, Co. Antrim	10 September 2010
Environmental Impact Assessment – Banagher Forest	17 September 2010
Belfast Lough Experimental Cockle Fishery	17 September 2010
Environmental Impact Assessment - Kilrea	24 September 2010
Environmental Impact Assessment - Larne, Co. Antrim	1 October 2010
Implementation of new EU Animal By-Products Regulations	October 2010
Environmental Impact Assessment - Derrylin, Co. Fermanagh	8 October 2010
Environmental Impact Assessment - Dunbeg Upper	8 October 2010
Environmental Impact Assessment – Lisnaskea	10 October 2010
The Seed Potatoes (Crop Fees) (Amendment) Regulations (NI) 2011	12 October 2010
Environmental Impact Assessment - Benburb, Co. Tyrone	15 October 2010
Environmental Impact Assessment - Benburb, Co. Tyrone	15 October 2010
Environmental Impact Assessment - Glenarrif Forest	22 October 2010
Environmental Impact Assessment - Breen Forest	22 October 2010
Environmental Impact Assessment – RSPB - Lough Erne, Co. Fermanagh	22 October 2010
Environmental Impact Assessment - Glendarragh Piggeries Ltd - Tullyvally	22 October 2010
The Seed Potatoes (Tuber Inspection Fees)(Amendment) Regulations 2011	12 November 2010
Environmental Impact Assessment - File Ref 645443 - Garrison, Co. Fermanagh	26 November 2010
Environmental Impact Assessment - File Ref 620049 - Omagh, Co. Tyrone	26 November 2010
Customer Channel Strategy Consultation	1 December 2010
Marketing of Potatoes (Amendment) Regulations (NI) 2011	15 December 2010
Zoonoses Fees Regulations 2011	16 December 2010
Consultation on EU Communication on CAP reform post 2013	17 December 2010
Aujeszky's Disease Order, Aujeszky's Disease Scheme Order and Pigs (Records, Identification and Movement) Order 2011	17 December 2010
Consultation on the protected zone status of <i>Bermisia tabaci</i>	13 January 2011
DARD's draft Budget 2011-15 proposals	13 January 2011

Title of Consultation	Date Published
Environmental Impact Assessment - File Ref 627910 - Ballymacrevan/ Ballyshanaghill/ Ballyvullen, Crumlin, Co. Antrim	21 January 2011
Environmental Impact Assessment - File Ref 602013 - Drumbeemore/ Edenaveys/ Calone, Armagh, Co. Armagh	21 January 2011
DARD Revised Equality Scheme	26 January 2011
Environmental Impact Assessment - File Ref 637426 - Castlewellan, Co. Down	28 January 2011
Environmental Impact Assessment - File Ref 606400 - Ederney, Co. Fermanagh	28 January 2011
Environmental Impact Assessment - File Ref 628541 - Keady, Co. Armagh	4 February 2011
Environmental Impact Assessment - File Ref 615520 - Plumbridge, Co. Tyrone	11 February 2011
Environmental Impact Assessment - File Ref 615520 - Ballymoney, Co. Antrim	11 February 2011
Consultation on Proposals for the Introduction of Revised Compensation Arrangements for Bovine TB and Brucellosis	23 February 2011
Epitrix (Potato Flea Beetle) Consultation	1 March 2011

EU Nitrates Directive

Mr T Burns asked the Minister of Agriculture and Rural Development, in respect of compliance with the EU Nitrates Directive, if she is aware of the processes and costs involved in the disposal of poultry litter in the Republic of Ireland; and whether any lessons can be learned from it.

(AQW 5063/11)

Minister of Agriculture and Rural Development: The potential of poultry litter as a nutrient source and organic fertiliser is well recognised. Approximately 70% of the poultry litter produced annually in the north is currently land spread as an organic fertiliser. However, this practice needs to be carefully managed at farm level to ensure that excess nutrients, particularly phosphorus, are not over applied. Precautions also need to be taken to prevent disease risk, particularly Botulism in cattle.

Currently approximately 43,000 tonnes of poultry litter per year are disposed of by exporting to the south of Ireland. This is used in mushroom compost and for land spreading as an organic fertiliser on arable crops. The costs of these disposal options are estimated to range from £12 - £15 per tonne.

While there is a higher proportion of arable land in the south the constraints of the Nitrates Directive also apply there. Therefore, there is little scope to expand this disposal route as no additional capacity in the south has been identified.

Additional controls on the application of phosphorus will apply in the south from January 2013. This will further limit the land available for spreading poultry litter, which has a high phosphorus content relative to other livestock manures.

Experience has demonstrated that spreading poultry litter on land at levels which over supply crop nutrients can cause a build up of excess nutrients in the soil and consequent water pollution. The purpose of good agricultural practice and the EU Nitrates and Water Framework Directives is to prevent such pollution occurring.

Ireland: GM-free Zone

Mr B Wilson asked the Minister of Agriculture and Rural Development if she has had any discussions with her counterpart in the Republic of Ireland in relation to making the island of Ireland a GM-free zone. **(AQO 1282/11)**

Minister of Agriculture and Rural Development: Roles and responsibilities for the full range of issues raised by the genetic modification of food and animal feed are distributed across several local departments and agencies, including the Department of the Environment and the Food Standards Agency.

My Department's role in relation to genetic modification is limited to the enforcement of European law controlling the import of animal feed stuffs and seed certification.

I have discussed the issue of making the island of Ireland a GM free zone with both Brendan Smith the previous Agriculture Minister in the South and with junior Minister Trevor Sargent and I will continue to have discussions with the new government. I am personally and politically opposed to the growing of GM crops on the island of Ireland.

Given the roles and responsibilities of other Departments and Agencies in the north, any policy on a GM free zone would certainly be a matter for cross cutting discussion and would require Executive agreement.

Bovine Tuberculosis and Brucellosis

Mr J Dallat asked the Minister of Agriculture and Rural Development how many recorded disagreements there have been during the last four years between livestock owners and the Department's valuation officers regarding the value of animals that had to be removed from herds following outbreaks of Bovine Tuberculosis and Brucellosis. **(AQO 1292/11)**

Minister of Agriculture and Rural Development: During the last four years there have been recorded disagreements between 24 livestock owners and the Department's valuation officers regarding the value of animals that had to be removed from herds following outbreaks of bovine tuberculosis and brucellosis.

Over the same 4 year period there were 55,932 animals valued. Of the 24 livestock owners referred to, this relates to 381 animals.

Farm Modernisation Programme

Mr J Craig asked the Minister of Agriculture and Rural Development to outline which areas have benefited from Tranche 2 of the Farm Modernisation Programme. **(AQO 1286/11)**

Minister of Agriculture and Rural Development: With your permission, Mr Speaker, I will answer questions 5 and 12 together.

As the process of issuing Letters of Offer for Tranche 2 of the Farm Modernisation Programme is ongoing and will not be completed until the end of March at the earliest, it is therefore much too early to identify which geographical areas have benefited from funding. It is anticipated that approximately 2,300 Letters of Offer will be issued to beneficiaries and as of Monday 14 March 895, had been processed. A full analysis of the areas which have benefited from Tranche 2 funding will be undertaken once all the Letters of Offer have been issued and this information will be used to feed into preparatory work for a further Tranche of this Programme later this year.

Farm Modernisation Programme: South Antrim

Mr T Clarke asked the Minister of Agriculture and Rural Development which areas in South Antrim have benefited from Tranche 2 of the Farm Modernisation Programme.

(AQO 1293/11)

Minister of Agriculture and Rural Development: As the process of issuing Letters of Offer for Tranche 2 of the Farm Modernisation Programme is ongoing and will not be completed until the end of March at the earliest, it is therefore much too early to identify which geographical areas have benefited from funding. It is anticipated that approximately 2,300 Letter of Offer will be issued to beneficiaries and as of Monday 14 March 895, had been processed. A full analysis of the areas which have benefited from Tranche 2 funding will be undertaken once all the Letters of Offer have issued and this information will be used to feed into preparatory work for a further Tranche of this Programme later this year.

Rural Communities

Mr A Bresland asked the Minister of Agriculture and Rural Development what action her Department is taking to build capacity within rural communities.

(AQO 1294/11)

Minister of Agriculture and Rural Development: I am supporting rural community capacity building through a contract for the delivery of rural community development services being delivered by a consortium consisting of the Rural Community Network, the 9 Rural Support Networks and the Northern Ireland Rural Women's Network. The contract is in place from 1 September 2010 to 31 March 2011 and it is hoped that it will be extended to August 2011.

The contract specifically requires the consortium members to create lasting capacity and leadership capability in rural areas; continue to recognise changes in rural areas and provide support to communities to manage these changes. The local Rural Support Networks have been to the forefront in providing this support to rural communities, for many years and have done some exemplary work often in challenging circumstances. I was very pleased to learn recently that under my Department's Rural Challenge Programme the Omagh Forum for Rural Associations has been working in partnership with The National Autistic Society NI to deliver Autistic Spectrum Disorder (ASD) training for staff at the Omagh Leisure Centre and in turn encouraging young people with Autism to use the Leisure Centre facilities.

As part of Budget 2010 I announced my intention to commit £16m to anti-poverty measures in rural areas over the next four years. The capacity building work will be funded from within these anti-poverty resources, as it has been in the previous Budget period.

The College of Agriculture, Food and Rural Enterprise, CAFRE, provides a range of further and higher education programmes to provide suitably qualified people for employment in the agri-food industry. The College also delivers industry support programmes to assist the development of competitive and sustainable farm and rural businesses.

Brucellosis: Keady

Mr C Boylan asked the Minister of Agriculture and Rural Development for an update on the Brucellosis situation in the Keady area and to outline how she is working with local farmers to tackle the disease.

(AQO 1295/11)

Minister of Agriculture and Rural Development: In 2010, the Keady area had eleven confirmed brucellosis breakdowns, with no new reactor herds coming to light there since November. Although this is welcome news, DARD surveillance measures and vigilance from herd keepers must remain at a high level because of the nature of the disease, its variable incubation period and how easily it can spread.

In June of last year, a farmers' meeting was held in Keady mart to discuss the brucellosis situation with the local farming community and to allow them to give voice to their concerns. Members of the local Veterinary Office as well as senior Veterinary Service staff, working specifically with brucellosis, attended that meeting.

Following on from that, I personally attended the next meeting in Keady mart in September of last year. I was encouraged by the level of co-operation from the farming community in what are difficult circumstances for farmers trying to keep their herds free of disease. On both occasions Veterinary staff from DAFF in the south of Ireland attended and contributed to the open discussions on the necessary steps towards eradication.

However, very recently, you will be aware that there has been another disappointing development regarding brucellosis in the Keady area. On 1 March 2011 a Keady farmer reported finding part of a calf carcase in silage and we cannot rule out the possibility it had been deliberately placed there. If infected with brucellosis, it is obviously extremely worrying and would again threaten our aim of brucellosis eradication.

My Department's vets and the PSNI have launched an investigation into the incident. The carcase has been submitted to the Agri-Food and Biosciences Institute (AFBI) laboratory for brucellosis testing and for DNA analysis and we will be taking action depending on the results of those tests and investigations.

Rural Development Programme

Mr A Ross asked the Minister of Agriculture and Rural Development how much funding under Axis 3 of the Rural Development Programme has been committed to each Rural Development Programme cluster to date.

(AQO 1296/11)

Minister of Agriculture and Rural Development: All clusters submitted Local Rural Development Strategies and developed implementation plans for the full period of the programme 2007-2015. To date the clusters have committed by way of letter of offer:

- ARC Assisting Rural Communities North West £4,500,000;
- DRAP Down Rural Area Partnership £2,600,000;
- GROW Generating Rural Opportunities Within south Antrim £2,000,000;
- LRP Lagan Rural Partnership £1,360,000;
- NER North East Region £2,665,000;
- SOAR Southern Organization for Action in Rural Areas £3,445,000;
- SWARD South West Action for Rural Development £6,760,000.

Department of Culture, Arts and Leisure

2010-11 In-Year Monitoring Rounds

Ms A Lo asked the Minister of Culture, Arts and Leisure (i) how much additional funding his Department was allocated as a result of the 2010/11 in-year monitoring rounds; (ii) how much of this funding was allocated for direct spend by his Department; (iii) how much each arm's-length and statutory body was allocated from this funding; (iv) what criteria and processes were used to determine the allocation of this funding to arm's-length and statutory bodies; (v) to detail any money that arm's-length and statutory bodies received from this funding that they subsequently allocated to another agency or group; and (vi) what criteria and processes were used by arm's-length and statutory bodies to determine the allocation of funding to other agencies.

(AQW 4960/11)

Minister of Culture, Arts and Leisure (Mr N McCausland):

- (i) The additional funding my Department was allocated through in-year monitoring rounds was as follows:

Value	Background
£77k	To reimburse the Department for part of its contribution towards DHSSPS' Swine Flu costs
£986k	To fund the equal pay settlement for civil servants
£3,230k	To provide additional funding for PRONI's new accommodation project. This was required because of delays in disposing of its existing premises; the disposal was planned to generate income which would be used to part fund the new project.
£260k£ £260k	To provide additional funding for the Sports Strategy Implementation programme.
£117k	Funding for the purchase of security gates for Falls, Shankill and Whiterock Libraries and for small items of capital equipment and software in Libraries.
£59k	Funding for Armagh Planetarium for the purchase of desk top work stations, repair work, the purchase of book-stock and reprinting of the Border Heritage Book.
£5k	Additional funding for the upgrade of PCs for Museums Council.
£342k	Additional funding for National Museums for the purchase of a Sir John Lavery painting, a counting machine for the Dalchoolin Gallery, signage and to cover unforeseen increased costs in Cultra Manor, New World Development and Security Systems.
£50k	Additional funding for the Department's Administration costs

- (ii/iii) Of this additional £5,126k received through in year monitoring rounds, £4,343k was for spending within the Department and £783k was for spend through the Department's Arms Length Bodies.
- (iv) DFP commissions four budget monitoring rounds each year. These monitoring rounds give Departments and their Arm's Length Bodies (ALBs) the opportunity to bid for additional funding or to return reduced budget requirements.

The Department scrutinises bids developed by its ALBs to ensure these are consistent with its objectives and priorities and represent responses to genuine budget pressures. The additional funding for them was obtained via this process.

- (v/vi) The £260k provided to Sport NI was allocated to a specific project under Motorsport Safety. Distribution of funds through this programme was based on identified need at various venues, developed through formal business cases. Funding was awarded through letters of offer and delivered on the completion of milestones. Sport NI's funding verification processes are designed to ensure that all funding provided is used for the purpose intended.

Department's Capital or Current Spend Projects

Mr P Callaghan asked the Minister of Culture, Arts and Leisure to detail (i) the social clause requirements in his Department's capital or current spend projects, including (a) the creation of apprenticeships; and (b) the employment of long-term unemployed persons; and (ii) any proposals his Department has to expand such opportunities.

(AQW 4981/11)

Minister of Culture, Arts and Leisure: The social clause requirement currently applies to construction contracts entered into from December 2008 and whose value lies above £2m. None of my Department's current construction contracts meet these criteria and so the social clause is not relevant.

It is not this Department's role to expand opportunities under the social clause. However, I can report that the Central Procurement Directorate is working with the Department of Employment and Learning to consider how expanding social clause targets would integrate with wider Government programmes.

Decentralisation of Public Sector Jobs

Mr P Callaghan asked the Minister of Culture, Arts and Leisure for an update on the implementation of the plan to decentralise public sector jobs within his Department, and its agencies, since the publication of the Bain report.

(AQW 5087/11)

Minister of Culture, Arts and Leisure: The Minister for Finance and Personnel has made clear his position on the Bain Report into the Review of Policy on the Location of Public Sector Jobs on a number of occasions. The Minister has indicated that in the current financial climate and in light of the spending pressures facing all departments spending £40 million on relocating public sector jobs is simply not affordable at present.

No plans have been made to decentralise any posts within my Department and at this time there are no plans to do so in the immediate future.

Decentralisation of Public Sector Jobs

Mrs M Bradley asked the Minister of Culture, Arts and Leisure, for each of the last three years, to detail the number of public sector jobs within his Department and its agencies that have been (i) decentralised from Belfast to another location, broken down by the new location; and (ii) relocated to Belfast from another location, broken down by the original location.

(AQW 5092/11)

Minister of Culture, Arts and Leisure: There is currently no centralised programme for the location or relocation of public sector or civil service jobs.

In the last three years no posts within the Department of Culture Arts and Leisure have been decentralised from Belfast to another location or relocated to Belfast from another location.

Lough Neagh Navigation Marker System

Mrs D Kelly asked the Minister of Culture, Arts and Leisure what action his Department is taking to repair the damage caused to the Lough Neagh navigation marker system.

(AQW 5171/11)

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.

The recent severe cold weather caused extensive ice damage to markers on Lough Neagh. Details of the damage to the 29 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.

Funds Allocated to the Three Regional Sports Stadia

Mr D O'Loan asked the Minister of Culture, Arts and Leisure (i) to detail the revised spending profile for funds allocated to the three regional sports stadia; (ii) to outline the anticipated progress on each

stadium up to 2015; and (iii) whether the level of planned commitment in the four year period to 2015 is such that each scheme will be assured of eventual completion within a six year period.

(AQW 5202/11)

Minister of Culture, Arts and Leisure:

- (i) The indicative profile for expenditure of the public funding provisionally allocated for the development of the three regional sports stadiums is as follows:

2011/12	2012/13	2013/14	2014/15
£1m	£20m	£20m	£69m

- (ii) Meetings are currently underway to take forward planning of the individual projects and at this early stage it is not possible to provide detail on the anticipated progress of each individual project across the next 4 year period.
- (iii) The level of public funding provided (£110m) is consistent with that set out in the Outline Business Case, recently approved by DFP. As such it is considered sufficient, alongside the funding to be provided by the governing bodies, to ensure completion of the projects.

Additional Funding for Libraries

Mr T Clarke asked the Minister of Culture, Arts and Leisure how much additional funding has been allocated for libraries in the 2011-15 budget period.

(AQW 5255/11)

Minister of Culture, Arts and Leisure: Details of the additional allocation to Libraries is as follows:

	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m	Total £m
Libraries Resource	0.00	0.50	1.88	0.50	2.88
Libraries Capital	1.50	0.50	0.00	0.50	2.50
Total	1.50	1.00	1.88	1.00	5.38

Notes:

£596k of libraries capital over the four years was reclassified to resource.

£4,250k of libraries resource was reclassified to capital in respect of EFNI

Libraries NI will be responsible for identifying the specific areas to which this extra funding will be allocated. These allocations will be subject to review and approval by the Department.

I trust this is helpful

Irish Cricket Team

Mr P Butler asked the Minister of Culture, Arts and Leisure whether he intends to invite the Irish Cricket Team to Parliament Buildings to celebrate it's victory over England in the Cricket World Cup in Bangalore.

(AQW 5256/11)

Minister of Culture, Arts and Leisure: I was delighted to learn about the Ireland cricket team's victory over England at the 2011 ICC World Cup. I was also especially pleased to see that players from Northern Ireland contributed to this victory. As the tournament is still ongoing, however, I have not given any consideration to inviting the team to a reception in Parliament Buildings. I will consider whether and how best to mark the achievements of the team, and the Northern Ireland players involved, once the tournament is over.

Funding to Boxing Clubs

Mr B McElduff asked the Minister of Culture, Arts and Leisure how much funding his Department has allocated to boxing clubs in each of the last two years, including the name of the club and the amount of each allocation.

(AQW 5270/11)

Minister of Culture, Arts and Leisure: Sport Northern Ireland (SNI) is responsible for the development of sport in Northern Ireland including the distribution of funding. In the last two financial years, 2008/09 and 2009/10, SNI has, through its Awards for Sport programme, provided £41,759 to boxing clubs towards the purchase of sports equipment. This is broken down as follows:

Date of Award	Club	Award Amount
11/2/10	St Pauls's ABC	£9,540
11/2/10	Cairn Lodge ABC	£2,374
11/2/10	Lurgan ABC	£7,727
11/2/10	All Saints ABC	£8,000
18/3/10	Lurgan ABC	£1,760
18/3/10	Banbridge ABC	£9,358
19/3/10	Ligoniel ABC	£3,000
Total		£41,759

Amateur Boxing

Mr P Sheehan asked the Minister of Culture, Arts and Leisure to provide a breakdown of the allocation of funding for amateur boxing in each of the last two years.

(AQW 5273/11)

Minister of Culture, Arts and Leisure: Sport Northern Ireland (SNI) is responsible for the development of sport in Northern Ireland including the distribution of funding. In the last two financial years, 2008/09 and 2009/10, SNI has allocated £223,576 to amateur boxing. This is broken down as follows:

2008/09

Applicant	Programme	Amount
Ulster Provincial Boxing Council	Governing Body Plans	£15,500
Ulster Provincial Boxing Council	Athlete Support Programme	£3,400
P Barnes	Athlete Support Programme	£3,980

2009/10

Applicant	Programme	Amount
Ulster Provincial Boxing Council	Investing in Performance Sport	£31,000
Ulster Provincial Boxing Council	Athlete Support Programme	£104,659
E O'Kane	Athlete Support Programme	£9,323
T McCarthy	Athlete Support Programme	£2,400
P Barnes	Athlete Support Programme	£1,555

Applicant	Programme	Amount
St Paul's ABC	Awards for Sport	£9,540
Cairn Lodge ABC	Awards for Sport	£2,374
Monkstown Community Sports Facility	Awards for Sport	£10,000
Lurgan ABC	Awards for Sport	£9,487
All Saints ABC	Awards for Sport	£8,000
Banbridge ABC	Awards for Sport	£9,358
Ligoniel ABC	Awards for Sport	£3,000
Total - 2008/09 & 2009/10		£223,576

Irish Amateur Boxing Association

Mr B McElduff asked the Minister of Culture, Arts and Leisure to detail the level of funding that his Department has awarded to the Irish Amateur Boxing Association in each of the last two years.
(AQW 5280/11)

Minister of Culture, Arts and Leisure: Sport Northern Ireland (SNI) is responsible for the development of sport in Northern Ireland including the distribution of funding. In the last two financial years, 2008/09 and 2009/10, SNI has provided no funding to the Irish Amateur Boxing Association.

Department of Education

Impact of Draft Budget: Upper Bann

Mr S Moutray asked the Minister of Education what impact the Department's draft budget will have on the proposed capital builds for schools in Upper Bann.
(AQW 4169/11)

Minister of Education (Ms C Ruane): Tá seacht dtionscadal le haghaidh scoileanna i dtoghcheantar na Banna Uachtair i bPlean Seachadta Infheistíochta (IDP) na Roinne.

There are seven projects for schools in the Upper Bann constituency on the Department's Investment Delivery Plan (IDP). The project for Banbridge Academy is currently under construction and will not be affected by the reduced budget. The other six projects are at various stages in planning.

The Draft Budget 2011-15 highlighted significant reductions in the capital budget for Education over the next four years which would have a detrimental effect on my Department's ability to deliver the school building programme.

While I was successful in securing an additional £65.5 million of capital funding over the four year period in the Final Budget allocation, a gap still exists between the capital funding required to fully deliver the Department's capital programme and the amount allocated. Any investment in new builds, if at all possible, is therefore likely to be intermittent and limited until 2014-15.

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. I will write to schools on the IDP, including the six in Upper Bann, to inform them of the position when this is finalised.

Departmental Budget

Mr D Bradley asked the Minister of Education how much money she intends to bid for to supplement her departmental budget.

(AQW 4210/11)

Minister of Education: Bhí an dréacht-thoradh Buiséid le haghaidh oideachais fíordhúshlánach agus tá sé léirithe agam riamh go leanfaínn orm a dhéanamh stocaireachta ar bhreis acmhainní le hiarmhairt na laghduithe ar sheirbhísí oideachais a mhaolú, go háirithe ar an leibhéal maoinithe a bhíonn ar fáil do scoileanna.

The draft Budget outcome for education was particularly challenging and I have always made it clear that I would continue to lobby for additional resources to mitigate the impact of reductions on education services, particularly on the level of funding available for schools. Ahead of the Final Budget being agreed by the Executive, I submitted a request for additional funding from the Invest to Save Fund of £25m in each of the Budget years. In addition I also sought additional funding of £50/£75/£75/£100m to minimise the impact of any reductions on schools budgets as well as an additional £68/£44/£32/£10m in capital funding to invest in the schools estate.

As a result of my efforts the Executive's Final Budget included an additional £114 million current expenditure while a further £40 million has been allocated for capital investment. This additional funding will help mitigate the challenges facing the education budget, particularly in year 1.

GCSE and GCE A-Level Irish

Mr D Bradley asked the Minister of Education how many pupils sat (i) GCSE Irish; (ii) GCE AS Level Irish; and (iii) GCE A2 Level Irish in each of the last five years, broken down by school.

(AQW 4470/11)

Minister of Education: Ní choinníonn mo Roinn eolas maidir le scrúduithe GCE AS faoi láthair.

My Department does not currently hold information in respect of GCE AS Levels. However, it is expected that AS level entry information will be available from the 2010/11 academic year. Information in respect of GCSE and GCE A2 Levels in Irish are detailed in the tables below.

School name	GCSE Irish entries				
	2005/06	2006/07	2007/08	2008/09	2009/10
Abbey Christian Brothers GS	52	55	58	59	55
Aquinas Diocesan Grammar School	19	21	17	24	12
Assumption Grammar School	35	22	36	16	25
Christian Brothers' Grammar School	47	29	28	18	22
Christian Brothers School	26	19	12	12	8
Colaiste Feirste	50	66	87	73	95
Corpus Christi College	15	21	14	0	5
Craigavon Senior High School	0	0	1	0	0
Cross and Passion College	11	38	13	12	18
Dalriada School	0	1	0	0	0
De La Salle College	7	13	7	14	0

	GCSE Irish entries				
School name	2005/06	2006/07	2007/08	2008/09	2009/10
Dean Maguirc College	25	28	16	19	25
Dominican College	14	18	22	29	34
Dominican College	11	13	14	13	15
Drumcree College	12	4	6	0	8
Edmund Rice College	15	12	15	14	0
Holy Cross College	0	25	12	7	14
Holy Trinity College	14	35	20	5	7
Immaculate Conception College	15	20	16	0	0
Integrated College Dungannon	12	13	9	7	0
Lagan College	3	0	5	1	2
Lismore Comprehensive School	0	8	16	43	41
Little Flower Girls' School	14	15	15	17	12
Loreto College	30	44	41	45	23
Loreto Grammar School	35	50	41	38	32
Lumen Christi College	18	28	15	32	29
Malone Integrated College	9	9	14	7	3
Mount Lourdes Grammar School	38	27	36	35	21
Oakgrove Integrated College	7	1	6	12	0
Our Lady and St Patrick's College	16	24	17	17	27
Our Lady of Lourdes High School	9	10	8	8	10
Our Lady of Mercy Girls' School	17	5	13	8	14
Our Lady's Grammar School	43	59	76	68	72
Rathmore Grammar School	20	18	16	18	18
Sacred Heart College	45	31	41	4	6
Sacred Heart Grammar School	55	54	51	63	40
Shimna Integrated College	14	12	9	8	12
St Brigid's College	30	19	7	5	4
St Brigid's High School	9	0	0	6	0
St Catherine's College	29	51	52	46	49
St Cecilia's College	42	45	54	35	31
St Ciaran's High School	45	62	56	24	18

	GCSE Irish entries				
School name	2005/06	2006/07	2007/08	2008/09	2009/10
St Colman's College	68	67	50	75	64
St Colman's High School	0	0	1	0	0
St Colm's High School	13	22	4	0	0
St Colm's High School	16	20	24	15	17
St Columban's College	3	0	0	0	0
St Columba's College	8	15	22	11	13
St Columb's College	28	34	31	28	30
St Dominic's High School	45	32	23	31	23
St Eugene's College	13	0	7	0	0
St Eugene's High School	14	13	7	0	0
St Gemma's High School	36	12	13	30	15
St Genevieve's High School	58	32	15	18	19
St Joseph's Boys' School	1	1	0	0	0
St Joseph's College	36	16	15	18	14
St Joseph's Grammar School	55	40	35	19	39
St Joseph's High School	17	22	12	12	20
St Louis Grammar School	28	36	54	31	22
St Louis Grammar School	25	27	39	32	27
St Louise's Comprehensive College	11	16	24	3	21
St Macnissi's College	24	32	32	24	19
St Malachy's College	48	44	27	32	28
St Malachy's High School	24	41	51	9	32
St Mark's High School	27	25	25	0	0
St Mary's Christian Brothers' GS	38	55	33	21	13
St Mary's College	0	0	5	9	16
St Mary's Grammar School	44	56	33	59	52
St Mary's High School	19	24	20	12	9
St Mary's Limavady	0	20	15	4	17
St Michael's College	45	44	43	23	40
St Michael's Grammar	23	43	52	43	40
St Olcan's High School	22	0	0	0	0
St Patrick's Academy	131	162	116	118	100

	GCSE Irish entries				
School name	2005/06	2006/07	2007/08	2008/09	2009/10
St Patrick's Co-ed College	66	85	66	36	44
St Patrick's College	23	33	45	17	20
St Patrick's College	27	42	23	6	6
St Patrick's College	19	20	22	17	9
St Patrick's College	9	8	1	0	7
St Patrick's Grammar School	23	19	17	16	23
St Patrick's Grammar School	50	41	28	59	57
St Patrick's High School	29	56	47	26	44
St Paul's College	11	14	8	12	8
St Paul's High School	40	40	20	14	8
St Pius X College	65	59	10	5	9
Sullivan Upper School	0	0	1	0	0
Thornhill College	68	53	39	54	58

School ref.	School name	A2 Irish entries				
		2005/06	2006/07	2007/08	2008/09	2009/10
5420059	Abbey Christian Brothers GS	10	5	6	13	9
1420277	Aquinas Diocesan Grammar School	4	7	6	5	4
4420086	Assumption Grammar School	11	4	8	2	9
2420064	Christian Brothers' Grammar School	1	1	1	5	2
1240291	Colaiste Feirste	27	17	17	18	45
3230227	Cross and Passion College	0	0	0	1	0
1230182	De La Salle College	2	0	2	6	0
2230138	Dean Maguirc College	2	1	0	1	0
1420082	Dominican College	5	7	8	7	7
3420068	Dominican College	2	3	2	1	3
3230203	Edmund Rice College	0	0	2	0	0
2230301	Holy Cross College	0	7	2	3	2

School ref.	School name	A2 Irish entries				
		2005/06	2006/07	2007/08	2008/09	2009/10
4260255	Lagan College	1	0	0	0	3
5230213	Lismore Comprehensive School	3	0	0	2	0
3420034	Loreto College	6	4	3	5	8
2420065	Loreto Grammar School	8	6	5	12	15
2420287	Lumen Christi College	10	8	0	5	2
1260294	Malone Integrated College	2	0	0	2	0
2420041	Mount Lourdes Grammar School	6	5	8	7	6
2260276	Oakgrove Integrated College	2	0	0	0	2
4420259	Our Lady and St Patrick's College	3	3	8	7	6
5420060	Our Lady's Grammar School	10	6	12	8	8
1420095	Rathmore Grammar School	10	6	4	10	8
5420076	Sacred Heart Grammar School	5	10	10	14	10
4260281	Shimna Integrated College	1	2	0	2	3
2230225	St Brigid's College	1	0	4	3	1
5230218	St Catherine's College	8	4	6	10	14
2230188	St Cecilia's College	1	1	1	3	2
5230152	St Ciaran's High School	2	2	0	4	10
5420062	St Colman's College	14	13	12	17	13
2420054	St Columb's College	11	9	6	7	10
1420029	St Dominic's High School	9	9	8	8	12
1230155	St Genevieve's High School	2	2	3	2	0

School ref.	School name	A2 Irish entries				
		2005/06	2006/07	2007/08	2008/09	2009/10
2230131	St Joseph's Boys' School	3	1	1	1	1
5420073	St Joseph's Grammar School	12	6	4	11	8
3420010	St Louis Grammar School	6	2	4	4	5
5420045	St Louis Grammar School	5	3	3	0	1
1230053	St Louise's Comprehensive College	5	6	1	2	3
3420094	St Macnissi's College	3	0	1	1	3
1420030	St Malachy's College	2	7	5	7	2
4230211	St Malachy's High School	0	1	0	1	4
1420021	St Mary's Christian Brothers' GS	13	5	10	9	16
3420080	St Mary's Grammar School	5	4	5	18	6
2230077	St Mary's Limavady	0	0	0	0	3
2420043	St Michael's College	5	6	2	4	6
5420056	St Michael's Grammar	15	14	11	9	12
5420304	St Patrick's Academy	0	12	0	11	10
5420038	St Patrick's Boys Academy	11	0	9	0	0
3230234	St Patrick's Co-ed College	6	7	3	9	8
1230026	St Patrick's College	0	0	0	1	1
2230144	St Patrick's College	0	0	0	0	1
4420088	St Patrick's Grammar School	2	0	0	1	0
5420268	St Patrick's Grammar School	7	9	7	14	5
5230187	St Patrick's High School	5	7	5	3	2

School ref.	School name	A2 Irish entries				
		2005/06	2006/07	2007/08	2008/09	2009/10
5230157	St Paul's High School	3	6	4	5	7
2420052	Thornhill College	19	16	19	26	16
1420264	Victoria College	0	0	0	1	0

Source: RM data solutions database

Primary Schools that Currently Teach Irish and Spanish

Mr D Bradley asked the Minister of Education to detail the number of (i) maintained; (ii) controlled; and (iii) grant-aided integrated English-medium primary schools that currently teach (a) Irish; and (b) Spanish, broken down by school.

(AQW 4526/11)

Minister of Education: Ag leibhéal na bunscoile ní bhailíonn an Roinn faisnéis maidir le teangacha a ndéantar staidéar orthu i mbunscoileanna aonair lasmuigh de Chlár na dTeangacha Bunscoile a chuireann tacaíocht taistil ar fáil do bhunscoileanna ar mian leo Spáinnis, Gaeilge agus Polainnis a sheachadadh.

At primary level the Department does not collect information on languages studied at individual primary schools outside of the Primary Languages Programme which provides peripatetic support for primary schools wishing to deliver Spanish, Irish and Polish. Schools currently studying Irish and Spanish through the Primary Languages Programme by language and category of school requested are as follows:

	Maintained	Controlled	Integrated
Irish	71	0	1
Spanish	105	138	14

School Name	Type	Language
Holy Family Primary School, BELFAST	Maintained	Spanish
Holy Trinity Primary School, BELFAST	Maintained	Spanish
Mercy Primary School, BELFAST	Maintained	Spanish
St John the Baptist Boys' Primary School, BELFAST	Maintained	Spanish
St John the Baptist Girls' Primary School, BELFAST	Maintained	Spanish
St Joseph's Primary School, BELFAST	Maintained	Spanish
St Mary's Primary School, BELFAST	Maintained	Spanish
St Michael's Primary School, BELFAST	Maintained	Spanish
St Therese of Lisieux Primary School, BELFAST	Maintained	Spanish
Ballyhackett Primary School CASTLEROCK	Maintained	Spanish
Carlisle Primary School TOOMEBRIDGE	Maintained	Spanish
Kilcoan Primary School ISLANDMAGEE	Maintained	Spanish

School Name	Type	Language
Lourdes Primary School WHITEHEAD	Maintained	Spanish
Mount St Michael's Primary School RANDALSTOWN	Maintained	Spanish
St Brigid's Primary School, CLOUGHMILLS	Maintained	Spanish
St Brigid's Primary School, BALLYMONEY	Maintained	Spanish
St Brigid's Primary School, BALLYMENA	Maintained	Spanish
St Brigid's Primary School (Tirkane) MAGHERA	Maintained	Spanish
St Ciaran's Primary School CUSHENDUN	Maintained	Spanish
St Columb's Primary School DESERTMARTIN	Maintained	Spanish
St James' Primary School, NEWTOWNABBEY	Maintained	Spanish
St John Bosco Primary School PORTGLENONE	Maintained	Spanish
St Joseph's Primary School CRUMLIN	Maintained	Spanish
St Mary's on the Hill Primary School, NEWTOWNABBEY	Maintained	Spanish
St Mary's Primary School BELLAGHY	Maintained	Spanish
St Mary's Primary School PORTGLENONE	Maintained	Spanish
St Nicholas' Primary School, CARRICKFERGUS	Maintained	Spanish
St Olcan's Primary School ARMOY	Maintained	Spanish
St Patrick's & St Brigid's Primary School BALLYCASTLE	Maintained	Spanish
St Patrick's Primary School PORTRUSH	Maintained	Spanish
Tir-na-Nog Primary School, BALLYCLARE	Maintained	Spanish
Ballymacrickett Primary School GLENNAVY	Maintained	Spanish
Christ the Redeemer Primary School, BELFAST	Maintained	Spanish
St Aloysius Primary School, LISBURN	Maintained	Spanish
St Bernard's Primary School, BELFAST	Maintained	Spanish
St Brigid's Primary School DOWNPATRICK	Maintained	Spanish
St Comgall's Primary School BANGOR	Maintained	Spanish
St Joseph's Primary School KILLOUGH	Maintained	Spanish
St Joseph's Primary School STRANGFORD	Maintained	Spanish
St Joseph's Primary School CROSSGAR	Maintained	Spanish
St Joseph's Primary School, LISBURN	Maintained	Spanish
St Macartan's Primary School LOUGHINISLAND	Maintained	Spanish
St Malachy's Primary School, DOWNPATRICK	Maintained	Spanish
St Mark's Primary School DUNMURRY	Maintained	Spanish
St Mary's Primary School SAINTFIELD	Maintained	Spanish
St Mary's Primary School NEWCASTLE	Maintained	Spanish

School Name	Type	Language
St Mary's Primary School PORTAFERRY	Maintained	Spanish
St Patrick's Primary, CASTLEWELLAN	Maintained	Spanish
St Patrick's Primary School DOWNPATRICK	Maintained	Spanish
St Patrick's Primary School, PORTAFERRY	Maintained	Spanish
St. Mary's Primary School ARDGLASS	Maintained	Spanish
Ballylifford Primary School COOKSTOWN	Maintained	Spanish
Blessed Patrick O'loughran Primary School CASTLECAULFIELD	Maintained	Spanish
Clea Primary School KEADY	Maintained	Spanish
Cloughoge Primary School NEWRY	Maintained	Spanish
Holy Cross Primary School KILKEEL	Maintained	Spanish
Jonesboro' Primary School NEWRY	Maintained	Spanish
Lissan Primary School COOKSTOWN	Maintained	Spanish
Moneydarragh Primary School ANNALONG	Maintained	Spanish
St Brendan's Primary School CRAIGAVON	Maintained	Spanish
St Clare's Convent Primary School, NEWRY	Maintained	Spanish
St Colman's Abbey Primary School, NEWRY	Maintained	Spanish
St Colman's Primary School BANBRIDGE	Maintained	Spanish
St John's Primary School COALISLAND	Maintained	Spanish
St Joseph's and St James Primary School POYNTZPASS	Maintained	Spanish
St Joseph's Primary School (Meigh) KILLEAVY	Maintained	Spanish
St Malachy's Primary School CARNAGAT	Maintained	Spanish
St Mary's Primary School COOKSTOWN	Maintained	Spanish
St Mary's Primary School BANBRIDGE	Maintained	Spanish
St Mary's Primary School (Granemore) KEADY	Maintained	Spanish
St Michael's Primary School (Finnis) DROMARA	Maintained	Spanish
St Oliver Plunkett Primary School FORKHILL	Maintained	Spanish
St Patrick's Primary School (Derrynaseer) AUGHAGALLON	Maintained	Spanish
St Patrick's Primary School Loup MONEYMORE	Maintained	Spanish
St Teresa's Primary School LURGAN	Maintained	Spanish
Seagoe Primary School, PORTADOWN	Maintained	Spanish
Broadbridge Primary School EGLINTON	Maintained	Spanish
Christ the King Primary School OMAGH	Maintained	Spanish
Envagh Primary School DRUMQUIN	Maintained	Spanish
Glendermott Primary School DERRY	Maintained	Spanish

School Name	Type	Language
Good Shepherd Primary and Nursery School, DERRY	Maintained	Spanish
Gortnagarn Primary School OMAGH	Maintained	Spanish
Holy Family Primary School BALLYMAGROARTY	Maintained	Spanish
Loreto Convent Primary School OMAGH	Maintained	Spanish
St Aidan's Primary School Magilligan LIMAVADY	Maintained	Spanish
St Anne's Primary School STRABANE	Maintained	Spanish
St Colmcille's Primary School CLAUDY	Maintained	Spanish
St Eugene's Primary School LISNASKEA	Maintained	Spanish
St Mary's Girls' Primary School STRABANE	Maintained	Spanish
St Mary's Primary School TEMPO	Maintained	Spanish
St Mary's Primary School, Maguiresbridge ENNISKILLEN	Maintained	Spanish
St Mary's Primary School BELLANALECK	Maintained	Spanish
St Mary's Primary School DERRYLIN	Maintained	Spanish
St Mary's Primary School, NEWTOWNBUTLER	Maintained	Spanish
St Mary's Primary School, Altinure CLAUDY	Maintained	Spanish
St Mary's Primary School, Killyclogher OMAGH	Maintained	Spanish
St Nailes Primary School, KINAWLEY	Maintained	Spanish
St Ninnidh's Primary School, DERRYLIN	Maintained	Spanish
St Oliver Plunkett Primary School STRATHFOYLE	Maintained	Spanish
St Patrick's Primary School GARVARY	Maintained	Spanish
St Patrick's Primary School CASTLEDERG	Maintained	Spanish
St Patrick's Primary School NEWTOWNSTEWART	Maintained	Spanish
St Scire's Primary School TRILLICK	Maintained	Spanish
St. Columba's Primary School DERRY	Maintained	Spanish
Tempo Primary School, TEMPO	Maintained	Spanish
Donegall Road Primary School, BELFAST	Controlled	Spanish
Euston Street Primary School, BELFAST	Controlled	Spanish
Fane Street Primary School, BELFAST	Controlled	Spanish
Glenwood Primary School, BELFAST	Controlled	Spanish
Knocknagoney Primary School, BELFAST	Controlled	Spanish
Malvern Primary School, BELFAST	Controlled	Spanish
Seaview Primary School, BELFAST	Controlled	Spanish
Taughmonagh Primary School, BELFAST	Controlled	Spanish
Wheatfield Primary School, BELFAST	Controlled	Spanish

School Name	Type	Language
Ampertaine Primary School, MAGHERA	Controlled	Spanish
Antrim Primary School ANTRIM	Controlled	Spanish
Armoy Primary School ARMOY	Controlled	Spanish
Ballycarry Primary School BALLYCARRY	Controlled	Spanish
Ballyhenry Primary School GLENGORMLEY	Controlled	Spanish
Ballykeel Primary School BALLYMENA	Controlled	Spanish
Ballynure Primary School BALLYNURE	Controlled	Spanish
Ballysally Primary School BALLYSALLY	Controlled	Spanish
Broughshane Primary School BROUGHSHANE	Controlled	Spanish
Buick Memorial Primary School CULLYBACKEY	Controlled	Spanish
Bushmills Primary School BUSHMILLS	Controlled	Spanish
Carnalridge Primary School PORTRUSH	Controlled	Spanish
Carniny Primary School BALLYMENA	Controlled	Spanish
Carnmoney Primary School NEWTOWNABBEY	Controlled	Spanish
Carrickfergus Model Primary School	Controlled	Spanish
Castledawson Primary School CASTLEDAWSON	Controlled	Spanish
Castleroe Primary School COLERAINE	Controlled	Spanish
Creavery Primary School ANTRIM	Controlled	Spanish
Crumlin Primary School CRUMLIN	Controlled	Spanish
Culcrow Primary School, AGHADOWEY	Controlled	Spanish
Cullycapple Primary School, AGHADOWEY	Controlled	Spanish
Culnady Primary School, MAGHERA	Controlled	Spanish
Damhead Primary School, COLERAINE	Controlled	Spanish
Doagh Primary School DOAGH	Controlled	Spanish
Drumard Primary School, Tamlaght MAGHERA	Controlled	Spanish
Dunclug Primary School BALLYMENA	Controlled	Spanish
Duneane Primary School TOOMEBRIDGE	Controlled	Spanish
Earlview Primary School, New Mossley ANTRIM	Controlled	Spanish
Eden Primary School BALLYMONEY	Controlled	Spanish
Fourtowns Primary School AHOGHILL	Controlled	Spanish
Garryduff Primary School BALLYMONEY	Controlled	Spanish
Glynn Primary School GLYNN	Controlled	Spanish
Gracehill Primary School GRACEHILL	Controlled	Spanish
Greenisland Primary School GREENISLAND	Controlled	Spanish

School Name	Type	Language
Groggan Primary School RANDALSTOWN	Controlled	Spanish
Hazelbank Primary School AUGHAFATTEN	Controlled	Spanish
Irish Society's Primary School MOUNTSANDEL	Controlled	Spanish
Kells & Connor Primary School KELLS	Controlled	Spanish
Kilmoyle Primary School BALLYMONEY	Controlled	Spanish
Kilrea Primary School KILREA	Controlled	Spanish
Knockloughrim Primary School KNOCKLOUGHRIM	Controlled	Spanish
Landhead Primary School, BALLYMONEY	Controlled	Spanish
Leaney Primary School BALLYMONEY	Controlled	Spanish
Loanends Primary School CRUMLIN	Controlled	Spanish
Longstone Primary School AHOGHILL	Controlled	Spanish
Magherafelt Primary School MAGHERAFELT	Controlled	Spanish
Mallusk Primary School NEWTOWNABBEY	Controlled	Spanish
Millburn Primary School COLERAINE	Controlled	Spanish
Moorfields Primary School BALLYMENA	Controlled	Spanish
Mossgrove Primary School, NEWTOWNABBEY	Controlled	Spanish
Mossley Primary School, NEWTOWNABBEY	Controlled	Spanish
Moyle Primary School, LARNE	Controlled	Spanish
Oakfield Primary School CARRICKFERGUS	Controlled	Spanish
Olderfleet Primary School, LARNE	Controlled	Spanish
Parkhall Primary School ANTRIM	Controlled	Spanish
Portglenone Primary School, PORTGLENONE	Controlled	Spanish
Portrush Primary School PORTRUSH	Controlled	Spanish
Portstewart Primary School PORTSTEWART	Controlled	Spanish
Silverstream Primary School GREENISLAND	Controlled	Spanish
Straid Primary School BALLYCLARE	Controlled	Spanish
Straidbilly Primary School LISCOLMAN	Controlled	Spanish
Straidhavern Primary School NUTTS CORNER	Controlled	Spanish
Templepatrick Primary School TEMPLEPATRICK	Controlled	Spanish
Tildarg Primary School BALLYCLARE	Controlled	Spanish
Tobermore Primary School TOBERMORE	Controlled	Spanish
Victoria Primary School, CARRICKFERGUS	Controlled	Spanish
Whitehead Primary School WHITEHEAD	Controlled	Spanish
Whitehouse Primary School, NEWTOWNABBEY	Controlled	Spanish

School Name	Type	Language
Alexander Dickson Primary School BALLYGOWAN	Controlled	Spanish
Anahilt Primary School HILLSBOROUGH	Controlled	Spanish
Ballinderry Primary School, LOWER BALLINDERRY	Controlled	Spanish
Ballycarrickmaddy Primary School, LISBURN	Controlled	Spanish
Ballycloughan Primary School SAINTFIELD	Controlled	Spanish
Ballyholme Primary School BANGOR	Controlled	Spanish
Ballynahinch Primary School BALLYNAHINCH	Controlled	Spanish
Brownlee Primary School LISBURN	Controlled	Spanish
Carrickmannon Primary School BALLYGOWAN	Controlled	Spanish
Carrowdore Primary School CARROWDORE	Controlled	Spanish
Carryduff Primary School CARRYDUFF	Controlled	Spanish
Cumran Primary School CLOUGH	Controlled	Spanish
Donaghadee Primary School DONAGHADEE	Controlled	Spanish
Dunmurry Primary School DUNMURRY	Controlled	Spanish
Fort Hill Primary School LISBURN	Controlled	Spanish
Glasswater Primary School CROSSGAR	Controlled	Spanish
Hollywood Primary School HOLYWOOD	Controlled	Spanish
Killowen Primary School LISBURN	Controlled	Spanish
Kircubbin Primary School KIRCUBBIN	Controlled	Spanish
Kirkistown Primary School CLOUGHEY	Controlled	Spanish
Lisnasharragh Primary School, BELFAST	Controlled	Spanish
Newtownards Model Primary School NEWTOWNARDS	Controlled	Spanish
Portaferry Integrated Primary School PORTAFERRY	Controlled	Spanish
Riverdale Primary School, LISBURN	Controlled	Spanish
Seymour Hill Primary School DUNMURRY	Controlled	Spanish
Armstrong Primary School ARMAGH	Controlled	Spanish
Bush Primary School DUNGANNON	Controlled	Spanish
Cookstown Primary School COOKSTOWN	Controlled	Spanish
Cortamlet Primary School ALTNAMACHIN	Controlled	Spanish
Donacloney Primary School DONACLONEY	Controlled	Spanish
Donaghmore Primary School DONAGHMORE	Controlled	Spanish
Drumadonnell Primary School BALLYRONEY	Controlled	Spanish
Hardy Memorial Primary School RICHILL	Controlled	Spanish
Hart Memorial Primary School PORTADOWN	Controlled	Spanish

School Name	Type	Language
Howard Primary School MOYGASHEL	Controlled	Spanish
Lisferty Primary School DUNGANNON	Controlled	Spanish
Lisnadill Primary School ARMAGH	Controlled	Spanish
Milltown Primary School BANBRIDGE	Controlled	Spanish
Mullaglass Primary School, NEWRY	Controlled	Spanish
Poyntzpass Primary School POYNTZPASS	Controlled	Spanish
Richmount Primary School, PORTADOWN	Controlled	Spanish
Windsor Hill Primary School, NEWRY	Controlled	Spanish
Bready Jubilee Primary School BREADY	Controlled	Spanish
Bridgehill Primary School CASTLEDERG	Controlled	Spanish
Brookeborough Primary School BROOKEBOROUGH	Controlled	Spanish
Cooley Primary School COOLEY	Controlled	Spanish
Cumber Claudy Primary School CLAUDY	Controlled	Spanish
Donemana Primary School DONEMANA	Controlled	Spanish
Drumrane Primary School DUNGIVEN	Controlled	Spanish
Dunmullan Primary School KNOCKMOYLE	Controlled	Spanish
Ebrington Controlled Primary School DERRY	Controlled	Spanish
Edwards Primary School CASTLEDERG	Controlled	Spanish
Fountain Primary School, DERRY	Controlled	Spanish
Limavady Central Primary School LIMAVADY	Controlled	Spanish
Lisbellaw Primary School LISBELLAW	Controlled	Spanish
Lisnagelvin Primary School DERRY	Controlled	Spanish
Maguiresbridge Primary School MAGUIRESBRIDGE	Controlled	Spanish
Moat Primary School, Lisnaskea ENNISKILLEN	Controlled	Spanish
Newbuildings Primary School, DERRY	Controlled	Spanish
Queen Elizabeth II Primary School, KILSKERRY TRILLICK	Controlled	Spanish
Sion Mills Primary School SION MILLS	Controlled	Spanish
Forge Integrated Primary School, BELFAST	Integrated	Spanish
Acorn Integrated Primary School, CARRICKFERGUS	Integrated	Spanish
Ballycastle Controlled Integrated Primary School	Integrated	Spanish
Corran Integrated Primary School LARNE	Integrated	Spanish
Glengormley Integrated Primary School	Integrated	Spanish
Millstrand Integrated Primary School PORTRUSH	Integrated	Spanish
Spires Integrated Primary School MAGHERAFELT	Integrated	Spanish

School Name	Type	Language
Kilbroney Integrated Primary School ROSTREVOR	Integrated	Spanish
Portadown Integrated Primary School PORTADOWN	Integrated	Spanish
All Childrens Integrated Primary School NEWCASTLE	Integrated	Spanish
Cedar Integrated Primary School CROSSGAR	Integrated	Spanish
Rowandale Integrated Primary School MOIRA	Integrated	Spanish
Enniskillen Integrated Primary School ENNISKILLEN	Integrated	Spanish
Oakgrove Integrated Primary School DERRY	Integrated	Spanish
Holy Cross Boys' Primary School, BELFAST	Maintained	Irish
St Kevin's Primary School, BELFAST	Maintained	Irish
St Malachy's Primary School, BELFAST	Maintained	Irish
Altayeskey Primary School DRAPERSTOWN	Maintained	Irish
Barnish Primary School BALLYCASTLE	Maintained	Irish
Greenlough Primary School (St Mary's) PORTGLENONE	Maintained	Irish
St Brigid's Primary School KNOCKLOUGHRIM	Maintained	Irish
St Columba's Primary School GARVAGH	Maintained	Irish
St John's Primary School SWATRAGH	Maintained	Irish
St MacNissius' Primary School TANNAGHMORE	Maintained	Irish
St Mary's Primary School, Gortaclea CUSHENDALL	Maintained	Irish
St Mary's Primary School DRAPERSTOWN	Maintained	Irish
St Patrick's & St Joseph's Primary School TIRKEERAN, GARVAGH	Maintained	Irish
St Patrick's Primary School, Loughiel BALLYMENA	Maintained	Irish
St Patrick's Primary School (Glen) MAGHERA	Maintained	Irish
St. Mary's Primary School BALLYCASTLE	Maintained	Irish
Christ the King Primary School BALLYNAHINCH	Maintained	Irish
Holy Family Primary School DOWNPATRICK	Maintained	Irish
Sacred Heart Primary School DUNDRUM	Maintained	Irish
St Caolan's Primary School SAINTFIELD	Maintained	Irish
St Colman's Primary School BELFAST	Maintained	Irish
St Joseph's Primary School CARRYDUFF	Maintained	Irish
St Kieran's Primary School, DUNMURRY	Maintained	Irish
St Malachy's Primary School CASTLEWELLAN	Maintained	Irish
Ballyholland Primary School NEWRY	Maintained	Irish
Carrick Primary School WARRENPOINT	Maintained	Irish

School Name	Type	Language
Holy Trinity Primary School COOKSTOWN	Maintained	Irish
Mount St Catherine's Primary School ARMAGH	Maintained	Irish
Our Lady's Primary School (Tullysaran) BENBURB	Maintained	Irish
St Brigid's Primary School COALISLAND	Maintained	Irish
St Brigid's Primary School AUGHER	Maintained	Irish
St Brigid's Primary School CROSSMAGLEN	Maintained	Irish
St Bronagh's Primary School ROSTREVOR	Maintained	Irish
St Francis of Assisi Primary School KEADY	Maintained	Irish
St Jarlath's Primary School, Blackwatertown DUNGANNON	Maintained	Irish
St Johns Primary School MIDDLETOWN	Maintained	Irish
St John's Primary School MOY	Maintained	Irish
St Joseph's Primary School CALEDON	Maintained	Irish
St Joseph's Primary School COOKSTOWN	Maintained	Irish
St Malachy's Primary School CAMLOUGH	Maintained	Irish
St Mary's Primary School STEWARTSTOWN	Maintained	Irish
St Mary's Primary School BALLYGAWLEY	Maintained	Irish
St Mary's Primary School RATHFRILAND	Maintained	Irish
St Mary's Primary School MULLAGHBAWN	Maintained	Irish
St Mary's Primary School LURGAN	Maintained	Irish
St Mary's Primary School, AUGHNACLOY	Maintained	Irish
St Oliver Plunkett Primary School KILMORE	Maintained	Irish
St Patrick's Primary School MAGHERALIN	Maintained	Irish
St Patrick's Primary School HILLTOWN	Maintained	Irish
St Patrick's Primary School CROSSMAGLEN	Maintained	Irish
St Patrick's Primary School COALISLAND	Maintained	Irish
St Patrick's Primary School DONAGHMORE	Maintained	Irish
St Patrick's Primary School ARMAGH	Maintained	Irish
St Patrick's Primary School MAYOBRIDGE	Maintained	Irish
St Patrick's Primary School DUNGANNON	Maintained	Irish
All Saints Primary School OMAGH	Maintained	Irish
Cornagogue Primary School ENNISKILLEN	Maintained	Irish
Drumduff Primary School SIXMILECROSS	Maintained	Irish
Drumnabey Primary School CASTLEDERG	Maintained	Irish
Faughanvale Primary School GREYSTEEL	Maintained	Irish

School Name	Type	Language
Killyhommon Primary School ENNISKILLEN	Maintained	Irish
Knocknagor Primary School TRILLICK	Maintained	Irish
Recarson Primary School OMAGH	Maintained	Irish
Rosemount Primary School, DERRY	Maintained	Irish
St Brigid's Primary School, Mountfield OMAGH	Maintained	Irish
St Finlough's Primary School, (Sistrakeel), LIMAVADY	Maintained	Irish
St Joseph's Primary School, DRUMQUIN	Maintained	Irish
St Mary's Primary School, Ballymagorry STRABANE	Maintained	Irish
St Matthew's Primary School, Garvaghey BALLYGAWLEY	Maintained	Irish
St Peter's & St Paul's Primary School DUNGIVEN	Maintained	Irish
St Teresa's Primary School, Loughmacrory OMAGH	Maintained	Irish
Tummery Primary School DROMORE	Maintained	Irish
Millennium Integrated Primary School LISDOONAN	Integrated	Irish

Free School Meal Entitlement

Mr P Butler asked the Minister of Education to detail the most up-to-date figures available for each primary school with a free school entitlement of more than 50%, the percentage of pupils achieving Level 4 or 5 in (i) Maths; and (ii) English at Key Stage 2, broken down by Education and Library Board area and management type.

(AQW 4543/11)

Minister of Education: Tá an t-eolas ar fáil sa tábla thíos.

The information is contained in the table below.

Percentage achieving Level 4 or above in Key Stage Two Assessments for pupils attending schools with a free school meal entitlement of more than 50% by Education and Library Board and by school Management type 200910.

School Name	ELB	Management Type	% Achieving level 4 or above in (i) Maths	% Achieving level 4 or above in (ii) English	% Entitled to free school meals
Donegall Road Primary School	Belfast	Controlled	70.4	37.0	50.7
Euston Street Primary School	Belfast	Controlled	64.0	56.0	51.4
Glenwood Primary School	Belfast	Controlled	54.9	59.2	51.5
Bunscoil Mhic Reachtain	Belfast	Controlled	*	*	51.7
Knocknagoney Primary School	Belfast	Controlled	90.0	90.0	52.0

School Name	ELB	Management Type	% Achieving level 4 or above in (i) Maths	% Achieving level 4 or above in (ii) English	% Entitled to free school meals
Blackmountain Primary School	Belfast	Controlled	58.3	41.7	52.5
Nettlefield Primary School	Belfast	Controlled	50.0	40.0	53.2
Wheatfield Primary School	Belfast	Controlled	44.4	*	54.1
Harmony Primary School	Belfast	Controlled	31.8	36.4	55.4
Avoniel Primary School	Belfast	Controlled	65.0	55.0	57.1
Grove Primary School	Belfast	Controlled	85.7	71.4	61.0
Edenbrooke Primary School	Belfast	Controlled	38.5	19.2	63.3
Vere Foster Primary School	Belfast	Controlled	60.0	*	66.0
Currie Primary School	Belfast	Controlled	40.0	40.0	66.4
Malvern Primary School	Belfast	Controlled	*	*	67.3
Blythefield Primary School	Belfast	Controlled	57.1	35.7	73.1
Beechfield Primary School	Belfast	Controlled	*	*	76.5
Gaelscoil An Lonnain	Belfast	Other Maintained	*	*	67.3
St Malachy's Primary School Eliza Street	Belfast	Maintained	75.0	75.0	53.0
Holy Cross Boys' Primary School	Belfast	Maintained	84.3	78.4	53.6
St Vincent De Paul Primary School	Belfast	Maintained	42.9	50.0	54.1
St Matthew's Primary School Seaforde	Belfast	Maintained	63.4	63.4	56.2
Edmund Rice(Cb) Primary School	Belfast	Maintained	74.4	66.7	56.8
St Peter's Primary School Ross Road	Belfast	Maintained	83.3	81.0	60.3
Holy Cross Girls Primary School	Belfast	Maintained	65.0	65.0	62.3
St Bernadette's Primary School	Belfast	Maintained	94.6	83.8	70.9

School Name	ELB	Management Type	% Achieving level 4 or above in (i) Maths	% Achieving level 4 or above in (ii) English	% Entitled to free school meals
St Mary's Primary School Divis Street	Belfast	Maintained	52.6	47.4	73.0
St Aidan's Christian Bro Primary School	Belfast	Maintained	72.2	66.7	74.5
Rathenraw Integrated Primary	North Eastern	Controlled Integrated	76.5	70.6	54.9
Earlview Primary School	North Eastern	Controlled	61.1	61.1	50.9
Rathcoole Primary School	North Eastern	Controlled	55.6	72.2	51.8
Dunclug Primary School	North Eastern	Controlled	92.9	85.7	54.4
Ballysally Primary School	North Eastern	Controlled	34.5	31.0	59.1
Ballee Primary School	North Eastern	Controlled	*	*	70.0
Tullycarnet Primary School	South Eastern	Controlled	46.2	61.5	51.3
Old Warren Primary School	South Eastern	Controlled	66.7	58.3	53.1
Kilcooley Primary School	South Eastern	Controlled	80.0	100.0	62.3
Derriaghy Primary School	South Eastern	Controlled	100.0	85.7	63.4
St Colmcille's Primary School Glebetown Drive	South Eastern	Maintained	64.5	64.5	52.9
The Good Shepherd Primary School	South Eastern	Maintained	65.5	34.5	56.0
St Luke's Primary School	South Eastern	Maintained	86.2	62.1	71.2
St Kieran's Primary School	South Eastern	Maintained	67.9	56.6	74.1
Ballyoran Primary School	Southern	Controlled	85.3	73.5	51.6
Tullygally Primary School	Southern	Controlled	71.4	71.4	59.6
Fountain Primary School	Western	Controlled	71.4	71.4	61.4

School Name	ELB	Management Type	% Achieving level 4 or above in (i) Maths	% Achieving level 4 or above in (ii) English	% Entitled to free school meals
Christ The King Primary School Gortin	Western	Maintained	100.0	84.2	52.8
Holy Family Primary School Aileach	Western	Maintained	82.9	92.7	54.1
Longtower Primary School	Western	Maintained	75.6	80.0	54.9
St Brigid's Primary School Carnhill	Western	Maintained	83.7	85.7	57.6
Barrack Street Boys' Primary	Western	Maintained	78.3	73.9	58.7
St Therese's Lenamore P S Heather Road	Western	Maintained	71.9	70.3	60.4
Holy Child Primary School Central Drive	Western	Maintained	75.0	75.0	72.6
St Paul's Primary School, Slievemore	Western	Maintained	40.0	55.0	77.4

* denotes fewer than 5 pupils

Suicide Prevention

Ms S Ramsey asked the Minister of Education to outline where suicide prevention sits within her Department's Programme for Government.

(AQW 4853/11)

Minister of Education: Tá sé ríthábhachtach go n-oibríonn na Ranna i gcomhar lena chéile agus leis an phobal i gcoitinne agus an earnáil dheonach le cur chuige comhordaithe réigiúnach a bhaint amach um fhéinmharú a chosc.

It is vital that Departments work collaboratively and with the wider community and voluntary sector to achieve a co-ordinated regional approach to suicide prevention. The issue is a high priority for me, personally through my involvement in the Ministerial Co-ordination Group on Suicide Prevention and for my Department as a member of the Suicide Strategy Implementation Body which brings together key statutory and voluntary stakeholders.

The education sector can play a significant role in early intervention through awareness raising and the development of confidence and coping skills in young people to foster good emotional and mental health.

Both the primary and post-primary curricula have elements designed to develop the young person as an individual and to enhance young people's own awareness of the stressors in their lives and their capacity to deal with them. Our schools have a responsibility to safeguard and promote the welfare of pupils. Each school has a pastoral care system and all must have discipline and anti-bullying policies.

My Department's Pupils Emotional Health and Wellbeing Programme is addressing how the entire school community should be engaged in promoting resilient emotional health for all pupils, what support systems are available for vulnerable pupils and those experiencing stress and what support is available to schools in the event of a crisis. The Programme is a vehicle to integrate individual policies and services in a consistent and coherent way and benefits from the active involvement of other

departments and of the voluntary sector in building the capacity of schools to recognise and, where appropriate, address challenging issues.

I have established an independent professional counselling service available to young people in post primary schools during difficult and vulnerable periods in their lives. This service has recently been extended to post primary pupils in special schools. As part of the current arrangements for support following a critical incident, pupils in primary schools also have access to counselling support and I am considering the appropriateness of further interventions, including counselling, for primary age pupils.

One focus for intervention with pupils of primary age is around promoting resilience and coping skills. My Department has funded Women's Aid to develop and deliver a programme of capacity building training for primary teachers using a Social Guardian's model. The training will provide teachers with a better understanding of the impact of domestic violence on children and their families and the skills and confidence to deliver the Helping Hands Programme to pupils in the classroom. This approach will increase the number of primary age children who benefit from the Helping Hands programme which encourages them to talk about issues affecting them, reassures them that they have the right to feel safe all the time and directs them to sources of help.

Irish Medium School: Castlederg

Mr A Bresland asked the Minister of Education how many children currently attend the Irish Medium School in Castlederg; and how much funding it has received in each of the last three financial years. (AQW 4894/11)

Minister of Education: Chuaigh an grúpa súgartha deonach Gaeilge i gCaisleán na Deirge, Naíscoil na Deirge, isteach sa Chlár Leathnaithe Oideachais Réamhscolaíochta (PSEEP) i Meán Fómhair 2010 agus ní bhfuair sé, mar sin, maoiniú roimhe sin.

The Irish medium voluntary playgroup in Castlederg, Naíscoil na Deirge, entered the Pre-School Education Expansion Programme (PSEEP) in September 2010 and did not, therefore, receive funding previously. The group is in receipt of 7 funded places for children in their final pre-school year for the 2010/11 school year at a rate of £1,525 per place. If all 7 children continue to attend until the end of March it is anticipated that the playgroup will receive a total of £7,472.50 in the current financial year. As the group's registration with the Western Health and Social Care Trust allows for up to 16 children to attend it is likely that younger children, for whom their parents pay a fee, also attend the group.

South Eastern Education and Library Board

Mr P Weir asked the Minister of Education to detail (i) why she did not reinstate the South Eastern Education and Library Board following the retraining of Board members in 2008; and (ii) the cost of this retraining. (AQW 4970/11)

Minister of Education: Smaoinigh mé ar an Bhord a athshuíomh in 2008 agus glacadh roinnt réamhchéimeanna, lena n-áirítear oiliúint athnuachana a sholáthar.

I considered reinstating the Board in 2008 and a number of preliminary steps were taken, including the provision of refresher training. However, after careful consideration of all factors, including the timescale at that time for the establishment of the Education and Skills Authority (ESA), I decided that the Commissioners should remain in place until ESA was established.

The cost of the training provided to Board members in June 2008 was £4,136 excluding VAT.

Education and Training Inspectorate

Ms M Ritchie asked the Minister of Education, for each of the last three years, in relation to the Education and Training Inspectorate to detail (i) the number of permanent full-time inspectors; (ii) the budget allocated to the Inspectorate (iii) the qualifications and experience required for the post of

an inspector; (iv) how the qualifications and experience of inspectors are updated; and (v) how many current inspectors have ICT qualifications at level 2, 3, 4 or above.

(AQW 4978/11)

Minister of Education:

(i) Is é líon na gcigirí buana lánaimseartha, mar a bhíonn ar 1 Aibreán, do gach ceann de na trí bliana seo caite ná:

(i) The number of permanent full-time inspectors, as of 1 April, for each of the last three years is:

2010/2011	68
2009/2010	67
2008/2009	67

(ii) The budget allocated to the Inspectorate, for each of the last three years is:

2010/2011	397,000 ¹
2008/2009	5,695,000
2009/2010	4,885,000

1 During 2010/2011 the staffing budget for the Education and Training Inspectorate was retained by DE as part of an overall staffing budget.

(iii) The qualifications and experience required for the post of an inspector can vary depending on the specialism required and therefore certain additional qualifications or experience will apply. Typically, the following generic qualifications and experience would be required for an inspector's post:

A degree level qualification which meets the requirement for recognition to teach in grant-aided schools in the North.

At least 10 years teaching experience, which have been gained in schools, colleges of further education, institutions of higher education or initial teacher education.

(iv) The qualifications and experience of inspectors are updated through their induction programme and through staff development of several types. Some corporate staff development is centrally programmed for the whole inspectorate (a minimum of five days per annum); some is phase-specific, relating, for example, to primary education. Some staff development is self-programmed staff development which has been approved by an inspector's line-manager (up to five days per annum). This can involve working with a more experienced colleague in or outside our organisation. Others involve working with other organisations; for example, some inspectors have availed of opportunities provided by a link-up between ETI and Business in the Community to undertake professional development; others have undertaken Online Learning for Teachers and Educators courses under the auspices of the Regional Training Unit; others have undertaken post-graduate studies related to their particular specialism, often outside working hours.

(v) There are currently 19 inspectors who have specialist ICT qualifications at level 2, 3, 4 or above. However, all inspectors have developed a high level of ICT competence both in relation to their own specialism and as IT professional users. In addition, inspectors develop their own ICT competence during their ETI Induction programme, through the ETI's Corporate Staff Development Programme and through self-programmed staff development.

Formal Intervention Programme

Mr T Burns asked the Minister of Education to detail the funding allocated under her Department's Formal Intervention Programme to each school in the North Eastern Education and Library Board area in (i) 2009/10; (ii) 2010/11.

(AQW 5019/11)

Minister of Education: Ní chuireann an Roinn maoiniú breise ar fáil go díreach do scoileanna sa Phróiseas Foirmiúil Idirghabhála agus dá bhrí sin, níl aon mhaoiniú leithdháilte aici do scoileanna i mBord Oideachais agus Leabharlann an Oirthuaiscirt.

The Department does not provide additional funding directly to schools in the Formal Intervention Process and has not therefore allocated any funding to schools in the North Eastern Education & Library Board. Rather, a key aim of that process is to ensure that schools where provision is found through inspection to be less than satisfactory address the areas for improvement identified in the inspection report in a way that focuses first and foremost on the interests of the pupils.

Schools in the Formal Intervention Process receive focused support and guidance from the relevant Education and Library Board, working where appropriate with the relevant sectoral body, to enable them to improve the quality of their provision. While the Department expects that such support will normally be provided from within existing resources provided to the ELB, there are some specific circumstances in which the Education and Library Boards can make a bid to the Department to cover additional costs that they incur in providing support to schools in the Formal Intervention Process. I can advise the member that, the amount allocated to date in 2010-11 to the NEELB under these arrangements is £40,000.

Head Teachers: Restrictions

Mr P Weir asked the Minister of Education whether there are restrictions on the number of hours per year that a head teacher can spend in an individual staff member's classroom, as is the case in the rest of the UK.

(AQW 5025/11)

Minister of Education: I measc na socruithe le haghaidh bhainistíocht feidhmíochta múinteoirí agus athbhreithnithe i Sasana agus i dtuaisceart na hÉireann tá teorainneacha, de thrí huaire an chloig agus uair a chloig faoi seach, maidir leis an fhad breathnóireachta ranga ba chóir a bheith ann de ghnáth mar chuid den tsraith bhliantúil athbhreithnithe.

The arrangements for teachers' performance management and review in England and in the north of Ireland include limits, of three hours and one hour respectively, on the duration of classroom observation that should normally take place as part of the annual review cycle.

As in England, Principals in schools here have a duty to evaluate the standards of teaching and learning in the school, and ensure that proper standards of professional performance are established and maintained. Principals may consider that the classroom observations they have agreed for performance review are sufficient for this purpose. However, no agreement has been made with teachers' employers that classroom observation should not take place outside the context of performance review.

Social Clause Requirements

Mr P Callaghan asked the Minister of Education to detail (i) the social clause requirements in her Department's capital or current spend projects, including (a) the creation of apprenticeships; and (b) the employment of long-term unemployed persons; and (ii) any proposals her Department has to expand such opportunities.

(AQW 5030/11)

Minister of Education: San áireamh san Ionad Soláthair den Scoth (CoPE) de chuid na hearnála oideachais tá clásail shóisialta i ngach soláthar bonneagair Mór-Oibreacha ó Feabhra 2009.

The education sector Centre of Procurement Excellence (CoPE) has included social clauses in all Major Works infrastructure procurements since February 2009. The social clauses require main contractors to recruit:

- (a) one apprentice, either directly or through the supply chain for each £2m of project value; and
- (b) one long-term unemployed person, either directly or through their supply chain for each £5m of project value.

To reflect the current economic downturn, these requirements have recently been reviewed by the Construction Industry Forum for the North of Ireland (CIFNI) Sustainability Task Group. Revised proposals for the unemployed and apprentices have been developed and further requirements have been introduced to provide opportunities for students in third level education and to monitor the implementation of the sustainability requirements. These proposals are currently being considered by the Department of Finance and Personnel, Central Procurement Directorate and the Department of Employment and Learning and when agreed will be piloted in construction contracts in the education sector.

Rural Outreach Workers

Mr R McCartney asked the Minister of Education to detail (i) the work carried out by Rural Outreach Workers, funded by the Youth Outreach Programme, in relation to the travelling community; (ii) whether funding will be extended for the 2011-15 budget period; and (iii) whether interim measures will be put in place to ensure these positions are maintained until the budget is agreed.

(AQW 5047/11)

Minister of Education: Tá maoiniú comharthaithe le haghaidh obair fhor-rochtana curtha ar fáil ag an Roinn Oideachais do na Boird Oideachais agus Leabharlann ó 2006/07 ar aghaidh agus do Chomhairle na nÓg ó 2008/09 ar aghaidh.

Earmarked funding for outreach work has been made available by DE to the Education and Library Boards from 2006/07 onwards and to the Youth Council from 2008/09 onwards.

In 2006/07 and 2007/08 funding was provided from the Children and Young People Funding Package specifically for outreach youth work provision focusing on marginalised and isolated young people in rural areas. Following the ending of this funding package, DE continued allocating earmarked outreach funding which included both rural and urban areas. Information has therefore been provided covering outreach youth work from 2006/07 to 2010/11.

The majority of youth outreach funding is used to secure outreach/detached youth worker posts. The purpose of these posts is to engage with young people who are disengaged, hard to reach or who do not regularly engage in mainstream youth provision. Some of these young people are from the Travelling Community. In addition to this, outreach funding is used for specifically targeted initiatives and programmes.

- (i) The Chief Executives of the Education and Library Boards and the Youth Council have provided the following information on youth outreach funding that was specifically targeted at the travelling community from 2006/07 to 2010/11:

Financial Year	Funder	Project/Unit Details	Amount (£)
2006/07	WELB	Derry Travellers Support Group	30,000
	BELB	An Munia Tober	18,745
2007/08	WELB	Derry Travellers Support Group	10,000
	BELB	An Munia Tober	8,206
2008/09	WELB	Derry Travellers Support Group	6,956
	Youth Council/SEELB	An Munia Tober	15,393
2009/10	WELB	Derry Travellers Support Group	34,233
	Youth Council/BELB	An Munia Tober	10,063
	SEELB	An Munia Tober	2,492
	BELB	An Munia Tober	22,980

Financial Year	Funder	Project/Unit Details	Amount (£)
2010/11	WELB	Derry Travellers Support Group	28,082
	SEELB	An Munia Tober	3,227
	SEELB	Intervention Funding	500
	BELB	An Munia Tober	31,600

In determining my draft Budget proposals I afforded protection to a number of important spending areas including youth. The Executive and Assembly agreed the Final Budget allocations on 9 March and I am now in a position to consider how best to allocate the resources available to me. Until I have the opportunity to do this, no final decisions on allocations for 2011/12 and future years can be made in relation to any organisation funded by the Department.

As the Executive and Assembly has now agreed the budget, interim measures will not be considered.

Education and Training Inspectorate

Mr D Kinahan asked the Minister of Education to detail (i) the function of the Education and Training Inspectorate; (ii) its total cost since its creation; and (iii) the total number of people employed in it in each of the last five years.

(AQW 5053/11)

Minister of Education:

- (i) Tá feidhm na Cigireachta Oideachais agus Oiliúna leagtha amach sa chuid “Na rudaí a dhéanaimid” den “Chairt um Chigireacht”, cáipéis atá ar fáil go poiblí agus a fhoilsítear ar shuíomh gréasáin ETI.
- (i) The function of the Education and Training Inspectorate is outlined in the “What we do” section of the “Charter for Inspection”, a publicly available document which is published on the ETI website. It can be accessed using the following link:

<http://www.etini.gov.uk/index/support-material/support-material-general-documents-non-phase-related/support-material-general-documents-about-inspection/a-charter-for-inspection-3.pdf>

- (ii) It would not be possible to quantify the total cost of the Education and Training Inspectorate since its creation. The Education and Training Inspectorate in the North can trace its antecedents directly back to the Inspectorate established in 1832 by the Commissioners of National Education in Ireland. A number of inspectors transferred to the Ministry of Education in the North when it was formed in 1922. The total cost of the organisation throughout its history is not available.
- (iii) The total number of inspectors in the Education and Training Inspectorate in each of the last five years is:

March 2011	65
March 2010	68
March 2009	67
March 2008	67
March 2007	65

School Inspections

Mr D Kinahan asked the Minister of Education how the inspection process on teaching and learning in the classroom is measured; and to detail the evidence which is collected, collated, evaluated, and assessed in a school inspection.

(AQW 5054/11)

Minister of Education: Tá roinnt cáipéisí foilsithe ag ETI, a leagann amach an dóigh a dtomhaistear an próiseas iniúchta ar theagasc agus ar fhoghlaim sa seomra ranga. Chomh maith leis seo tá an fhianaise iontu a bhailítear, a chomhordaítear, a mheastar agus a mheasúnaítear i gcigireacht ghearr.

There are a number of ETI-published documents, which outline how the inspection process on teaching and learning in the classroom is measured and also contain the evidence which is collected, collated, evaluated and assessed in a short inspection. These are publicly available on the Education and Training Inspectorate's website. The main documents include the following:

1	Charter for Inspection	www.etini.gov.uk/index/support-material/support-material-general-documents-non-phase-related/support-material-general-documents-about-inspection/a-charter-for-inspection.htm
2	A Common Framework for Inspection	www.etini.gov.uk/index/support-material/support-material-general-documents-non-phase-related/support-material-general-documents-about-inspection/a-common-framework-for-inspection.htm
3	Together Towards Improvement	www.etini.gov.uk/index/together-towards-improvement.htm
4	Leadership and Management Guidance	www.etini.gov.uk/index/support-material/support-material-post-primary/leadership-and-management-guidance.htm
5	What Happens after an Inspection	www.etini.gov.uk/index/support-material/support-material-general-documents-non-phase-related/support-material-general-documents-required-for-inspection/what-happens-after-an-inspection-pre-school-centres-schools-special-education-including-alternative-education-provision-youth.htm www.etini.gov.uk/index/support-material/support-material-general-documents-non-phase-related/support-material-general-documents-required-for-inspection/what-happens-after-an-inspection-further-education-work-based-learning-and-employment-programmes.htm
6	Inspection Guidance	www.etini.gov.uk/index/support-material/support-material-post-primary/standard-inspection-guidance.htm and www.etini.gov.uk/index/quick-links-teachers.htm
7	Self Evaluation within the Follow-up Inspection Process	www.etini.gov.uk/index/support-material/support-material-general-documents-non-phase-related/support-material-general-documents-about-inspection/self-evaluation-within-the-follow-up-inspection-fui-summary.htm
8	Specific guidance for different areas of the curriculum	http://www.etini.gov.uk/index/document-archive.htm

Professional Development For Teachers

Mrs D Kelly asked the Minister of Education, given the absence of the Education and Skills Authority, who has responsibility for commissioning continuous professional development for teachers.

(AQW 5057/11)

Minister of Education: In éagmais ESA, fanann an fhreagracht reachtúil chun soláthar oiliúint bhreise do mhúinteoirí a áirithiú le gach ceann de na Boird Oideachais agus Leabharlann faoina Seirbhís Chomhairleach don Churaclam faoi seach.

In the absence of ESA, the statutory responsibility for securing the provision of further training for teachers remains with each of the Education and Library Boards under their respective Curriculum Advisory and Support Service (CASS).

Schools can also provide for any additional training that they wish to undertake from within the funding they receive under the Local Management of Schools funding arrangements.

School Inspections

Mr D Kinahan asked the Minister of Education whether evidence collected during a school inspection is made available to the Board of Governors and the Principal, in line with the Nolan Principles.

(AQW 5081/11)

Minister of Education: Is fostaí sa tseirbhís phoiblí é gach cigire agus é tiomanta do na prionsabail ar a dtugtar ‘The Seven Principles of Public Life’ nó ‘the Nolan Principles’.

All inspectors are public servants and are committed to upholding “The Seven Principles of Public Life” which are also referred to as “the Nolan Principles”. The evidence collected during a school inspection is made available to the Board of Governors and the Principal through discussions with the principal and senior staff and oral report-backs to the Principal and the Board of Governors. In addition a pre-publication copy of the written report is sent to the school to allow the Principal and Board of Governors to check the factual accuracy of the report, in advance of publication.

Education Training Inspectorate

Mr D Kinahan asked the Minister of Education whether, having consulted with the Information Commissioner, she intends to introduce measures to ensure that all schools assessed by the Education Training Inspectorate have access to all information and findings gathered during the inspection.

(AQW 5083/11)

Minister of Education: Tugtar go leor deiseanna le linn na cigireachta, d’aon scoil a ndéanann an Chigireacht Oideachais agus Oiliúna measúnú ar a gcuid oibre, leis an eolas a chuardach atá bailithe ag na foirne cigireachta agus na torthaí cigireachta atá foirmithe aige.

Any schools whose work is evaluated by the Education and Training Inspectorate is afforded several opportunities during the inspection to seek the information which has been gathered by the inspection teams and the inspection findings which are informed by it. All inspectors, as civil servants, adhere to “The Seven Principles of Public Life”.

Boards of Governors

Mr D Kinahan asked the Minister of Education, in relation to Boards of Governors, to detail (i) what steps are taken to ensure that Board members have the skills and knowledge necessary to fulfil their roles; (ii) how many Board members have availed of training and support; and (iii) the total cost of this training and support, broken down by Education and Library Board area, in each of the last five years.

(AQW 5085/11)

Minister of Education:

- (i) Cuireann na Boird Oideachais agus Leabharlann oiliúint agus tacaíocht ar fáil do na Boird Gobharnóirí Scoileanna le cuidiú a thabhairt dóibh a gcuid freagrachtaí reachtúla a chomhlíonadh. Tugtar an deis do gach Gobharnóir nua bheith páirteach i gclár ionductaithe agus cuirtear clár oiliúna do ghobharnóirí ar fáil ar bhonn bliainitiúil do ghobharnóirí reatha. Aimsítear ábhair éagsúla sa dá chúrsa seo.

- (i) The education and library boards provide training and support to assist school Boards of Governors to fulfil their statutory responsibilities. All new governors are offered a place on an induction programme and existing governors are offered an annual governor training programme, both of which cover a variety of essential topics.

My Department has published an on-line information guide on the DE website entitled 'Every School a Good School – the Governors' Role' which sets out the roles and responsibilities of school Boards of Governors.

(II) THE NUMBER OF BOARD OF GOVERNOR MEMBERS WHO HAVE ATTENDED ELB TRAINING COURSES IS SET OUT BELOW.

School Year	BELB	NEELB	SEELB	SELB	WELB
2005/06	419	810	756	1,431	541
2006/07	668	1,623	818	1,133	1,045
2007/08	301	2,159	442	832	591
2008/09	257	2,769	149	625	426
2009/10	627	122	633	1,186	872
Total	2,272	7,483	2,798	5,207	3,952

Boards of Governors served a 4 year term of office from 2005/6 to 2008/9 and some of their members will have attended more than one training course in this 4 year cycle. Boards of Governors were reconstituted in the 2009/10 school year when the induction programmes commenced for new governors.

(III) THE TOTAL COST OF THIS TRAINING AND SUPPORT WAS AS FOLLOWS:

School Year	BELB (£)	NEELB (£)	SEELB (£)	* SELB (£)	WELB (£)
2005/06	13,439	7,000	9,818	5,134	6,159
2006/07	15,980	16,000	18,572	11,541	7,300
2007/08	17,531	16,000	10,137	7,533	4,541
2008/09	18,886	16,000	6,573	9,335	4,399
2009/10	20,081	4,500	7,549	5,755	5,228
Total	85,917	59,500	52,649	28,908	31,665

* Due to different ELB administration systems, the ELB expenditure is based on school years except for the Southern Board which is based on financial years and excludes salary costs. The Western Board's costs exclude facilitator salary costs.

Education and Training Inspectorate: Membership

Ms M Ritchie asked the Minister of Education what allowances are available to members of the Education and Training Inspectorate in relation to home/office accommodation.
(AQW 5099/11)

Minister of Education: Cé go bhfuil foráil déanta ina mbailte féin ag gach ball den Chigireacht Oideachais agus Oiliúna do chóiríocht oifige, ní dhéantar aon íocaíocht dóibh mar aitheantas air seo.

Although all members of the Education and Training Inspectorate make provision in their homes for office accommodation, no payments are made to them in recognition of this.

Education and Training Inspectorate: Travel Costs

Ms M Ritchie asked the Minister of Education to detail the average annual travel costs of a full-time inspector of the Education and Training Inspectorate in 2009.

(AQW 5100/11)

Minister of Education: Is ionann £3309 agus meán costas an taistil bliaintiúil Chigire lánaimseartha na Cigireachta Oideachais agus Oiliúna.

The average annual travel cost of a full-time inspector of the Education and Training Inspectorate in the financial year 2009/2010 was £3309.

Education and Training Inspectorate

Ms M Ritchie asked the Minister of Education to detail the sources of funding for the Education and Training Inspectorate in each of the last three years.

(AQW 5101/11)

Minister of Education: Tháinig an maoiniú uile beagnach don Chigireacht Oideachais agus Oiliúna (ETI) le trí bliana anuas, ón Roinn Oideachais.

Almost all of the funding for the Education and Training Inspectorate (ETI) in the last three years has come from the Department of Education. A small amount of funding was received each year from Criminal Justice Inspection and from the Department of Agriculture and Rural Development, in respect of inspection services provided by ETI in prisons and in the College of Agriculture, Food and Rural Enterprise (CAFRE).

Development of a Strategic Plan for Schools

Mr S Gardiner asked the Minister of Education, pursuant to AQW 4473/11, in relation to the development of a strategic plan for schools, to detail (i) the two different approaches being adopted for schools in the (a) Portadown/Tandragee; and (b) Lurgan area; and (ii) the rationale behind adopting two different approaches.

(AQW 5104/11)

Minister of Education: Tá sé curtha in iúl ag Bord Oideachais agus Leabharlann an Deiscirt (SELB) do mo Roinn gur eagraigh sé roinnt cruinnithe le páirtithe leasmhara d'fhonn plean straitéiseach a fhorbairt do na scoileanna i gCóras Dhá Shraith Craigavon.

The Southern Education and Library Board (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.

These meetings revealed a high level of agreement on the way forward in Portadown and Tandragee but a lack of agreement between schools in the Lurgan Area. Given the contrasting levels of agreement and differences in the school populations and demography of the two areas, the Board agreed that the two areas of Portadown/Tandragee and Lurgan should be progressed concurrently but with different approaches.

Portadown/Tandragee area

Given the consensus of opinion between the Portadown and Tandragee schools it was agreed to adopt an approach involving the five Controlled Post-Primary schools working together.

The aim is to achieve a voluntary coalition to ensure all young people attending the schools have access to the best possible educational opportunities to help them realise their potential. A number of factors are being considered and changes will be phased in.

Lurgan area

In planning for the Lurgan area, the SELB has advised that it has completed an initial study on future needs for Post-Primary provision in the controlled sector and intends to publish a consultation document focusing on the two main educational options identified.

Option 1 proposes to retain the current Craigavon Two Tier system in Lurgan but address the accommodation issues of Craigavon Senior High School by co-locating it with Lurgan College on the latter's site.

Option 2 proposes to move away from the current system. The proposal is to replace the current system with either a single all-ability school or two 11-19 schools located on two different sites, one being Grammar and the other Secondary.

It is anticipated that the consultation will take place after the Assembly Elections. The responses 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 Skills Authority

Mr S Gardiner asked the Minister of Education whether she intends to reduce the level of funding allocated for the Education and Skills Authority in light of budgetary cuts and the delay in its establishment.

(AQW 5106/11)

Minister of Education: Níor bunaíodh an tÚdarás Oideachais agus Scileanna go fóill.

The Education and Skills Authority has not yet been established. However my draft allocations and savings proposals on the Draft Budget 2011-15 include a proposed saving of £2.2 million from the Education and Skills Authority Implementation Team in each of the four years of the Budget period. In addition, in light of the delay in the establishment of the Education and Skills Authority, £2.9m of monies which would otherwise have been allocated to bodies which were to be established under the Review of Public Administration will be considered as savings in 2011-12. Should ESA be established in 2011-12 the Department will seek to absorb these costs from within its existing allocation.

The implications of the draft Budget allocations argue strongly for the establishment of the Education and Skills Authority. I remain totally committed to this vital reform.

Education and Skills Authority

Mr S Gardiner asked the Minister of Education for her assessment of the impact of her proposed changes to the Education and Skills Authority and educational administration on (i) staff morale of the Education and Library Boards; and (ii) the efficient delivery of services.

(AQW 5107/11)

Minister of Education: Tá mé tiomanta go daingean do bhunú an Údaráis Scileanna Oideachais (ESA);

I remain firmly committed to the establishment of the Education Skills Authority (ESA); however it is not yet in existence due to delays in the passage of the Education Bill. Consequently I have not proposed changes to the ESA.

I am mindful that this delay in implementation leaves staff in all the affected organisations, including the Education and Library Boards, in an uncertain position. Despite current uncertainties and pressures staff continue to work diligently to ensure the continuity of service.

ESA implementation remains the best way to deal with the uncertainty. It is the most effective way to rationalise educational administration in the north of Ireland and provide efficient and effective support for frontline services.

Extensive work is ongoing to identify potential areas where services can be effectively converged, thus removing duplication and maximising administrative efficiency. This will ensure that as much as

possible of the funding available to my department is directed to frontline services to children and young people.

Decentralisation of Public Sector Jobs

Mr P Callaghan asked the Minister of Education for an update on the implementation of the plan to decentralise public sector jobs within her Department, and its agencies, since the publication of the Bain Report.

(AQW 5120/11)

Minister of Education: Níl aon phlean ann faoi láthair aon phost san earnáil phoiblí laistigh den Roinn Oideachais a dhíláru.

There are currently no plans to decentralise any public sector posts within the Department of Education.

The Bain Report recommended that the headquarters of the Education and Skills Authority (ESA) ought to be a candidate for location outside Belfast.

I remain ready to establish the ESA, for which there is a financial and educational imperative. Decisions on the overall location strategy for the ESA would be subject, where appropriate, to equality impact assessment and consultation, as well as the normal requirements of business need, value for money and affordability.

Departmental Expenditure Limit Budget

Ms D Purvis asked the Minister of Education, for each of the last five years, to detail the annual cost to her departmental Expenditure Limit budget for a child's attendance at (i) a playgroup; and (ii) a nursery unit.

(AQW 5129/11)

Minister of Education:

- (i) Maoinítear áiteanna i ngrúpaí súgartha na hearnála deonaí agus na hearnála príobháidí ar bhonn costas in aghaidh na háite. Tá an costas seo méadaithe gach bliain acadúil.
- (ii) Places in the voluntary and private playgroup sector are funded on a cost per place basis which has increased each academic year.

The cost per place for each of the last 5 academic years is as follows:

2005/06	£1,335
2006/07	£1,370
2007/08	£1,405
2008/09	£1,445
2009/10	£1,485

The cost per place in the current academic year (2010/11) is £1,525.

- (ii) It is not possible to disaggregate the entire Departmental Expenditure Limit (DEL) budget to this level. Additionally, it is not possible to disaggregate the costs of pupils in nursery classes/units from those of primary pupils in Primary schools which have Nursery units attached. The data given for Primary Schools in response to AQW 4560/11 included costs for those primary schools which have nursery units within them.

Homework Support for the Chinese Community

Mr P Weir asked the Minister of Education what assistance her Department intends to provide in relation to homework support for the Chinese community.

(AQW 5137/11)

Minister of Education: Ní chuireann mo Roinn cuidiú sonrach ar fáil i dtaca le hobair baile de don phobal Síneach.

My Department does not provide specific assistance in relation to homework to the Chinese community. However, it does ensure that support is available for pupils from any community who face barriers to learning including, for example, where English or Irish is not the language spoken at home.

This includes providing funding for the regional Inclusion and Diversity Service (IDS) to build capacity and provide schools with appropriate support through provision of diversity officers, in-service training, teaching resources and toolkits.

Interpreting and translation services are also available for parent/teacher meetings and this service is important in helping teachers to explain to parents how they might support their children's learning, including through support for homework.

Additionally, every school is required to have a written homework policy that is shared with, and explained to, parents and it is particularly important that schools take time to communicate that policy to parents who themselves do not speak English as their first language

After School Homework Clubs

Mr P Weir asked the Minister of Education what provision has been made for after school homework clubs in the 2011/12 financial year.

(AQW 5138/11)

Minister of Education: Níl foráil faoi leith déanta ag an Roinn Oideachais maidir le clubanna obair baile.

The Department of Education (DE) does not make specific provision in respect of homework clubs. However, the Department's Extended Schools programme provides a recognised funding stream for those schools serving the most deprived and disadvantaged areas to provide for a wide range of services and activities outside of the traditional school day and this can include after schools learning support and homework clubs.

Tackling educational inequalities and disadvantage is a core priority for my Department and in determining my draft Budget proposals I have afforded protection to a number of important spending areas including Extended Schools.

Following the Executive's agreement of the Final Budget 2011-15 I am in the process of making final decisions on the allocation of resources for education and will confirm budgets at the earliest opportunity.

Education and Training Inspectorate

Ms M Ritchie asked the Minister of Education to detail the independent audits that have been carried out on the Education and Training Inspectorate in each of the last three years, including who carried out each audit and the findings in each case.

(AQW 5168/11)

Minister of Education: Le feabhas leanúnach a áirithiú mar aon le hoscailteacht mhéadaithe, aimsíonn an Chigireacht Oideachais agus Oiliúna meastóireacht neamhspleách ar a cuid oibre ar bhonn bliantúil.

In order to ensure continuous improvement, and increased openness, the Education and Training Inspectorate secures an independent evaluation of its work on an annual basis. Up until 2008-09, this external evaluation had been conducted for a number of years by Price Waterhouse Coopers. From

2009-2010, to reduce costs involved, an independent, confidential, post-inspection evaluation has been conducted by the Statistics and Research Agency (NISRA).

In addition, a “Charter Mark Certification Review” relating to the Education and Training Inspectorate was undertaken in September 2007 by EMQC Ltd. The resulting report, which was very positive, ensured that ETI retained its Charter Mark award. In 2010, the DE Internal Audit Branch conducted an evaluation of the work of the Education and Training Inspectorate. The resulting evaluation report noted: “Internal Audit considers that the quality of the service provided by the Education and Training Inspectorate (ETI) complies with best practice”.

“The Review highlighted a number of ETI’s strengths in each of the areas examined. The most notable of these are:

- The quality of documentation detailing ETI’s system processes
- The importance assigned by ETI management to the development of their staff
- The openness and transparency with which ETI shares its work with stakeholders
- The desire to continually improve the inspection service provided to its customers by being subject to an annual independent evaluation of the inspection process.”

In January 2011, the Education and Training Inspectorate was assessed by EMQC for the Customer Service Excellence Award which it was subsequently granted. The assessment concluded:

“The Education and Training Inspectorate is a highly customer focused organisation with a discrete balance between the rigorous assessment of educational and training establishments against educational policy and the support for these organisations to change and improve. Customers appreciate the rigour of the inspection process and the support to make positive change provided. Customers spoke highly at assessment of the approachability of Inspectors and the value added their advice and guidance provides in ensuring learners have the best opportunities for attainment. Policy makers at the Department of Education appreciate the objectiveness of reporting the ETI provides that enables clear measurement of improving standards in education.

There are no actions that require immediate attention and I am pleased to pass on to EMQC Ltd’s Certification Committee my recommendation that you are certificated as meeting the Customer Service Excellence Standard. Certification is valid for three years from the Certification Committee’s decision date and subject to ongoing annual monitoring.”

The key mission of the Education and Training Inspectorate is “to promote improvement in the interests of all learners”. This includes the promotion of improvement in its own procedures and practices.

Education and Training Inspectorate

Ms M Ritchie asked the Minister of Education to detail (i) how often the Education and Training Inspectorate quality assures its work; (ii) the outcome of each quality assurance check; and (iii) any improvements that have been put in place as a result of these checks in each of the last three years. **(AQW 5169/11)**

Minister of Education:

- (i) Mar eagraíocht atá tiomanta d’fheabhsú leanúnach agus d’oscailteacht mhéadaithe, aimsíonn an Chigireacht Oideachais agus Oiliúna meastóireacht neamhspleách ar a cuid oibre ar bhonn bliantúil.
- (i) As an organisation committed to continuous improvement, and increased openness, the Education and Training Inspectorate secures an independent evaluation of its work on an annual basis. During the last three years, it has also been subject to Charter Mark Assessment, a DE Internal Audit Evaluation and a Customer Service Excellence Award assessment.
- (ii) All of these assessments of quality have reported very favourably on the organisation. Further details are available from the Annual Business Reports for each of the last three years which are available at www.etini.gov.uk.

- (iii) As a result of the outcomes of these assessments during the last three years, the ETI has made some changes, as appropriate. For example, it has made more formal its procedures relating to the declaration by individual inspectors that no conflict of interest exists for them in relation to the specific pieces of work they are asked to do. Also all inspectors have been given feedback annually on the independent evaluation to ensure that any ideas for improvements which might be prompted by the findings can be taken on board.

Education and Training Inspectorate

Ms M Ritchie asked the Minister of Education how many complaints the Education and Training Inspectorate received in each of the last three years, and of these, how many were upheld.

(AQW 5170/11)

Minister of Education: Seo a leanas líon na ngearán atá faighte ag an Chigireacht Oideachais agus Oiliúna i ngach ceann de na trí bliana seo chuaigh thart:

The number of complaints the Education and Training Inspectorate received in each of the last three years are as follows:

2009/10	7
2008/09	2
2007/08	9

This information is publicly available on the Education and Training Inspectorate's website and can be accessed using the following link

<http://www.etini.gov.uk/index/support-material/support-material-general-documents-non-phase-related/support-material-general-documents-about-the-education-and-training-inspectorate.htm>

These complaints were all followed up systematically, in accordance with the procedures outlined in the Inspectorate's Complaints Procedures.

Newbuild or Maintenance Schemes in Upper Bann

Mrs D Kelly asked the Minister of Education to detail the new build or maintenance schemes that are currently scheduled to take place in schools in the Upper Bann constituency in the next four years.

(AQW 5195/11)

Minister of Education: Tá seacht dtionscadal do scoileanna i dtoghcheantar na Banna Uachtair ar Phlean Seachadta Infheistíochta na Roinne (IDP).

There are seven projects for schools in the Upper Bann constituency on the Department's Investment Delivery Plan (IDP). The project for Banbridge Academy is currently under construction the other six projects (St Teresa's PS, Lurgan; Tannaghmore PS; Lurgan College; Portadown College; St Mary's PS, Banbridge; and St Patrick's College Banbridge) are at various stages in planning.

The Draft Budget 2011-15 highlighted significant reductions in the capital budget for Education over the next four years which would have a detrimental effect on my Department's ability to deliver the school building programme.

While I was successful in securing an additional £65.5 million of capital funding over the four year period in the Final Budget allocation, a gap still exists between the capital funding required to fully deliver the Department's capital programme and the amount allocated. Any investment in new builds, if at all possible, is therefore likely to be intermittent and limited until 2014-15.

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. I will write to schools on the IDP, including the six in Upper Bann, to inform them of the position when this is finalised.

In regard to maintenance the SELB prepare planned maintenance programmes for their estate during April. Once a maintenance budget is confirmed, SELB will prepare a programme of work for the coming year.

Temporary Buildings

Lord Empey asked the Minister of Education how many children in (i) primary; and (ii) post-primary schools have been educated in temporary buildings in each of the last five years, broken down by (a) District Council area; and (b) Education and Library Board.

(AQW 5206/11)

Minister of Education: Níl aon eolas i seilbh mo Roinne ar líon na bpáistí a mhúintear i seomraí ranga soghluaiste agus bheadh costas díréireach ag baint leis an eolas seo a bhailiú.

My Department does not hold information on the number of children taught in mobile classrooms and to have this collected could only be obtained at a disproportionate cost. In particular, in post primary schools it would be impossible to establish how many children use the classrooms at any given time depending on the subject the classroom is used for.

Temporary Buildings

Lord Empey asked the Minister of Education what proportion of (i) primary; and (ii) post-primary pupils were educated in temporary buildings in each of the last five years, broken down by (a) maintained; (b) controlled; (c) integrated; and (d) Irish medium schools.

(AQW 5207/11)

Minister of Education: Ní choinníonn mo Roinn aon eolas a bhaineann le líon na ndaltaí a mhúintear i seomraí ranga soghluaiste agus bheadh costais díréireach ag baint le bailiú an eolais seo. Maidir leis na hiarbhunscoileanna ach go háirithe, bheadh sé thar a bheith deacair an t-eolas a bhaineann le líon na bpáistí agus úsáid na seomraí ranga soghluaiste ag aon am amháin a fháil amach, agus é seo ag brath ar an ábhar atá á mhúineadh ann.

My Department does not hold information on the number of children taught in mobile classrooms and to have this collected could only be obtained at a disproportionate cost. In particular in post primary schools it would be impossible to establish how many children use the classrooms at any given time depending on the subject the classroom is used for.

Provisions for Opting Out of Religious Education

Mr B Wilson asked the Minister of Education, in relation to the 2006 Equality Impact Assessment of the revised core syllabus and the provisions for opting out of religious education (i) what action her Department intends to take to assist schools in increasing awareness of the right to opt-out of religious education; (ii) how the Department intends to monitor schools' performance in this matter; and (iii) what action her Department has taken to ensure that all schools provide opt-outs which fulfil international standards.

(AQW 5208/11)

Minister of Education: Chuir mo Roinn scoileanna ar an eolas maidir lena gcuid riachtanas agus freagrachtaí faisnéis a fhoilsiú ina réamheolairí scoileanna, lena n-áirítear múineadh an Oideachais Reiligiúnaigh agus ceart na dtuismitheoirí a gcuid páistí a tharraingt siar.

My Department has informed schools of their requirements and responsibilities to publish information in their schools prospectuses, including the teaching of Religious Education and parents' right to withdraw their children.

Additionally, new guidance provided recently for school governors in the on-line guide 'Every School a Good School – The Governors' Role' includes a specific focus on the provision of religious education

and highlights specifically parents' right to withdraw their children along with governors' responsibilities in relation to the promotion of equality, good relations and diversity. In line with this guidance, I expect schools to ensure that parents are notified of the facility to opt out of religious education and the arrangements for making alternative provision for pupils.

Departmental Forward Work Programme

Mr D O'Loan asked the Minister of Education to detail the work that is scheduled to take place within the next six months on collaboration, amalgamations and federations or confederations on a sectoral or cross-sectoral basis.

(AQW 5215/11)

Minister of Education: Caithfimid a chinntiú go gcuimsíonn soláthar oideachais líonra de scoileanna inmharthana inbhuanaithe a sholáthraíonn oideachas ardchaighdeán do gach leanbh agus duine óg.

We need to ensure that education provision comprises a network of viable and sustainable schools providing high quality education for all children and young people. It will therefore be important, particularly in the current difficult budgetary position, that the education sector works together to explore innovative and creative solutions to maximise the impact of the limited resources, taking into consideration the statutory responsibilities of the school managing authorities.

There is considerable scope for a more coherent area based approach to planning education provision, including the potential for the amalgamation of schools and collaboration involving the sharing and collaboration across the education sectors. One model which has been suggested, primarily in the Bain Report and subsequently in the Irish Medium Review, is that of federations. My officials will be hosting a half day workshop on this concept for the school managing authorities in the near future, to scope the full range of issues that will require further consideration.

Irish Medium and Integrated Education

Mr D O'Loan asked the Minister of Education to outline her Department's position on the commitments made in the Good Friday Agreement in relation to Irish-medium and integrated education; and whether the commitments are legally enforceable.

(AQW 5219/11)

Minister of Education: Tá dualgas reachtúil ar an Roinn, oideachas comhtháite a spreagadh agus a éascú faoin Acht um Athchóiriú Oideachais (TÉ) 1989.

The Department has a statutory duty to encourage and facilitate integrated education under the Education Reform (NI) Order 1989. Following the Good Friday Agreement, which stressed the commitment in a new society, both to cultural diversity and the objective of breaking down the effects of division and segregation, the Education (NI) Order 1998 placed a statutory duty on the Department to also encourage and facilitate Irish-Medium education. My Department is whole-heartedly committed to fulfilling these statutory duties.

Newbuild for the Holy Family Primary School Newington, Belfast

Mr A Maginness asked the Minister of Education for an update on the new build for the Holy Family Primary School, Newington Avenue, Belfast.

(AQW 5231/11)

Minister of Education: Tá an mhórsceim chaipitil atá beartaithe do Bhunscoil an Teaghlaigh Naofa ar cheann de na 114 scéim nach bhfuil fógartha ach atá ag céim staidéir fhéidearthachta agus measúnaithe eacnamaíoch agus a ceapadh le bheith ar an chéad chéim eile den infheistíocht chaipitil, nuair a bhí na scéimeanna sin ar an Phlean Seachadta Infheistíochta críochnaithe.

The proposed major capital scheme for Holy Family Primary School is one of 114 schemes which are not announced but which are at feasibility study and economic appraisal stage and were designed to

be the next phase of capital investment, once those schemes on the Investment Delivery Plan were completed.

As you are aware, the Draft Budget 2011-15 highlighted significant reductions in the capital budget for Education over the next four years which would have a detrimental effect on my Department's ability to deliver the school building programme. While I was successful in securing an additional £65.5 million of capital funding over the four year period in the Final Budget allocation, a gap still exists between the capital funding required to fully deliver the Department's capital programme and the amount allocated. I will continue to bid in-year for any capital funds that become available to the Executive.

In view of the current capital funding position, I am unable to provide a timeframe regarding progress of the proposed scheme for Holy Family Primary School, but my officials will keep the Council for Catholic Maintained Schools updated on any developments.

Voluntary Grammar Schools

Mrs M O'Neill asked the Minister of Education whether voluntary grammar schools are subject to Section 75 of the Northern Ireland Act 1998 when implementing changes to staff practices.
(AQW 5241/11)

Minister of Education: Baineann Alt 75 le húdaráis phoiblí atá sainithe chun críche an Achta amháin, agus ní bhaineann sé le scoileanna de chineál ar bith.

Section 75 applies only to public authorities designated for the purposes of the Act, and does not apply to schools of any type. However, voluntary grammar schools, as employers, ought to be mindful of their legal responsibilities under other equality and employment legislation.

Department for Employment and Learning

University Students

Mr P Weir asked the Minister for Employment and Learning, pursuant to AQW 4456/11, to outline the reasons for an increase of almost 50% in the number of first year university students from the Republic of Ireland in 2009/10.

(AQW 4916/11)

Minister for Employment and Learning (Mr D Kennedy): I am advised by the University of Ulster that the majority of the increase in first year students from the Republic of Ireland was due to an increase in enrolments on its part-time Advanced Certificate in Credit Union Practice course. Enrolments on this course increased from 77 in the 2008/9 academic year to 406 in the 2009/10 academic year.

At Queen's University, the number of full-time first year students from the Republic of Ireland increased by 18.7% in the 2009/10 academic year. The University points out that this increase was most prevalent among postgraduate students and cites lower tuition fees and living costs in Northern Ireland as a reason for this. I understand the University has also undertaken targeted recruitment activity at Postgraduate Fairs in the Republic of Ireland.

St. Mary's University College, whilst acknowledging an increase in the number of first year students from the Republic of Ireland, cannot identify specific reasons for this increase.

Stranmillis University College advises that it has not experienced an increase in the number of first year students from the Republic of Ireland.

European Social Fund: Tranche 2

Ms S Ramsey asked the Minister for Employment and Learning, in relation to the successful applications made under Tranche 2 of the European Social Fund, to detail how many of these projects will operate in socially disadvantaged areas.

(AQW 4934/11)

Minister for Employment and Learning: A second Call for applications under Priority 1 of the Northern Ireland European Social Fund (NIESF) Programme 2007-13 was launched on 23 September 2010. A total of 83 projects have been initially selected for funding subject to satisfactory further appraisal.

Of the 83 projects initially selected, 48 projects are located in areas of social disadvantage as defined by Neighbourhood Renewal Areas, 17 will operate throughout Northern Ireland with a likelihood of operating fully or partly in socially disadvantaged areas.

A further 18 projects, while not located in areas of social disadvantage, may provide for individual participants from a variety of geographical locations, including areas of social disadvantage and elsewhere.

Departmental Staff: Trips to North Carolina

Mr C McDevitt asked the Minister for Employment and Learning to detail the number of trips that departmental staff have made to North Carolina in each of the last three years; and the associated costs of each trip.

(AQW 5000/11)

Minister for Employment and Learning: The following table details the number of trips that departmental staff made to North Carolina in each of the last 3 full financial years, and the associated costs. These cover flight and hotel costs primarily. Where a trip included multiple destinations, the total flight costs have been divided by the number of destinations to provide an approximate cost for North Carolina.

Year	Number of Trips	Number of Officials	Associated Costs
2007/08	1	4	£5,103.59
2008/09	2	1	£1,217.09
		5	£8,899.10
2009/10	1	3	£6,108.40

Stranmillis College Site

Mrs D Kelly asked the Minister for Employment and Learning to detail the land at the Stranmillis College site which is zoned for conservation or heritage.

(AQW 5009/11)

Minister for Employment and Learning: The entire Stranmillis College site, with the exception of that occupied by the refectory, halls of residence and the hockey pitches, lies within the Stranmillis Conservation Area.

Under the Draft Belfast Metropolitan Area Plan the entire college grounds are listed as a Historic Park, Garden and Demesne.

Stranmillis College Site

Mrs D Kelly asked the Minister for Employment and Learning for an estimate of the current capital value of the Stranmillis College site.

(AQW 5010/11)

Minister for Employment and Learning: Stranmillis University College has reported in its last set of financial statements dated 31 July 2010, that its freehold land and buildings has a net book value of £54.7 million. This is the most up to date information available to my Department.

Stranmillis College Stakeholder Forum

Mrs D Kelly asked the Minister for Employment and Learning to detail the terms of reference for the proposed Stranmillis Stakeholder Forum.

(AQW 5011/11)

Minister for Employment and Learning: As you are aware, it is proposed that a Stakeholder Forum is established at the Stranmillis School of Education at Queen's University on which interested parties such as the Transferor Representatives' Council will have guaranteed representation. The agreed principle is that the Forum will give key stakeholders an advisory and consultative voice in the governance of the new School. At this stage in the merger process detailed terms of reference have not been established. However, it is envisaged that it will be responsible for advising on a range of issues such as teacher education, the preparation of teachers to deliver the agreed Religious Education curriculum, and the development of responses to education policy issues. Should the merger proceed, the terms of reference will be developed and agreed by Stranmillis, Queen's and the key stakeholders.

Social Clause Requirements

Mr P Callaghan asked the Minister for Employment and Learning to detail (i) the social clause requirements in his Department's capital or current spend projects, including (a) the creation of apprenticeships; and (b) the employment of long-term unemployed persons; and (ii) any proposals his Department has to expand such opportunities.

(AQW 5029/11)

Minister for Employment and Learning: One of my Department's conditions for further education colleges' capital grant funding is that they use standard contracts that have requirements for the employment of one Apprentice per £2m of Contract price, and one Long Term Unemployed person per £5m of Contract price. All current contracts have used these contracts, except in two cases where the issue of the tender documents pre-dated the introduction of this policy. No such conditions apply to the Department's recurrent grant. The Department is guided by, and will continue to take the advice of, its Centre of Procurement Excellence (DFP's Central Procurement Directorate) in relation to these matters.

ApprenticeshipsNI is a demand-led provision and, as such, employers determine the number of apprenticeship opportunities. However, my officials are proactively engaged with Central Procurement Directorate and other Departments to ensure contractors are fulfilling their social-clause requirements of employing apprentices in accordance with the level of contract awarded. In addition, my Department has been actively promoting the Steps to Work programmes as the vehicle for fulfilling social clause obligations in public sector contracts.

Stranmillis College and St Mary's College

Mrs D Kelly asked the Minister for Employment and Learning what consideration he has given to (i) a merger; or (ii) the sharing of services between St Mary's University College and Stranmillis University College.

(AQW 5044/11)

Minister for Employment and Learning: Stranmillis University College and St Mary's University College are both independent autonomous bodies. Any proposals made by the University Colleges to merge or share services would be considered by my Department. When Stranmillis University College was considering the options open to it when developing its business case for the merger with Queen's, a merger with St Mary's was an option that was considered. However, I understand that St Mary's indicated that it would not consider a merger with another institution at that time. Also, I am not aware of any proposals being made to share services between the two Colleges. I would, however, be generally supportive of any such proposals.

European Social Fund

Ms S Ramsey asked the Minister for Employment and Learning (i) if funding is available for those projects that are successful under the European Social Fund after appeal; and (ii) whether his Department would consider funding those projects which it supports but have been unsuccessful under the European Social Fund.

(AQW 5244/11)

Minister for Employment and Learning: All available European Social Fund (ESF) monies and DEL Match funding under the second call for ESF Priority 1 has been allocated to 83 successful projects. On this basis I am not in a position to provide any additional ESF funding.

Furthermore, my Department's budget has been fully allocated over the incoming budget period for mainstream activities and I have no plans to support ESF Projects that did not secure funding in the second ESF call, where a total of £50 million was bid for by all applications against an available budget of £30 million.

Department of Enterprise, Trade and Investment

Colin Area of Belfast

Ms J McCann asked the Minister of Enterprise, Trade and Investment to detail what percentage of her Department's budget was spent in the Colin area of Belfast, in each of the last four financial years.

(AQW 4757/11)

Minister of Enterprise, Trade and Investment (Mrs A Foster): DETI does not have systems in place that would readily provide expenditure information at ward or neighbourhood level. To retrieve the necessary information would necessitate a significant manual exercise that could only be done at disproportionate cost.

Small Businesses

Mr J Dallat asked the Minister of Enterprise, Trade and Investment to detail any plans she has to assist small businesses in towns and villages experiencing the effects of the economic downturn and out-of-town retail multi-nationals.

(AQW 4946/11)

Minister of Enterprise, Trade and Investment: My Department, through Invest NI, has sought to work proactively with local companies and entrepreneurs to help minimise the impact of the current economic downturn. As a direct response to the downturn, a number of new initiatives were introduced including the Short Term Aid Scheme, which has provided over £3.5 million of support to 31 businesses, and the Accelerated Support Fund, which provided over £5 million of financial support to 162 projects and practical help and advice to more than 500 businesses across Northern Ireland. Invest NI is now also in the process of developing a new £18 million Short Term Employment Scheme which is intended to create 4,000 new jobs over the next four years.

There continues to be a wide range of help and assistance available from Invest NI including export development programmes for both first-time and more experienced exporters, energy and environmental efficiency support, comprehensive business information services and information and communications technology support. The information website, nibusinessinfo.co.uk, which is openly available to all, also provides free access to over 5,000 pages of key information, advice and training.

Invest NI, the Industrial Development Board and the Local Enterprise Development Unit

Mr P Maskey asked the Minister of Enterprise, Trade and Investment, in relation to Invest NI or its predecessors, the Industrial Development Board and the Local Enterprise Development Unit, to detail (i) the number of financial assistance offers; (ii) the total amount of financial assistance provided; (iii)

the total amount of overall investment secured; and (iv) the number of new jobs created, broken down by constituency, in each year since 1998.

(AQW 4949/11)

Minister of Enterprise, Trade and Investment: The information requested is not readily available and could only be provided at disproportionate cost.

Invest NI, the Industrial Development Board and the Local Enterprise Development Unit

Mr P Maskey asked the Minister of Enterprise, Trade and Investment to detail (i) the total number of new jobs created; and (ii) the total number of jobs lost, by client companies of Invest NI or its predecessors, the Industrial Development Board and the Local Enterprise Development Unit, broken down by constituency, in each year since 1998.

(AQW 4951/11)

Minister of Enterprise, Trade and Investment: The information requested is not readily available and could only be provided at disproportionate cost.

Invest NI

Mr P Maskey asked the Minister of Enterprise, Trade and Investment, for each constituency, to detail (i) the number of first-time inward investment projects; and (ii) the number of new jobs created, broken down by (a) foreign direct investors; and (b) other investors, which received assistance offers from Invest NI or its predecessors, the Industrial Development Board and the Local Enterprise Development Unit, in each year since 1998.

(AQW 4954/11)

Minister of Enterprise, Trade and Investment: The information requested is not readily available and could only be provided at disproportionate cost.

Belfast Harbour Estate

Mr P Maskey asked the Minister of Enterprise, Trade and Investment to detail (i) the total amount of financial assistance offered to companies or investors located within the boundaries of the Belfast Harbour Estate, broken down by (a) company name; (b) the number of jobs created; and (c) the amount of assistance offered by Invest NI or its predecessors, the Industrial Development Board and the Local Enterprise Development Unit, in each year since 1998.

(AQW 4955/11)

Minister of Enterprise, Trade and Investment: The information requested is not readily available and could only be provided at disproportionate cost.

Northern Ireland: An Enterprise Zone

Mr P McGlone asked the Minister of Enterprise, Trade and Investment to detail any discussions her Department has had with the Secretary of State in relation to making Northern Ireland an enterprise zone.

(AQW 4957/11)

Minister of Enterprise, Trade and Investment: The Coalition Government has committed to consider how Northern Ireland could be treated as an enterprise zone, in order to rebalance the economy away from its reliance on the public sector.

As part of this work, I and other Ministers have held meetings with the Secretary of State for Northern Ireland and Her Majesty's Treasury. Most recently I had a video conference meeting with the Secretary of State and the Exchequer Secretary on Monday 7 March 2011 to discuss progress with the consultation paper on proposals to rebalance the Northern Ireland economy.

Town Centre Regeneration

Mr P McGlone asked the Minister of Enterprise, Trade and Investment what measures her Department has taken to encourage town centre regeneration in relation to small local businesses.

(AQW 4958/11)

Minister of Enterprise, Trade and Investment: The Department does not have a specific remit for town centre regeneration.

However InvestNI's Enterprise Development Programme (EDP) is aimed at start-up and existing small local businesses providing support for businesses across a range of sectors including many involved in retail and the provision of local services that typically operate in or near town centres. EDP offers an integrated range of guidance, signposting, training and mentoring aimed at attracting more people into starting and growing their own business and focuses on developing the capabilities of those which have the potential to make a significant economic impact.

In the year to March 2010 EDP delivered 2,149 start-up business plans across Northern Ireland including 203 from the Mid Ulster parliamentary constituency. This year to date 2,634 business plans have been delivered across Northern Ireland of which 256 are in the Mid Ulster parliamentary constituency.

Rose Energy Poultry Litter Incinerator

Mr T Burns asked the Minister of Enterprise, Trade and Investment how many times she has brought the issue of the Rose Energy Poultry Litter Incinerator to the Executive in the last twelve months; and for an update on any progress made on the matter in each instance.

(AQW 5020/11)

Minister of Enterprise, Trade and Investment: My department has not brought this issue to the executive within the last twelve months.

Decentralisation of Public Sector Jobs

Mrs M Bradley asked the Minister of Enterprise, Trade and Investment, for each of the last three years, to detail the number of public sector jobs within her Department and its agencies that have been (i) decentralised from Belfast to another location, broken down by the new location; and (ii) relocated to Belfast from another location, broken down by the original location.

(AQW 5095/11)

Minister of Enterprise, Trade and Investment: The Department and its NDPBs have not, in the last three years, (i) decentralised any public sector jobs from Belfast to another location, or (ii) relocated any public sector jobs to Belfast from another location.

Department of the Environment

Road Vehicle Licences

Mr P J Bradley asked the Minister of the Environment to detail the total amount collected by the Driver and Vehicle Agency for road vehicle licences in the 2009/10 financial year.

(AQW 4998/11)

Minister of the Environment (Mr E Poots): The response below includes both vehicle excise duty (referred to as vehicle licensing) and road transport vehicle licensing income.

Vehicle licensing is an Excepted matter which is the responsibility of the Secretary of State for Transport in Whitehall. It is administered in Northern Ireland by the Driver & Vehicle Agency under a formal agreement between the DoE and the Department for Transport. The amount of vehicle excise duty collected in the 2009/10 financial year was £164 million, of which £83 million was collected

through the Post Office. These sums were remitted to the Department for Transport as part of the U.K.'s vehicle excise revenues.

Under the Transport Act (NI) 1967, the Department, through the Road Transport Licensing Division of the Driver & Vehicle Agency, is responsible for the licensing of vehicles used to carry goods or passengers by road for reward. During the 2009/10 financial year, £608k was collected in road freight vehicle licensing income.

EU Nitrates Directive

Mr T Burns asked the Minister of the Environment how many times she has brought the issue of the EU Nitrates Directive and the problems with poultry litter disposal faced by the poultry industry to the Executive in the last twelve months; and for an update on any progress made on the matter in each instance.

(AQW 5021/11)

Minister of the Environment: Implementation of the EU Nitrates Directive in Northern Ireland is the joint responsibility of my Department and the Department of Agriculture and Rural Development and, in the last twelve months, issues concerning it have been brought to the Executive twice.

In May 2010 I submitted a paper on behalf of the two Departments to the Executive requesting approval to issue a public consultation on review and revision of the Nitrates Action Programme Regulations (Northern Ireland) 2006 (the 2006 Regulations). The consultation included discussion of the temporary measure in the 2006 Regulations permitting storage of poultry litter in field heaps and outlined industry proposals for an alternative to land spreading of poultry litter explaining that land spreading of litter at current levels was not sustainable in the longer term. The temporary measure was due to expire on 31 December 2010 and the consultation proposed that the measure would not be renewed. The Executive gave approval for publication of the consultation which was issued in June 2010.

In November 2010, I submitted a further paper on behalf of the two Departments to the Executive requesting approval to make the 2010 NAP Regulations. The Executive gave approval and the Regulations were made in December 2010 and came into operation on 1 January 2011.

In light of consideration of responses to the consultation, and discussion with the EU Commission, the Regulations contain a revised measure to allow the continued storage of poultry litter in field heaps until 30 September 2011 to support the industry during the development of potential alternative temporary storage options for this action programme.

Department's Capital or Current Spend Projects

Mr P Callaghan asked the Minister of the Environment to detail (i) the social clause requirements in his Department's capital or current spend projects, including (a) the creation of apprenticeships; and (b) the employment of long-term unemployed persons; and (ii) any proposals his Department has to expand such opportunities.

(AQW 5031/11)

Minister of the Environment: Given the nature of my Department's business activities, which in the main are regulatory as well as the provision of grants to District Councils and third parties, my Department's capital and current projects do not lend themselves to job creation.

Rose Energy's Incinerator Plant at Glenavy

Mr T Burns asked the Minister of the Environment to detail why, during the determination of the planning application for Rose Energy's incinerator plant at Glenavy, the Strategic Projects Unit did not request an economic appraisal of the project and instead went against the recommendations of the Planning Service's Economic Branch and requested an options appraisal.

(AQW 5069/11)

Minister of the Environment: During the determination of the planning application by Rose Energy for the development of a Biomass Fuelled Power Plant the Department's Economic Branch were consulted on the application, the accompanying environmental information and third party representations of support and objection. In their initial consultation response of 22 December 2008 Economic Branch made a request for a full economic appraisal to be provided by the applicant. Following an office meeting between Planning Service, Economic Branch and Rose Energy on 4 March 2009 Economic Branch clarified that they did not require a full economic appraisal and that the information they required would be more accurately described as an options appraisal.

Rose Energy submitted the required information to Planning Service as part of their submission of further environmental information on 12 June 2009 and the Economic Branch were re-consulted on 18 June 2009. In response to the re-consultation they concluded that, having examined the options appraisal submitted they were content that all potential options had been fully investigated and that a reasonable case had been provided to support the decision to progress with the decision to progress with the development of a biomass fuelled power plant.

Illegal Waste Activity at 67 Tullyrusk Road, Hannahstown, Belfast

Mr D Kinahan asked the Minister of the Environment what action his Department is taking in relation to illegal waste activity at 67, Tullyrusk Road, Hannahstown.

(AQW 5150/11)

Minister of the Environment: My officials are continuing to investigate this site following reports of alleged environmental offences.

Should serious offending be taking place, the case will be scheduled for investigation by the NIEA Environmental Crime Unit.

Department of Finance and Personnel

Rating on Vacant Properties

Mr P McGlone asked the Minister of Finance and Personnel, pursuant to AQW 4610/11, what procedures does Land and Property Services have in place to allow ratepayers to challenge decisions made in relation to vacant properties, particularly the habitability of the property.

(AQW 5084/11)

Minister of Finance and Personnel (Mr S Wilson): All properties that are capable of beneficial occupation are entered in the Valuation List. A challenge to an entry in the List can be made in the first instance to the District Valuer. Further rights of appeal exist to the Commissioner of Valuation and to the Northern Ireland Valuation Tribunal.

Small Business Rate Relief Scheme

Mr P Weir asked the Minister of Finance and Personnel to detail the proposed value of the extension of the Small Business Rate Relief Scheme.

(AQW 5117/11)

Minister of Finance and Personnel: My Department will be bringing forward proposals that would significantly extend the small business rate relief (SBRR) scheme for the spending review period. The detail is currently being examined. This will include consideration of net annual value thresholds, the level of the relief and how it can be cross subsidised through a large retail levy. When clear and practicable options have been identified work will begin on a consultation paper, to seek views on the best way forward.

Around £7m is currently paid out under the SBRR scheme. The Executive would hope to be able to more than double the amount of overall total relief that is provided, while also significantly increasing the numbers that are eligible. The precise figures will depend on the chosen option.

It is hoped that both of these measures could be in place from 1 April 2012 if the Assembly is able to pass the legislation through without difficulty.

Decentralisation of Public Sector Jobs

Mr P Callaghan asked the Minister of Finance and Personnel for an update on the implementation of the plan to decentralise public sector jobs within his Department, and its agencies, since the publication of the Bain Report.

(AQW 5121/11)

Minister of Finance and Personnel: There is currently no plan to decentralise public sector jobs within my Department, or its agencies.

Funding Allocations

Mr S Hamilton asked the Minister of Finance and Personnel whether he has made any further funding allocations since his February Monitoring statement.

(AQW 5155/11)

Minister of Finance and Personnel: Since my February Monitoring statement the Executive has agreed, through urgent procedure, a number of further allocations to departments for the remaining weeks of 2010/11.

This follows representations made to me from some Ministers that they could spend further resources in this financial year. The Executive agreed that these allocations should proceed, to ensure that any year-end underspend was minimised. The context for these further approvals was the UK Government-announced change to the End-Year Flexibility (EYF) scheme which now means that declared underspends by the Devolved Administrations cannot be carried into the next financial year.

The approved departmental allocations are presented in the attached table.

ADDITIONAL DEPARTMENTAL ALLOCATIONS

£ million	Current	Capital
DARD	0.03	0.63
DCAL	0.11	0.47
DE	0.00	2.20
DETI Painthall*	0.00	3.40
DETI	1.85	0.84
DOE	1.15	0.00
DRD	3.00	3.20
DSD	5.00	6.15
Total	11.14	16.89

* The Painthall bid is conditional on a Special Purpose Vehicle being created in time to draw down funding in 2010-11. This allocation will only be made if this is progressed before the end of this financial year.

Cycle to Work Scheme

Mr B Armstrong asked the Minister of Finance and Personnel, pursuant to AQW 4922/11, whether he intends to implement a Cycle to Work Scheme; and if so, when the scheme is likely to start.

(AQW 5190/11)

Minister of Finance and Personnel: This matter is being considered following the completion of a pilot in the Department for Regional Development.

Apartment Development Management Reform Bill

Mr K McCarthy asked the Minister of Finance and Personnel to outline any discussions he has had with the Law Commission of Northern Ireland in relation to progress on the Apartment Development Management Reform Bill.

(AQW 5197/11)

Minister of Finance and Personnel: The Northern Ireland Law Commission is currently undertaking research on multi-unit developments with a view to producing a consultation paper in late 2011 and its final report, with draft legislation, in 2012. My officials have discussed the research with the Commission and have also engaged with the Law Society of Northern Ireland, which has produced a discussion paper on the issues. It is envisaged that those discussions with the Commission and other interested stakeholders will continue as the Commission's work progresses

Decentralisation of Public Sector Jobs

Mr P Callaghan asked Minister of Finance and Personnel, for each of the last three years, to detail the number of public sector jobs within his Department and its agencies that have been (i) decentralised from Belfast to another location, broken down by the new location; and (ii) relocated to Belfast from another location, broken down by the original location.

(AQW 5214/11)

Minister of Finance and Personnel: There have been no public sector jobs either decentralised from Belfast to another location or relocated to Belfast from another location within my department and its agencies in the last three years.

Civil Service Equal Pay Claim

Mr C Lyttle asked the Minister of Finance and Personnel for an update on the Civil Service equal pay claim.

(AQW 5275/11)

Minister of Finance and Personnel: As a result of the equal pay settlement agreed with NIPSA in late 2009, the majority of equal pay claims lodged with the Industrial Tribunal by NIPSA on behalf of female members of staff have been, or are in the process of being, withdrawn. Assimilation to new pay scales is now complete and lump sum payments have been made to just over 15,000 of the almost 16,000 individuals entitled to a settlement payment. Work is now underway on a comprehensive pay and grading review of the NICS, agreed as part of the equal pay settlement.

Legal Services Review Group

Mr J Dallat asked the Minister of Finance and Personnel for his assessment of the report of the Legal Services Review Group chaired by Sir George Bain and to outline his Department's engagement with the Group.

(AQO 1305/11)

Minister of Finance and Personnel: The Legal Services Review Group forwarded a total of 42 recommendations to Government on a range of issues relating to the regulation of lawyers in Northern Ireland. I have met with Professor Bain and officials have also engaged with him in relation to possible legislation.

While I agree with the general thrust of the report, and with some of the recommendations contained therein, I have concerns that other recommendations do not go far enough. In particular, in relation to how complaints are currently dealt with by the professional bodies, the Review Group identified gaps and weaknesses, but the recommendations it made in relation to them, would not, in my mind, create sufficient confidence for users of legal services.

I consider that a complaints handling system should be independent and well removed from the influence of the relevant professional bodies. While the Review Group brought forward recommendations that go some way to achieving that goal, my own view is that more is required. It will be a matter for the incoming Executive to make final decisions on the report and the way forward, but I would like to see a complaints system that consumers can have full confidence in.

Village, Belfast: Negative Equity

Mr J Spratt asked the Minister of Finance and Personnel whether he can provide financial assistance to those people who are now in negative equity as a result of the regeneration of the Village area of South Belfast.

(AQO 1303/11)

Minister of Finance and Personnel: I met with Ministers Attwood and Murphy in November 2010 to discuss the issues that can arise where an acquiring authority purchase properties by vesting from owners who find themselves in negative equity. Whereas property can be compulsorily acquired by a number of departments in Northern Ireland, I am not aware of any legislative authority that would enable financial assistance to be provided where vesting has highlighted negative equity.

Enterprise Zone

Ms S Ramsey asked the Minister of Finance and Personnel for an update on the plans to develop Northern Ireland as an enterprise zone and what practical measures are proposed to ensure that this happens.

(AQO 1306/11)

Minister of Finance and Personnel: We are discussing plans on developing Northern Ireland as an enterprise zone as part of the Coalition Government's paper on Rebalancing the Northern Ireland economy. To this end, the First Minister, deputy First Minister, Enterprise Minister and I met with Exchequer Secretary David Gauke and Secretary of State Owen Paterson on 2 February and 7 March to discuss the draft paper. DFP, DETI and OFMDFM officials have been involved in ongoing discussions with their Treasury counterparts since receipt of the first draft paper in mid-December. Ministers and officials are currently liaising with their Whitehall counterparts on the contents of this draft paper with a view to it being published as soon as possible.

Budget 2011-15

Lord Browne asked the Minister of Finance and Personnel for his assessment of the impact the UK budget and the political negotiations to form a new Government in the Republic of Ireland will have on the Executive's budget settlement.

(AQO 1307/11)

Minister of Finance and Personnel: I presume the Member is referring to the UK Budget to be announced on 23 March. This will not have a major impact on the Executive's Budget since our 4 year funding envelope was determined at the time of the UK Spending Review, which was announced on 20 October last year. This resulted in a real terms reduction of 8% in terms of current expenditure and 40% in respect of capital investment by the end of 2014-15.

The discussions on a new Government in the Republic of Ireland will have no direct impact on our Budget. However, should the incoming Dublin Government decide to revisit existing commitments to cross border projects such as the A5 then there may be implications for our spending plans.

Budget 2011-15: Vulnerable People

Mr J Bell asked the Minister of Finance and Personnel for his assessment of the impact the budget will have on the most vulnerable people in our society.

(AQO 1308/11)

Minister of Finance and Personnel: The Executive's Final Budget is all about protecting and helping the most vulnerable in our society.

We have now afforded a significant degree of protection to the health spending element of DHSSPS.

In addition, we have created two new funds – the Social Investment Fund and the Social Protection Fund – aimed expressly at tackling disadvantage in our communities.

We have also provided funding towards a cross departmental childcare strategy, to help childminders and support provision of childcare in Northern Ireland. This will help to reduce barriers to employment and support economic activity and is consistent with the Executive's overarching priority of promoting economic growth.

Corporation Tax

Mr C Lyttle asked the Minister of Finance and Personnel to outline the actions his Department has taken in relation to the introduction of legislation that would allow Northern Ireland to change its rate of corporation tax.

(AQO 1309/11)

Minister of Finance and Personnel: There has been no action to date regarding the introduction of legislation to enable us to vary our rate of Corporation Tax. However, we have been working alongside OFMDFM and DETI in commenting on the Coalition Government's draft paper on Rebalancing the Northern Ireland economy. This paper includes options around varying the rate of Corporation Tax.

Ministers and officials are currently liaising with their Whitehall counterparts on the contents of this draft paper with a view to it being published as soon as possible.

Economy: Rebalancing

Mr F McCann asked the Minister of Finance and Personnel whether he has had any further discussions with the British Government regarding its proposals to rebalance Northern Ireland's economy and to outline what progress has been made to date.

(AQO 1310/11)

Minister of Finance and Personnel: The First Minister, deputy First Minister, Enterprise Minister and I met with Exchequer Secretary David Gauke and Secretary of State Owen Paterson on 2 February and 7 March to discuss the Coalition Government's draft Rebalancing the Northern Ireland paper. DF, DETI and OFMDFM officials have been involved in ongoing discussions with their Treasury counterparts since receipt of the first draft paper in mid-December.

Ministers and officials are currently liaising with their Whitehall counterparts on the contents of this draft paper with a view to it being published as soon as possible.

Department of Health, Social Services and Public Safety

Charging for Prescriptions

Mr J Craig asked the Minister of Health, Social Services and Public Safety how much revenue would have been raised from 1 April 2010 to date by charging for prescriptions at the previous rates of (i) £6.95; and (ii) £3.00.

(AQW 3747/11)

Minister of Health, Social Services and Public Safety (Mr M McGimpsey): It is not possible to determine accurately how much revenue could have potentially been raised from 1 April 2010 to date by charging at the previous rates of £6.85 and £3.00. When these were operational approximately half the people in Northern Ireland were exempt from payment as a result of low income or because of their underlying medical condition. The number of people in these categories may have changed significantly since then.

Domiciliary, Residential and Nursing Care

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety how many older people in each Health and Social Care Trust area were assessed as needing (i) domiciliary; (ii) residential; and (iii) nursing care between September 2008 and December 2010.

(AQW 3793/11)

Minister of Health, Social Services and Public Safety: Information is presented in the tables below on the outcomes of care management assessments completed in the Elderly Programme of Care during quarter ending 30 September 2008 to quarter ending 30 September 2010 by Health and Social Care Trust. The outcome is the main form of care recommended. Information for quarter ending 31 December 2010 is not yet available.

(I) DOMICILIARY CARE

HSC Trust	Care Management Assessments Completed in the Elderly Programme of Care during the quarter which Recommended Domiciliary Care								
	30 Sep 2008	31 Dec 2008	31 Mar 2009	30 Jun 2009	30 Sep 2009	31 Dec 2009	31 Mar 2010	30 Jun 2010	30 Sep 2010
Belfast	148	161	114	121	131	136	115	133	115
Northern	579	159	194	177	143	154	192	188	171
South Eastern	157	179	157	173	158	156	96	80	97
Southern	123	161	129	144	114	134	117	107	112
Western	63	74	65	59	72	52	56	62	28

Source: Community Information CC4 Return

(II) RESIDENTIAL CARE

HSC Trust	Care Management Assessments Completed in the Elderly Programme of Care during the quarter which Recommended Residential Care								
	30 Sep 2008	31 Dec 2008	31 Mar 2009	30 Jun 2009	30 Sep 2009	31 Dec 2009	31 Mar 2010	30 Jun 2010	30 Sep 2010
Belfast	59	62	54	52	70	79	89	71	61
Northern	59	68	71	68	73	48	95	93	92
South Eastern	67	48	46	41	59	36	44	34	35
Southern	28	31	36	27	25	17	34	47	37
Western	8	8	3	16	21	10	12	12	4

Source: Community Information CC4 Return

(III) NURSING HOME CARE

HSC Trust	Care Manage 5,695,000 ment Assessments Completed in the Elderly Programme of Care during the quarter which Recommended Nursing Home Care								
	30 Sep 2008	31 Dec 2008	31 Mar 2009	30 Jun 2009	30 Sep 2009	31 Dec 2009	31 Mar 2010	30 Jun 2010	30 Sep 2010
Belfast	101	100	86	93	102	93	84	95	88
Northern	117	134	135	127	117	147	181	156	171
South Eastern	143	147	139	107	93	117	113	94	94
Southern	89	104	95	90	52	78	92	67	93
Western	49	27	30	33	37	31	23	27	15

Source: Community Information CC4 Return

Domiciliary, Residential and Nursing Care

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety how many (i) domiciliary; (ii) residential; and (iii) nursing care packages for older people were put in place between September 2008 to December 2010, in each Health and Social Care Trust area.

(AQW 3794/11)

Minister of Health, Social Services and Public Safety:

- (i) Information on domiciliary care packages which commenced in the Elderly Programme of Care is not collected centrally.
- (ii) & (iii) Information is presented in the tables below on the number of residential and nursing home care packages which commenced in the Elderly Programme of Care during quarter ending 30 September 2008 to quarter ending 30 September 2010 by Health and Social Care Trust. Information for quarter ending 31 December 2010 is not yet available.

HSC Trust	Residential Care Packages Commenced in the Elderly Programme of Care during quarter ending								
	30 Sep 2008	31 Dec 2008	31 Mar 2009	30 Jun 2009	30 Sep 2009	31 Dec 2009	31 Mar 2010	30 Jun 2010	30 Sep 2010
Belfast	76	62	85	91	60	255	187	180	179
Northern	59	76	71	68	73	51	54	71	42
South Eastern	58	51	43	44	61	39	42	32	39
Southern	30	31	36	26	25	17	36	39	37
Western	17	15	8	16	20	10	10	10	5

Source: Community Information CC6 Return

HSC Trust	Nursing Home Care Packages Commenced in the Elderly Programme of Care during quarter ending								
	30 Sep 2008	31 Dec 2008	31 Mar 2009	30 Jun 2009	30 Sep 2009	31 Dec 2009	31 Mar 2010	30 Jun 2010	30 Sep 2010
Belfast	136	126	173	155	80	283	217	208	208
Northern	117	147	135	127	117	146	143	133	121
South Eastern	137	143	140	118	91	107	115	95	95
Southern	96	103	97	91	57	86	94	77	94
Western	55	36	47	37	34	28	32	33	14
Northern Ireland	541	555	592	528	379	650	601	546	532

Source: Community Information CC6 Return

Older People Assessed for Care Needs

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety how many older people were assessed for care needs in each Health and Social Care Trust from September 2008 to December 2010.

(AQW 3830/11)

Minister of Health, Social Services and Public Safety: Information is presented in the table below on the number of care management assessments which were completed in the Elderly Programme of Care during quarter ending 30 September 2008 to quarter ending 30 September 2010 by Health and Social Care Trust. Information for quarter ending 31 December 2010 is not yet available.

HSC Trust	Care Management Assessments Completed in the Elderly Programme of Care during quarter ending								
	30 Sep 2008	31 Dec 2008	31 Mar 2009	30 Jun 2009	30 Sep 2009	31 Dec 2009	31 Mar 2010	30 Jun 2010	30 Sep 2010
Belfast	323	352	283	274	312	296	257	289	263
Northern	755	361	400	372	333	349	468	437	434
South Eastern	387	407	360	341	325	316	268	217	239
Southern	256	307	280	272	201	241	259	226	252
Western	144	125	114	119	145	114	99	110	55

Source: Community Information CC3 Return

Health and Social Care Trusts

Lord Morrow asked the Minister of Health, Social Services and Public Safety how many investigations, reviews or similar studies are currently taking place into the running or management of Health and Social Care Trusts; and to identify those Trusts concerned.

(AQW 3832/11)

Minister of Health, Social Services and Public Safety: I announced on 7 February an inquiry into the issues that had arisen in relation to regional oral medicine services and on 22 February a review by RQIA into the concerns in relation to the reporting on x-rays.

There are currently no other ongoing investigations or reviews into the overall running or management of Health and Social Care Trusts.

As part of the normal business of running and managing HSC services, there are always a large number of studies of specific aspects of the operation of HSC Trusts, including RQIA reviews, Case Management Reviews, investigations on foot of the regulation of professional staff, Internal Audit studies, VFM audits and NIAO studies. Each of these categories of work has arrangements for reporting, as appropriate, to senior management, the Minister, the Assembly and the public.

All Trusts have risk management arrangements which provide assurance regarding the quality of patient care. Consistent with this duty of quality and commitment to clinical governance, Trusts, on an ongoing basis, examine and assess the services they provide and introduce service developments and improvements as appropriate.

Trusts also undertake specific investigations and reviews when a serious adverse incident (SAI) occurs. These reviews are conducted in accordance with governance arrangements and Departmental guidance, which was first issued in June 2004 and most recently updated in May 2010.

The Regulation and Quality Improvement Authority (RQIA), and other regulatory bodies, undertake reviews and inspections in line with their responsibilities. Details of the RQIA programme of inspections can be accessed at www.rqia.org.uk/publications

Furthermore, reviews of a specific service area may be undertaken by the HSC Board, in conjunction with the Public Health Agency. These are normally set out in the joint commissioning plan issued by the Board and Agency. With the approval of DHSSPS and DFP, the HSCB has also drawn on management consultancy support in respect of aspects of Trusts' efficiency plans and financial planning and management

In addition to the above, my Department conducts audits and strategic and policy reviews across all areas of health and social care in Northern Ireland and also contributes to UK wide audits and reviews

Mixed-Sex Wards

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety to detail the current number of mixed-sex wards in each Health and Social Care Trust, broken down by hospital; and what action he is taking to eradicate this practice.

(AQW 3850/11)

Minister of Health, Social Services and Public Safety: In Northern Ireland, all of our hospitals aim to accommodate patients in single sex ward areas as far as possible.

In January 2008 I announced that Trusts would be required to ensure that all new hospitals are planned on the basis of 100 percent single rooms and that the number of single rooms in existing facilities is maximised when carrying out major refurbishments. The implementation of this policy over time will facilitate an end to mixed sex ward areas.

Information on mixed sex accommodation within each hospital is not collected centrally by the Department.

Interim Management and Support Reports

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety to detail all the Interim Management and Support reports on, or inquiries into, the Health Service in each of the last five years.

(AQW 3918/11)

Minister of Health, Social Services and Public Safety: When I set up the HSC Board I gave it full responsibility for all performance management and service improvement across health and social care organisations. I also expect all Trusts to continuously look to improve how they deliver services to patients.

During 2009/10, the HSC Board worked with Trusts to secure improvement in performance against standards set for waiting times in A&E departments. As part of this process, additional external support for Trusts was made available in the form of the NHS IMAS Team. Use of this resource was left to the discretion of Trusts, to be accessed if and where they believed, this support would be useful.

At the request of the Trusts concerned, one day visits were made by the IMAS team to the A&E departments at Altnagelvin and the Royal Belfast Hospital for Sick Children. IMAS reported the findings of each visit in a letter to the respective Trusts.

Separate to this IMAS have also provided project management support to the Northern and Southern Trusts in respect of service reforms being implemented.

I also understand that IMAS is currently working with the HSC Board and Trusts in respect of the development of mental health services.

I do not need to be advised of all this work as it is normal business and should be treated as such.

I do expect and require that I am told of any serious issues or incidents. In each case, there were no significant issues which I needed to be aware of.

Increase in VAT

Mr T Burns asked the Minister of Health, Social Services and Public Safety for his assessment of how the recently imposed increase in VAT will impact upon his budget.
(AQW 3992/11)

Minister of Health, Social Services and Public Safety: VAT paid on goods and services by government departments in Northern Ireland is largely recoverable from HMRC. This extends to most health and social care bodies with the exception of those which are classed as non-departmental public bodies (NDPBs).

Additional pressures will be faced by the NDPBs for which my Department is responsible, as they are unable to reclaim the VAT they incur. It is estimated that the proposed VAT change will cost an additional £553k per annum.

Health and Social Care Trust: Taxi Services

Mr T Gallagher asked the Minister of Health, Social Services and Public Safety how much each Health and Social Care Trust spent on taxi services in the 2009/10 financial year.
(AQW 4656/11)

Minister of Health, Social Services and Public Safety: The table below shows expenditure on taxis by each Health and Social Care Trust in the financial year 2009/10.

Health and Social Care Trust	2009/10 £m
Belfast	0.9
Northern	1.2*
Southern	1.2
South Eastern	0.9
Western	0.8
NIAS	0.2

* includes expenditure on taxis, coaches and minibuses

The expenditure incurred is the result of the transport of patients and clients, e.g. the safe transportation of children in care; facilitating transport of patients to renal dialysis treatment; transporting clients to day centres etc. In addition there will be occasions where taxis are required for the transportation of blood, medical records, equipment and staff.

Reduce Suicide Rates

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety whether his Department will meet its commitment under the Programme for Government to reduce suicide rates.
(AQW 4879/11)

Minister of Health, Social Services and Public Safety: The Northern Ireland suicide prevention strategy “Protect Life” was launched in 2006, in the midst of an unprecedented increase in the recorded suicide rate, with the 15% reduction target based partially on the much lower numbers of recorded suicides prior to 2005/06. The sharp rises in 2006 and 2006 had an almost immediate impact on the potential for achieving the 15% reduction target and it is now highly unlikely that this will be achieved. In fact, evidence suggests that the current economic downturn will likely lead to a further increase in the local suicide rate.

The Protect Life strategy is currently being reviewed and refreshed, and consideration is being given to the development of a wider range of intermediate objectives for assessing the future impact of the strategy. However, it is important to note that prevalence rates are twice as high in deprived areas, which underscores the fact that suicide is a societal rather than solely a health issue.

Suicide Prevention Initiatives

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety for a breakdown of the money spent on suicide prevention initiatives in each Health and Social Care Trust in each of the last four years.
(AQW 4880/11)

Minister of Health, Social Services and Public Safety: I have detailed below a breakdown of the money spent to support local community suicide prevention initiatives by Health and Social Care Trust area.

Trust Area	07/08 Total by Trust	08/09 Total by Trust	09/10 Total by Trust	10/11 Total by Trust
BHSCT	525,789	628,705	776,160.50	800,127
NHSCT	343,096	410,991	310,901.66	617,250
WHSCT	102,799	183,826	183,692	155,815
SEHSCT	227,687	306,667	349,228	338,589
SHSCT	275,000	305,000	301,000	293,665
Total	1,474,371	1,835,189	1,920,982	2,205,446

In addition there is annual expenditure of around £1m on regional suicide prevention initiatives, such as public awareness programmes, training, research, self-harm pilot projects and All-Island cooperation. A further £3.5m is invested in the Lifeline service. Total expenditure on suicide prevention in 2009/10 was £6.7 million.

Legislation

Mr D Kinahan asked the Minister of Health, Social Services and Public Safety 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 4884/11)

Minister of Health, Social Services and Public Safety: Since May 2007, none of the Department of Health, Social Services and Public Safety legislation that has either gone through, or is going through the Assembly, devolves powers or responsibilities from the Department to local government authorities.

Staff Mobile Phone Bills

Lord Morrow asked the Minister of Health, Social Services and Public Safety to detail the expenditure incurred by each Health and Social Care Trust for staff mobile phone bills in each of the last three years.

(AQW 4888/11)

Minister of Health, Social Services and Public Safety: The expenditure incurred by each Health and Social Care Trust for staff mobile phone bills in each of the last three financial years is set out in the table below.

Health & Social Care Trust	2009/10 £	2008/09 £	2007/08 £
Belfast Health & Social Care Trust	375,880	350,564	278,455
Northern Health & Social Care Trust	179,300	130,762	90,943
South Eastern Health & Social Care Trust	324,872	219,789	164,113
Western Health & Social Care Trust	118,330	88,942	34,715
Southern Health & Social Care Trust	145,757	100,583	62,596
NI Ambulance Service	131,835	122,525	62,281
Total	1,275,974	1,013,065	693,102

The costs relate to the rental of mobile phone handsets and phone lines and the calls/texts made by staff.

Employing Locums from Outside Northern Ireland

Lord Morrow asked the Minister of Health, Social Services and Public Safety how much has been spent by each Health and Social Care Trust in each of the last three years on employing locums from outside Northern Ireland.

(AQW 4890/11)

Minister of Health, Social Services and Public Safety: Information regarding the cost to each Health and Social Care Trust of hiring locum doctors from outside N.I. in each of the last four years is not held centrally and could only be accessed at disproportionate cost.

Beltany House in Omagh

Mr B McElduff asked the Minister of Health, Social Services and Public Safety whether he can give an assurance about the long-term future of Beltany House in Omagh, which provides respite services for adults with learning disabilities; and whether he has any plans to increase the number of beds at the care home.

(AQW 4891/11)

Minister of Health, Social Services and Public Safety: I am advised by the Western Health and Social Care Trust (the Trust) that, apart from moving children's respite services to the new purpose-built residential respite unit on the grounds of the former Omagh General Hospital, it has no plans to change the service provided at Beltany House for adults within the next year. However, I understand that the Trust intends to take forward a review of adult learning disability respite services to ensure equity of access and to identify new ways of working to address the demand for respite in the area which will

include Beltany House. As part of this review the Trust will be fully engaging with families, staff and Trade Unions.

Travel Expenses for Carers

Mr B McElduff asked the Minister of Health, Social Services and Public Safety to outline his Department's position on the provision of travel expenses for carers, including those who travel regularly on rural roads.

(AQW 4892/11)

Minister of Health, Social Services and Public Safety: My Department does not pay travel expenses to Health and Social Care staff; these are paid by individual Health and Social Care employers. The rates of reimbursement are set out in Annex L to the NHS Terms and Conditions of Service Handbook a copy of which is available at - <http://www.nhsemployers.org/Pages/home.aspx>

Care Assistants (Band 3) who work in Adult Learning Disability Services

Mr B McElduff asked the Minister of Health, Social Services and Public Safety when the Care Assistants (Band 3), who work in Adult Learning Disability Services within the Western Health and Social Care Trust on an ad hoc basis, will receive their due annual increments and holiday pay entitlements.

(AQW 4893/11)

Minister of Health, Social Services and Public Safety: I am advised that the Western HSC Trust is aware of this issue through their formal Trade Union facilities arrangements. The Trust has given an undertaking to do a full analysis and to address any gaps in entitlement that are identified. This work is being prioritised within the Trust's overall workplan and will be completed in April 2011; any payments due will be made from the relevant effective date.

Psychiatric Care

Mr P Weir asked the Minister of Health, Social Services and Public Safety what level of psychiatric care is available in North Down for children under 16 years old.

(AQW 4896/11)

Minister of Health, Social Services and Public Safety: Child and Adolescent Mental Health Services (CAMHS) for the entire South Eastern Trust area are provided by the Belfast Trust.

Children in North Down have access to Tier 3 (Out-patient) CAMHS , which provide specialist psychiatric and psycho-therapeutic services to children and young people aged up to 18 years and their families/ carers for a range of complex Mental Health needs.

They also have access to:

- The Crisis Assessment and Intervention Team who provide services across Belfast and the South East Trust areas including to GPs in North Down and the Emergency Department at the Ulster Hospital;
- The Eating Disorder Youth Service who provide specialist services to children and young people with an Eating Disorder;
- The Drug and Alcohol Mental Health Service who provide specialist Mental Health Services for children and young people who have Mental Health needs of which drugs and alcohol are a major concern; and
- The Family Trauma Centre offering specialist psychotherapeutic support to children, young people and their families following trauma.

Out of Hours Services

Mr P Callaghan asked the Minister of Health, Social Services and Public Safety (i) whether his Department, or its agencies, has any proposals to introduce (a) a single database for Out of Hours services; or (b) a single phone number for Out of Hours services; (ii) what consultation was carried out with existing providers and stakeholders on such proposals; and (iii) whether a business case has been submitted and approved for each of these proposals.

(AQW 4902/11)

Minister of Health, Social Services and Public Safety:

Single database

The implementation of a single database for out of hours services is in progress. GP Out-of-Hours providers were involved at all stages of the process. The capital cost over a 7 year period is £480,000. Additional Revenue per year is: £82,274 (11/12) and £125,555 (from 12/13 onwards). A business case was approved.

Single phone number

At present no decision has been taken to implement a single telephone number, no money has been spent and no business case has been developed.

Out of Hours Services

Mr P Callaghan asked the Minister of Health, Social Services and Public Safety (i) for an estimate of the total cost associated with a (a) single database for Out of Hours services; and (b) a single phone number for Out of Hours services; and (ii) to detail the total amount spent on each proposal to date.

(AQW 4903/11)

Minister of Health, Social Services and Public Safety:

Single database

The implementation of a single database for out of hours services is in progress. GP Out-of-Hours providers were involved at all stages of the process. The capital cost over a 7 year period is £480,000. Additional Revenue per year is: £82,274 (11/12) and £125,555 (from 12/13 onwards). A business case was approved.

Single phone number

At present no decision has been taken to implement a single telephone number, no money has been spent and no business case has been developed.

Services for People Suffering from Personality Disorders

Mr C Lyttle asked the Minister of Health, Social Services and Public Safety how his Department has developed and raised awareness of its services for people suffering from personality disorders.

(AQW 4913/11)

Minister of Health, Social Services and Public Safety: In June 2010 my Department published a strategy "Personality Disorder: A Diagnosis for Inclusion" for the development of services to meet the needs of people with a personality disorder. This strategy has been underpinned by recurrent investment of £1.1m. The strategy can be found on my Department's website.

Clostridium Difficile

Mr T Clarke asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 2399/11, to detail (i) the (a) secretarial; (b) accommodation; (c) contracted-out services; and (d) legal

costs associated with the inquiry into the C difficile outbreak; and (ii) the number and types of counsel employed on the inquiry.

(AQW 4923/11)

Minister of Health, Social Services and Public Safety: Further to my answer to AQW 2399/11, I can advise the following detail re Inquiry costs:

(i) See table below

(a) Secretarial	£305.3k
(b) Accommodation	£205.4k
(c) Contracted-out services	£246.5k
(d) Legal	£357.6k

(ii) The Inquiry has employed one counsel, namely Mr Frank O'Dongohue QC, Senior Counsel to the Inquiry.

The Inquiry report is due to be published shortly and this will include a breakdown of all expenditure incurred by the Inquiry.

Services for Stroke Victims

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety to outline the resources being deployed by his Department to develop services for stroke victims.

(AQW 4925/11)

Minister of Health, Social Services and Public Safety: I remain committed to the implementation of the Stroke Strategy and its 14 recommendations. Additional resources have been allocated to support the implementation of the strategy (£2m in 08/09, £3m in 09/10 and £1.75m in 10/11).

To date a number of service developments have been taken forward by the Regional Stroke Implementation Group across all Health and Social Care Trusts to improve stroke services. These include service re-organisation and re-design so that the whole system, including primary, community, secondary, voluntary and independent sectors work collaboratively to improve the range of treatment, care and support available to stroke sufferers, their families and carers.

A Transient Ischaemic Attack (TIA) service has been developed and all Trusts have established Early Supported Discharge teams with a recognised specialist stroke coordinator available to help coordinate all aspects of the discharge process. The discharge teams provide support to stroke sufferers and carers for up to 6 weeks post discharge. Stroke sufferers then have access to the usual mainstream services such as physiotherapy, day hospital and day care

In addition progress on Thrombolysis continues, and while it is currently being administered by all 5 Trusts as a 9 to 5 service on weekdays it is scheduled to progress to a full 24/7 service by the end of this month.

Fire and Rescue Service: East Londonderry

Mr G Campbell asked the Minister of Health, Social Services and Public Safety whether he plans any changes in 2011 to the level of service cover provided by the Fire and Rescue Service in the East Londonderry constituency.

(AQW 4940/11)

Minister of Health, Social Services and Public Safety: I have no plans to change the level of service cover provided by the Northern Ireland Fire and Rescue Service (NIFRS) in the East Londonderry constituency.

Renal Dialysis Beds

Mr G Robinson asked the Minister of Health, Social Services and Public Safety to detail the number and location of renal dialysis beds in each Health and Social Care Trust; and how this figure compares to (i) five; and (ii) ten years ago.

(AQW 4961/11)

Minister of Health, Social Services and Public Safety: The number and location of renal dialysis beds in each Health and Social Care Trust are as follows;

Hospital Site	Number of Renal Dialysis Beds		
	31/03/2000	31/03/2005	31/03/2010
Altnagelvin Hospital	0	0	17 ^a
Antrim Area Hospital	16	22	24
Belfast City Hospital	42	47	46
Daisy Hill Hospital	12	22	26
Tyrone County Hospital	16	24	24
Ulster Hospital	0	14	30

(a) One inpatient renal dialysis bed in Altnagelvin Hospital is only available 3 days per week.

Figures quoted include the number of inpatient renal dialysis beds and the number of haemodialysis stations.

Community Care Rapid Response Team

Mr A Easton asked the Minister of Health, Social Services and Public Safety why the South Eastern Health and Social Care Trust is seeking to disband its Community Care Rapid Response Team.

(AQW 4972/11)

Minister of Health, Social Services and Public Safety: The South Eastern Health and Social Care Trust have assured me that they are not seeking to disband the Community Care Rapid Response Team.

The Trust has been working in partnership with UNISON colleagues to look at creating Specialist Teams within the workforce to improve support for the increasing complexities of the needs of older people requiring domiciliary support within the Trust area. The Rapid Response Team staff will be integral to these new developments and will have a central role to play.

The Trust is involved in initial discussions with staff, and their Trade Union Representatives, regarding their role and how their skills and expertise could be best used to meet the needs of service users.

Day Opportunites Scheme

Mr P Frew asked the Minister of Health, Social Services and Public Safety who is responsible for monitoring the Day Opportunites Scheme and ensuring that it is delivering value for money.

(AQW 4976/11)

Minister of Health, Social Services and Public Safety: Health and Social Care Trusts enter into contracts with providers of day opportunity schemes and each side is bound by the parameters of that contract. Trusts have overall responsibility for ensuring that the Health and Social Care services they provide in their areas are both value for money and appropriately meet the needs of those people accessing those services. In addition, from 30 April 2007 the Regulation Quality and Improvement Authority became responsible for the regulation of all day care settings for adults.

Department's Capital or Current Spend Projects

Mr P Callaghan asked the Minister of Health, Social Services and Public Safety to detail (i) the social clause requirements in his Department's capital or current spend projects, including (a) the creation of apprenticeships; and (b) the employment of long-term unemployed persons; and (ii) any proposals his Department has to expand such opportunities.

(AQW 4980/11)

Minister of Health, Social Services and Public Safety: The social clause requirements for capital construction contracts within the Health and Social Care and Public Safety sectors are as follows:

- (i) -
- (a) The contractor agrees to recruit one apprentice, either directly or through the supply chain, for each £2 million of project value.
- (b) The contractor agrees to secure the creation of employment opportunities for one long term unemployed person, either directly or through the supply chain, for each £5 million of project value.

In addition, the PFI contract for the new South West Hospital at Enniskillen incorporates a Social and Economic Regeneration Plan (SERP). This clearly identifies the deliverables that will create social and economic opportunities throughout the life of the project and as a minimum covers the following:

- Provision of skills training and placement opportunities
- Tackling social exclusion and long term unemployment
- Supply chain opportunities for social enterprise, micro organisation and SME's
- Community engagement
- (ii) The Department will continue to collaborate with DFPNI, Central Procurement Directorate (CPD) in the development of revisions to the social clauses and will implement any future amendments when issued by CPD.

Dental Practices

Mr B McElduff asked the Minister of Health, Social Services and Public Safety, given that from 1 April 2011 dentists will be required to register with the Regulation and Quality Improvement Authority, whether his Department will issue written guidance to dental practices on what needs to be done to comply with RQIA regulations and to help dental practices prepare for registration.

(AQW 5006/11)

Minister of Health, Social Services and Public Safety: My Department will not be issuing written guidance to private dental practices on compliance with regulations and preparation for registration with the RQIA.

RQIA, as the independent regulator, has responsibility for ensuring compliance with the regulations. RQIA has already issued comprehensive guidance to every dental practice in Northern Ireland, to be followed by a registration application pack before 1st April 2011.

Dentistry Budget

Mr B McElduff asked the Minister of Health, Social Services and Public Safety whether there will be cuts to the dentistry budget over the 2011-15 budgetary period; and if so, where these cuts will be made.

(AQW 5007/11)

Minister of Health, Social Services and Public Safety: The Department of Health, Social Services and Public Safety budget for 2011-15 has not yet been agreed. Therefore it is not possible at this point to speculate on whether there will be cuts to the dentistry budget.

Northern Ireland Music Therapy Trust: Funding

Mr P Ramsey asked the Minister of Health, Social Services and Public Safety (i) whether he intends to ring fence funding for the Northern Ireland Music Therapy Trust; and (ii) if can give an assurance that his Department will provide financial assistance for other vital sensory services.

(AQW 5242/11)

Minister of Health, Social Services and Public Safety: I recognise the valuable and important role that The Northern Ireland Music Therapy Trust plays in supporting the wellbeing of people with physical and sensory disabilities. Sensory services provide vital support to many people across Northern Ireland and will remain a priority area for my Department going forward. However, the final budget settlement provided to my Department is not adequate to meet pressures across health, social care and public safety. Indeed, the Draft Budget represented a shortfall of more than £800m against need, yet the final settlement only provides me with an additional £120m across the four year Budget plan.

I will explore all options available to me to ensure that funding is maximised to meet the needs of as many patients, clients and service users as possible. However, difficult decisions will need to be taken in order to deliver on the overall objectives for health, social care and public safety. In this context, I cannot provide assurances on specific services at this time. I now need to agree budget allocations across all HSC bodies/services to enable them to develop spending proposals in line with their Budget for my approval.

Podiatry Care

Mr C Lyttle asked the Minister of Health, Social Services and Public Safety to detail the criteria used to determine whether a patient with sight loss is referred for routine podiatry care, free of charge.

(AQW 5243/11)

Minister of Health, Social Services and Public Safety: There is no specific access criterion which specifies that a person with sight loss should be referred for routine podiatry care. Referral to Podiatry is made on the basis that there is an underlying foot pathology, which would benefit from Podiatric assessment, advice and possible intervention. There is no cost to the patient for podiatry treatment.

Funding for Barnardo's Safe Choices Service

Miss M McIlveen asked the Minister of Health, Social Services and Public Safety (i) to detail the level of funding that has been allocated in the current financial year for vulnerable looked after children who go missing whilst in care; and (ii) whether funding will continue for Barnardo's Safe Choices Service after 31 March 2011.

(AQW 5249/11)

Minister of Health, Social Services and Public Safety:

- (i) Barnardo's was awarded funding by my Department for a period of three years from 1 April 2008 – 31 March 2011 for their 'Missing from Care' project. £86,315 has been allocated for 2010/2011 the final year of the project.

The specific detail of funding allocated to services for vulnerable looked after children who go missing is not held centrally by the Department but we have allocated over £13m in the current CSR period to cover family and children's services.

- (ii) The Health and Social Care Board is currently assessing its potential to meet this funding requirement.

Northern Ireland Music Therapy Trust: Funding

Mr A Easton asked the Minister of Health, Social Services and Public Safety to detail any plans he has to protect the funding for the Northern Ireland Music Therapy Trust.

(AQW 5252/11)

Minister of Health, Social Services and Public Safety: I recognise the valuable and important role that The Northern Ireland Music Therapy Trust plays in supporting the wellbeing of people with physical and sensory disabilities. However, the final budget settlement provided to my Department is not adequate to meet pressures across health, social care and public safety. Indeed, the Draft Budget represented a shortfall of more than £800m against need, yet the final settlement only provides me with an additional £120m across the four year Budget plan.

I will explore all options available to me to ensure that funding is maximised to meet the needs of as many patients, clients and service users as possible. However, difficult decisions will need to be taken in order to deliver on the overall objectives for health, social care and public safety. In this context, I cannot provide assurances on specific services at this time. I now need to agree budget allocations across all HSC bodies/services to enable them to develop spending proposals in line with their Budget for my approval.

Department of Justice

Senior and Junior Counsels Representing Clients

Mr T Clarke asked the Minister of Justice, for each of the last three years, to detail (i) the percentage of cases at (a) Crown Court; and (b) non-criminal courts which had senior and junior counsels representing clients; (ii) the annual cost for this counsel; (iii) if there are any plans to change the criteria used to determine whether to assign two counsel with legal aid.

(AQW 4956/11)

Minister of Justice (Mr D Ford): The Northern Ireland Courts and Tribunals Service (NICTS) does not maintain a record of legal representation by junior counsel and senior counsel in the form requested and therefore the case figures cannot be broken down in that way. A recent exercise has shown that two counsel were instructed in around 51% of Crown Court cases involving indictable offences during the period between 1 August 2010 and 31 January 2011. The Legal Services Commission (the Commission) holds information on the payments made to legal practitioners and the figures produced below set out the cost of junior and senior counsel for each of the three financial years requested.

The cost information set out in the table below is based on bills paid to counsel in Crown Court cases. Payments made to practitioners can be made at different times so the figures will not fully reconcile. The number of payments will exceed the number of cases due to the fact that a case may have multiple defendants and occasionally more than one defence team, for example where a defendant changes defence team during the trial. The percentage figures in the table below are derived by comparing the number of two counsel payments against the total number of payments made.

	2007/2008	2008/2009	2009/2010	Total
Total paid to lead counsel	£8,296,811	£6,239,716	£12,915,673	£27,452,200
Total paid to led counsel	£3,081,476	£4,498,654	£9,429,491	£17,009,621
Total paid to counsel	£11,378,287	£10,738,370	£22,345,161	£44,461,821
No. lead senior counsel payments crown court	870	913	805	2588
No. led junior counsel payments Crown Court	985	990	873	2758
Total Two Counsel payments Crown Court	1765	1903	1678	5346

	2007/2008	2008/2009	2009/2010	Total
Total payments to Counsel overall	2953	2959	2706	8618
% of cases involving payments to two Counsel	60%	64%	62%	

I intend to introduce new criteria to determine when two counsel can be instructed in criminal cases in the Crown Court.

It is not possible to provide a similar breakdown in respect of the non-criminal courts. In civil cases solicitors submit bills which include disbursements which include fees for counsel. The Commission does not report on payments made to counsel in these types of cases. However, it is the Commission's intention to introduce changes to the criteria to be applied when considering the grant of senior counsel in civil cases.

Department's Capital or Current Spend Projects

Mr P Callaghan asked the Minister of Justice to detail (i) the social clause requirements in his Department's capital or current spend projects, including (a) the creation of apprenticeships; and (b) the employment of long-term unemployed persons; and (ii) any proposals his Department has to expand such opportunities.

(AQW 4984/11)

Minister of Justice: The Programme for Government (PfG) includes an objective (PSA11.4) to support the wider public sector in taking account of sustainable development principles when procuring works, supplies and services. Through the infrastructure procurement process the Executive will seek to promote social inclusion and equality of opportunity.

To assist Departments fulfil their requirements under the PfG, in May 2008 Central Procurement Directorate (CPD) published guidance on 'Equality of Opportunity and Sustainable Development in Public Procurement'.

A Construction Sustainability Task Group, acting under the auspices of the Construction Industry Forum for Northern Ireland (CIFNI), developed proposals to promote the economic, social and environmental elements of sustainable development.

The Task Group's 'Proposals for Promoting Equality and Sustainable Development by Sustainable Procurement in Construction' were endorsed by CIFNI on the 17 June 2008 and all Centres of Procurement Expertise (CoPE) with responsibility for construction procurement agreed to incorporate the Proposals into new construction contracts from December 2008.

Current Targets

Specific proposals, under the 'social' pillar of sustainability aim to encourage the economically inactive back into the work place and encourage training and skills development to build a sustainable construction industry. These proposals include a requirement that the main contractor recruits:

- one long-term unemployed person, either directly or through the supply chain, for each £5m of project value.
- one apprentice, either directly or through the supply chain, for each £2m of project value.

Contracting authorities have flexibility in setting their targets and therefore the discretion, depending upon the scope and nature of the project, to adjust the targets to reflect particular social or economic circumstances in relation to a specific project.

Revision of Targets

- The current targets are a baseline position and a reflection of the relatively buoyant state of the construction market at the time of their development. A CIFNI Task Group has been commissioned to identify key areas where further detailed work is required to refine the current measures in light of experience to date and the changing economic environment.
- Refined proposals currently being considered include:

Unemployed

- For every £0.5m of labour value the contractor would provide 26 person weeks of employment opportunities through DEL Steps to Work or equivalent.

Apprentices

- 5% of the contracting team's workforce is employed on formally recognised paid apprenticeships. (The contracting team consists of the contractor and first tier subcontractors.)

Student Work Placements (a new requirement)

- The Contractor would provide employment opportunities for student(s) on a University or Further Education College construction related course (40 person weeks minimum placement).
- One student placement to be included in contracts with a labour value of £2m to £5m; and two student placements for contracts with a labour value greater than £5m.

CPD is working with DEL to consider how the revised proposals integrate with wider Government programmes for employment and training. It is anticipated that once the revised targets have been agreed they will be piloted in construction contracts early in the new financial year.

The provision of supplies and services tends to be on the basis of relatively short term, lower value contracts. This limits the opportunities to integrate social clauses. However, CPD is working with the CoPEs in order to pilot the integration of social clauses in supplies and services contracts.

The Department of Justice (DOJ) was established on 12 April 2010. The Core Department does not currently include specific social clauses in capital or current spending projects. However, the Department recognises the benefits this could bring and will consider introducing such clauses in future contracts.

It is the Department's intention to use social clauses such as apprentices and long term unemployed in the capital contract for the Joint Services Training College at Desertcreat. The details will be developed as part of the procurement preparation stage.

The Northern Ireland Prison Service, an executive Agency of the DOJ, has utilised the following social clauses within two current contracts:

- Learning and Skills
- 120/20 Accommodation Blocks

The current clauses are applicable to every £2 million of expenditure on a given contract and will continue to be included on contracts of appropriate value.

Investigation into the Killing of Six Men at O'Toole's Bar in Loughinisland

Ms M Ritchie asked the Minister of Justice (i) what discussions he has had with the police ombudsman regarding the investigation into the killing of six men at O'Toole's Bar in Loughinisland on 18 June 1994; (ii) to outline the nature of such discussions; and (iii) whether the discussions covered the findings of the investigation.

(AQW 5041/11)

Minister of Justice: I have not held any discussions with the Police Ombudsman regarding the investigation into the killing of six men at O'Toole's Bar in Loughinisland on 18 June 1994.

Decentralisation of Public Sector Jobs

Mr P Callaghan asked the Minister of Justice for an update on the implementation of the plan to decentralise public sector jobs within his Department, and its agencies, since the publication of the Bain Report.

(AQW 5090/11)

Minister of Justice: The Department of Justice was established on 12 April 2010 and was not therefore in existence when the Bain Review was completed. Approximately 40% of DOJ jobs are currently located outside of Stormont/Central Belfast. The Department has no plans to decentralise other jobs. Any such decision would be subject to the normal requirements of business need, value for money and affordability.

Decentralisation of Public Sector Jobs

Mrs M Bradley asked the Minister of Justice, for each of the last three years, to detail the number of public sector jobs within his Department and its agencies that have been (i) decentralised from Belfast to another location, broken down by the new location; and (ii) relocated to Belfast from another location, broken down by the original location.

(AQW 5096/11)

Minister of Justice: The Department of Justice was established on 12 April 2010. The Department has not relocated any jobs since being set up.

Case Number 10/80754 and 11/16273

Lord Morrow asked the Minister of Justice to detail (i) the errors involved in Lisburn Magistrates Court case number 10/80754 which led to the case being dropped; and (ii) the cost accrued in taking case number (a) 10/80754; and (b) 11/16273 to Magistrates Court to date.

(AQW 5142/11)

Minister of Justice:

- (i) The issues associated with this case are a matter for the Public Prosecution Service (PPS). I have therefore forwarded your question and my reply to the PPS, who will respond to that element of your question directly.
- (ii)(a) Some of the costs associated with case number 10/80754 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 however identifiable, for example, the fees paid to prosecuting counsel which are included in the table below.

The table below sets out the estimated costs associated with magistrates' court case number 10/80754.

ESTIMATED COSTS ASSOCIATED WITH CASE NUMBER 10/80754

Cost Type	Estimated Cost
PSNI Prosecution	£1037
PPS Prosecution	£150
Probation Board for Northern Ireland	£208
Defence (Legal Aid Costs)	£810

Cost Type	Estimated Cost
Court (Judiciary and Staff Costs)	£233
Facilities (e.g. Courtroom Accommodation)	£90
Total	£2528

- (ii)(b) Proceedings on case number 11/16273 have so far consisted of a preliminary hearing, which was on the same day as the original proceedings were deemed null and void. It is therefore not possible to estimate any additional costs associated with the new proceedings at this stage.

Legal costs of the Colin Howell Case and the Hazel Stewart Case

Mr J Dallat asked the Minister of Justice to provide a breakdown of the legal costs of the (i) Colin Howell case; and (ii) Hazel Stewart case.

(AQW 5163/11)

Minister of Justice: Colin Howell was granted criminal legal aid for legal representation in the Magistrates' Court and in the Crown Court. To date, the bills received and paid for legal representation in the Magistrates' Court amount to £32,050.35 (excluding VAT of £4,507.30). All bills from counsel have not yet been submitted and therefore the final total cost will be greater.

The Legal Services Commission has not received any bills for assessment of Colin Howell's trial in the Crown Court. However, a provisional estimate indicates that the cost is unlikely to be less than £24,000 (including VAT).

Hazel Stewart was granted criminal legal aid for legal representation in the Magistrates' Court and in the Crown Court. The bills for legal representation in the Magistrates' Court have been assessed and paid and the total costs were £13,135.10 (excluding VAT of £2,298.64).

The Commission has not received any bills for assessment for the Crown Court trial. A provisional estimate suggests that the cost is unlikely to be less than £62,000 (including VAT).

Operation Mazurka

Lord Morrow asked the Minister of Justice, pursuant to AQW 4332/11, to detail how many people have been convicted as a result of Operation Mazurka. as the Chief Constable has advised that the information requested is held by the Court Service.

(AQW 5172/11)

Minister of Justice: Further to the answer provided in AQW 4332/11, the information requested is not available. Court conviction data held by the Department does not contain background information in relation to offences committed, and it is therefore not possible to give the number of those convicted as a result of a specific operation.

Victims of Crime: Support

Mr A Maskey asked the Minister of Justice whether he can give an assurance that his Department will continue to liaise with his counterparts in the Irish Government with a view to maximising the provision of support for victims of crime.

(AQW 5198/11)

Minister of Justice: In my first week in office as Justice Minister, I discussed improving support to victims of crime with my (then) Irish counterpart, Dermot Ahern. This has continued to be a central theme in the regular meetings that take place, at both ministerial and official level, under the auspices of the Inter-Governmental Agreement on north/south co-operation on criminal justice matters.

In addition, a Support for Victims of Crime Advisory Group, which brings together officials from the criminal justice organisations north and south, meets at least twice a year to exchange best practice and to strengthen the connections between support services in both jurisdictions. Informal exchanges also take place frequently.

I am very happy, therefore, to give an assurance that my Department will continue to liaise with counterparts in the Irish Government to maximise the provision of support to victims of crime. I recently met Alan Shatter TD and look forward to working with him in his Ministerial role.

Relocating the Compensation Agency to Antrim

Mr P Weir asked the Minister of Justice to outline the rationale for relocating the Compensation Agency to Antrim; and when will the Agency be relocated.

(AQW 5223/11)

Minister of Justice: The lease on the Compensation Agency's existing accommodation at Royston House will expire on 31 December 2011. The Agency is currently reviewing its accommodation requirements. No decision has been made on relocation at this time.

Victims of Crime

Mr A Maskey asked the Minister of Justice whether he can give an assurance that his Department will liaise with all the relevant agencies within the criminal justice system to seek a review of all the current provisions which support victims of crime.

(AQW 5236/11)

Minister of Justice: I am very happy to give an assurance that my Department will continue to liaise with all the relevant agencies within the criminal justice system to review the current provisions which support the victims of crime.

The Criminal Justice Delivery Group, which I chair, has recently commissioned work on a new strategy for victims and witnesses of crime. This work is being led by the Criminal Justice Board, whose membership includes senior level representatives of the justice agencies. It will encompass a critical review of the support already available and how this can be improved upon for the future. It will also take account of recommendations arising from a thematic inspection by Criminal Justice Inspection Northern Ireland of the care of victims and witnesses in the criminal justice system, the report of which is expected in the near future.

My Department will also engage with victims' representatives in the development of the new strategy to ensure it covers those issues which are of most importance to victims and witnesses.

Police Clearance Through Access NI

Ms M Ritchie asked the Minister of Justice to detail (i) the current waiting time for police clearance through Access NI; and (ii) whether he has any plans to review the process, given the current economic climate and that unemployed people cannot start jobs until they have received police clearance.

(AQW 5239/11)

Minister of Justice: The current average time to deliver an AccessNI certificate, that is from the time an application is received by AccessNI to the time it is returned is as set out in the table below.

Type of disclosure	No of days
Basic	8
Standard	8
Enhanced	11

This information is made available on the AccessNI web-site each week, at www.accessni@ani.x.gsi.gov.uk.

I have no plans to review AccessNI's performance, which I regard as very good, and at least as good as that of other UK disclosure bodies. On 10 March, however, I announced a review of the criminal record regime in Northern Ireland to be undertaken by Sunita Mason, the UK Government's Independent Advisor on Criminality Information Management. Part of this review will examine the processes in AccessNI with a view to seeing if these can be made simpler and more efficient. This review follows a similar review carried out by Mrs Mason in England and Wales. Mrs Mason is due to report on 30 June 2011.

Colin Howell: Legal Aid

Mr P Givan asked the Minister of Justice whether Colin Howell received legal aid to defend the criminal case against him; and if so, what was the total cost of the legal aid bill.

(AQW 5285/11)

Minister of Justice: Colin Howell was granted criminal legal aid for legal representation in the Magistrates' Court and in the Crown Court. To date, the bills received and paid for legal representation in the magistrates' court amount to £32,050.35 (excluding VAT of £4,507.30). All bills from counsel have not yet been submitted and therefore the total costs will be greater.

The Legal Services Commission has not received any bills for assessment for Colin Howell's trial in the Crown Court. However, a provisional estimate indicates that the cost is unlikely to be less than £24,000 (including VAT).

Department for Regional Development

Suicide Prevention

Ms S Ramsey asked the Minister for Regional Development to outline where suicide prevention sits within his Department's Programme for Government.

(AQW 4886/11)

Minister for Regional Development (Mr C Murphy): I can advise that the Department of Health, Social Services and Public Safety (DHSSPS) has primary responsibility for Suicide Prevention and I am aware that Minister McGimpsey has initiated the "Protect Life" Suicide Prevention Strategy.

I can also advise that my Department's Roads Service has been liaising with DHSSPS regarding possible safety measures for prevention of suicides on the Foyle Bridge in Derry since October 2009, and remains committed to assisting in delivering the aims of the Protect Life Strategy.

Fraudulent Blue Badges

Lord Morrow asked the Minister for Regional Development to detail the number of fraudulent Blue Badges that have been seized in each constituency in each of the last three years.

(AQW 4889/11)

Minister for Regional Development: My Department's Roads Service has advised that all applications for Blue Badges are subject to a stringent assessment against a number of set criteria. All applications are accompanied by two signed photographs, one of which is attached to the badge, which is then laminated. Each badge is numbered and also contains a hologram to make it easier to distinguish between genuine and possible counterfeit badges.

Traffic Attendants, who are employed under Roads Service's parking enforcement contract with NSL Services Group, can request to inspect a Blue Badge, and can issue a Penalty Charge Notice (PCN) for a parking contravention if the badge being used is considered to be invalid or fraudulent. Only the PSNI has the power to seize or confiscate counterfeit badges and I am advised that Roads Service has not been notified of any seizures of fraudulent Blue Badges during the last three years.

I am further advised that invalid blue badges have, on occasions, been surrendered to Traffic Attendants during enforcement operations. This can be for a number of reasons, for example, the user indicated they were unaware that the badge was out of date, or, it was a badge previously reported as lost (for which a replacement was issued) but was subsequently found. During the last three years, very few counterfeit/fraudulent badges have been voluntarily surrendered to Roads Service. The most likely explanation for this is that drivers who are using such badges will not normally return to the vehicle when an attendant is in the vicinity.

New Sewerage Pipe for Millisle

Mr P Weir asked the Minister for Regional Development, given the problems around Millisle Presbyterian Church, what plans there are for a new sewerage pipe for Millisle.
(AQW 4899/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that it is planning a capital investment of £2.2 million to upgrade the sewerage system in Millisle to meet EU Bathing Water standards and to reduce the risk of flooding to properties in the area. The first phase of construction is planned to commence in the Moss Road area of Millisle this Spring.

The work at Millisle Presbyterian Church will entail new gravity sewers, a new pumping station and a 300 metre long sea outfall to be laid under the beach. NIW is currently in consultation with the Church regarding this proposal and will be seeking planning permission in due course. Construction work is scheduled to commence in early 2012, subject to the availability of funding and the satisfactory completion of all statutory processes.

Dungiven Bypass

Mr G Robinson asked the Minister for Regional Development (i) to detail the criteria used to postpone the Dungiven Bypass; (ii) the specific reason for this postponement; and (iii) for his assessment of the impact that the postponement will have on the residents of Dungiven.
(AQW 4920/11)

Minister for Regional Development: My Department's Roads Service has advised that development work on the A6 Derry to Dungiven dualling scheme will continue during the draft budget period 2011–2015. It is anticipated that draft Statutory Orders will be published later this year, for public consultation. It is also expected that the consultation process will indicate the need for a public inquiry, which is likely to take place in late 2011/early 2012.

I am pleased to inform you that an additional £107 million has been allocated to my Department over this budget period. This additional funding will allow for the start of road improvements on the A6 and I believe the Dungiven Bypass will be given priority.

A6 Road Improvement Project

Mr J Dallat asked the Minister for Regional Development to detail how much funding has been allocated in the next four financial years for the A6 road improvement project; and the expected start date of the project.
(AQW 4945/11)

Minister for Regional Development: For the purposes of reply, I have assumed that the Member is referring to the A6 Derry to Dungiven dualling scheme.

My Department's Roads Service has advised that development work on this scheme will continue during the budget period 2011–2015. It is anticipated that draft Statutory Orders will be published later this year for public consultation and it is expected that the consultation process will indicate the need for a public inquiry, which is likely to take place in late 2011/early 2012.

The estimated cost of the scheme is within the range £350–£390 million and I am pleased to advise that an additional £107 million has been allocated to my Department over the budget period. This

additional funding will allow for the start of road improvements on the A6, with the Dungiven Bypass expected to be given priority.

Blue Badge: Entitlement Criteria

Lord Morrow asked the Minister for Regional Development to detail any changes that have been made to the entitlement criteria for a blue badge, since its introduction; and when these changes were introduced.

(AQW 4965/11)

Minister for Regional Development: I can advise that, since its introduction, the only changes to the entitlement criteria to the current Blue Badge scheme, administered under the Disabled Persons (Badges for Motor Vehicles) Regulations (NI) 1993, were made to the descriptions of persons to whom a Blue Badge may be issued. These changes were made under the Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations (Northern Ireland) 2008 and came into operation on 1 April 2009, providing for Blue Badges to be issued in respect of:

- persons that drive a vehicle regularly, have a severe disability in both arms and unable to operate, or has considerable difficulty operating, all or some types of parking meter; and
- children under the age of two, if they have a disability due to a medical condition and need to travel with bulky equipment, or to be close to a vehicle for emergency medical treatment.

Blue Badges issued in respect of children under the age of two, as outlined above, expire on the day after the child's 2nd birthday. However, an application can then be made on behalf of the child under the normal criteria.

The amended Regulations also provide for badges to be issued for periods of less than three years to persons in receipt of specified allowances, and in respect of children under the age of two.

The full details of these amendments can be viewed at www.legislation.gov.uk/search.

Blue Badge: Renewal

Lord Morrow asked the Minister for Regional Development how many people who held a blue badge were refused a renewal in each of the last four years.

(AQW 4966/11)

Minister for Regional Development: My Department's Roads Service has advised that the number of Blue Badge Renewals refused in the last four years is as detailed in the table below:

Year	Number of Renewals Refused
2007	106
2008	165
2009	160
2010	150

Consultation Documents

Mr P J Bradley asked the Minister for Regional Development to list the number and titles of all consultation documents issued by his Department since May 2007.

(AQW 4996/11)

Minister for Regional Development: The Core of my Department has issued the consultation documents in the table below since May 2007.

Year (From 2007- To Date)	Number	Title Of Consultation Document
2007	2	Proposal for a Donaghadee (Harbour Area) Order (Northern Ireland) 2008
		Equality Consultation on Budget 2007-2010, ISNI & Programme for Government
2008	5	Proposals for a Roads (Miscellaneous Provisions) Bill
		Rapid Transit Strategic Outline case
		Draft Equality Impact Assessment (EQIA) 60+ Free Travel
		Proposed Water Supply (Water Fittings) Regulations (Northern Ireland) 2009
		Proposed Water Supply (Water Quality) (Amendment) Regulations (Northern Ireland) 2009
2009	11	Notice of Fares Increase on Rathlin Ferry
		Guidance on the Preparation of Port Master Plans
		Social and Environmental Guidance for Water and Sewerage Services
		Draft Accessible Transport Strategy Action Plan 2009-2012
		Proposal for a River Bann Navigation Order (Northern Ireland) 2010
		Draft Rathlin Island Policy
		Proposal for a Donaghadee Harbour Order (Northern Ireland) 2010
		Proposed Airports (Sale of Aircraft) Regulations (Northern Ireland) 2010
		Regional Transportation Strategy (RTS) Discussion document
		Belfast Rapid Transit Consultation
		Public Transport Reform Consultation
2010	9	Notice of Fares Increase on Rathlin Ferry
		Proposals for a Roads (Functions of District Councils) Bill
		Disability Action Plan 2010-2013
		Public Transport Reform Final Report and EQIA on Public Consultation
		Proposal for a Belfast International Airport (Control Over Land) Order (Northern Ireland)
		Proposal for a City of Derry Airport (Control Over Land) Order (Northern Ireland)
		Proposal for the Coleraine (Transfer of Harbour Undertaking) Order (Northern Ireland)
		Review of Financial Assistance for Domestic Properties not Served by a Water Main
		Draft EQIA Smartpass Return Journeys

Year (From 2007- To Date)	Number	Title Of Consultation Document
2011 to date	7	Consultation on the Review of the Regional Development Strategy 2025 (Shaping our Future) along with associated Assessments
		Equality Scheme, Audit of Inequalities and Action Plan 2011-2016
		Draft Budget 2011-15: Spending and Saving Proposals within Department for Regional Development
		Draft Budget 2011-15: Equality Impact Assessment Consultation
		Notice of Fares Increase on Rathlin Ferry
		Consultation on Spatial Strategies on the Island of Ireland – Framework for Collaboration
		Draft RTS and associated Assessments.

NI Water: Supply Infrastructure

Mr P McGlone asked the Minister for Regional Development (i) what evaluation NI Water has carried out on the supply infrastructure in the following areas (a) Ballinderry; (b) Ardboe; (c) Coagh; (d) Stewartstown; (e) Moneymore; (f) Cookstown (town); (g) Sandholes (Cookstown); (h) Pomeroy (Cookstown); (i) Coalisland; and (j) Brockagh (Dungannon); and (ii) if any measures are to be introduced to prevent the recurrence of loss of supply in these areas.

(AQW 5008/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that work to evaluate the water supply infrastructure in all of the areas that you have mentioned, has been undertaken since 2003 as part of the completion of a number of water distribution Zonal Studies.

The Zonal Studies were undertaken to assess the adequacy of the distribution systems in the areas and to identify the parts of the system that needed to be upgraded. As a result of these water distribution Zonal Studies, NIW identified a number of water mains in these areas which needed to be upgraded or replaced at a total cost of nearly £20 million. Work totalling £12 million has already been completed and the remaining is programmed to be undertaken during the current financial year. NIW is also taking in to account the performance of its water distribution systems following the recent freeze/thaw event and will take this in to account in the planning of future mains replacement work.

In addition, NIW is currently undertaking a comprehensive review of the water available from all its sources in accordance with water industry best practice. This draft Water Resource Management Plan has recently been out to consultation and NIW is taking account of the responses before preparing the final Plan. The aim of this review is to ensure that there is sufficient water to meet demand and ensure continuity of water supply for customers across all areas of Northern Ireland until 2035.

I note that the recently published report by the Northern Ireland Authority for Utility Regulation in to the recent freeze/thaw incident identified the following key findings relating to the water infrastructure network:

Around 80% of the additional water demand caused by the freeze thaw leaked from domestic and business water pipes. The remainder was lost from NI Water's network.

There is no need for an immediate change in the mains infrastructure investment levels.

Railway Line: Knockmore, Lisburn, Lurgan

Mr S Gardiner asked the Minister for Regional Development to outline the process used which determined that there should be no investment in his proposed budget for the railway line between Knockmore, Lisburn and Lurgan.

(AQW 5034/11)

Minister for Regional Development: In determining how to allocate the reduced capital budget available over the next four years, the first stage was to take account of all projects to which the Department was already contractually committed.

The other main factors that were utilised were the readiness to proceed of different projects, and their criticality, in terms of, for example, the physical state of different sections of track and the need for urgent remedial work.

The project to upgrade the railway line between Knockmore and Lurgan has been put on hold owing to the constraints on capital budgets and advice from Translink about the condition of this track relative to other parts of the network. Under the budget proposals, the project will not commence during this budget period. It is hoped to take the project forward when the necessary funding has been secured.

Belfast – Dublin Enterprise

Mr S Gardiner asked the Minister for Regional Development (i) how many speed restrictions operate on the Enterprise Express train route from Belfast to Dublin; (ii) where those restrictions operate on the line; and (iii) the total distance covered in each of those restricted speed zones.

(AQW 5035/11)

Minister for Regional Development: Translink advise that over the full route (113 rail miles) which has a maximum line speed of 90mph between Belfast Central and Dublin Connolly, there are a total of 32 permanent speed restrictions ranging from 15mph – 85mph and covering a distance of some 44 miles.

These permanent speed restrictions are due to either track geometry, topography or long-term structural condition of track, bridges and formation.

The full list of permanent speed restrictions is as follows:

Location	Mileposts	Speed (mph)
Belfast Central – City Hospital	113.25 – 112.25	40
City Hospital – City Junction	112.25 – 112.00	25
City Junction - Central Junction	112.00 – 111.25	25
Derriaghy – Hilden	106.75 – 106.00	80
Hilden – Knockmore	106.00 – 104.75	70
Knockmore- Trummery (UP & DOWN)	104.75 – 99.00	60
Trummery – Moira (UP&DOWN)	99.00 – 98.00	70
Lurgan (UP)	93.75 – 92.50	70
Lurgan – Portadown (UP)	88.75 – 87.75	80
Portadown Station	87.75 – 87.25	60
Portadown Station & Approach	87.25 – 86.75	40
Portadown – Scarva	86.75 – 85.50	70

Location	Mileposts	Speed (mph)
Portadown – Tandragee	85.50 – 85.25	60
Portadown – Scarva	85.25 – 84.75	70
Portadown – Scarva	84.75 – 79.75	85
Scarva - Poyntzpass	79.75 – 77.00	70
Poyntzpass Curves	77.00 – 76.50	45
Poyntzpass – Newry	76.50 – 70.75	70
Knockarney – Newry	70.75 – 70.25	60
Newry– Meigh	70.25 – 65.75	75
Newry – Meigh	65.75 – 64.75	60
Adavoyle – Border	62.00 – 61.75	70
Border – Dundalk	59.5 – 59.25	85
Approaching Boyne Viaduct	33.25 – 32.75	70
Approaching Boyne Viaduct	32.75 – 32.25	50
Across the Boyne Viaduct and through Drogheda Station	32.25 – 31.875	30
Drogheda	31.875 – 31.50	25
Through Malahide	9.25 – 8.75	50
Approaching Howth Junction - Connolly	5.25 – 1.50	70
Howth Junction - Connolly	1.50 – 1.00	45
Howth Junction - Connolly	1.00 – 0.75	30
Howth Junction – Connolly	0.75 – 0.00	20

Of the above, four could have their speeds increased through heavy maintenance or renewal. These locations are as follows:

CENTRAL STATION – DUBLIN:

Location	Line	Speed (mph)	Potential Speed	Total Distance	Reason
Knockmore - Trummery	Up & Down	60	90	5.75	Poor Ballast Condition
Trummery - Moira	Up & Down	70	90	1.00	Poor Ballast Condition
Terryhoogan Bog	Up & Down	60	70	0.25	Embankment formation
Adavoyle Bog	Up & Down	70	85	0.25	Embankment formation

The other 28 locations are classified as permanent speed restrictions which have no readily available maintenance solution. For example those around Belfast Central, City Hospital, City Junction, and Central Junction are due to track curvature and points/crossings on the tracks. These speeds cannot be easily increased except through major redesign and reconstruction.

Finally there are an additional 8 temporary speed restrictions at various locations, for reasons outlined in the table below, which are likely to be addressed in the short to medium term, depending on progress with ongoing projects, access and/or funding.

CENTRAL STATION – DUBLIN

Location	Line	Speed (mph)	Total distance	Reason
Balmoral	Up	20	0.50	Platform Extension Works
Lisburn	Up	20	0.25	Bridge Works
Lake Street, Lurgan	Up & Down	50	0.25	Crossing Condition
Dundalk Station	Down	70	0.125	Track Condition
Laytown	Up & Down	10	0.125	Track Condition
Rush & Lusk	Up	50	0.25	Track Condition
Clongriffin	Up	25	0.25	Track Condition
Howth Junction	Down	25	0.375	Track Condition

Rail Line Between Lisburn and Lurgan

Mr S Gardiner asked the Minister for Regional Development to detail the number of rail passengers who used the rail line between Lisburn and Lurgan in the last available year, broken down by station of entry. **(AQW 5036/11)**

Minister for Regional Development: Translink advise that the attached figures for the financial year 2009/10 have been derived from NIR Wayfarer ticket data.

	Alighting at Lisburn	Alighting at Moira	Alighting at Lurgan
Boarding at Lisburn	N/A	8,149	42,077
Boarding at Moira	6,570	N/A	1,275
Boarding at Lurgan	41,353	1,290	N/A

The figures above represent passenger journeys and excludes group contracts and pupil tickets.

Belfast Harbour Commissioners

Ms M Ritchie asked the Minister for Regional Development what discussions have taken place with the Attorney General regarding the legislative changes which would be required to enable Belfast Harbour Commissioners to provide financial resources to the Executive.

(AQW 5039/11)

Minister for Regional Development: It is the convention that Ministers do not confirm whether or not the advice of the Attorney General has been sought.

Trust Port Legislation

Ms M Ritchie asked the Minister for Regional Development what progress has been made in bringing forward Trust port legislation.

(AQW 5040/11)

Minister for Regional Development: I refer the Member to my earlier answer to AQW 4642/11 tabled by Miss Michelle McIlveen and answered on 4 March 2011.

NI Water Infrastructure Extension Modifications

Mr B McCrea asked the Minister for Regional Development how many NI Water infrastructure extension modifications, to meet the need for anticipated developments, have been completed in each of the last three years.

(AQW 5050/11)

Minister for Regional Development: I have been advised by Northern Ireland Water that the number of infrastructure extensions or upgrades undertaken for proposed developments during the past three years, is as set out in the table below.

Year	Number Of Extensions/Upgrades
2008/09	84
2009/10	62
2010/11	43
Total	189

Ulsterbus Services

Mr D Kinahan asked the Minister for Regional Development (i) why cross route through tickets are not available on Ulsterbus services; and (ii) whether Translink has any plans to introduce such ticketing flexibility.

(AQW 5052/11)

Minister for Regional Development: Translink has advised me that cross- route through tickets are already available on many key Ulsterbus services where it is aware that there is a demand for a through ticket to stages on another route. Also additional fare stages can be added to existing Ulsterbus routes in response to customer demand.

However Translink advises me that because of the large number of fare stages for Ulsterbus - approximately 6, 000 – and the combinations that would be generated, it would be impractical to add every single fare stage as a cross-route transfer on every route.

Decentralisation of Public Sector Jobs

Mrs M Bradley asked the Minister for Regional Development, for each of the last three years, to detail the number of public sector jobs within his Department and its agencies that have been (i) decentralised from Belfast to another location, broken down by the new location; and (ii) relocated to Belfast from another location, broken down by the original location.

(AQW 5093/11)

Minister for Regional Development: During the years 2008/09, 2009/10 and 2010/11 (to date), no jobs within DRD have been decentralised from Belfast to other locations or relocated to Belfast.

Footpath Between Ballymena and Cullybackey

Mr D O'Loan asked the Minister for Regional Development, in relation to the incomplete footpath between Ballymena and Cullybackey, to detail (i) the length to be completed; (ii) the length which already has an adequate verge on which to place a footpath; (iii) whether any necessary land has been acquired; (iv) whether there are any significant engineering problems on the outstanding section; and (v) the current plans for completion of the project.

(AQW 5114/11)

Minister for Regional Development: My Department's Roads Service has advised that, in relation to the footpath between Ballymena and Cullybackey:

- (i) the length of footway to be completed is approximately 770m;
- (ii) the length that already has an adequate verge on which to place a footway is approximately 50m;
- (iii) negotiations are ongoing to acquire the land required to complete this section of the scheme;
- (iv) there are no significant engineering problems on the outstanding section; and
- (v) the remainder of the scheme is currently programmed to be completed in two stages. Stage 3 is provisionally programmed for 2011/12 financial year while Stage 4 is provisionally programmed for 2012/13 financial year with progression in both instances dependent upon the availability of funding and successful land acquisition.

Footpath Between Cargan and GAC Con Magee Entrance

Mr D O'Loan asked the Minister for Regional Development, in relation to the incomplete footpath between Cargan and the Con Magee GAC entrance, to detail (i) the length to be completed; (ii) the length which already has an adequate verge on which to place a footpath; (iii) whether any necessary land has been acquired; (iv) whether there are any significant engineering problems on the outstanding section; and (v) the current plans for completion of the project.

(AQW 5115/11)

Minister for Regional Development: My Department's Roads Service has advised that, in relation to the footpath between Cargan the Con Magee GAC entrance:

- (i) the length of footway to be completed is approximately 340m;
- (ii) none of this section has an adequate verge on which to place a footway;
- (iii) negotiations are ongoing to acquire the land required to complete this section of the scheme;
- (iv) while the engineering issues may not be significant, work in the vicinity of the bridge at the village side will be challenging; and
- (v) the remainder of the scheme is, at present, provisionally programmed for the 2011/12 financial year, subject to the availability of funding and the successful acquisition of land.

Footpath Between Martinstown Village and the Church of Mary Queen of Peace, Martinstown

Mr D O'Loan asked the Minister for Regional Development, in relation to the proposed footpath between Martinstown village and the Church of Mary Queen of Peace, Martinstown, to detail (i) the length to be completed; (ii) the length which already has an adequate verge on which to place a footpath; (iii) whether any necessary land has been acquired; (iv) whether there are any significant engineering problems on the outstanding section; and (v) the current plans for completion of the project.

(AQW 5116/11)

Minister for Regional Development: My Department's Roads Service has advised that, in relation to the proposed footpath between Martinstown village and the Church of Mary Queen of Peace, Martinstown:-

- (i) the length of footway to be completed is approximately 846m;
- (ii) none of this section has an adequate verge on which to place a footway;
- (iii) proposals for this scheme are at preliminary design stage, therefore, details of the land take required for its completion have not yet been identified;
- (iv) any significant engineering problems will only be identified when the detailed design has been completed; and
- (v) the proposed footway is currently included in a pool with other similarly listed schemes which compete for funding and inclusion in future years' programmes. At present, the earliest envisaged

date for progression of the scheme, which is likely to be completed on a staged basis, is the 2013/14 financial year. However, progress will be subject to the availability of funding and successful acquisition of land.

New CAF 4000 Trains to NI Railway Services

Mr G Robinson asked the Minister for Regional Development to detail the timescale for the introduction of the new CAF 4000 trains to NI Railway services.

(AQW 5174/11)

Minister for Regional Development: Translink have informed me that the first unit was unloaded in Belfast Docks on Monday 14th March 2011. It will be required to go through an extensive range of type tests, static and dynamic, prior to formal authorisation for entry into passenger service around September 2011.

Thereafter units will enter service at the rate of approximately 2 units per month, with the final unit likely to enter service by July 2012.

Replacing Lead Supply Pipes

Mr G Robinson asked the Minister for Regional Development to detail NI Water's policy on replacing a lead supply pipe to a property's copper internal plumbing connection.

(AQW 5176/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that the part of the service pipe from the customer's tap to the property boundary, which is known as the supply pipe, is the responsibility of the customer while responsibility for the part of the pipe from the property boundary to the water main, which is known as the communication pipe, rests with NIW.

Under its current policy NIW will, at the request of a customer, replace a lead communication pipe provided the customer replaces the private supply pipe. If the property is a domestic dwelling (and not undergoing re-development for commercial gain) the cost of excavating the road and replacing the lead communication pipe will be borne by NIW.

A5: Traffic Levels

Mr R Beggs asked the Minister for Regional Development, pursuant to AQW 4588/11, (i) to provide an estimate of the traffic levels on the A5 between (a) Aughnacloy and Ballygawley; (b) Ballygawley and Omagh; (c) Omagh and Strabane; and (d) Strabane and Londonderry; and (ii) to detail how the road design is related to the traffic volume.

(AQW 5188/11)

Minister for Regional Development: My Department's Roads Service has advised that the Annual Average Daily Traffic (AADT) flow in 2007 and an estimate of the AADT for 2015 and 2030, for the various sections of the A5, are as follows:-

	Annual Average Daily Traffic (taken from Environmental Statement for A5 Western Transport Corridor)		
Section of A5	2007	2015* (Estimated)	2030* (Estimated)
Ballygawley – Aughnacloy	6,800	8,900	11,000
A5 Ballygawley to Omagh	12,290	13,200	16,300
A5 Omagh to Strabane	13,850	16,800	21,800
A5 Strabane to Londonderry	12,030	22,200	26,600

* rounded up or down to the nearest 100. The site for the 2015 and 2030 AADT may differ from the site in 2007.

Traffic flow levels and carriageway standards, as contained in the Design Manual for Roads and Bridges, recommend, that at the year of opening, the Annual Average Daily Traffic flow for a two lane dual carriageway should lie between a minimum of 11,000 and a maximum of 39,000 vehicles per day.

With the exception of the Aughnacloy to Ballygawley section, traffic flows on the A5 fall into this category. However, it is recognised that there are safety benefits in providing a consistent standard of road along the entire length of a route.

NI Water: Priority Register

Ms A Lo asked the Minister for Regional Development when water supply is disrupted as a result of maintenance work, whether NI Water can amend its policy in relation to the Priority Register, to include households with a new born baby.

(AQW 5226/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that where planned work is likely to cause an interruption to water supplies, prior notice is provided to customers. However, on occasion, unforeseen problems can arise which can result in an unplanned interruption, and in such circumstances NIW is unable to provide prior warning.

A revised Customer Care Register was launched by NIW during Autumn 2010, aimed at older customers and customers with serious medical conditions. It is intended to provide additional services to those customers who would generally be considered to be vulnerable or impaired. There are no plans to review the policy to include customers with a temporary need for support.

Water Shortage Crisis

Mr R Beggs asked the Minister for Regional Development to detail (i) the estimated amount of water lost (a) from the mains water network; and (b) private properties following the severe winter weather conditions; and (ii) whether the investment programme for renewing the mains network has altered as a result of the water shortage crisis, so that similar disruptions will not occur again.

(AQW 5228/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that (i) from 26 December 2010 to 5 January 2011, the estimated additional average water lost was (a) 33 million litres per day attributable to the mains water network; and (b) 75 million litres per day attributable to private properties.

The recently published review by the NIAUR found that the water mains in the North are relatively new compared with other parts of Britain, performed as well as could be expected, and there was no need for an immediate change in the mains infrastructure investment levels. The replacement of water mains is an ongoing and continuous process. It is carried out in both a planned way targeting water distribution zones for reasons of serviceability (e.g. leakage or low water pressure) or water quality (e.g. rusty water) and in a reactive way to deal with bursts.

NIW will invest about £30 million per annum on the replacement or rehabilitation of its water mains network during the period 2010-13. This equates to approximately 300 kilometres of water mains to be renewed each year out of approximately 26,600 kilometres of operational water mains, or 1.1% per year.

Introduction of Car Parking Charges

Mr T Gallagher asked the Minister for Regional Development to detail the towns in the Fermanagh and South Tyrone area which will be subject to a departmental consultation on the introduction of car parking charges during the 2011-15 period.

(AQW 5237/11)

Minister for Regional Development: I can advise that a commitment has been made within my Department's current Budget 2011-15 Savings Delivery Plans to extend on-street parking charges beyond the three cities where on-street charging is already in place, namely Belfast, Lisburn and Newry.

It is proposed that the extension of on-street charging will apply to all towns and cities covered by the Sub Regional Transport Plan (S RTP) and the Belfast Metropolitan Transport Plan (BMTP).

As a result, on-street parking charges will be extended to all major towns in the North to provide a fair and equitable system that charges a reasonable fee for prime parking locations in all towns. This will also generate a turnover of spaces and therefore allow more vehicles and people to use town centres.

The towns in the Fermanagh and South Tyrone area that are covered by the S RTP include Enniskillen and Dungannon, however, towns not included in the S RTP will also be assessed to gauge the viability of implementing on-street parking charges. A similar assessment will also be carried out for all towns across the North which are not included in the S RTP.

Translink: Larne

Mr R Beggs asked the Minister for Regional Development for an update on plans by Translink, or another provider, to introduce an evening bus service to link the leisure and retail areas at Redlands, Larne, with the local community.

(AQW 5238/11)

Minister for Regional Development: Translink has a licence to provide a service to and from Redlands in Larne and is currently operating in the area. An operator, Acorn Coaches, is also providing a service.

Both operators have applied to provide evening bus services to Redlands.

The Department of the Environment is the licensing authority for the bus industry in the North and performs this function under the provisions of the Transport Act (NI) 1967.

Acorn Coaches' application has been approved and the application from Translink is currently under consideration.

Road Maintenance Network: South Down

Ms M Ritchie asked the Minister for Regional Development if he has any plans to review the road maintenance network in the South Down area, particularly rural roads, given the extensive damage to roads last winter.

(AQW 5253/11)

Minister for Regional Development: My Department's Roads Service has advised that the South Down area is covered by its Down and Newry & Mourne Section Offices and in excess of £2.2m of additional funding has been allocated to these offices since January 2011. This funding has enabled priority to be given to the repair of the most severely affected roads.

Extensive road patching and resurfacing works have already been completed, with further works planned to repair the damage caused to the roads and improve the overall condition of the road network.

Roads Service will continue to monitor the condition of the road network in the South Down area to ensure that all roads are adequately maintained and, in these circumstances, I have no plans to carry out any specific reviews of the road maintenance network in the area.

NI Water: Expenditure

Mr C McDevitt asked the Minister for Regional Development, given its classification as a non-departmental public body, how much of NI Water's expenditure will score against his resource and capital Departmental Expenditure Limit in (i) 2010/11; (ii) 2011/12; (iii) 2012/13; and (iv) 2013/14.

(AQW 5257/11)

Minister for Regional Development: The table below outlines the approved February Monitoring position for 2010/11 and the final Budget 2010 allocations for NI Water's resource and capital Departmental Expenditure Limit for 2011/12, 2012/13 and 2013/14.

	2010/11 £'000	2011/12 £'000	2012/13 £'000	2013/14 £'000
DEL Resource	170,470	201,864	191,904	191,904
DEL Capital	159,742	189,000	147,600	151,300
Total	330,212	390,864	339,504	343,204

NI Water

Mr C McDevitt asked the Minister for Regional Development how much money would be available for the 2011-15 budget period if NI Water were to become a mutual company with its own independent revenue streams, as recommended by the Independent Water Review Panel.

(AQW 5269/11)

Minister for Regional Development: The amount of money that could be raised during this period by the introduction of any independent revenue stream would depend on what basis the Executive agreed to introduce it. A number of factors including an assessment of any existing revenue contributions that were deemed to be in place, the level of Executive support for low income households and the period over which any revenue stream might be phased in would have a significant impact.

It is also the case that it would take time and money to transform NI Water into a mutual company as it would require legislative changes, specialist advice and, assuming revenue was provided by consumers, the implementation of a billing system. Therefore, given all these factors, the amount of money secured by the end of the 2011-15 budget period would be limited in terms of the Executive's overall budget.

Roads Maintenance

Mrs M O'Neill asked the Minister for Regional Development to outline Roads Service's maintenance and resurfacing spending plans for 2011/12.

(AQO 1258/11)

Minister for Regional Development: My Department's Roads Service has advised that as the budgets for 2011/12 have yet to be confirmed, it is unable to outline its maintenance and resurfacing spending plans at this time.

I can confirm that when resources made available for road maintenance are being distributed, allocations will be made to the four Roads Service Divisions on the basis of need, using a range of weighted indicators tailored to each maintenance activity (i.e. resurfacing, patching, gully emptying, grass cutting etc). Divisions will use these indicators when apportioning across council areas to ensure, as far as possible, an equitable distribution of funds across the whole of the North.

DRD: Procurement

Mr P Doherty asked the Minister for Regional Development what steps his Department has taken to promote social clauses in relation to procurement.

(AQO 1260/11)

Minister for Regional Development: Since April 2009 construction contracts awarded by my Department and its Arms Length Bodies have included a number of social inclusion clauses.

The majority of these clauses include a requirement to recruit one apprentice for every £2 million of project construction value. In a smaller number of contracts, voluntary agreements have been sought on the numbers of apprentices to be recruited.

36 apprentices have been engaged on construction projects awarded by my Department or its Arms Length Bodies.

The majority of clauses in construction contracts also include a requirement to create employment opportunities for one long-term unemployed person for each £5 million of project construction value. Again, a smaller number of voluntary agreements have been sought.

8 long-term unemployed persons have been recruited on construction projects awarded by my Department or its Arms Length Bodies.

As well as the recruitment of apprentices and the long-term unemployed, the contracts include clauses requiring contractors to provide opportunities for employees to develop essential skills.

Over 1,100 people have benefited under this requirement in construction contracts awarded by my Department or its Arms Length Bodies.

Construction contracts also include a number of other clauses that set out requirements on:

- the application of fair employment, equalities of treatment and anti-discrimination legislation;
- fair trade policies and embracing the procurement of fair trade goods and services; and
- meeting with health and safety requirements.

DRD and NI Water: Christmas 2010

Mr P Givan asked the Minister for Regional Development what measures have been taken to ensure that the failings of his Department and NI Water during the cold spell over Christmas are not repeated. **(AQO 1261/11)**

Minister for Regional Development: In early January 2010 the Executive agreed the terms of reference for a review by the Utility Regulator and two external reviewers appointed by FMDFM into the recent freeze/thaw incident. The Review's report was published on 3 March and I made a Statement to the Assembly on the report's conclusions on 8 March.

The review found that both I and my Department had discharged their roles effectively and in a manner consistent with governance arrangements.

The composite report contains over sixty detailed conclusions. I will work with NIW and stakeholders to ensure that recommendations are implemented.

Prior to the conclusion of the review I had already asked NIW to take action in respect of its emergency response to avoid any immediate repetition of the loss of supplies experienced in the freeze/thaw. I asked that public sector bodies involved in the wider response to the incident to set out what was needed to make immediate improvements and I asked for NIW's emergency plan to be reviewed. I reported on this to the Executive on 6 January 2011.

A5 Road Scheme

Mrs C McGill asked the Minister for Regional Development for an update on the Irish Government's commitment to the A5 road scheme. **(AQO 1262/11)**

Minister for Regional Development: The Irish Government confirmed its commitment in 2007 to make a £400 million contribution to the A5 and A8 schemes, and the Executive agreed, to take both projects forward.

This commitment was re-affirmed by the Irish Government most recently at a Plenary of the North South Ministerial Council, on 21 January 2011.

DRD: Revenue

Mr M McLaughlin asked the Minister for Regional Development to outline the work being taken forward by his Department to generate further revenue over the 2011-15 budget period.

(AQO 1263/11)

Minister for Regional Development: My Department is taking forward a number of programmes to generate further income over the Budget period 2011-15. These include:

- Increasing existing car park tariffs by an average of 15% in each of the Budget years - raising around £20 million over the Budget period;
- Increasing the penalty for parking illegally- raising around £7.5 million over the Budget period; and
- Introducing on-street parking charges to all towns and cities in the North covered by the Sub Regional Transport Plan and Belfast Metropolitan Transport Plan and extend the charging hours for all car parks and on-street parking places- raising around £9 million over the Budget period.

My Department's Budget also includes £20 million in 2013/14 and 2014/15 to be released from Belfast Harbour Commissioners. I am currently considering options, excluding privatisation, on how best to achieve such a release of resources. These considerations will include possible legislative requirements.

NI Water

Mr D O'Loan asked the Minister for Regional Development for his assessment of the findings of the composite report by the Independent Utility Regulator and Philip Holder and Heather Moorhead into NI Water.

(AQO 1264/11)

Minister for Regional Development: I made a statement to the Assembly on 8 March in which I provided my assessment of the conclusions of the review into the major interruption to water supplies over the Christmas and New Year Period.

I said that the composite report contains a number of detailed conclusions. NIW and stakeholders will need to absorb these and respond to them in a vigorous and positive way.

I am content that the report concluded that I had performed all of my roles effectively and in a manner consistent with governance requirements.

A32 Improvement Schemes

Mr T Buchanan asked the Minister for Regional Development what priority will be given to the implementation of the three major improvement schemes on the A32 between Omagh and Enniskillen in the 2011-15 budget period.

(AQO 1265/11)

Minister for Regional Development: My Department's Roads Service is currently developing several improvement schemes along the A32 between Omagh and Enniskillen.

Advance site works for carriageway widening were carried out in 2009/10 at Drumskinny. Draft statutory orders have recently been published for carriageway realignment at Shannaragh and it is anticipated that a Preferred Option will be established for improvements at Cornamuck later this year.

Roads Service remains committed to delivering a programme of improvement works along this route at the earliest opportunity. However, these improvement works will be subject to satisfactory progression through the statutory processes, procurement and the availability of funding.

Speed Limits: Schools

Mr C Lyttle asked the Minister for Regional Development whether he intends to extend variable speed limits outside schools in areas where it is needed.

(AQO 1266/11)

Minister for Regional Development: My Department's review of speed management policy, published in April 2010, has provision for the use of variable speed limits at schools. Roads Service initiated three pilot projects, which were subsequently assessed over a one year period. Initial results have shown that there is clear evidence that 20 mph part-time speed limits are very effective at reducing vehicle speed outside schools, whenever pupils are arriving or leaving.

However, a number of issues have been raised regarding the high scheme costs and my Department is currently considering cheaper alternatives. Appropriate criteria are also being determined to establish site priority, as each proposed scheme will be assessed on its merits, should this initiative proceed.

At this stage, it is envisaged that, subject to the availability of funding, any scheme prioritisation will be focus on schools on single carriageway rural roads, where the 60 mph national speed limit applies, with those schools, where the highest recorded mean vehicle speeds are recorded, being targeted first.

DRD: Investment

Mr P Butler asked the Minister for Regional Development to outline the level of investment his Department intends to make in the North West region in the 2011-15 budget period.

(AQO 1267/11)

Minister for Regional Development: My Department currently plans to invest around £736 million on roads, £25 million on transport and £72 million on water and sewerage totalling around £833 million in the North West over the Budget period 2011-15.

This will allow for the start of improvements to the Coleraine to Derry rail track, construction of the dual carriageway on the A5 between Derry and Aughnacloy and road improvements on the A6 where I believe the Dungiven Bypass will be the priority. In addition work on the Benone Area Sewerage project should be completed.

Department for Social Development

Improvement Works for the Dunclug Area

Mr D McKay asked the Minister for Social Development to outline the improvement works his Department has planned for the Dunclug area over the next four years.

(AQW 4912/11)

Minister for Social Development (Mr A Attwood): When the budget for 2011-15 is finalised, I will be pleased to advise on the future work planned for Dunclug.

However there has already been considerable investment across the estate in the past years with over £1.1m spent on a variety of improvement schemes such as kitchen and heating replacement work and some external cyclical improvements.

In addition between 2008 and 2009 all of the medium rise flats in Dunclug were demolished. This removed the older unsightly properties from the area, improved the physical environment for residents and has had a significant impact in reducing Anti-Social Behaviour in Dunclug.

Incapacity Benefit

Mr I McCrea asked the Minister for Social Development why the receipt of incapacity benefit by a person is not included in the criteria for applications for (i) Community Care Grants; (ii) Crisis Loans;

and (iii) Winter Fuel Payments; and whether he has any plans to include incapacity benefit receipt in the criteria for each of these applications.

(AQW 5033/11)

Minister for Social Development:

- (i) Community care grants are paid out of the social fund which is specifically targeted at people in receipt of an income-related benefit, for example, income support, income-based jobseeker's allowance, income-related employment and support allowance or pension credit. This ensures that limited funds are targeted at those who are least able to meet essential expenses. Incapacity benefit is a flat-rate National Insurance benefit and, as such, does not take account of a person's particular financial needs. As it is not an income-related benefit, it is not included in the criteria for applications for community care grants. Depending on the individual circumstances, certain income-related benefits are available to incapacity benefit claimants to top-up the level of income and provide entitlement to community care grants.
- (ii) Applications for crisis loans are decided on an individual's needs and incapacity benefit claimants are not excluded from making crisis loan applications.
- (iii) The only qualifying criteria for receipt of a winter fuel payment is that the person has reached the qualifying age and are resident in England, Scotland, Wales or Northern Ireland.

Girdwood Barracks Site in Belfast

Ms C Ní Chuilín asked the Minister for Social Development when the newbuild will commence on the Girdwood Barracks site in Belfast.

(AQW 5071/11)

Minister for Social Development: We have appointed a Housing Association to deliver 200 new homes on Girdwood over the next 2 years.

I will make the funding available to deliver this in 2 phases. The first phase of 100 new homes will start in 2011/12 with the second phase of another 100 new homes starting in 2012/13.

This new housing will of course require full community consultation alongside the usual approvals needed for a development of this scale. It represents a significant opportunity to deliver substantial new housing in an area of high housing need and alongside the wider work we are already committed to in Upper Long Streets and the Glen, this underlines my commitment to increasing the quality and quantity of housing in that part of the City.

Nelson Street Site in Belfast

Ms C Ní Chuilín asked the Minister for Social Development whether he is supporting the Social Housing Development Programme new build scheme for 66 homes on the Nelson Street site in Belfast.

(AQW 5157/11)

Minister for Social Development: North Belfast is an area of significant housing need. As a result my Department and the Housing Executive have attempted to identify sites for housing use. Nelson Street could be one such site – if a scheme can be advanced for the site, I would give it fullest consideration in response to local housing need.

Decentralisation of Public Sector Jobs

Mr P Callaghan asked the Minister for Social Development for an update on the implementation of the plan to decentralise public sector jobs within his Department, and its agencies, since the publication of the Bain Report.

(AQW 5212/11)

Minister for Social Development: My Department's commitment to decentralisation of public sector jobs is already evident with 27% of Departmental jobs and most of those in the public

bodies it sponsors already well dispersed throughout Northern Ireland. In light of this the scope for further decentralisation is limited, however I am committed to the approach and in line with the recommendations within the Bain report, I will proceed in a prudent manner towards relocation, when opportunities arise and it is the right thing to do, especially, as was the case with the Charity Commission, when I am considering any new services or functions. I am actively looking at possible measures in the near future to decentralise future jobs.

Housing Executive: Repairs

Mr S Anderson asked the Minister for Social Development what quality proofing measures are in place to ensure that repairs to Housing Executive properties are of an acceptable standard.

(AQO 1274/11)

Minister for Social Development: The Housing Executive has in relation to Response Maintenance, a number of quality control systems in place for all 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:

The first band is high risk and includes jobs with a value over £750, for example, work in relation to Change of Tenancy and adaptations for people with disability. The Inspection Rate is 100%. The second band is medium risk jobs with a value greater than £100 but less than £750. These are inspected at a variable level to bring all inspections up to 20%. Finally, the third band is categorised as low risk jobs with a value of less than £100 – currently the sample size for inspections is 2% post inspected.

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 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.

I am not satisfied that quality control systems of sufficient scale and rigour have been in place and systems require significant upgrade. The Assembly will be aware of the Gateway Review on contract performance and my statement to the Assembly on 25 January 2011. That is the intention and shall be the outcome of the implementation of the Gateway recommendations. 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.

Housing: North Belfast

Ms C Ní Chuilín asked the Minister for Social Development how many properties, in the last three years, have been built in the North Belfast area to tackle the housing waiting list.

(AQO 1275/11)

Minister for Social Development: Between April 2007 and March 2010 we delivered 644 new homes across North Belfast for those in greatest need. This year, we will go even further again and will deliver a further 278 new homes that will support those on the waiting list get into a new home sooner than would have otherwise been the case. That represents nearly 1,000 new homes since April 2007 and vindicates the priority my predecessor and I have given to improving both the quantity and quality of housing in this part of the City.

Small Pockets of Deprivation Programme

Mr M Storey asked the Minister for Social Development if he intends to continue funding the Small Pockets of Deprivation scheme in the 2011/12 financial year.

(AQO 1276/11)

Minister for Social Development: It is my intention to continue funding the Small Pockets of Deprivation scheme in the 2011/12 financial year. I am strongly committed to the principle that people in areas of need should be protected going forward and I have bid for the necessary resources to enable me to continue the Small Pockets of Deprivation programme. I am actively considering how to protect, indeed enhance, relevant funding programmes.

Village, Belfast: Vesting

Ms A Lo asked the Minister for Social Development to outline any discussions he has had with the Attorney General in relation to the vesting of homes in negative equity in the Village regeneration area of Belfast.

(AQO 1277/11)

Minister for Social Development: I have had a number of discussions with the Attorney General in relation to negative equity and officials from my Department have also met with the Attorney General's staff on two further occasions.

These discussions have helped identify what I believe could be a way forward not just for those in the Village but in other vesting scenarios where the issue of negative equity may arise. As these are cross cutting issues and will potentially impact on the work of Executive Colleagues, I have sought an urgent meeting with the Finance Minister to see how this can be taken forward.

Regeneration: Masterplans

Dr S Farry asked the Minister for Social Development for an update on the development of Masterplans for towns.

(AQO 1278/11)

Minister for Social Development: The development of masterplans for towns is a key component in my Department's urban regeneration brief. It enables us to develop a broad vision for the development of our towns and cities, and to draw up three-dimensional proposals to turn this vision into reality.

- Masterplans have now been completed in Antrim, Armagh, Ballymena, Ballycastle, Carrickfergus, Craigavon, Downpatrick, Dungannon, Larne, Lisburn, Newtownards, Omagh and Strabane
- Masterplans are underway in Ballyclare, Bangor, Coleraine, Cookstown, Enniskillen, Glengormley, Limavady, Magherafelt and Newry
- Masterplans are planned or under consideration in the South Down towns (Newcastle, Kilkeel, Warrenpoint), Ballymoney and Ballynahinch

Public Realm Schemes: Dungannon

Lord Morrow asked the Minister for Social Development for an update on Phase 1 of the Public Realm Scheme for Dungannon Town Centre.

(AQO 1279/11)

Minister for Social Development: The Dungannon Town Centre Public Realm Scheme was one of the schemes delayed by the moratorium on capital expenditure introduced last summer. However, the scheme is the Department's top priority urban regeneration project outside Belfast or Derry and it has been fully worked up to tender stage. As soon as the Department's budget for 2011/2012 is confirmed by the Assembly, the tender documents will be released and I expect that this will result in a contractor being appointed by June.

City of Culture 2013

Mr P Callaghan asked the Minister for Social Development what support his Department intends to provide for the Derry-Londonderry City of Culture 2013.

(AQO 1281/11)

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. My Department also anticipates providing at least £1.1 million resource monies through Ilex towards City of Culture 2013. Departmental officials are engaging with a number of bodies including Ilex Urban Regeneration Company and Derry City Council to develop proposals for City of Culture projects. My intended financial support for Derry-Londonderry City of Culture 2013 is of course dependant on final decisions taken by the Executive in terms of the budget.

Northern Ireland Assembly Commission

Maintenance for Parliament Buildings

Mr J Dallat asked the Assembly Commission to detail the cost of (i) repairs and maintenance; (ii) upgrades to heating, electrical and IT systems; and (iii) ground maintenance for Parliament Buildings in each of the last three years,

(AQW 4944/11)

The Representative of the Assembly Commission (Mr S Neeson): The cost for repairs and maintenance is as follows;

2008-2009	£608,962.61
2009-2010	£637,646.54
present	£630,104.54

(ii) There have been no upgrades in relation to heating in the past 3 years.

In relation to electrical upgrades, the total cost for the past 3 years is £70,013.86. This figure includes the upgrading of the lighting to the Assembly Chamber and the Senate Chamber as well as Committee Rooms 21, 29 and 30.

In respect of the IS Office the following costs are applicable:

Financial Year	Repairs & Maintenance	Upgrades to IT Systems
09-10	£219,940	-
08-09	£147,342	-
07-08	£161,277	£1,130,970 **
Totals	£528,559	£1,130,970

** Breakdown of Upgrade Costs in the 07-08 Year:-

- ICT Replacement Project i.e. Replacement of all Members and Staff Desktops, Portables, Printers etc at a cost of £833,599
- Project to upgrade the IT Network equipment - replacement of switches & router along with provision of WLAN - £290,978
- Upgrade to Adobe Acrobat Professional - £6,393
- No money has been spent in relation to upgrades to heating and electrical system

(iii) The cost for grounds maintenance is as follows;

2008-2009	£23,891.93
2009-2010	£24,324.70
2010 to present	£9,246.89

Northern Ireland Assembly

Thursday 24 March 2011

Written Answers to Questions

Office of the First Minister and deputy First Minister

Emergency Hardships

Mr D O'Loan asked the First Minister and deputy First Minister (i) to outline the progress in developing a mechanism to deal with emergency hardships suffered by people without recourse to public funds; (ii) whether provision has been made in their draft Departmental spending plan for such a mechanism; and (iii) whether they will bring this matter to an urgent conclusion.

(AQW 4482/11)

First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness): The Immigration Sub-Group of the Racial Equality Forum submitted a paper on the potential for a Migration Impacts Crisis Fund to the Racial Equality Panel of the Racial Equality Forum late last year. This is now being redrafted to incorporate comments from the Panel before being submitted to us for consideration.

We will be considering the allocation of the OFMDFM Budget in the light of the consultation which closed on 16 February. We hope to make a decision in the near future on whether a form of Migration Impacts Crisis Fund is viable and sensible.

It is also important to recognise that a number of organisations which have been in receipt of funding from the Minority Ethnic Development Fund have been central in helping to address emergency hardships suffered by people without recourse to public funds. The Fund was reopened recently for new applications and we would expect successful organisations to continue with this important work.

Presbyterian Mutual Society

Mr C Lyttle asked the First Minister and deputy First Minister what threshold classifies a person as a 'small saver' in the Presbyterian Mutual Society; and whether the OFMDFM Financial Hardship legislation could be used to activate the PMS Mutual Access Fund, to assist such small savers, without EU approval in April 2011.

(AQW 4520/11)

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. 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 a 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.

Use of Funding

Mr P Butler asked the First Minister and deputy First Minister, pursuant to AQW 4226/11, how much of the funding allocated to the (i) Equality Commission; and (ii) the Commissioner for Children and Young People is used for (a) salaries; (b) administrative costs; and (c) public relations and advertising.
(AQW 4723/11)

First Minister and deputy First Minister:

EQUALITY COMMISSION

Year	Salaries	Administrative costs	PR and Advertising
05/06	£3,943,255.00	£1,718,456.00	£394,142.00
06/07	£4,261,157.00	£1,552,278.00	£152,534.00
07/08	£4,290,005.00	£1,459,014.00	£305,882.00
08/09	£4,424,057.00	£1,584,404.00	£195,806.00
09/10	£4,754,289.00	£1,474,045.00	£244,996.00

COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

Year	Salaries	Administrative costs	PR and Advertising
05/06	£922,306.00	£565,096.00	£38,247.00
06/07	£895,497.00	£567,292.00	£17,615.00
07/08	£909,947.00	£558,471.00	£15,273.00
08/09	£905,871.00	£539,085.00	£15,957.00
09/10	£949,898.00	£570,826.00	£49,133.00

Fuel Price Stabilizer

Mr P McGlone asked the First Minister and deputy First Minister what discussions they have had with the Treasury regarding a Fuel Price Stabilizer.
(AQW 4952/11)

First Minister and deputy First Minister: In recent months we have witnessed a sharp rise in fuel prices. Our Joint Declaration made on 1 February 2011 (prior to our JMC meeting on 2 February), with the First Minister and Deputy First Minister of Scotland, the First Minister of Wales, and the Deputy First Minister and Minister for the Economy and Transport of Wales called on the UK Government to take urgent action to address the rising price of fuel by postponing the scheduled fuel price increase in April 2011. We believe this will stimulate the economy by protecting motorists, road hauliers and in particular remote rural communities from high and volatile prices. This followed correspondence on 27 January 2011 from the Finance Minister, Sammy Wilson, to the Exchequer Secretary to the Treasury, David Gauke, welcoming commitments made by the UK Government to consider the merits of a Fair Fuel Stabiliser in a situation where rising crude oil prices and government duty could have a double impact on the road user.

The issue was also raised at a Ministerial meeting in early February 2011 with HM Treasury. We currently await further developments on the fuel price stabiliser in the Budget, due to be published on Wednesday 23 March 2011.

Race Relations (Northern Ireland) Order 1997

Mr B Wilson asked the First Minister and deputy First Minister when the Race Relations (Northern Ireland) Order 1997 will be amended to include the full extent of the recommendations agreed by the Assembly on Tuesday 26 May 2009.

(AQW 5189/11)

First Minister and deputy First Minister: OFMDFM will develop a programme of work with the incoming administration and this will be an issue to consider in that context.

Child Poverty

Ms D Purvis asked the First Minister and deputy First Minister, pursuant to AQW 5058/11, how Executive Departments will be able to measure and report on their contributions to ending child poverty to the Assembly by March 2012 when they are working to targets set for 2020.

(AQW 5304/11)

First Minister and deputy First Minister: The Child Poverty Strategy will be supported by a Delivery Plan and Monitoring Framework that will be prepared following the Executive's agreement of the Strategy and the formal laying of the Strategy before the Assembly.

The Annual Report, due in March 2012, will report on developments since the agreement of the Strategy and on progress of both the measures agreed in the Delivery Plan and towards the 2020 targets.

Playboard Administered Funding

Mr C Lyttle asked the First Minister and deputy First Minister what arrangements have been made to maintain Playboard administered funding for school-aged childcare projects beyond 31 March 2011.

(AQW 5319/11)

First Minister and deputy First Minister: We are pleased to confirm that we have secured the continuation of Playboard funding for childcare projects for the next twelve months. It is our intention that a lead department for this policy area will be identified in the future. In the meantime, OFMDFM will continue to co-ordinate the issue through the Ministerial Sub-Committee on Children and Young People as we develop a comprehensive childcare strategy. Lack of affordable childcare is a significant barrier to employment therefore we will continue funding Playboard to ensure that the vital work they carry out continues.

In addition to interim funding, we have secured a further £12 million for childcare provision over four years. Over the next twelve months we will work to ensure that arrangements are put in place to deliver the level of care our children deserve.

European Commission Task Force

Mr P Weir asked the First Minister and deputy First Minister whether they are aware of any plans by the European Commission Task Force to visit Northern Ireland; and if so, when the visit will take place.

(AQW 5325/11)

First Minister and deputy First Minister: During our successful visit to Brussels last December, we committed jointly with President Barroso to a renewal of the work of the European Commission's Task Force, thereby deepening our engagement with the European Union. The President announced plans for an inward visit by the Task Force in early 2011 and this will now take place over the period 30 March to 1 April 2011.

We are committed to working with Europe to fully realise the potential for smart, sustainable and inclusive economic growth. This visit by senior Commission officials heralds a step-change in our engagement with European funding programmes, policies and networks.

Efficiency Review Panel

Mr D McNarry asked the First Minister and deputy First Minister for an update on the Efficiency Review Panel, the establishment of which was announced on 9 April 2009.

(AQO 1317/11)

First Minister and deputy First Minister: The St Andrews Agreement had indicated that we would appoint an Efficiency Review Panel to examine efficiency and value for money aspects of the Strand One institutions. We have announced that the first task of such a Panel would be to examine the number and organisation of Departments in the light of the present financial pressures and the implications of the Review of Public Administration, and to ensure that the departmental structure is best organised to deliver public services in an efficient manner.

The Panel has not yet been appointed but is among the matters to be covered by the draft report which is being prepared for consideration and agreement of the St Andrews Agreement Working Group established under the Hillsborough Castle Agreement.

In line with the Hillsborough Castle Agreement, the Working Group will forward its report, when agreed, to us for consideration. In the meantime, we remain committed to pursuing greater efficiency and effectiveness in the delivery of our public services.

Victims and Survivors Groups

Lord Empey asked the First Minister and deputy First Minister to list the victims and survivors groups recently selected for the funding verification and control process; and to outline on what basis they were selected.

(AQW 5332/11)

First Minister and deputy First Minister: Groups were selected on the basis of a risk analysis exercise conducted by the Community Relations Council on all victims groups currently in receipt of core and/or strategic support funding from the Council. Four areas were reviewed: the value of funding received; the level of financial controls; the organisational governance arrangements; and the extent of multiple sources of funding. Each area was given a weighted value. It would not be appropriate to disclose the groups selected while the audit is still being carried out.

Budget Priorities

Lord Browne asked the First Minister and deputy First Minister to outline their Department's budget priorities for the next four years.

(AQO 1319/11)

First Minister and deputy First Minister: The Strategic Investment Board will continue to support departments in the delivery of Executive plans to invest a further £5.2bn in the Budget 2011-15 period, building on the £5bn of new investment achieved over the previous three years.

The £80 million funding available through the Social Investment Fund will be targeted on disadvantaged communities and vulnerable groups to address persistent patterns of poverty and disadvantage.

The establishment of a new Victims and Survivors Service will provide a more comprehensive and responsive solution to meeting the needs of victims and survivors.

Internationally, the Northern Ireland Bureau in Washington and the Office of the Northern Ireland Executive in Brussels will ensure that the profile of Northern Ireland remains high in the political and corporate spheres. OFMDFM will continue to lobby for the establishment of a Peace 4 Programme to build on the progress to date.

Regeneration activity sponsored by OFMDFM in the Budget 2010 period will focus on the continued regeneration work at Maze Long Kesh, Ebrington Barracks, and Crumlin Road Gaol. The Maze/Long Kesh Development Corporation will be established to take forward the regeneration of this regionally

significant site. Investment in the Ebrington Barracks site will play a key part in the preparations for the City of Culture celebrations in 2013.

We will continue to place children and young people at the heart of government's agenda through improvements in the integration of policy and service delivery on cross-cutting issues.

The establishment of a Commissioner for Older People will provide a voice for older people, raising awareness of the needs of older people and the positive contribution that older people make to our society.

Executive: Key Achievements

Mr S Hamilton asked the First Minister and deputy First Minister to outline the key achievements of the Executive during this mandate.

(AQO 1320/11)

First Minister and deputy First Minister: The Executive has made substantial progress in the past 3 years and far too many to list in two minutes but amongst its key achievements we:

- underpinned the peace process and provided political stability – this is the first Assembly in 40 years to complete its 4-year term;
- assumed responsibility for Policing and Justice and laid a Justice Bill before the Assembly – the largest Bill the Assembly has yet considered – this task has challenged politicians for generations;
- secured almost £2.6 billion investment commitments and half a billion pounds in annual salaries; created more jobs and better jobs than at any time since records began and we succeeded in doing that in the context of a global recession;
- secured £520 million Bombardier Aerospace investment (the largest single investment by any company here);
- made available over 4½ thousand Social and Affordable Housing starts; installed more than 25,000 Warm Homes/Energy Efficiency systems;
- made payments totalling £22.5 million to 150,000 households who each received a £150 household fuel payment;
- average rates per household here are on average, 47% less than in England, Scotland and Wales;
- following our decision to freeze regional rates, average savings per household have increased from £15 per annum (in 2007/08) to £155 per annum (in 2010/11);
- we have also extended free travel to everyone over 60. There are now 61,000 smart passes in circulation and some 5.5 million journeys have been made since the scheme started – the most generous scheme in the UK;
- invested more in infrastructure than at any time before and more than twice the previous period under direct rule;
- brought forward a £10 million investment in combating rural poverty and social exclusion;
- improved the schools estate through investing around £500 million;
- purchased over 200 new buses during the period and 20 new trains – the first of which was delivered last week;
- by the end of the mandate, the Assembly will have passed 64 Executive Bills in addition to two Private Members' Bills;
- the Executive has considered nearly 800 papers which represent over 1,600 separate decisions, and all but 48 of these papers were agreed unanimously – more than at any other time in our history;
- the recent announcement of £138 million investment in three landmark sports grounds is further evidence of the Executive's investment in the future; and

- we have increased Health's DEL budget by 22% between 2007/08 and 2014/15.

This is only a snapshot of the work which the Executive has delivered and we are sure Assembly Members will agree that this is an impressive list of achievements.

Military Sites

Mr T Clarke asked the First Minister and deputy First Minister for an update on the gifting of military sites.

(AQO 1321/11)

First Minister and deputy First Minister: We have now agreed with the Ministry of Defence arrangements for the gifting of former military sites under the Hillsborough Agreement. The intention under the Agreement was that most of the gifted sites would be sold to meet exceptional resource needs.

However, we are pleased to say that the lands for the proposed educational campus in Omagh, comprising the entire Lisanelly base and the adjacent floodplain at the St Lucia base will be transferred directly to the Department of Education for an educational campus.

The St Patrick's barracks site in Ballymena will transfer to OFMDFM, as will a portion of the St Lucia base in Omagh. A further portion of the St Lucia base cannot be transferred to OFMDFM due to a restrictive covenant in the deeds.

These sites will transfer on or soon after 1 April 2011. The first to be put up for sale is Shackleton. We have agreed with MoD that they would market the site immediately on behalf of the Executive and send the sale proceeds to us. OFMDFM will put the other sites on the market as quickly as possible.

US Visits

Mr A Bresland asked the First Minister and deputy First Minister for an assessment of their recent visits to the USA.

(AQO 1322/11)

First Minister and deputy First Minister: Within the past five months we have made two very successful visits to Washington, DC. In October 2010 we accepted an invitation from Secretary of State Clinton and the US Special Economic Envoy, Declan Kelly, to speak at a US Government-sponsored Economic Conference. The purpose of the Conference was to promote investment in Northern Ireland. That Conference was one of the most successful we have ever attended. The Conference opened with two announcements. Dow Chemical, a new company to Northern Ireland, announced it is investing in a Design and Modify Supply Chain facility creating 25 jobs. Terex, an existing investor, announced the addition of a shared services facility at its Dungannon plant and the creation of an additional 35 jobs. The calibre of the potential investors was exceptional; it included several Fortune 500 companies and almost all of the companies were represented by global heads, CEOs or Board Chairs. Several of the companies represented were multi-billion dollar corporations. In total, it was estimated that there was over half a trillion dollars of commercial power in that conference room. We were honoured that Secretary Clinton hosted the Conference and that we were given such a high profile opportunity to promote inward investment. We were also able to have several one-to-one meetings with CEOs during the various breakout sessions.

Within the political sphere, we used our visit to build on our important relationship with the American Administration. We had a positive and constructive one-to-one meeting with Secretary Clinton.

Turning to our most recent visit, Members of the Assembly will be aware that we returned, over the weekend, from Washington, DC. We were there to represent the Executive at the annual St Patrick's Day celebrations. We spent most of last week undertaking speaking engagements or meeting with senior political figures. We were particularly honoured that President Obama and Secretary Clinton invited us to have separate meetings with them. During these meetings we were able to secure their continued support for the work we are doing to support the economy. We also had separate meetings with

Senators Leahy and Kerry and with members of the powerful Friends of Ireland Committee in the House of Representatives. We lobbied hard for their support for the continuation of the International Fund for Ireland.

Last Wednesday we participated in an Economic Forum in the US Chamber of Commerce which was hosted by the US Economic Envoy. We addressed over 40 CEOs on the Business Opportunity here. The US Chamber, which is one of the most prestigious business organisations in the United States, supported that event. We are encouraged that Jay Roewe, HBO and Brian Conlon, First Derivatives – two recent high-profile investors – made the trip to Washington specifically to advocate on our behalf. They told their own personal stories about investing here.

On St Patrick's Day we hosted the Northern Ireland Bureau's Business Breakfast where we promoted the local Creative Industries Sector. That event allowed us to show the very best of our creative talent; from Film and TV production to on-line media and video games.

In conclusion, both of our recent visits have been outstanding successes, in terms of the exposure we secured for Northern Ireland. We will continue to use every available opportunity when we are in the United States to put Northern Ireland on the map. We are grateful, but we do not take for granted, the level of support that we receive from the Obama Administration and Corporate America.

Department of Agriculture and Rural Development

Rural Broadband Services

Mr P McGlone asked the Minister of Agriculture and Rural Development to provide details of the announcement of funding from her Department and BT to improve rural broadband services, including the location of the 40 cabinets.

(AQW 3679/11)

Minister of Agriculture and Rural Development (Ms M Gildernew): I am constantly reminded by rural dwellers and businesses of the importance of good communications and the increasing reliance many place on telecoms in their day to day lives. Access to improved telecoms provides a key catalyst for rural businesses and communities. That is why I decided to make available funding of £1 million from my Department to specifically target rural areas to provide increased access to these services.

The provision of these funds enabled an additional investment from BT of a £1 million. This means that in total £2 million is now being invested in rural areas that were not otherwise going to benefit from the next generation broadband project.

Please find attached (annex A) a list of the locations of the 40 cabinets as supplied by BT through Department of Enterprise Trade and Investment.

Annex A

The location of the 40 cabinets scheduled to be upgraded are as follows:

Exchange	Location	Postcode
Annaghmore	CRANAGILL X-RDS	BT62 1NA
Ballynahinch	LISBURN RD OPP LANGLEY RD	BT24 8BL
Ballynahinch	DROMORE ST, AT KIOSK	BT24 8AG
Ballynahinch	THE DRUMLINS DROMORE RD	BT24 8HW
Ballywalter	GREYABBEY RD	BT22 2NY
Castlerock	ARTICLAVE	BT51 4UN

Exchange	Location	Postcode
Coalisland	STEWARTSTOWN RD	BT71 4ND
Coalisland	JCN DUNGANNON/PORTADOWN RD	BT71 4HU
Coalisland	O/S McGIRS PUB, THE SQUARE	BT71 4LN
Comber	BRAESIDE, JCN BALLYGOWAN RD	BT23 5PA
Crumlin	CRUMLIN RD NEAR CROSSHILL RD, ALDERGROVE	BT29 4BL
Dromore, Co.Down	MAYPOLE PK, MAYPOLE HILL	BT25 1SH
Dromore, Co Down	50 RAMPART ST	BT25 1AG
Dromore, Co Down	JCN MOSSVALE/HILLSBOROUGH RD	BT25 1QN
Dromore, Co Down	O/S SCHOOL, BANBRIDGE RD	BT25 1ND
Dromore, Co Down	JCN GOWDYSTOWN RD/BANBRIDGE RD	BT25 1NR
Dromore, Co Down	JCN BELFAST RD/BALLYMACORMICK RD	BT25 1QN
Dromore, Co Down	DROMARA RD	BT25 1HE
Dromore, Co Down	DIAMOND RD, JCN DRUMBONETH RD	BT25 1PP
Dromore, Co Down	CHURCH ST, BANBRIDGE RD	BT25 1AA
Dungannon	OLD EGLISH RD	BT71 7PG
Eglinton	WOODVALE RD NEAR DELWOOD PK	BT47 3AH
Enniskillen	BELLEEK RD	BT93 7ED
Killeavy	CHAPEL RD	BT35 8JY
Killinchy	QUARRY RD JCN COMBER RD	BT23 4FF
Killinchy	CRAIGNARUSKY RD	BT23 6QS
Killinchy	BALLOO X-RDS	BT23 6PA
Loughall	JCN RED LION RD/BALLYGERNY RD	BT61 8PL
Loughall	MAIN ST	BT61 8HZ
Martinstown	OPP MERVYN TURTLE, CAR SHOWROOM	BT43 6QE
Richill	JCN SLEEPY VALLEY/RICHHILL RD	BT61 9QY
Richill	THE SQUARE	BT61 9PP
Seaforde	DROMARA RD OPP SEAFORDE INN	BT30 8PA
Seaforde	DOWNPATRICK RD, CLOUGH	BT30 8NL
Seaforde	JCN NEWCASTLE RD/DUNANEW RD	BT30 8PJ
Strabane	DERRY RD	BT82 8DX
Toomebridge	CREAGH BUSINESS PK	BT41 3SE
Waterside	TRENCH RD ADJ TO INDUSTRIAL EST.	BT47 2ED
Waterside	JCN CORRODY RD/STRABANE OLD RD	BT47 2EH

Exchange	Location	Postcode
Waterside	WOODSIDE HEIGHTS	BT47 2LA

This information is also available at the website www.fasterbroadbandni.com

Social Clause Requirements

Mr P Callaghan asked the Minister of Agriculture and Rural Development to detail (i) the social clause requirements in her Department's capital or current spend projects, including (a) the creation of apprenticeships; and (b) the employment of long-term unemployed persons; and (ii) any proposals her Department has to expand such opportunities.

(AQW 5032/11)

Minister of Agriculture and Rural Development: As the Minister has directed, the Department and its agencies have operated social clauses in construction contracts since December 2008.

Existing social clause options include a requirement that the main contractor recruits:

- at least one long-term unemployed person, either directly or through the supply chain, for each £5m of project value.
- at least one apprentice, either directly or through the supply chain, for each £2m of project value.

The proportion of DARD procurements channelled through our Centre of Procurement Expertise, so ensuring the inclusion of social clauses in contracts, has risen substantially in the last 3 years to 98% in 2009/10.

Refined proposals currently being considered include additional requirements in respect of the unemployed, apprentices and student work placements.

Disposing of Poultry Litter

Mr T Burns asked the Minister of Agriculture and Rural Development (i) whether she is aware that the projected cost of safely and lawfully disposing of poultry litter in the Republic of Ireland to comply with the EU Nitrates Directive is approximately £12 per tonne; and (ii) how her officials calculated the projected £90 per tonne cost of disposing of poultry litter in Northern Ireland in compliance with the Nitrates Directive should the proposed Rose Energy incinerator at Glenavy not go ahead.

(AQW 5066/11)

Minister of Agriculture and Rural Development:

- (i) Currently approximately 43,000 tonnes of poultry litter per year are disposed of by exporting to the south of Ireland. This is used in mushroom compost and for land spreading as an organic fertiliser on arable crops. The costs of these disposal options are estimated to range from £12 - £15 per tonne.
- (ii) The estimated cost of £90 per tonne for the disposal of poultry litter produced in the north specifically relates to disposal in the Netherlands where some limited capacity is available at the Moerdijk power plant. This option would involve transporting poultry litter to the Netherlands by road and sea.

A range of options for disposing of poultry litter have been actively investigated including alternative treatment systems available in Britain, the south of Ireland and further afield. Conclusions of this work to date indicate that most potential options are not available due to lack of capacity.

Breakwater at Kilkeel Harbour

Ms M Ritchie asked the Minister of Agriculture and Rural Development to detail (i) the cost of reports undertaken by consultants in relation to the Breakwater at Kilkeel Harbour (a) in each year from 1 March 2006 to 31 March 2010; and (b) from April 2010 to 28 February 2011; and (ii) the costs for the

same period of the report undertaken by consultants on the preferred scheme, the Enhanced Safety Management Scheme.

(AQW 5135/11)

Minister of Agriculture and Rural Development: The following table provides a breakdown of the annual cost of reports undertaken by consultants from 1 March 2006 to date:-

Period	£
1 March 2006 – 31 March 2007	10,809.00
1 April 2007 – 31 March 2008	182,985.50
1 April 2008 – 31 March 2009	83,544.00
1 April 2009 – 31 March 2010	0
1 April 2010 – 28 February 2011	13,110.25

The significant level of costs incurred in 2007 and 2008 related to essential technical and modelling studies necessary to determine the scale and nature of the problems; what practical solutions were feasible; and, which solution provided best value for money for the public purse.

The consultancy costs incurred since 1 April 2010, related to the economic appraisal on the options for improving navigational safety at the entrance to Kilkeel harbour which recommended the Enhanced Safety Management Scheme as the preferred scheme. Since then I have introduced a policy of such reviews being undertaken in-house.

South West Action for Rural Development

Mr T Elliott asked the Minister of Agriculture and Rural Development to detail the number of applications for funding to South West Action for Rural Development (SWARD) that were made by (i) GAA clubs; and (ii) the Orange Order between (a) its establishment and 31 December 2009; (b) 1 January 2010 and 31 December 2010; and (c) 1 January 2011 and 7 March 2011; and how much funding SWARD has awarded to each organisation.

(AQW 5153/11)

Minister of Agriculture and Rural Development: The information requested is set out in the table below:

		(a) to 31 Dec 2009	(b) 1 Jan 2010- 31 Dec 2010	(c) 1 Jan 2011 - 7 Mar 2011
GAA Clubs	Applications received	2	None	3
	Funding Awarded	Nil	Nil	Under assessment
The Orange Order	Applications received	None	None	None
	Funding Awarded	Nil	Nil	Nil

Conservation of Salmon in the North Atlantic Ocean

Mr D Bradley asked the Minister of Agriculture and Rural Development to outline the action the Loughs Agency is taking to comply with its obligations under the Williamsburg Resolution for the conservation of salmon in the North Atlantic ocean.

(AQW 5158/11)

Minister of Agriculture and Rural Development: The Loughs Agency's capacity to contribute to NASCO objectives is currently limited by the fact that the Agency has not yet fully taken up its legislative responsibility for aquaculture licensing in the Foyle and Carlingford areas.

However, the Loughs Agency contributed through DARD to the north of Ireland Focus Area Report on Aquaculture, Introductions and Transfers and Transgenics, which was produced in December 2009. This Report sets out the actions that the north of Ireland is taking, and proposes to take, to ensure that NASCO objectives are met.

As a cross-cutting issue, the report was brought to the Executive for approval, in accordance with paragraph 2.4 of the Ministerial code, on 16 February 2010. This approval was received at the Executive's meeting on Thursday 25 February 2010, and the report was forwarded to the European Commission and NASCO.

Decentralisation of Public Sector Jobs

Mr P Callaghan asked the Minister of Agriculture and Rural Development for an update on the implementation of the plan to decentralise public sector jobs within her Department, and its agencies, since the publication of the Bain Report.

(AQW 5213/11)

Minister of Agriculture and Rural Development: The Bain Report is currently awaiting Executive approval. However, individual public bodies, Departments and Ministers have scope to consider the relocation of public sector facilities and jobs subject to the normal requirements of business need, value for money and affordability.

I have set aside, in my Department's Budget 2011-15 spending proposals, a capital allocation of £13m in 2014/15 with a further £13m of capital expenditure falling into the following budget period to relocate the DARD headquarters. It is recognised that the current headquarters is nearing the end of its useful life and will soon need replacing. This proposal provides an exciting opportunity to bring Government closer to the people and to stimulate the rural economy with significant economic and social benefits from increased spending and access to high quality local employment.

The DARD headquarters re-location project is scheduled to commence shortly and will be subject to the Executive's usual requirements in respect of business cases and procurement.

Land at Crossnacreevy

Mr T Elliott asked the Minister of Agriculture and Rural Development to detail (i) when the decision to value land at Crossnacreevy at £200 million was taken; (ii) who arrived at this valuation; (iii) on what rationale was the valuation based; (iv) when the valuation was accepted by the Department of Finance and Personnel; and (v) when this decision was communicated to the Department of Agriculture and Rural Development.

(AQW 5262/11)

Minister of Agriculture and Rural Development: I would refer the Member to the agreed report by the Comptroller and Auditor General dated 9 March 2011 relating to 'Reducing Water Pollution from Agricultural Sources: The Farm Nutrient Management Scheme'. Paragraphs 2.40 to 2.42 cover the issues raised in this question.

Calf Carcass Discovered in Keady

Mr W Irwin asked the Minister of Agriculture and Rural Development whether part of a calf carcass which was discovered recently in the Keady area was infected with Brucellosis.

(AQW 5303/11)

Minister of Agriculture and Rural Development: Culture results on the part of the calf carcass recently discovered in Keady area were negative for *Brucella abortus*. However, a limb is not the optimal site for recovery of the *Brucella* bacteria so a negative result does not give a guarantee that the carcass was

not infected. There is also the concern regarding the whereabouts of the remainder of the carcase and if it could have been in close contact with stock.

Spend on Electricity

Mr J Spratt asked the Minister of Agriculture and Rural Development how much her Department and its arms-length bodies have spent on electricity in each of the last two available financial years.

(AQW 5326/11)

Minister of Agriculture and Rural Development: Electricity spend by the Department, including its Agencies and arms-length bodies in each of the last two available financial years is shown below: -

Year	£'000s
2008/09	£2,311
2009/10	£1,613

Department of Culture, Arts and Leisure

Foras na Gaeilge

Mr D O'Loan asked the Minister of Culture, Arts and Leisure, pursuant to AQO 1132/11, (i) why he did not reveal in his letter of 25 January 2011 to the Committee for Culture, Arts and Leisure that he had concerns about the effectiveness of Foras na Gaeilge, which is the subject of ongoing legal correspondence; and (ii) whether the only matter relating to Foras na Gaeilge which was raised in the letter, namely the funding of 19 core funded bodies, was one that was already being addressed.

(AQW 5154/11)

Minister of Culture, Arts and Leisure (Mr N McCausland): At that time I was anxious to ensure due process was followed without the spotlight of public attention, which may have compromised the proceedings.

The issue of funding for the 19 core-funded bodies was being addressed. The proposals to change the funding mechanism arose 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.

The Sponsor Departments had concerns about implementation and consequently 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.

Motorsport Programme

Mr M McLaughlin asked the Minister of Culture, Arts and Leisure, pursuant to AQW 7191/10, to outline the criteria used to assess an applicant's eligibility to receive funding under his Department's motorsport programme; and what restrictions are applied when assessing entitlement to receive payment.

(AQW 5287/11)

Minister of Culture, Arts and Leisure: Projects funded under Sport Northern Ireland's (SNI) Motorsport Investment Programme were identified and prioritised by the umbrella body for motorsport in Northern Ireland, the 2&4 Wheel Motorsport Steering Group Limited (2&4 Wheel). Once identified by 2&4 Wheel, proposed recipient organisations were subject to the standard SNI eligibility conditions including:

- solvency and viability; and

- ability to produce security of tenure.

In compliance with best practice, SNI set a number of standard conditions for capital projects before a payment is made. As a minimum these are:

- procurement in compliance with CPD requirements;
- an invoice from the contractor;
- sign off by the design team (if applicable);
- completion visit by SNI technical staff (for final payment); and
- compliance with any specific conditions.

Redevelopment of Windsor Park, Ravenhill Stadium and Casement Park

Mr P Callaghan asked the Minister of Culture, Arts and Leisure whether a business case has been submitted and approved for the redevelopment of (i) Windsor Park; (ii) Ravenhill Stadium; and (iii) Casement Park; and the dates on which business cases were received and approved.

(AQW 5295/11)

Minister of Culture, Arts and Leisure: An Outline Business Case was undertaken to examine the preferred options identified by the Governing Bodies of all three sports for their long-term regional stadium needs. This was submitted to my Department on 14 July 2010, subsequently fully considered within my Department and was approved by the Department of Finance and Personnel on 7 March 2011.

Funding for Motorsport

Mr M McLaughlin asked the Minister of Culture, Arts and Leisure, pursuant to AQW 7191/10, whether eligibility for funding to help motorsport improve its health and safety is predicated upon an applicant having first received planning permission for motor racing activities.

(AQW 5301/11)

Minister of Culture, Arts and Leisure: Eligibility for funding under Sport Northern Ireland's (SNI) Motorsport Investment Programme to help improve health and safety at motorsport venues across Northern Ireland was not predicated upon an applicant having first received planning permission for motor racing activities. Applicants were advised by SNI, however, that any work carried out without the necessary approvals would be at risk.

Equality Screening

Ms A Lo asked the Minister of Culture, Arts and Leisure what gender, race and disability equality screening was carried out prior to his Department's decision to authorise funding of £138 million for regional stadia.

(AQW 5323/11)

Minister of Culture, Arts and Leisure: Section 75 issues in terms of stadium development have been considered in a number of ways.

The Outline Business Case for Regional Stadium Development included examining a range of Non-Monetary Costs and Benefits of the options considered. This included recognising and scoring the proposals against Section 75 policies with the key aim of ensuring that access to the redeveloped facilities for all was maximised.

In addition my strategy for sport "Sport Matters" launched last year includes the development of major sports stadiums. The strategy was subject to Section 75 screening and integrated impact assessments, including considerable consultation with the public on stakeholders on what is planned up to 2019. This did not reveal any negative aspects in respect of the stadiums.

Furthermore, as part of the Budget 2010 process my Department's capital programme was subject to a high-level impact assessment. This included regional stadium development and the conclusion reached was that there were no negative Section 75 aspects associated with progressing the funding of stadiums.

The £138m to which you refer represents £61.4m for Gaelic games, £14.7m for rugby and £61.4m allocation for football. The football allocation includes the provision for regional stadium development at Windsor Park of £25.2m as part of the Budget 2010 settlement and £36.2m future provision for football's strategic stadium needs at sub-regional level. The Executive endorsed taking sub-regional development forward as a priority area of spend in the next CSR period commencing 2015/16 and Section 75 aspects of this element will be further considered as policies are developed.

Overall the provision of fit-for-purpose stadiums can only enhance compliance with disability requirements, make the spectator experience more inviting and promote interest in the respective sports regardless of gender, race and other Section 75 categories.

Department of Education

Education and Training Inspectors

Mr D Kinahan asked the Minister of Education what proportion of Education and Training Inspectors have previous employment experience of working within a school environment; and to detail the positions the relevant inspectors held whilst working in the school environment.

(AQW 5055/11)

Minister of Education (Ms C Ruane): Tá na cigirí nua á n-earcú trí fhógraíocht phoiblí sa phreas áitiúil.

New inspectors are recruited through public advertisement in the local press. All who become inspectors have academic and professional qualifications at least to degree level or the equivalent and are also required to have a qualification which enables them to teach in schools and / or a further education college; invariably all have substantial teaching and/or training experience in schools, colleges of further and higher education, youth work, organisations of higher education or in industrial/commercial training. Many of them have experience at senior levels in education or training; some have also held senior posts in industry and commerce. Normally, inspectors will have experience in more than one educational organisation.

Information on the details of individual inspector's academic and professional qualifications has been withheld under the Data Protection Act 1998.

Education and Training Inspectorate: Value For Money Surveys

Ms M Ritchie asked the Minister of Education, for each of the last three years, to detail if any value for money surveys have been carried out on the Education and Training Inspectorate, including who carried out the survey and whether the findings were published.

(AQW 5102/11)

Minister of Education: Rinne Brainse Iniúcháireachta Inmheánaí na Roinne Oideachais measúnú ar an Chigireacht Oideachais agus Oiliúna in 2010.

The Education and Training Inspectorate was evaluated by the DE Internal Audit Branch in 2010. The following is an extract from the "Value for Money" section of resulting report, dated 7 July 2010:

"Value for Money

- 11.6 Internal Audit consider that ETI adds value by promoting good practice throughout the Department and this opinion is mirrored through evidence of the findings of an independent evaluation undertaken by PWC. This evaluation is entitled "Department of Education: Evaluation of the Inspection Process (Financial Year 2008/09)" and was conducted based on

questionnaires completed by leaders and teachers of educational institutions who underwent an inspection in the previous academic year. The vast majority of the survey results were very positive and showed improvement on the previous survey levels recorded in 2007/08.

- 11.7 The ETI currently has Charter Mark Accreditation and the Charter Mark Certification Report on ETI states: "The Inspectorate is highly valued by the Schools, Colleges and Training Providers they inspect.
- 11.8 Internal Audit can also confirm that the ETI has obtained positive feedback on the quality, effectiveness and added value of their service from senior management within Departments they serve."

Accumulation of Budgetary Surpluses

Mr S Gardiner asked the Minister of Education, pursuant to AQW 4484/11, to list any school which has exceeded the three year development plan period for the accumulation of budgetary surpluses in the last 12 years.

(AQW 5105/11)

Minister of Education: Níl an eolas a iarradh ar fáil go héasca agus bheadh costas díréireach ag baint le haon iarracht é seo a chur ar fáil.

The information requested is not readily available and an exercise to provide this would result in disproportionate cost.

Training for Education and Library Board Officers

Mr D Kinahan asked the Minister of Education whether there is a programme in place which provides training and support for Education and Library Board Officers to enable them to advise (i) Boards of Governors; and (ii) teachers and principals who have been deemed unsatisfactory.

(AQW 5147/11)

Minister of Education: Tá gach Bord Oideachais agus Leabharlann freagrach as oiliúnt agus bainistíocht feidhmíochta a fhoirne féin a dhéanamh ionas go mbeidh gach foireann in ann a cuid dualgais a chomhlíonadh go héifeachtach ó thaobh chomhairle, oiliúnt agus seirbhísí tacaíochta a thabhairt do scoileanna de.

Each Education and Library Board is responsible for the training and performance management of its own staff to enable them to fulfil their duties efficiently and effectively in relation to the delivery of advice, training and support services to schools.

My Department's school improvement policy sets out how schools will be supported in bringing about their own improvement. It includes a requirement to provide focused support for those schools found at inspection to be inadequate or unsatisfactory. That support is provided by Education and Library Board staff, working with any sectoral support body as appropriate.

I understand that:

- (i) Board officers who are involved in the provision of advice to Boards of Governors are both trained and experienced in addressing performance issues within school improvement.
- (ii) Each Board, under the procedure for dealing with unsatisfactory performance, has a statutory duty to ensure that the teacher or principal involved has access to appropriate training and support to enable them to reach a satisfactory standard. The policy is implemented by the Board of Governors, advised by each Board's Governor Support Service and Curriculum Advisory Support Service (CASS) officers, who provide a customized programme of support. Each Board has experienced officers trained and accredited by the National Association of Educational Advisers and Consultants against the National Standards for School Improvement Professionals in addressing performance issues within school improvement.

Training and Support for Boards of Governors and Teachers

Mr D Kinahan asked the Minister of Education to detail how the quality of the training and support for (i) Boards of Governors; and (ii) teachers and principals who have been deemed unsatisfactory, is assessed.

(AQW 5148/11)

Minister of Education:

- (i) Cuireadh seirbhísí oiliúna agus tacaíochta le haghaidh gobharnóirí faoi phróiseas chigireachta an Chigireacht Oideachais agus Oiliúna. Foilsíodh an tuairisc dheireanach sa bhliain 2005.

The governor training and support services have been subject to inspection by the Education & Training Inspectorate. The last inspection report was published in 2005.

Information on the views of governors on training and support services has also been included in a research report entitled 'School Governors: The Guardians of our Schools' published in 2010 by my Department. Governors are also asked to complete an evaluation form at the end of each training session. The responses are used by each Education and Library Board to assess the relevance and quality of the training in meeting the needs of governors.

- (ii) Procedures drawn up jointly by teachers' employing authorities, in consultation with my Department, provide Boards of Governors with the mechanism for dealing with teachers and principals whose work has been evaluated as unsatisfactory. The procedures were ratified by the Teachers' Salaries and Conditions of Service Committee (Schools) and are currently under review by the Committee.

It is the responsibility of the Board of Governors, in consultation with the employing authority, to initiate such action by way of support and re-training as it deems appropriate. The Board of Governors, in consultation with the employing authority, is responsible for arranging and monitoring the support programme and for assessing the quality of training and support provided.

Training and Support Delivered by Education and Library Boards

Mr D Kinahan asked the Minister of Education to what extent is the Chief Executive of each Education and Library Board held responsible for the quality of the training and support delivered by each Board.

(AQW 5149/11)

Minister of Education: Is é an Príomhfheidhmeannach, agus é freagrach do bhaill an Bhoird, atá freagrach as eagraíocht agus bainistíocht an Bhoird agus as foireann Bhoird a sholáthar, rud a ligeann don Bhord a dhualgais a chomhlíonadh ar bhonn éifeachtúil. Tá seirbhísí oiliúna agus tacaíochta curtha san áireamh leis sin agus cinntíonn an Príomhfheidhmeannach fosta go gcuirtear socruithe an Bhoird i bhfeidhm.

The Chief Executive is responsible to the Board members for the overall organisation, management and staffing of the Board which enable the Board to discharge its responsibilities, including training and support services, efficiently and effectively, and for ensuring that decisions of the Board are implemented.

As the Accounting Officer in the Board, the Chief Executive is also accountable to the department for the discharge of his or her Accounting Officer responsibilities in accordance with the Board's management statement and financial memorandum.

Health and Safety Issues

Lord Empey asked the Minister of Education to outline the immediate (i) capital; and (ii) resource needs of her Department in order to bring primary and post-primary schools up to acceptable Health and Safety Standards.

(AQW 5204/11)

Minister of Education: Tuigim go maith an tábhacht atá lena chinntiú go bhfuil eastát na scoileanna cothabháilte mar is cuí le cosc a chur ar mheathlú do-ghlactha na bhfoirgneamh agus le sláinte agus sábháilteacht ár ndaoine óga, ár múinteoirí agus ár mball foirne eile a chinntiú.

I am acutely aware of the importance of ensuring that the schools' estate is appropriately maintained to prevent unacceptable deterioration of the buildings and to ensure the health and safety of our young people, teachers and other staff members.

The backlog in maintenance for the schools' estate is currently estimated at £299 million. The term health and safety could be attached to many maintenance issues, as maintenance is normally deemed to be required when elements of the estate either deteriorate or are damaged.

However I would assure you that health and safety issues deemed to be an urgent priority are addressed by the Education and Library Boards (ELBs) immediately to ensure the health and safety of the staff and children and that the integrity of the school is maintained. The ELBs also have a schedule of planned maintenance based on a risk assessment of the issues.

This year the ELBs were allocated a total of £38 million for maintenance across the schools estate. The allocations for 2011/12 have yet to be finalised.

Interactive Computerised Assessment System

Mr D Kinahan asked the Minister of Education to detail (i) how much the Interactive Computerised Assessment System cost to implement; (ii) the costs incurred as a result of its implementation in each of the last four years; and (iii) how her Department measures satisfaction with the System.

(AQW 5224/11)

Minister of Education: Mionsonraíonn an tabla thíos na costais iarbhrí don Chóras Idirghníomhach Measúnaithe Ríomhairithe (InCAS) le linn na tréimhse trialach agus feidhmithe, miondealaithe de réir bliain airgeadais:

The table below details the actual costs for the Interactive Computerised Assessment System (InCAS) over the trial and implementation period, broken down by financial year:

	05/06	06/07	07/08	08/09	09/10	10/11 ¹	Totals
Software Licence Agreement (C2k)			£104,160	£160,745	£315,756	£164,000	£744,661
Development & Implementation (CCEA)	£58,128	£271,946	£652,245	£526,646	£565,376	£174,100	£2,248,441
Totals:	£58,128	£271,946	£756,405	£687,391	£881,132	£338,100	£2,993,102

Note: 1 Figures represent costs up to January 2011

The Council for the Curriculum, Examinations and Assessment (CCEA) has assured me that, since its inception in 2007/08, InCAS has been subject to a rigorous, ongoing evaluation, including feedback from principals, teachers, pupils and parents. CCEA has also informed me that this process has been independently validated by the Consultation Institute. This evaluation has helped inform subsequent years' implementation.

Additionally, I have asked the Education and Training Inspectorate to undertake an evaluation of how primary schools are making use of InCAS outcomes to inform teaching and learning and to improve outcomes for pupils. The evaluation will also have a focus on highlighting good practice within schools so that this can be disseminated more widely.

Interactive Computerised Assessment System

Mr D Kinahan asked the Minister of Education (i) to detail the relevant difficulties that have been experienced since the inception of the Interactive Computerised Assessment System; and (ii) whether all the difficulties have been addressed and individual reports are now accurate for both literacy and numeracy.

(AQW 5227/11)

Minister of Education: Léiríonn an fhianaise luachála roimh 2009 go bhfacthas do thromlach suntasach múinteoirí go raibh torthaí InCAS i gcomhréir lena mbreithiúnas proifisiúnta agus gur chuidigh siad le riachtanais foghlama agus teagaisc na ndaltaí aonair a fhoirmiú.

Evaluation evidence prior to 2009 indicates that a significant majority of teachers found InCAS outcomes to be consistent with their professional judgement and helped to inform the learning and teaching needs of individual pupils.

The INCAS assessment tool experienced two software errors during October 2009, both as a result of incorrect computer coding at the University of Durham's Centre for Evaluation and Monitoring (CEM). The first error resulted in incorrect age-related scores in general maths being reported to schools and, in some cases, on to parents. The second error affected the standardised scores accessed by some schools to allow for comparison with other standardised tests they may use - those scores are not for reporting to parents. Both of these software errors were corrected within 24 hours and correct results were issued to all affected schools (approximately 300).

In response to these errors, my Department established a Working Group, comprising education professionals, teachers and trade union representatives. It published a final report making 19 recommendations which I accepted in full. My Department has worked closely with CCEA to develop an action plan to address the recommendations and extensive work has also been undertaken by CCEA to ensure the accuracy of subsequent InCAS outcomes.

For 2010, CEM provided assurances that all of the assessments in the InCAS suite performed as designed. I am aware that some schools reported data was missing from reports in a small number of cases (anticipated to affect fewer than 0.5% of pupils, though final figures are not yet available). A software resolution to this issue is currently being trialled.

Interactive Computerised Assessment System

Mr D Kinahan asked the Minister of Education, in the event of the contract for the Interactive Computerised Assessment System being awarded to a different provider, whether the information that has been collected to date will transfer to the new system.

(AQW 5230/11)

Minister of Education: Ní dócha go mbeadh na sonraí inmhalartaithe go díreach.

In a circumstance where the contract for a statutory computer based assessment tool was awarded to a provider other than the current one, it is unlikely that data would be directly interchangeable and therefore the issue of transferring data from one provider to another would not arise.

Interactive Computerised Assessment System

Mr D Kinahan asked the Minister of Education (i) whether the objective of the implementation of the Interactive Computerised Assessment System was to enable the tracking of a pupil's progress throughout primary education; and (ii) whether the appointment of a new system provider every 3 to 5 years would present continuity difficulties.

(AQW 5232/11)

Minister of Education: Uirlis mheasúnaithe diagnóisigh is ea InCAS go príomha a ceapadh chun tacú le scoileanna agus iad ag iarraidh láidreachtaí na ndaltaí a shainaithint mar aon le réimsí ina dtiocfadh leo feabhsú.

InCAS is primarily a diagnostic assessment tool designed to support schools in identifying pupils' strengths and areas for improvement. The outcomes from the InCAS assessments should therefore help teachers plan their teaching during the school year to meet the needs of pupils in their classrooms. The assessments will also provide schools with useful information for monitoring individual pupil progress – to ensure every pupil is reaching his or her full potential – and, more generally, to inform self-evaluation, development planning and target setting.

The information provided by InCAS can also contribute to the formative record of progress and achievement that schools prepare for each pupil.

While changes in assessment practice can present challenges of continuity and making direct comparisons in performance in different assessments, I believe that the arrangements currently in place (and proposed for 2012 on) where a contract is awarded for a 3-year period extendable for up to 2 further years, represent the best way of ensuring continuing fitness for purpose, flexibility and value for money.

Withdrawal of Funding from Preparatory Departments of Grammar Schools

Mr A Easton asked the Minister of Education when she intends to publish the Equality Impact Assessment on the proposal to withdraw funding from the preparatory departments of grammar schools.

(AQW 5235/11)

Minister of Education: Tá an tuarascáil Measúnachta Tionchair Chomhionannais (EQIA), ar an togra le maoiniú ranna ullmhúcháin na scoileanna gramadaí a stopadh, ina chéimeanna deiridh.

The Equality Impact Assessment (EQIA) report on the proposal to withdraw funding from the preparatory departments of grammar schools is in the final stages of completion. Over 400 responses were received in respect of the consultation, therefore, collating and analysing the responses has taken some considerable time. However, my Department will shortly be writing to all those who participated in the consultation to advise of the EQIA's publication, including a quantitative and qualitative analysis of responses, on the Department's website.

Provisions for Opting Out of Religious Education

Mr D O'Loan asked the Minister of Education to detail the Department's (i) policy; and (ii) processes that are in place which enable a child, of sufficient maturity, to opt out of religious education and other faith based activities, in accordance with a student's right under the UN Committee on the Rights of the Child.

(AQW 5240/11)

Minister of Education:

- (i) Tá an tOideachas Reiligiúnach mar chuid reachtúil den churaclam do gach dalta ón Bhonnchéim go dtí Eochairchéim 4.
- (i) Religious Education is a statutory part of the curriculum for all pupils from Foundation Stage to Key Stage 4. The Department's policy position recognises the need for parents to be able to withdraw their children all or part of collective worship and/or RE lessons on the grounds of conscience and this right is provided for under Article 21(5) of the Education and Libraries (NI) Order 1986. This is in keeping with Article 14(2) of the UN Convention on the Rights of the Child that recognises the rights and duties of parents and guardians to guide children appropriately.
- (ii) The processes for ensuring that parents are aware of, and able to exercise, their right include a requirement that schools must publish information in their prospectus about Religious Education provided at the school and on the arrangements that are in place within the school for pupils whose parents chose to exercise this right.

Additionally, new departmental guidance provided recently for school governors in the on-line guide 'Every School a Good School – The Governors' Role' includes a specific focus on the provision of

religious education and highlights specifically parents' right to withdraw their children along with governors' responsibilities in relation to the promotion of equality, good relations and diversity.

I expect schools to ensure that requirements in relation to including information on RE in their prospectuses are met and that parents are notified of the facility to opt out of religious education and the arrangements for making alternative provision for pupils.

Withdrawal of Funding from Preparatory Departments of Grammar Schools

Mr P Weir asked the Minister of Education when she intends to publish the Equality Impact Assessment on the proposal to withdraw funding from the preparatory departments of grammar schools.

(AQW 5245/11)

Minister of Education: Tá an tuarascáil Measúnachta Tionchair Chomhionannais (EQIA), ar an togra le maoiniú ranna ullmhúcháin na scoileanna gramadaí a stopadh, ina chéimeanna deiridh.

The Equality Impact Assessment (EQIA) report on the proposal to withdraw funding from the preparatory departments of grammar schools is in the final stages of completion.

Over 400 responses were received in respect of the consultation, therefore, collating and analysing the responses has taken some considerable time. However, my Department will shortly be writing to all those who participated in the consultation to advise of the EQIA's publication, including a quantitative and qualitative analysis of responses, on the Department's website.

Withdrawal of Funding from Preparatory Departments of Grammar Schools

Dr S Farry asked the Minister of Education (i) when she intends to publish the Equality Impact Assessment on the proposal to withdraw funding from the preparatory departments of grammar schools; and (ii) to detail the reasons for the delay.

(AQW 5250/11)

Minister of Education: Tá an tuarascáil Measúnachta Tionchair Chomhionannais (EQIA), ar an togra le maoiniú ranna ullmhúcháin na scoileanna gramadaí a stopadh, ina chéimeanna deiridh.

The Equality Impact Assessment (EQIA) report on the proposal to withdraw funding from the preparatory departments of grammar schools is in the final stages of completion.

Over 400 responses were received in respect of the consultation, therefore, collating and analysing the responses has taken some considerable time. However, my Department will shortly be writing to all those who participated in the consultation to advise of the EQIA's publication, including a quantitative and qualitative analysis of responses, on the Department's website.

Religious Education

Mr D O'Loan asked the Minister of Education whether religious education is subject to the same inspection and quality control systems as other subjects in the curriculum, and if not, how she intends to address this issue.

(AQW 5254/11)

Minister of Education: Níl an tOideachas Reiligiúnach faoi réir ag na socruithe cigireachta céanna le hábhair eile sa churaclam faoi láthair.

Religious Education is currently not subject to the same inspection arrangements as other subjects in the curriculum and legislation provides for it only to be inspected by the Education Training and Inspectorate at the invitation of the Board of Governors of the school.

Provision exists in grant aided schools for Ministers of religion and other suitable persons, including teachers of the school, to whom the parents do not object, to be given reasonable access to inspect and examine the religious education given in the school.

There are currently no plans to change this position.

Funding for Voluntary Organisations

Mr G Savage asked the Minister of Education when the voluntary organisations funded by her Department will receive (i) information; and (ii) confirmation about her Department's funding allocations and spending plans for 2011/12.

(AQW 5261/11)

Minister of Education: Shocraigh an Tionól an Bhuiséad Críochnaitheach ar 9 Márta agus is féidir liom anois machnamh a dhéanamh ar an bhealach is fearr úsáid a bhaint as an airgead a cuireadh ar fáil dom. Go dtí go mbeidh sé seo déanta agam, ní dhéanfar aon socruithe críochnaitheacha maidir le leithdháiltí na bliana 2011/12 a bhaineann le heagraíocht ar bith a fhaigheann maoiniú ón Roinn.

The Assembly agreed the Final Budget allocations on 9 March and I am now in a position to consider how best to allocate the resources available to me. Until I have completed this, no final decisions on allocations for 2011/12 can be made in relation to any organisation funded by the Department.

The majority of voluntary organisations who receive DE funding do so through the Education and Library Board Youth Service or the Youth Council. The Boards and the Youth Council will be notified of their main budget allocations as soon as possible and following this it will be their responsibility to decide on funding allocations to individual organisations in 2011/12.

Religious Education

Mr D O'Loan asked the Minister of Education what action her Department is taking to ensure that schools teach children about world religions and non-religious life, in order to promote the development of mutual respect and critical thought.

(AQW 5266/11)

Minister of Education: Tá an curaclam athbhreithnithe i bhfeidhm anois ar fud gach grúpa bliana i ngach scoil dheontaschúnta agus tá fócas ar leith ar chothú tuisceana agus measa ar an éagsúlacht.

The revised school curriculum is now in place across all year groups in all grant-aided schools and includes a specific focus on building tolerance and respect for difference. The Core Syllabus aims to reflect the changing world and now enables Key Stage 2 pupils to become aware of and have respect for differing cultures and faiths, as well as providing for Key Stage 3 pupils to study two world religions (and for Key Stage 4 pupils to study the Christian Church from both a Protestant and Catholic tradition).

The Core Syllabus is not intended to represent the total provision for RE in schools, but provides the basis on which each individual school can build a programme to suit the needs of its pupils and reflect the ethos of the school. Schools can, for example, include additional teaching on world religions, including drawing out similarities and differences between the main religions here, or make provision for any other RE-related matter. In doing so, schools can also build on the increased flexibility of the revised curriculum and make valuable links between RE and areas such as personal development and citizenship.

Schools Careers Service Partnership Agreement

Mr C Lyttle asked the Minister of Education whether schools are obligated to use any of the Schools-Careers Service Partnership Agreement menu of options for Careers Education Information Advice and Guidance for young people.

(AQW 5281/11)

Minister of Education: Níl dualgas ar bith ar scoileanna leas a bhaint as na roghanna uile a chuireann an tSeirbhís Gairmeacha ar fáil.

Schools are not obliged to avail of all options offered by the Careers Service. However they do have responsibilities to provide effective careers education and to provide access to the professional

expertise available through the Careers Service. I am pleased to say that the evidence we have shows that schools are working effectively with the careers service to provide young people with appropriate and effective careers education, information, advice and guidance that best meets their needs. This objective is clearly stated in our joint DE DEL careers strategy. The partnership working arrangements will also ensure that any duplication in services or provision for pupils does not take place.

Funded Preschool Places

Mr P Weir asked the Minister of Education, pursuant to AQW 4489/11, for her assessment of whether the current criteria for funded pre-school places discriminates or disadvantages parents with a disability as it does not include Employment Support Allowance.

(AQW 5284/11)

Minister of Education: Mar a léiríodh i m'fhreagra ar AQW 4489/11, tá go leor áiteanna réamhscoilaíochta maoinithe ar fáil anois do níos mó ná 90% de na páistí sa bhliain réamhscoile deiridh.

As indicated in my response to AQW 4489/11, there are now sufficient funded pre-school places available for over 90% of children in their final pre-school year. As research has shown that the parents of approximately 10% of children do not want them to avail of a funded pre-school place, this is considered to be sufficient to meet demand.

As there should be a funded pre-school place available for every child whose parent wants them to have one, I do not consider that the absence of Employment Support Allowance in the pre-school admissions criteria is discriminatory or disadvantages parents with a disability.

However, as also indicated in my earlier response, 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.

Mobile Classroom Provision

Mr P Butler asked the Minister of Education to detail the schools in the Belfast Education and Library Board area which have received funding for mobile classroom provision in the (i) 2008/09; (ii) 2009/10; and (iii) 2010/11 academic year, including the date of each funding approval and the amount provided.

(AQW 5305/11)

Minister of Education: Tá an t-eolas seo curtha ar fáil i mblianta airgeadais, mar go leithdháiltear maoiniú i mblianta airgeadais.

This information has been provided in financial years, as funding is allocated in financial years.

Name Of School	2008/09 Date / Amount approved	2009/10 Date / Amount approved	2010/11 Date / Amount Approved
Grant Maintained Schools			
St Mary's Christian Brothers GS			£79,500,000
Bunscoil An Tsléibhe Dhuibh	£73,850.00		£117,000
Controlled Schools			
Belfast Boys Model Sec.	£1,455,179.00*		£10,430.00
Cavehill PS	£211,428.00		
Clarawood Secondary		£492.00	

Name Of School	2008/09 Date / Amount approved	2009/10 Date / Amount approved	2010/11 Date / Amount Approved
Finaghy PS			£72,292.00
Glenveagh Secondary	£260,021.00	£20,893.00	
Greenwood PS		£4,598.00	
Grosvenor Grammar			£1,694.00
Grosvenor Grammar			
(Transfer to Scoil an Droichid PS)			£66,107.00
Ligoniel PS			
(Transferred from Orangefield PS)			£65,656.00
Orangefield PS		£100,169.00	
Taughmonagh PS	£45,000.00		
Total	£2,045,478.00	£126,152.00	£295,679.00

Note: * Decanting For Major Work

Funding for Irish Football Association and GAA Youth Schemes

Mr B McCrea asked the Minister of Education how much funding has been ring fenced by her Department for the Irish Football Association and GAA youth schemes, including coaching and training sessions, for the 2011-15 budget period.

(AQW 5313/11)

Minister of Education: Ní mhaoiníonn mo Roinn Cumann Sacair na hÉireann nó CLG le haghaidh seisiún cóitseála agus oiliúna do dhaoine óga.

My Department does not fund the Irish Football Association or the GAA for youth coaching and training sessions. It does, however, provide funding to both organisations for the Primary Curriculum Sports Programme which is focused on helping primary-aged children, particularly those in Foundation and Key Stage 1, to develop their generic physical literacy skills.

That programme has been a great success in building the skills of our youngest pupils, raising their confidence, self-esteem and motivation to learn, and promoting the importance of regular participation in physical activity. It is my intention that it will continue to receive funding at the current annual level of £1.5m over the 2011-15 budget period.

Redundancies

Mr B McCrea asked the Minister of Education when her Department will issue guidance on the number of redundancies required as a result of the 2011-15 Budget; and who will be responsible for issuing this guidance.

(AQW 5321/11)

Minister of Education: I ndiaidh leithdháiltí buiséid deiridh, beidh na scoileanna agus na comhlachtaí fad láimhe in ann cinneadh a dhéanamh maidir leis an dóigh is fearr le déileáil lena gcuid leithdháiltí buiséid.

Following final budget allocations, schools and arm's length bodies will be in a position to decide how best to deal with their budget allocations. It will not be until this stage that the impact on the education workforce will be known.

The Department will not be issuing guidance on the number of redundancies required as it will be the responsibility of the relevant employer to decide how best to deliver any savings required. If it is identified that redundancies must be made, it will be a matter for employers to issue such guidance as may be required.

It is not expected that there will be any redundancies in respect of the Department's workforce but rather that any possible reductions in the number of staff will be managed through natural turnover or by transfer to other Departments.

DE: Performance and Efficiency Delivery Unit

Mr T Elliott asked the Minister of Education why the Performance and Efficiency Delivery Unit has not reported its findings in relation to her Department.

(AQO 1328/11)

Minister of Education: Tabharfar an tAthbhreithniú ar aghaidh i ndhá chéim, de réir Téarmaí Tagartha aontaithe an athbhreithnithe um éifeachtacht a rinne DE agus DFP ar a gcuid seirbhísí riaracháin agus tacaíochta.

The agreed Terms of Reference for the DE and DFP joint Efficiency Review of education administration and support services indicated that the review would be taken forward in two stages by the Department of Finance and Personnel's Performance and Efficiency Delivery Unit, or PEDU. Stage One was to identify a number of areas for evidence of potential efficiencies and savings. Stage Two would examine a subset of the selected areas in more detail.

PEDU has now completed Stage One of this work and two areas, namely Home to School Transport and School Meals, will be subject to more detailed assessment in Stage Two of the Review. PEDU plans to complete this work by the end of May. In the meantime, copies of the report on Stage One will be placed in the Library and on the Departmental website.

Minister for Education and Skills

Mr R McCartney asked the Minister of Education when she will meet with the newly appointed Irish Minister for Education and Skills.

(AQO 1330/11)

Minister of Education: Scríobh mé chuig an Aire Ruairi Quinn TD cheana féin chun comhghairdeas a ghabháil leis agus le cruinniú a iarraidh leis.

I have already written to Minister Ruairi Quinn TD to congratulate him on his appointment and requesting a meeting with him.

The promotion of education and skills, and ensuring that all of our young people realise their full potential is a key challenge, both North and South. I have welcomed the opportunity to work closely with Minister Quinn's predecessors, and I value the progress that has been made, particularly under the four current themes that are part of the formal North/South Ministerial Council (NSMC) education sectoral arrangements namely: educational underachievement, special educational needs, teacher qualifications and superannuation and youth and school exchanges.

I look forward to building on that progress, and I hope to meet the Minister for Education and Skills at the earliest possible opportunity.

Loreto College, Coleraine

Mr P Butler asked the Minister of Education whether she has approved the Development Proposal for Loreto College, Coleraine.

(AQO 1331/11)

Minister of Education: Tá an moladh faofa agam ón ochtú lá Márta dhá mhíle is a haon déag.

On 29 November 2010, the North Eastern Education and Library Board published Development Proposal (DP) No. 252, which proposed the discontinuance of academic selection as a criterion for entry to Loreto College, with effect from 1 September 2012, or as soon as possible thereafter. The statutory two-month consultation period ended on 31 January 2011 and I approved the proposal on 8 March 2011.

I very much welcomed the decision of Loreto College to move away from academic selection/rejection. Their decision marks a turning point and I would encourage others to follow the Loreto College example. The 11 plus is gone and there will be no return to any form of academic testing as part of our transfer procedures and pleased that Loreto College recognises that breakaway tests are unnecessary and unjust and further perpetuate inequality.

Schools: Capital Building Programme

Mr A Maskey asked the Minister of Education what progress has been made on the Capital Building Programme for schools which was announced in June 2010.

(AQO 1332/11)

Minister of Education: Tá áthas orm cur in iúl daoibh go bhfuil dul chun cinn den scoth déanta maidir leis na trí thionscadal déag a bhí faofa le haghaidh maoiniú caipitil mar a d'fhógair mé i mí Lúnasa sa bhlain dhá mhíle is a deich.

I am delighted to report that excellent progress has been made regarding the 13 projects approved for capital funding in my August 2010 announcement. This represents an investment of over £65million in the schools estate and has been an excellent boost not only to the schools but to the local construction sector.

Six of the projects have already commenced construction work on site and four projects have reached contract award stage with a start on site imminent. It is anticipated that the remaining 3 projects will conclude contract signature and commence construction work before the end of March 2011.

In addition to these 13 projects, I am also delighted to report that the contracts were signed last week for new schools for Lagan College Belfast and Tor Bank Special School, Dundonald representing a further investment of £31m. In addition to this a site was purchased for the new build for Colaiste Feirste at a cost of £2.3m.

This is a clear demonstration that given the necessary resources I can deliver much needed new schools. There remains a large number of schools that require new accommodation across the north and I will continue to press for additional capital investment in the schools estate.

Teachers: Job Losses

Mrs M Bradley asked the Minister of Education how many teaching jobs will be lost because of the education budget cuts over the next four years.

(AQO 1333/11)

Minister of Education: Bhí an Bhuiséad Críochnaitheach do na blianta dhá mhíle is a haon déag go dhá mhíle is a cúig déag faofa ag an Tionól ar an naoú lá de mhí Mhárta.

The Final Budget 2011-15 was approved by the Assembly on 9th March. I am now considering final allocation of the education budget for the next four years and will announce budgets at the earliest opportunity. Following budget allocations, schools will then be in a position to decide how best to deliver any savings required. It will not be until this stage that the impact on the teaching workforce will be known.

I am committed to minimising the impact on jobs as far as possible. I will therefore seek to maximise the resources provided directly to schools, so that schools have adequate funding to employ their most valuable resource – teachers - including newly qualified teachers.

Following agreement of the Final Budget, the Budget Review Group will continue to consider, and where possible progress, additional revenue raising proposals. A strong case exists to allocate any additional funding identified to education.

DE: Draft Spending Plan

Mr J McCallister asked the Minister of Education to outline the discussions she had with HM Treasury regarding the proposal in her Department's draft spending plan to transfer capital expenditure to revenue expenditure.

(AQO 1334/11)

Minister of Education: D'aontaigh an Coiste Fheidhmeannach go ndéanfaí machnamh ar iarrtais ó Airí le caiteachas caipitil a athrangú agus é a úsáid le haghaidh acmhainní dá mbeadh fadhbanna ann i ndiaidh leithdháiltí an dréachbhuiséid.

The Executive agreed to consider requests from Ministers to reclassify capital expenditure to resource if, following the draft Budget allocations, the pressures on the resource side of the budget were 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 would be important that the Executive consider the overall block position, including proposals put forward by other Ministers, before reaching decisions and that this matter would be considered by the Executive in their deliberations on the Revised Budget.

In agreeing Final Budget allocations, the Executive agreed a reclassification for education of £25 million from capital to resource next year.

Dromore Central Primary School

Mr P Givan asked the Minister of Education, given that the Department's Budget 2011-15 capital allocation has been agreed, when will the new build at Dromore Central Primary School receive approval.

(AQO 1335/11)

Minister of Education: Tá an tionscadal le haghaidh Dromore Central ag ard chéim pleánála agus tá an aighneacht le mo Roinn faoi láthair le haghaidh faomhadh agus í ag Céim D den phróiseas (agus baineann seo leis na pleananna sceitse críochnaitheacha).

The project for Dromore Central is well advanced in planning with a Stage D submission (final sketch plans) currently with my Department for approval.

While I was successful in securing an additional £65.5 million of capital funding over the four year period in the Final Budget allocation, a gap still exists between the capital funding required to fully deliver the Department's capital programme and the amount allocated. Any investment in new builds, if at all possible, is therefore likely to be intermittent and limited until 2014-15.

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. I will write to schools on the IDP, including Dromore Central, to inform them of the position when this is finalised.

Independent Counselling Service for Schools

Miss M McIlveen asked the Minister of Education whether she intends to extend the Independent Schools' Counselling Service to primary schools and to outline the estimated cost of such an extension.

(AQO 1336/11)

Minister of Education: Tá mé tiomanta do leas na bpáistí agus na ndaoine óga.

I am committed to the well-being of children and young people and I intend to roll out counselling support to pupils in primary schools to complement the service which I introduced in post primary schools in 2009.

Counselling support is currently available to primary pupils as part of the support arrangements which are put in place in response to a critical incident. The basis on which the independent counselling service will be extended more widely into the primary sector, where children are younger, raises a number of issues including:

- the role of parents in the counselling process;
- how confidentiality, which underpins the counselling process, will apply to clients of primary school age;
- the type of counselling support which is appropriate for this age group and the skills which counsellors will require; and
- the availability of suitably qualified and experienced counsellors.

I have asked my officials to bring forward an action plan over the coming weeks to address these issues, and to look at the options for the development of a suitable delivery model for a counselling service in primary settings. That work will draw on the facilities which are currently available within full service schools.

The resources that can be made available will be informed by the scrutiny of the issues, the design of the service and the timetable for roll out.

Schools: Budgets

Mr B Armstrong asked the Minister of Education when schools will be informed of their allocations under the Aggregated Schools Budget.

(AQO 1337/11)

Minister of Education: I ndiaidh an Bhuiséid Críochnaitheach do na blianta dhá mhíle is a haon déag go dtí dhá mhíle is a cúig déag bheith socraithe, is féidir liom socruithe críochnaitheacha a dhéanamh ar leithdháileadh achmhainní le haghaidh seirbhísí agus buiséid oideachais agus tá an Bhuiséad um Scoileanna Comhiomlánaithe curtha san áireamh leis sin.

Following agreement of the Final Budget 2011-15, I am now in a position to make final decisions on the allocation of resources for education services and budgets, including the Aggregated Schools Budget. These will be announced at the earliest opportunity.

Department for Employment and Learning

Training for Women Network

Mr P Weir asked the Minister for Employment and Learning whether there will be any further review of the allocation of funding from the European Social Fund to the Training for Women Network.

(AQW 5061/11)

Minister for Employment and Learning (Mr D Kennedy): Following the second open and competitive call for funding under the Northern Ireland European Social Fund (NIESF) Programme 2007-2013 as set out in the Operational Programme document that was agreed by the Competitiveness and Employment (C&E) Monitoring Committee in 2007, a total of 112 applications were received, seeking funding of £50 million against an ESF budget of £30 million. As a result of the unprecedented level of applications and over-subscription I was able to offer funding of 75% of that bid for to 83 projects in merit order against the available ESF budget of £30 million. This meant that it was not possible to offer funding to the Training for Women Network. While we will keep the matter under review, given that all available ESF and DEL match funding has been allocated, it is

highly unlikely that any funds will become available for further allocations as the next stages of the process are completed.

European Social Funding

Mr P Weir asked the Minister for Employment and Learning to detail (i) the name of each women's organisation which received funding under the European Social Fund in each of the last three years; and (ii) the level of funding allocated in each case.

(AQW 5062/11)

Minister for Employment and Learning: A first Call for applications to Priority 1 of the Northern Ireland European Social Fund Programme, 2007 -2013 was launched on 10 October 2007. Among the successful applicants, 8 Women's organisations were selected for funding for the period 1 April 2008 – 31 March 2011. The table overleaf provides details of the Women's organisations that were supported and the amount of funding offered.

NIESF PROGRAMME PRIORITY 1 - 1ST CALL – WOMEN'S ORGANISATIONS OFFERED FUNDING

Organisation Name	Project Title	Total Eligible Project Cost	Amount of ESF Assistance Offered	Amount of Del Contribution
First Steps Women's Centre	Women towards greater education & employment	£977,420	£390,797	£244,355
Footprints Women's Centre	Routes to Skills and Employability	£486,471	£194,587	£121,617
Shankill Women's Centre	Education, Training & Employability Project	£448,136	£179,256	£112,034
Strathfoyle Women's Activity Group Ltd	Community Empowerment Program	£447,841	£179,086	£111,960
Training for Women Network	Advancement of Women Programme	£1,251,341	£500,537	£312,835
Windsor Women	Euterpe 1111	£465,905	£186,362	£116,476
Women in Business	NI Women returners Network	£499,449	£199,780	£124,862
Women's TEC	ETC Extending Training in Communities	£766,311	£306,524	£191,578

Organisation Name	Project Title	Total Eligible Project Cost	Amount of ESF Assistance Offered	Amount of Del Contribution
Total		£5,342,874	£2,136,929	£1,335,717

European Social Fund

Mr P Weir asked the Minister for Employment and Learning to detail (i) the number of reviews sought by organisations which did not receive funding under the European Social Fund; and (ii) how many of these reviews were successful.

(AQW 5064/11)

Minister for Employment and Learning: A second Call for applications under Priority 1 of the Northern Ireland European Social Fund (NIESF) Programme 2007 -13 was launched on 23 September 2010. Unsuccessful applicants were offered the opportunity to request an appeal against the decision of the Selection Panel and to have the decision reviewed by an independent Review Panel. A total of 14 applicants requested an appeal and none were upheld by the Review Panel.

Essential Skills and Training for Success Programme

Ms M Ritchie asked the Minister for Employment and Learning, for each of the last three years, to detail the (i) student retention rate; and (ii) student achievement rate of (a) Essential Skills; and (b) the Training for Success Programme, broken down by further education college.

(AQW 5065/11)

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 for (a) Essential Skills and (b) Training for Success (and Jobskills).

(A) ESSENTIAL SKILLS

College	2007/08		2008/09		2009/10	
	Retention Rate	Achievement Rate	Retention Rate	Achievement Rate	Retention Rate	Achievement Rate
Belfast Metropolitan	72%	82%	76%	48%	81%	63%
Northern Regional	78%	47%	79%	56%	74%	58%
South Eastern Regional	77%	76%	79%	71%	76%	75%
Southern Regional	73%	61%	89%	67%	88%	56%
South West	86%	76%	84%	75%	89%	72%
North West Regional	78%	70%	79%	73%	77%	62%

(B) JOBSKILLS/TRAINING FOR SUCCESS

College	2007/08		2008/09		2009/10	
	Retention Rate	Achievement Rate	Retention Rate	Achievement Rate	Retention Rate	Achievement Rate
Belfast Metropolitan	90%	74%	88%	71%	88%	59%

Northern Regional	88%	53%	86%	65%	87%	38%
South Eastern Regional	86%	65%	90%	71%	84%	69%
Southern Regional	90%	57%	92%	70%	90%	63%
South West	86%	80%	94%	79%	93%	74%
North West Regional	87%	60%	84%	67%	88%	52%

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. To be consistent with the data provided in the recent AQW 4931/11, the above information on Essential Skills and Jobskills/Training for Success has been sourced from the Further Education Leavers Survey, which is generated from the FE Colleges' Management Information System.
4. 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.
5. The achievement rate is defined as the proportion of final students who obtain a qualification as a percentage of final year completers.
6. Partial achievement is also included within the data (although this accounts for less than 5% of total achievements).

Decentralisation of Public Sector Jobs

Mr P Callaghan asked the Minister for Employment and Learning for an update on the implementation of the plan to decentralise public sector jobs within his Department, and its agencies, since the publication of the Bain Report.

(AQW 5122/11)

Minister for Employment and Learning: There is currently no centralised programme for the location or relocation of public sector or civil service jobs.

Posts and services within the Department for Employment and Learning are already widely dispersed across Northern Ireland. Of the 2110 staff (full-time equivalent 1943) presently employed in the Department, 1068 (full-time equivalent 952) (or approximately 51%) work in 31 offices outside the greater Belfast area. Of those based in the Belfast area, 38% of staff deliver frontline services to the public, with a relatively small core providing support in Headquarters buildings. The Department has no plans to decentralise any additional jobs to centres outside Belfast.

University Tuition Fees

Mr B McElduff asked the Minister for Employment and Learning to detail the impact that a rise in university tuition fees would have on regional colleges offering collaborative courses in partnership with the University of Ulster and Queen's University, Belfast.

(AQW 5136/11)

Minister for Employment and Learning: Institutions offering full-time higher education courses may not charge tuition fees for full-time students above the basic level, currently £1,310, without an Access Agreement that my Department has approved and no institution may charge fees above the higher fee limit, currently £3,290, set by the Department. Aside from annual inflationary rises, the level of tuition fees cannot be increased unless the Assembly votes to do so.

Within the regulatory framework set by my Department, each University and Further Education Regional College is responsible for setting its own fees policy. Similarly, within this framework, decisions on tuition fee levels for collaborative courses are a matter for agreement between the Further Education Colleges and University consortium partners.

I have recently launched a public consultation on the future policy of tuition fees and student finance arrangements for Northern Ireland. The consultation paper seeks views on a range of issues, including both the higher and basic fee levels.

I am committed to maintaining access and continuing our record of having the best higher education participation rates in the United Kingdom for those from socially disadvantaged backgrounds and I recognise that HE in FE - Higher Education in Further Education - plays a significant role in my Department's policy in this area.

University Fees

Mr B McElduff asked the Minister for Employment and Learning if he can confirm that an increase in fees will not be imposed on regional colleges wishing to continue to offer courses to students who cannot afford to pay university fees and who wish to study close to home.

(AQW 5139/11)

Minister for Employment and Learning: Institutions offering full-time higher education courses may not charge tuition fees for full-time students above the basic level, currently £1,310, without an Access Agreement that my Department has approved and no institution may charge fees above the higher fee limit, currently £3,290, set by the Department. Each Further Education Regional College is responsible for setting its own fees policy within the overall fee limits set by the Department.

I am very much aware of the important role that the Further Education Regional Colleges play in the widening access agenda through the delivery of close to home higher education courses to students from disadvantaged backgrounds who could not otherwise consider higher education.

I have recently launched a public consultation on the future policy on tuition fees and student finance arrangements for Northern Ireland. The consultation paper seeks views on a range of issues, including both the higher and basic fee levels. Any decision to raise the current fee cap on tuition fees will require approval by the Assembly.

Additional Budget Allocation

Mr P Ramsey asked the Minister for Employment and Learning to outline how he intends to use the further £51 million that was made available to his Department in the Budget 2011-15.

(AQW 5200/11)

Minister for Employment and Learning: While the Department for Employment and Learning (DEL) welcomes the additional allocation of £51m, which equates to some £13m each year, it has to be seen in this larger context:-

After delivering 5% cumulative reductions in expenditure of £40m / £72m / £108m / £144m, DEL still has a shortfall in funding of £40m (Yr1) and £31m (Yr2). Despite this further allocation, there is still a substantial gap in the first two years: £28m (Yr1) and £18m (Yr2).

Precedence will be given to the £7m required annually to address existing contractual commitments on capital projects for FE Colleges and a further £1m each year to deal with the consequences of the cessation of the student rates relief scheme. Hence, there is only some £5m each year which is actually uncommitted, new money. DEL intends to use the balance of £5m to partially address other pressures such as funding some of the costs required for Welfare Reform and continuing research and innovation in the higher and further education sectors. I would hope that this is sufficient to protect initiatives such as the Innotech centre in the South West Regional College.

UK NARIC Pilot Scheme

Mr B Wilson asked the Minister for Employment and Learning (i) for his assessment of the UK NARIC pilot scheme in the Dungannon Jobs and Benefit office and the European Employment Service office in Belfast, to provide qualification equivalents to migrants; (ii) how many people have used the service; and (iii) how long it takes for a service user to receive a result.

(AQW 5205/11)

Minister for Employment and Learning:

- (i) There is a 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.
- (ii) As at 7th March 2011 the number of enquiries received by EURES offices in Belfast is 77. The number of enquiries received by Dungannon is 13.
- (iii) The turnaround time for response to enquires is within 15 days, though we can respond within 2-5 days provided all necessary documentation is provided. However if additional documentation/clarification from the enquirer is necessary or if referral to UK NARIC office for guidance is required, then the 15 day deadline may be exceeded.

The service can also be used by employers and I can report that enquires have been received from employers wishing to check the validity of particular qualifications presented to them by migrants seeking employment.

Interim Chairperson of the Board of Belfast Metropolitan College

Ms S Ramsey asked the Minister for Employment and Learning to detail (i) the name of the interim Chairperson of the Board of Belfast Metropolitan College; (ii) the process by which the appointment was made; and (iii) whether the interim Chairperson declared any interests in relation to the development of the Titanic Quarter.

(AQW 5274/11)

Minister for Employment and Learning: Mr Peter McNaney was the Interim Chair of the Governing Body of Belfast Metropolitan College from 28 October 2008 to 31 August 2010. Following the resignation of the previous Chair, with immediate effect, Mr McNaney was appointed under emergency procedures that had been agreed with the Office of the Commissioner for Public Appointments for Northern Ireland.

Mr McNaney is not recorded as having declared any interests in relation to the development of the Titanic Quarter.

Former Deputy Director of Business Services at Belfast Metropolitan College

Ms S Ramsey asked the Minister for Employment and Learning whether the former Deputy Director of Business Services at Belfast Metropolitan College expressed concerns to the Department about the affordability of the Titanic Quarter building project for the College; and if so, what action did the Department take in response to these concerns.

(AQW 5278/11)

Minister for Employment and Learning: On the 9 March 2009 the Governing Body of Belfast Metropolitan College unanimously approved the Titanic Quarter project and it was agreed that my Department's approval should be sought to sign the contract.

On the 21 May 2009, in the course of a meeting with a Departmental official, the former Deputy Director of Business Services of Belfast Metropolitan College expressed concerns about the affordability of the Titanic Quarter project.

These concerns were immediately relayed to the Interim Director of Belfast Metropolitan College, who was asked for reassurance that the financial projections supplied previously were both realistic and achievable. These assurances were given. Belfast Metropolitan College remain firmly of the view that this project is affordable and that it is the value for money option to address its accommodation issues.

Gateway Review Recommendations

Ms S Ramsey asked the Minister for Employment and Learning whether his Department received a Gateway Review in 2008 which expressed concerns about the affordability of the Titanic Quarter building project for Belfast Metropolitan College and the sustainability of student numbers; and whether the Gateway Review recommended that a full review of the business case should be conducted.

(AQW 5293/11)

Minister for Employment and Learning: The Gateway Review carried out in 2008 made six recommendations. Two of the recommendations were given the status Red (take action immediately) and the other four recommendations were given the status Amber (take action within an agreed timetable).

One of the Red recommendations referred to “a complete refresh” of the Full Business Case (FBC) to cost the option of remaining on the existing sites. As this exercise had been completed previously in the Outline Business Case, a document that the Gateway Team had not reviewed fully, the information was already to hand. The cost information in the OBC was reviewed and updated without the requirement for a costly refresh of the FBC. Affordability was also raised in this recommendation and this was addressed by the College prior to its Governing Body approving the FBC and seeking Departmental approval to sign the contract at April 2009. Sustainability of student numbers was not raised in the report.

All other recommendations in the Gateway Review were addressed prior to contract signing.

Adult Education Services

Ms C Ní Chuilín asked the Minister for Employment and Learning (i) when the results of the questionnaire into adult education will be published; (ii) for his assessment of whether the funding awarded to the Belfast Metropolitan College was the most appropriate use of funds, given that most of this work was carried out in Neighbourhood Renewal areas; and (iii) how he will ensure that future funding for adult education services and support will include the community sector in the delivery of vital services and skills.

(AQW 5298/11)

Minister for Employment and Learning: My Department expects that the research project recently commissioned to explore adult perceptions and attitudes to participation in Further Education to be formally published in May 2011.

The Department is currently providing funding to each of the six Further Education College under the Learner Access and Engagement pilot programme. This funding allows Colleges to contract with third party organisations for the delivery of additional support for hard to reach adult learners who enrol on economically focused courses. This three year pilot programme was introduced to encourage effective collaboration between the statutory and non statutory sectors and reduce the potential for a duplication of services. Belfast Metropolitan College has contracted with a consortium of four voluntary and community groups, representing the north, south, east and west of the city, to provide learner support for adults enrolling on the College's Essential Skills provision. This three year pilot programme, which is currently being evaluated, operates across all areas of Belfast, including designated Neighbourhood Renewal areas.

My Department recognises the benefits to be derived by Colleges entering into partnerships with third parties, including community groups and charities. Further Education Colleges are committed to working with the community and voluntary sector to widen access and increase participation in further education through their wide range of provision on offer at their various campuses and network of community outreach centres.

Northern Regional College, Larne

Mr S Neeson asked the Minister for Employment and Learning if his Department has any plans for the future of the Northern Regional College in Larne.

(AQO 1344/11)

Minister for Employment and Learning: The Northern Regional College has developed a Business Improvement Plan which considers all key elements of its operations, and has identified difficulties in maintaining the viability of the Larne campus. These concerns have arisen as a result of a reduction in the demand for part time courses which was the primary reason for the current accommodation being provided.

In response, my Department has asked the College to prepare a business case in order to identify the best value for money option for delivering further education provision in Larne.

It is important to note that each college will deliver its curriculum through a network of community outreach centres as well as their own estate, and the Northern Regional College continues to be committed to the long term provision of further education in Larne.

Adult Apprenticeships

Mr S Gardiner asked the Minister for Employment and Learning for an update on the future of adult apprenticeships.

(AQO 1345/11)

Minister for Employment and Learning: I am pleased that I have been able to identify funding to ensure that adult apprenticeships are offered in either Priority Skill areas and/ or at Level 3 only.

I understand from the Press that the Chancellor of the Exchequer in today's Budget is going to give more money to apprenticeships.

Given the importance of apprenticeships to the Northern Ireland economy I would strongly endorse the Barnett consequential of this Budget decision being allocated in full to apprenticeships.

The final decision as to which option to adopt will be made once the Statutory Equality Impact Assessment requirements have been undertaken. There is no change to the funding arrangements for apprentices aged 16-24.

I can assure the House that even in difficult times the training of apprentices remains central to my department's response to the economic recovery and development of Northern Ireland.

Students: Employability Certificates

Mr D McNarry asked the Minister for Employment and Learning for his assessment of whether the introduction of an employability certificate for all students in further and higher education would be an economic benefit.

(AQO 1346/11)

Minister for Employment and Learning: During my most recent visit to North Carolina, I was impressed by the work done there on the introduction of an employability certificate for high school students aged 14 - 17.

Ensuring that young people leave education and training with the essential skills of literacy, numeracy and ICT as well as the employability skills of flexibility, team working and adaptability is a priority for me.

As part of FE Means Business, the Department worked with colleges to ensure that all full-time 16-19 year olds entering a Further Education college have agreed a programme of learning and qualifications on the Qualifications and Credit Framework to develop essential and employability skills.

Also, from September 2011, in addition to vocational qualifications and Essential Skills all young people following Training for Success programmes will undertake regulated qualifications in employability.

In higher education, both the Queen's University of Belfast and the University of Ulster recognise the importance of developing students' employability skills within their degree courses. Skills and experience gained through extra-curricular activities are also becoming formally recognised through programmes such as Queen's Degree Plus and the development of the Higher Education Achievement Report, a UK-wide initiative.

Building on this good progress across all sectors, I am pleased to announce that I have asked my officials to establish a Working Group, involving business and other key stakeholders to examine what further could be done to improve employability among our young people and to consider how this could be certified.

South Eastern Regional College, Lisburn

Mr J Craig asked the Minister for Employment and Learning for an update on the construction of a car park for the South Eastern Regional College in Lisburn.

(AQO 1347/11)

Minister for Employment and Learning: The South Eastern Regional College's car park in Lisburn, which is part of its Public Private Partnership contract, is on schedule to be completed by the 9th May 2011 target date.

I will ask the Principal of the college to write to the Member with an update.

Budget 2011-15

Mr A Ross asked the Minister for Employment and Learning for his assessment of the impact that the additional resources allocated in the Budget will have on his Department.

(AQO 1348/11)

Minister for Employment and Learning: I am on record, from early January, as stating that my Department faces significant inescapable pressures across the 4 year Budget period, with shortfalls of £40m, £31m in the first two years. While I welcome these additional allocations, which equate to some £13m each year, they have to be seen in this larger context.

Unfortunately, as the Finance Minister knows, £7m is needed annually to address existing contractual commitments on capital projects for Further Education Colleges and a further £1m each year to deal with the consequences of the Department of Finance and Personnel's cessation of the student rates relief scheme. Hence, there is only some £5m each year which is actually uncommitted, new money.

I intend to use the balance of £5m to partially address other pressures such as funding some of the costs required for Welfare Reform and continuing research and innovation in the higher and further education sectors. I would hope that this is sufficient to protect initiatives such as the Innotech and STEM centres in the South West Regional College.

Belfast Metropolitan College: Titanic Quarter

Mr A Maskey asked the Minister for Employment and Learning which developer was awarded the contract to build the new Belfast Metropolitan College building in the Titanic Quarter; and the value of the contract awarded.

(AQO 1349/11)

Minister for Employment and Learning: The private sector consortium that is delivering and will be responsible for the operation of Belfast Metropolitan College's Titanic Quarter campus comprises the following companies:

- Special Purpose Vehicle: Ivywood Colleges Ltd, (a subsidiary company within the Titanic Quarter group);
- Designers: Todds Architects;
- Construction company: Pattons Ltd;
- Funder: Ulster Bank; and
- Facilities Management: Amey Ltd.

The estimated capital value of the contract is £44m. However, as the project is a Public Private Partnership it will be paid over the 25 year life span of the contract by means of the Unitary Charge. This charge will not only cover the design and construction of the building but also cover the costs of all elements of running the building for 25 years including, for example, general and life cycle maintenance, cleaning, security, caretaking, and insurance.

Apprenticeships

Mr G Robinson asked the Minister for Employment and Learning for his assessment of the importance of providing funding for apprenticeships to ensure that the young workforce is well prepared for a future economic upturn.

(AQO 1350/11)

Minister for Employment and Learning: I am determined to protect apprenticeship funding for those aged 16-24 to ensure future career opportunities for young people are a priority.

Apprenticeships offer a valuable option for young people to gain skills and knowledge in order to prepare them for working life and for a career.

Apprentices who complete their training under the ApprenticeshipsNI programme will be recognised as qualified persons within their chosen industry. This will provide them with an advantage in competing for job opportunities now and in the future.

European Social Fund

Mr M Brady asked the Minister for Employment and Learning whether his Department intends to fund the projects which were unsuccessful in bidding under the European Social Fund.

(AQO 1351/11)

Minister for Employment and Learning: All available European Social Fund (ESF) monies and DEL Match funding under the second call for ESF Priority 1 have been allocated to 83 successful projects. On this basis I am not in a position to provide any additional ESF funding.

Furthermore, my Department's budget has been fully allocated over the incoming budget period for mainstream activities and I have no plans to support ESF Projects that did not secure funding in the second ESF call, where a total of £50 million was bid for by all applications against an available budget of £30 million.

Young People not in Education, Employment or Training

Mr B McEluff asked the Minister for Employment and Learning what action his Department has taken following the Committee for Employment and Learning's report on its Inquiry into Young People not in Education, Employment or Training.

(AQO 1352/11)

Minister for Employment and Learning: My Department continues to provide a range of key services aimed at supporting and enabling young people to continue in or progress into education, employment or training.

The 41 recommendations of the Employment and Learning Committee's Report, many of which relate to the activities of other Departments, are being actively considered within my Department's work to develop a cross Departmental strategic approach to this issue. Since the Executive gave its approval to this work in July 2010, my Department's officials have been working with the principal service delivery Departments and work has also been ongoing with the voluntary and community sector through a forum developed by Barnardos, with whom a pre-consultation seminar was held on 27 January. This work, together with my Department's earlier Scoping Study and the Committee Report have all helped to inform the development of a draft high level consultation document which I brought to the Executive Meeting on 10 March. The Executive gave approval to proceed to full consultation. I am pleased to inform the member that I will launch the consultation to-morrow, 24th March, and it will be open until 30th June.

A NEET strategy must be based on structures that firmly cement partnership, co-operation and co-ordination between Executive Departments and other agencies and stakeholders. With all the combined good practice, experience and goodwill I am confident that we will make a difference to the lives of those young people who are most at risk of disengaging or remaining disengaged from education, employment or training.

Department of Enterprise, Trade and Investment

Anaerobic Digestion Plants

Mr T Burns asked the Minister of Enterprise, Trade and Investment whether the same level of grant support could be offered to farming co-operatives who wish to build Anaerobic Digestion plants for the disposal of poultry litter as an alternative to the proposed Lough Neagh Incinerator, thus safeguarding the future of the poultry industry and supporting farmers who invest in renewable energy projects.

(AQW 5018/11)

Minister of Enterprise, Trade and Investment (Mrs A Foster): In terms of assistance with the installation of Anaerobic Digestion Plants in farming co-operatives, the Northern Ireland Renewables Obligation (NIRO) is my Department's main mechanism for incentivising renewable electricity generation. The NIRO is not a grant, but instead places an obligation on electricity suppliers to source an increasing proportion of electricity from renewable sources. Once accredited under the NIRO, a generating station, which could be operated by a farming co-operative, would receive Renewables Obligation Certificates (ROCs) for the electricity generated which can then be sold to electricity suppliers. Electricity generated from gas formed by the anaerobic digestion of biomass is eligible to claim ROCs.

In respect of the proposed waste to energy plant at Lough Neagh, no financial assistance has been offered to this project to date and it is currently subject to an ongoing due diligence process.

Social Clause Requirements

Mr P Callaghan asked the Minister of Enterprise, Trade and Investment to detail (i) the social clause requirements in her Department's capital or current spend projects, including (a) the creation of apprenticeships; and (b) the employment of long-term unemployed persons; and (ii) any proposals her Department has to expand such opportunities.

(AQW 5028/11)

Minister of Enterprise, Trade and Investment:

- (i) DETI and its Arm Length Bodies work with Central Procurement Directorate (CPD), which is the Departments Centre of Procurement Expertise, to include social clauses within appropriate construction contracts. The Social Clause requirements for new construction contracts from

December 2008 aims to encourage the economically inactive back into the work place and encourage training and skills development to build a sustainable construction industry. These proposals include a requirement that the main contractor recruits:

- (a) one apprentice, either directly or through the supply chain, for each £2m of project value.
- (b) one long-term unemployed person, either directly or through the supply chain, for each £5m of project value.

Contracting authorities have flexibility in setting their targets and therefore the discretion, depending upon the scope and nature of the project, to adjust the targets to reflect particular social or economic circumstances in relation to a specific project.

When offering employment related support towards job creation projects, Invest NI's letters of offer to clients based in disadvantaged areas routinely require grant recipients to use all reasonable endeavours to recruit at least 10% of new employees from the unemployed using established government programmes when appropriate.

- (ii) The current targets are a baseline position and a reflection of the relatively buoyant state of the construction market at the time of their development. A task Group of the Construction Industry Forum for Northern Ireland (CIFNI) has been commissioned to identify key areas where further detailed work is required to refine the current measures in light of experience to date and the changing economic environment.

Refined proposals currently being considered include:

Apprentices

5% of the contracting team's workforce are employed on formally recognised paid apprenticeships.

(The contracting team consists of the contractor and first tier subcontractors.)

Unemployed

For every £0.5m of labour value the contractor would provide 26 person weeks of employment opportunities through DEL Steps to Work or equivalent.

Student Work Placements (a new requirement)

The Contractor would provide employment opportunities for student(s) on a University or Further Education College construction related course (40 person weeks minimum placement).

One student placement to be included in contracts with a labour value of £2m to £5m; and two student placements for contracts with a labour value of greater than £5m.

CPD is working with DEL to consider how the revised proposals integrate with wider Government programmes for employment and training. It is anticipated that once the revised targets have been agreed they will be piloted in construction contracts early in the new financial year.

CPD is also working to take forward a number of pilots aimed at integrating social clauses within supplies and services contracts.

Board of the Presbyterian Mutual Society

Mr A Maginness asked the Minister of Enterprise, Trade and Investment, pursuant to AQW 4307/11, excluding the representations stated, whether there were any other representations or enquiries made by a third party in relation to proposed disqualification proceedings on behalf of any former director of the Presbyterian Mutual Society.

(AQW 5103/11)

Minister of Enterprise, Trade and Investment: Representations were made by directors and by third parties on behalf of directors before proceedings were issued.

As previously stated in AQW 4307/11 the Department gave due consideration to all representations made.

Project Kelvin Initiative

Mr G Campbell asked the Minister of Enterprise, Trade and Investment for her assessment of the benefits for businesses on the North Coast and the North West region as a result of the Project Kelvin initiative. (AQW 5178/11)

Minister of Enterprise, Trade and Investment: Project Kelvin provides businesses on the North Coast, the North West region and across Northern Ireland, for the first time, with a direct international telecommunications link. Furthermore, under the terms of the Project contract, the latency, resilience and cost of this international connectivity is guaranteed until 2018.

This means that businesses throughout Northern Ireland now have access to the same international telecoms services found in major cities like Amsterdam and New York. This enables them to compete in global export markets and provides increased opportunities to sell goods and services overseas.

In addition, Project Kelvin facilitates new opportunities for inward investment in sectors such as financial services and TV/film post production.

Small and Medium-Sized Business Sector

Mr G Campbell asked the Minister of Enterprise, Trade and Investment what action has been taken to improve the IT skills of those in the small and medium-sized business sector. (AQW 5179/11)

Minister of Enterprise, Trade and Investment: Invest NI has made significant investment in skills development through its Business Improvement Training programme.

The support is not subject specific but focuses on business growth. It provides assistance to businesses to help them develop the skills of their staff in line with business objectives, making them ultimately more competitive.

Invest NI continues to work closely with the Department for Employment and Learning and the relevant sector skills council, e-Skills UK, to ensure there is an adequate supply of suitably skilled IT professionals to meet the future demand from the SME sector.

NI's ability to provide a flexible and motivated workforce and focus training on the needs of industry is vital to maintaining our global competitiveness. Some specific examples of action taken to improve the IT skills within existing employers include the Microsoft Professional Course and the .NET course which has been developed in conjunction with Belfast Metropolitan College.

Since 2008, Invest NI has offered £13m support SMEs in developing the skills of their workforce.

Small and Medium-Sized Business Sector

Mr G Campbell asked the Minister of Enterprise, Trade and Investment for an update on the current business outlook for small and medium-sized businesses. (AQW 5180/11)

Minister of Enterprise, Trade and Investment: While forecasts are not undertaken by business size in Northern Ireland, the local economy is forecast to grow at 1.5% during 2011. However, given the increased input costs and reduced export sales to the Republic of Ireland it is likely to be a difficult year for many businesses, not least SMEs. However, while it is undoubtedly a challenging environment, opportunities do exist – particularly for businesses willing to export to emerging markets such as India and China.

In addition, Invest NI continues to provide a range of support for SMEs in all stages of their development. For example, some programmes are targeted at particular areas such as the Growth Accelerator programme

which helps SMEs to grow through exporting, while assistance is also available for strategy and people development and R&D.

SMEs, in particular, have recently raised the issue of access to finance. My department continues to put pressure on local banks to lend, making use of schemes such as the Enterprise Finance Guarantee Scheme when appropriate.

Rising Cost of Fuel

Mr G Campbell asked the Minister of Enterprise, Trade and Investment whether any business groups have made representations to her in relation to the escalating cost of fuel and its effect on overheads and profitability.

(AQW 5181/11)

Minister of Enterprise, Trade and Investment: I am acutely aware of the impact of rising fuel costs and the pressure this places on local businesses with, for example, the cost of unleaded petrol increasing by 15% over the last year and with diesel up by 18%. Not only does Northern Ireland have the highest fuel costs of the UK regions but we are very reliant on imported fuel while the cost of crude oil continues to drive prices upwards.

I have received a number of representations, in particular regarding the Fuel Price Stabiliser, which the government announced as part of the June Budget last year. I raised this with the Minister for Finance and Personnel, following which, he wrote to the Exchequer Secretary to highlight the additional constraint that the recent rises in petrol and diesel are having on the Northern Ireland economy. This issue was also raised at a Ministerial meeting in early February with HM Treasury. We await further developments on the fuel price stabiliser in the national Budget.

Fuel Duty Stabilizer

Mr G Campbell asked the Minister of Enterprise, Trade and Investment whether an assessment has been made of the effect a fuel duty stabilizer might have on the ability of businesses to cope with the current recession.

(AQW 5182/11)

Minister of Enterprise, Trade and Investment: A Fair Fuel stabiliser is a measure which reduces fuel duty when oil prices rise, and vice versa. Although potentially complex to administer it was announced in the June 2010 Budget to avoid the current situation where rising crude oil prices and government duty have a double impact on the road user and is designed to provide a smoother transition to higher or lower prices.

The introduction of a Fair Fuel Stabiliser could positively impact on business as it could provide greater stability and certainty regarding underlying fuel costs. The measure could also benefit consumers by supporting motorists during these challenging times as the cost of living and motoring rises – helping reduce uncertainty regarding the cost of motoring which in turn might help bolster consumer confidence.

The concept of a Fuel Stabiliser would certainly be welcome in the current economic climate given the recent surge in crude oil prices and the resultant inflationary effects. However, I will be in a better position to assess its potential impact once the details of any proposed scheme are announced.

Exploratory Drilling

Mr G McHugh asked the Minister of Enterprise, Trade and Investment to detail the findings of exploratory drilling that has been carried out on and off shore, in particular in the border areas to date.

(AQW 5267/11)

Minister of Enterprise, Trade and Investment: Fifteen petroleum (oil and gas) exploration wells have been drilled in Northern Ireland since 1964 and, although no production has resulted from these, significant oil and gas shows have been recorded. Nine of these wells were located in the southwest

(Co. Fermanagh and south Co. Tyrone) and six in the 'concealed' sedimentary basins (Rathlin, Larne and Lough Neagh basins) in the northeast of Northern Ireland. All but one of the wells in the southwest had gas shows but failed to produce commercial quantities of gas to the surface when tested because of the poor quality of the Carboniferous reservoir sandstones. Only minor indications of oil and gas have been recorded from the Permo-Triassic sandstones targeted by the wells in the northeast basins. However, the 2008 Ballinlea No. 1 well, in north Co. Antrim, drilled down to the deeper Carboniferous strata and encountered a number of oil and gas shows. Two of the oil-bearing intervals were tested and some oil was recovered.

Following the introduction of new petroleum legislation in 2010, DETI expects to grant at least four new petroleum licences in 2011 leading to renewed exploration in Fermanagh, the Rathlin and the Larne-Lough Neagh basins.

Offshore petroleum drilling is the responsibility of the Department of Energy and Climate Change.

Mining for minerals in Northern Ireland has taken place for many years. In the late twentieth century exploration drilling led to the discovery of potentially economic deposits of precious and base metals (the Sperrin Mountains, south Co. Armagh), lignite (Crumlin, Ballymoney and Coagh) and industrial minerals such as salt (Carrickfergus) and perlite (Tardree).

Recent exploration drilling has focussed on the gold deposits at Cavanacaw (near Omagh), Curraghinalt (near Gortin) and Clay Lake (near Keady). The 2004-2006 Tellus geophysical and airborne geochemical surveys of Northern Ireland revealed new exploration targets, and recent Mineral Prospecting Licences have been issued for the exploration of Platinum Group minerals and other critical metals. Drilling has taken place on the Antrim Plateau but the results remain confidential. Most of the occurrences of industrial minerals are minor but salt is worked at Kilroot, near Carrickfergus, and drilling has been used to delineate possible extensions to the current mine workings.

Titanic Signature Project

Mr P Butler asked the Minister of Enterprise, Trade and Investment to outline any concerns her Department has in relation to the quality of the surrounding infrastructure of the Titanic Signature Project.
(AQW 5268/11)

Minister of Enterprise, Trade and Investment: The Titanic Signature Project is on track to be completed by April 2012. However some concerns have been raised about the quality of some of the surrounding infrastructure. These concerns arising from the current economic downturn have been raised at an early stage which gives us time to work with all interested parties to ensure that they are addressed. Discussions and assurances received to date give me confidence that the Titanic Signature Project and its surroundings will be ready by April 2012.

Presbyterian Mutual Society

Ms M Ritchie asked the Minister of Enterprise, Trade and Investment when he will bring forward legislation to give statutory effect to the financial relief package for the Presbyterian Mutual Society.
(AQW 5306/11)

Minister of Enterprise, Trade and Investment: I plan to introduce appropriate legislation as soon as practically possible.

Rise in Air Passenger Duty

Mr T Clarke asked the Minister of Enterprise, Trade and Investment whether she has had any discussions with Continental Airlines or HM Treasury in relation to the rise in air passenger duty.
(AQW 5317/11)

Minister of Enterprise, Trade and Investment: I am fully aware of the potentially serious implications for Northern Ireland of any increase in Air Passenger Duty (APD). I have discussed this matter with Mr Bob Schumacher, Continental Airlines' Senior Director UK & Ireland, and with Mr Barry Jackson,

Continental Airlines' Northern Ireland Sales Manager. I am also aware that the First Minister and deputy First Minister have corresponded with Mr Jeff Smisek, President and CEO United Continental Holdings about the issue. I have also received correspondence on the issue from the Chief Executive of Belfast International Airport with who I have also discussed the issue.

I have discussed APD with Executive colleagues and Mr Sammy Wilson, Finance Minister, and I have raised this issue with Ministers from HM Treasury. In addition, my officials have had several meetings about APD with colleagues in HM Treasury and remain in close contact.

Business Start-Ups: East Belfast

Ms D Purvis asked the Minister of Enterprise, Trade and Investment to detail the number of business start-ups in East Belfast (i) as a result of the Go For It Programme; and (ii) which have benefited from the Young Enterprise Programme.

(AQW 5341/11)

Minister of Enterprise, Trade and Investment: In the financial year 09/10 102 businesses started up in East Belfast, with 144 new start ups in the financial year to date (28 February 2011).

In terms of participation on the Go For It Programme, 88 participants from East Belfast completed a business plan in 09/10 and 188 in the year to 28 February 2011.

Within the Youth Enterprise Programme, which has been operational since 1 December 2010, there are 31 registered users from East Belfast.

Titanic: 100th Anniversary

Miss M McIlveen asked the Minister of Enterprise, Trade and Investment for an update on the programme of events arranged to mark the 100th anniversary of the Titanic in 2012.

(AQO 1359/11)

Minister of Enterprise, Trade and Investment: My department and the Northern Ireland Tourist Board (NITB) are very excited by the opportunities presented by a number of events and anniversaries in 2012, including among others, the Titanic centenary, the Queen's Diamond Jubilee and the 50th Belfast Festival at Queens. This is a unique opportunity to showcase Northern Ireland internationally.

We are proactively working with key stakeholders to harness this potential, and have developed a programme of Tier 1 international-scale events for 2012 as part of the activity driven by a Steering Group specially established to identify and drive forward all opportunities. This will include a Titanic Festival which will showcase Belfast and Northern Ireland as the home of Titanic to the world.

A number of organisations have also proposed holding Tier 2 events to commemorate the centenary of the sinking of the Titanic on 14-15th April 2012. NITB, along with Belfast City Council and others, are working to review event proposals in order to promote a cohesive events programme, while also taking account of the funding available.

Investment: West Belfast

Mr J McCallister asked the Minister of Enterprise, Trade and Investment what steps her Department is taking to ensure that inward investment and job opportunities in the West Belfast constituency will help achieve parity with other areas of Belfast.

(AQO 1360/11)

Minister of Enterprise, Trade and Investment: Inward investment plays a significant role in supporting the Executive's ambition of building a dynamic and innovative private sector and creating job opportunities for our people.

Invest NI encourages potential investors to consider a variety of potential locations within Northern Ireland however, it is important to emphasise that it is the investor's decision to select a business

location. This is based on a number of factors, including availability of skills and workforce, transport links and availability of suitable property. And, in the case of existing clients, most will choose to expand in their current location.

Investment in Belfast, particularly inward investment, tends to be concentrated within a three mile radius of the city centre, and in all the Belfast constituencies the majority of people actually work outside the area where they live. Therefore it is appropriate to say that investment in the greater Belfast area will benefit all of the Belfast constituencies, including West Belfast.

Business: Insolvency

Mr A McQuillan asked the Minister of Enterprise, Trade and Investment what plans she has to assist smaller businesses that are being affected by large firms going into insolvency.

(AQO 1361/11)

Minister of Enterprise, Trade and Investment: Those SMEs which qualify for full Invest NI support have access to an extensive Business Development Solutions portfolio consisting of professional advice, financial assistance and non-financial support across a range of key areas including strategy development, people development, R&D and Exporting.

SMEs in the wider business base can also benefit from many of Invest NI's programmes and services including export development programmes, energy and environmental efficiency support, comprehensive business information services and information and communications technology support.

In addition, Invest NI's information website, nibusinessinfo.co.uk, provides free access to over 5,000 pages of key information, advice, funding and training and the agency also offers access to comprehensive databases, directories and specialised business and global market information.

Invest NI

Mr G Robinson asked the Minister of Enterprise, Trade and Investment for her assessment of the impact that a reduction in funding for Invest NI might have on inward investment.

(AQO 1362/11)

Minister of Enterprise, Trade and Investment: I fully recognise the importance of Foreign Direct Investment in helping to build a more dynamic and innovative private sector in Northern Ireland.

I remain encouraged by the interest that is being shown by potential investors in Northern Ireland and Invest NI is continuing to actively pursue all available inward investment opportunities and I am confident that the many strengths we offer will enable us to continue to secure high quality foreign-owned investment.

Following the Executive's final agreement of the Budget, I have been able to reallocate an additional £4 million to Invest NI for the forthcoming financial year which will allow the agency to deliver on the full potential of its pipeline of opportunity and will contribute towards the promotion of an additional 2,500 new jobs.

Corporation Tax and Enterprise Zone

Mr T Elliott asked the Minister of Enterprise, Trade and Investment for an update on the proposals to reduce corporation tax and to implement an enterprise zone in Northern Ireland.

(AQO 1363/11)

Minister of Enterprise, Trade and Investment: The coalition government announced in their June 2010 Budget that they would publish a consultation paper on rebalancing the Northern Ireland economy. The consultation will examine proposals such as changes in our corporation tax rate, the prospect of enterprise zones as well as other measures that have the potential to stimulate growth in our economy.

I, along with some Executive colleagues, have been working increasingly closely with the Coalition Government in preparing the consultation. Clearly this consultation will be a useful first step to an informed debate around the merits of the NI Executive taking additional powers regarding corporate taxes. As a result, we look forward to its publication and gauging the public appetite for potentially far reaching proposals to grow our economy.

Fuel Duty

Mr S Anderson asked the Minister of Enterprise, Trade and Investment what discussions she has had with the UK Government in relation to the benefits of a fuel duty stabiliser for businesses.

(AQO 1364/11)

Minister of Enterprise, Trade and Investment: This is an issue I discussed with the Finance Minister – he subsequently wrote to the Exchequer Secretary to highlight the additional strain that the recent rises in petrol and diesel are having on the Northern Ireland economy. This issue was also raised at a Ministerial meeting in early February with HM Treasury.

I am pleased to note that this afternoon's Budget included an announcement on a variant of the Fair Fuel Stabiliser, which called a halt to planned rises above inflation and will lead to a reduction in fuel duty – all funded by additional levies on the profits from oil production.

Internet: North Down

Mr A Easton asked the Minister of Enterprise, Trade and Investment what percentage of the cabinets in the North Down constituency has been upgraded with fibre to the cabinet by BT.

(AQO 1365/11)

Minister of Enterprise, Trade and Investment: The North Down Constituency is served predominantly by the 5 telephone exchanges at Holywood, Bangor, Donaghadee, Millisle, and Helen's Bay. Some areas of the constituency are served by the 2 exchanges at Stormont and Newtownards. Across the 5 main exchange areas serving the constituency 62% of cabinets have been upgraded to date. Across all 7 exchange areas 51% of cabinets have been upgraded so far. Based on current plans it is estimated that 85% of cabinets across the 7 exchanges will be upgraded by this time next year.

AgriFood

Mr P Doherty asked the Minister of Enterprise, Trade and Investment when the recommendations of the All-Island Agri-Food Study carried out by InterTrade Ireland will be implemented.

(AQO 1366/11)

Minister of Enterprise, Trade and Investment: The Agri-Food study is not complete and has not been published. I disagree with some of the recommendations and believe that the report should be re-drafted before it is published.

Department of the Environment

Planning Application by Tesco for the Outlet Centre at Banbridge.

Mrs D Kelly asked the Minister of the Environment when he expects a decision to be made on the planning application by Tesco for the Outlet Centre at Banbridge.

(AQW 5045/11)

Minister of the Environment (Mr E Poots): I am presently considering a report and recommendation from my officials in relation to this application and intend to make my decision on the matter within a couple of days. In accordance with normal practice I will notify the Speaker, the Chair of the Environment Committee and Members of the Assembly of my decision in due course.

Decentralisation of Public Sector Jobs

Mr P Callaghan asked the Minister of the Environment for an update on the implementation of the plan to decentralise public sector jobs within his Department, and its agencies, since the publication of the Bain Report.

(AQW 5123/11)

Minister of the Environment: The Minister for Finance and Personnel has set out his position on the Bain Report into the Review of Policy on the Location of Public Sector Jobs on a number of occasions. The Minister has indicated that in the current financial climate and in light of the spending pressures facing all departments spending £40 million on relocating public sector jobs is not affordable at present.

Individual public bodies, departments and Ministers can of course consider the relocation of public sector facilities and jobs subject to the normal requirements of business need, value for money and affordability.

The Department of the Environment and its agencies do not have any plans at present to relocate jobs to other locations.

Sixmilewater River: Sampling

Mr D Kinahan asked the Minister of the Environment to detail (i) who has responsibility for the sampling of the Sixmilewater River; (ii) how often the River is sampled; (iii) the acceptable level of pollutants in the River; (iv) the sites at which the sampling is carried out; and (v) if his Department would consider supplying Ballynure Angling Club with the findings of the samples.

(AQW 5222/11)

Minister of the Environment:

- (i) Statutory water quality monitoring of the Sixmilewater River is the responsibility of the Department of the Environment for Northern Ireland. This function is carried out by the Water Management Unit of Northern Ireland Environment Agency.
- (ii) Routine chemical monitoring is carried out on a monthly basis for a variety of general chemical quality elements including pH, Ammonia and Dissolved Oxygen at the two stations marked with an asterisk set out under paragraph (iv) below. The other stations are monitored on a rolling programme of monthly sampling for two years in every six. In addition, there is a further rolling programme at the asterisked stations of monthly sampling for one year in every six for substances defined by the Water Framework Directive as specific pollutants and priority substances. This includes trace organic compounds and metals.

Routine biological water quality sampling is carried out, usually in spring and autumn, for macro-invertebrates (aquatic insects) yearly at the two asterisked stations. An additional station, on the Blackwater at Park Road Bridge is monitored for investigative purposes each year. The other stations are monitored on a rolling programme of two years in six.

Macrophytes (aquatic plants) are programmed for sampling at all stations once every three years and phytobenthos (diatoms) between three and six times over a six year period. Fish monitoring programmes are carried out by the Agri Food and Biosciences Institute (AFBI) via a Service Level Agreement contract at the asterisked stations once every three years.

- (iii) The environmental quality standards for rivers are contained in The Water Framework Directive (Priority Substances and Classification) Regulations (Northern Ireland) 2011 which is accessible via the following link:
<http://www.legislation.gov.uk/nisr/2011/10/contents/made>
- (iv) Northern Ireland Environment Agency (NIEA) carries out water quality sampling at approximately 500 river sites for chemical analysis and 460 river sites for biological analysis across Northern Ireland.

In the Sixmilewater the locations of the monitoring stations are as follows:

Sitecode	Station Name	IGR
F10222	Castle Water at Hillis Bridge	J312937
F10223	Green Burn at Millvale *	J295909
F10224	Plaskets Feeder at Kilbegs	J134888
F10227	Doagh River Tributary at Dixons Corner	J258937
F10230	Lisnalinchy Burn at Ballywalter Bridge	J263883
F10231	Six Mile Water at Ballyboley Bridge	J315950
F10232	Holywell Burn at Dunsilly	J140888
F10233	Six Mile Water at Castle Farm Bridge, Antrim *	J144868
F10234	Rathmore Burn at Rathmore Bridge	J197854
F10235	Six Mile Water at Sixmilewater Bridge	J229867
F10236	Four Mile Burn at Fifty Acres	J234886
F10238	Six Mile Water Below Ballyclare	J285903
F10239	Clady Water at Dunadry Road Bridge	J194847
F10240	Ballymartin Water at Ballymartin Water Bridge	J230866
F10241	Doagh River at Doagh	J258896
F10242	Doagh River at Dunamoy	J260935
F11258	Black Water at Park Road Bridge (Investigative Sampling Only)	J287836

- (v) All Water Management Unit river monitoring data is freely available on request. Alternatively, it can be accessed via: waterinfo@doeni.gov.uk.

Downpatrick Divisional Planning Office

Ms M Ritchie asked the Minister of the Environment what is the current waiting time for a planning application to be allocated to a case officer in the Downpatrick Divisional Planning Office; and how he intends to address any delays.

(AQW 5265/11)

Minister of the Environment: Applications are allocated to the named case officers by the SPTO within 3 days of validation. Staff have a target of 6 days to get the application to validation stage. Delays occurred during December and January due to the introduction of a new IT system and a reduction in staffing levels associated with the general decline in the number of planning applications being received.

These problems have been experienced in other planning divisions as well as Downpatrick.

To overcome the difficulties, staff in Downpatrick, continue to be used flexibly between duties to reduce delays.

Historic Buildings Grant Scheme

Mr K McCarthy asked the Minister of the Environment, in light of the recent budget allocations, whether the suspension on new applications to the Historic Buildings Grant Scheme will be lifted in April 2011; and whether the scheme will be reinstated in full.

(AQW 5286/11)

Minister of the Environment: Following final Budget decisions by the Executive and Assembly, my Department is now revising our spending plans for next year in the light of our available resources. This includes a review of the suspension on processing new applications for Grant-Aid to listed historic buildings. It will only be when that internal exercise is complete, after the turn of the financial year, that the budget for Grant-Aid including the accumulated spend in 2010/2011 plus the remaining commitments – and, as a result, what remains available for allocation in 2011/12 – will be known.

As a result it would be premature – at this time – to say whether or not the suspension will be lifted then, and whether or not the scheme will be reinstated in full.

High Hedges Bill

Mr C Lyttle asked the Minister of the Environment, in light of the passage of the High Hedges Bill through the Assembly, when residents will be able to seek enforcement from local councils.

(AQW 5312/11)

Minister of the Environment: The High Hedges Bill completed Final Stage in the Assembly on 15 March 2011 and is now progressing towards Royal Assent.

The Assembly amended the Bill to require the Department to introduce subordinate legislation to limit the maximum level of fee a complainant should pay and to allow for the transfer of the fee to the hedge owner.

Therefore the legislation cannot commence until all the necessary subordinate legislation is on the statute book. As this will be for the Department to take forward when the new Assembly is in place it is not possible to be specific about timing. However I hope this can happen quickly and I have asked officials to take forward work on the planned subordinate legislation in the interim.

Local councils will only be empowered to deal with complaints once the legislation has been commenced.

Department of Finance and Personnel

Number of Staff Employed in each Department

Mr A McQuillan asked the Minister of Finance and Personnel how many casual or agency staff are currently employed in each Department; and what is the longest length of service of staff currently in a temporary post.

(AQW 3858/11)

Minister of Finance and Personnel (Mr S Wilson): The number of casual or agency staff employed in each Department and the longest length of service of staff currently in a temporary post are set out in the attached table.

The number of Casual or Agency Staff employed in each Department and the longest length of service of staff currently employed in a temporary post at 1 February 2011

	Number of Agency Staff	Longest Length Of Service of Agency Staff	Number of Casual Staff	Longest Length Of Service of Casual Staff	Other Temporary Worker	Longest Length of Service of Other Temporary Worker
DARD	12	1 Year & 20 Weeks	18	51 Weeks	0	
DCAL	2	1 Year & 3 Weeks	2	46 Weeks	0	
DE	2	49 Weeks	7	49 Weeks	0	
DEL	1	39 Weeks	8	51 Weeks	0	
DETI	0		4	38 Weeks	0	
DFP+	65	8 Years & 31 Weeks	24	50 Weeks	0	
DHSSPS+	0		3	28 Weeks	2	1 Year & 24 Weeks
DOE*	84	1 Year & 20 Weeks	1	1 Week	0	
DOJ	43	42 Weeks	7	42 Weeks	0	
DRD	10	1 Year & 35 Weeks	0		5	8 Years & 24 Weeks
DSD^	7	47 Weeks	122	51 Weeks	0	
OFMDFM	0		0		0	
PPS	0		17	47 Weeks	0	
Total	226		213		7	

Notes:

+ Information at 2 February 2011

* In addition to the details provided, DOE has an on call contract with Grafton Recruitment for up to 9 Technical Grade 1 staff to provide vehicle test cover to ensure continuity in relation to vehicle tests in the event of staff shortages.

^ Information at 31 December 2010

Number of Staff Employed in each Department

Mr A McQuillan asked the Minister of Finance and Personnel how many casual or agency staff are currently employed in each Department; and what is the longest length of service of staff currently in a temporary post.

(AQW 3858/11)

Minister of Finance and Personnel: The number of casual or agency staff employed in each Department and the longest length of service of staff currently in a temporary post are set out in the attached table.

The number of Casual or Agency Staff employed in each Department and the longest length of service of staff currently employed in a temporary post at 1 February 2011

	Number of Agency Staff	Longest Length of Service of Agency Staff	Number of Casual Staff	Longest Length of Service of Casual Staff	Other Temporary Worker	Longest Length of Service of Other Temporary Worker
DARD	12	1 Year & 20 Weeks	18	51 Weeks	0	
DCAL	2	1 Year & 3 Weeks	2	46 Weeks	0	
DE	2	49 Weeks	7	49 Weeks	0	
DEL	1	39 Weeks	8	51 Weeks	0	
DETI	0		4	38 Weeks	0	
DFP+	65	8 Years & 31 Weeks	24	50 Weeks	0	
DHSSPS+	0		3	28 Weeks	2	1 Year & 24 Weeks
DOE*	84	1 Year & 20 Weeks	1	1 Week	0	
DOJ	43	42 Weeks	7	42 Weeks	0	
DRD	10	1 Year & 35 Weeks	0		5	8 Years & 24 Weeks
DSD^	7	47 Weeks	122	51 Weeks	0	
OFMDFM	0		0		0	
PPS	0		17	47 Weeks	0	
Total	226		213		7	

Notes:

+ Information at 2 February 2011

* In addition to the details provided, DOE has an on call contract with Grafton Recruitment for up to 9 Technical Grade 1 staff to provide vehicle test cover to ensure continuity in relation to vehicle tests in the event of staff shortages.

^ Information at 31 December 2010

Departmental Staff: Deputising

Mr A McQuillan asked the Minister of Finance and Personnel how many staff in each Department are currently deputising at a higher grade; and how long each has been deputising.

(AQW 3859/11)

Minister of Finance and Personnel: The number of staff in each Department currently deputising at a higher grade and the durations are set out on the attached table. For the purposes of this question, deputising has been regarded as meaning both deputising and temporary promotion. Deputising is a short-term arrangement of less than one month, for example, to cover sick absence or annual leave, while temporary promotion is a longer-term arrangement, of more than one month, to cover, for example, maternity leave or a specific project.

NICS STAFF IN EACH DEPARTMENT CURRENTLY DEPUTISING/TEMPORARY PROMOTED TO A HIGHER GRADE AND DURATION AS AT JANUARY 2011

	Durations														Total Number Of Staff Deput- ising
	0-3 Months	4-6 Months	7-9 Months	10 - Less Than 12 Months	1-Less Than 2 Years	2 - Less than 3 Years	3 - Less Than 4 Years	4 - Less Than 5 Years	5 - Less Than 6 Years	6 - Less Than 7 Years	7 - Less Than 8 Years	8 - Less Than 9 Years	9 - Less Than 10 Years	10+ Years	
DARD	23	8	6	4	20	4	6	4	2	1	0	0	0	0	78
DCAL	1	2	2	1	0	1	0	0	0	0	0	0	0	0	7
DE	0	0	1	0	3	0	1	0	0	0	0	0	0	0	5
DEL	5	10	8	0	11	5	1	0	0	0	0	0	0	0	40
DETI	5	0	0	0	1	0	2	0	0	0	0	0	0	0	8
DFF	28	16	11	3	18	23	3	2	2	0	1	1	0	1	109
DHSSPS	2	0	0	0	3	3	1	0	1	0	0	1	0	0	11
DOE	13	2	8	2	7	6	3	2	1	0	0	1	0	0	45
DOJ	13	11	19	7	24	7	2	0	0	0	0	0	0	0	83
DRD	20	6	6	9	12	3	2	5	0	0	0	0	0	0	63
DSD	85*	24	14	28	78	35	22	5	4	3	1	1	0	2	302
OFMDFM	3	0	2	0	0	1	0	0	0	0	0	0	0	0	6
PPS	7	9	3	3	2	0	0	0	1	0	0	0	0	0	25
TOTAL	205	88	80	57	179	88	43	18	11	4	2	4	0	3	782

Notes:

* figure includes 66 staff (at 31 December 2010) who were deputising at a higher grade for periods of less than 1 month.

Decentralisation of Public Sector Jobs

Mr J Dallat asked the Minister of Finance and Personnel how many jobs in each Department will be decentralised to centres outside Belfast over the next three years.

(AQW 4390/11)

Minister of Finance and Personnel: The information requested is set out in the attached table.

Summary of Departmental Responses: Numbers of jobs to be decentralised to centres outside Belfast over the next 3 years (2011/12 to 2013/14)

Department	Response
DARD	DARD already has a number of posts in its network of offices outside Belfast, and there are no current plans for further decentralisation over next 3 years. The Department has plans to relocate headquarters staff after that date.
DCAL	DCAL currently has no plans to decentralise any posts to centres outside Belfast over the next three years.
DE	DE currently has no plans to decentralise any posts to centres outside Belfast over the next three years.
DEL	Posts and services within DEL are already widely dispersed across NI. Of the 2119 staff (Full Time Equivalent 1958) presently employed in the Department, 1075 (FTE 963) (or approx 51%) work in 31 offices outside the greater Belfast area. Of those based in the Belfast area, 38% of staff deliver frontline services to the public, with a relatively small core providing support in HQ. DEL has no plans to decentralise any additional jobs to centres outside Belfast over the next three years.
DETI	DETI currently has no plans to decentralise posts to centres outside Belfast over the next three years.
DFP	DFP currently has no plans to decentralise posts to centres outside Belfast over the next three years.
DHSSPS	DHSSPS currently has no plans to decentralise posts to centres outside Belfast in the next three years.
DOE	DOE and its agencies currently have no plans to decentralise posts to centres outside Belfast over the next 3 years.
DOJ	DOJ currently has no plans to decentralise posts to centres outside Belfast over the next three years.
DRD	DRD currently has no plans to further decentralise jobs to centres outside Belfast over the next three years.
DSD	<p>The Minister has advised:</p> <p>My Department's commitment to decentralisation of public sector jobs is already evident with 27% of Departmental jobs and most of those in the public bodies it sponsors already well dispersed throughout NI. In the light of this the scope for further decentralisation is limited, however I am committed to the approach and in line with the recommendations within the Bain report, I will proceed in a prudent manner towards relocation, when opportunities arise and it is the right thing to do, especially, as was the case with the Charities Commission, when I am considering any new services or functions. I am actively looking at possible measures in the near future to decentralise further jobs.</p>

Department	Response
OFMDFM	The majority of posts within the Department are located in and around Belfast, with a small number of posts located in Armagh and Derry/Londonderry. The decentralisation /re-location of posts within the Department is still under consideration.
PPS	The PPS currently has no plans to be decentralise posts to centres outside Belfast over the next three years.

NB. For the purpose of this question 'Belfast' was defined as the area covered by the four Belfast parliamentary constituencies.

Agency Staff Employed in each Department and their Arm's-Length Bodies

Mr J Dallat asked the Minister of Finance and Personnel to detail the current (i) number; (ii) grade; and (iii) salaries of agency staff employed in each Department and their arm's-length bodies.

(AQW 4801/11)

Minister of Finance and Personnel: The number of agency staff employed in each NI Civil Service Department is broken down by grade in the attached tables. The figures shown are as of 1 February 2011 except for DOE which shows figures as of 1 March 2011.

As Contractors' rates are commercially sensitive, the rates payable have not been provided.

Employing / Arm's-Length Body	Number of Agency Staff	Grade of Agency Staff
DARD	2	DP Accountants
	1	SO Accountant
	1	Agricultural Inspector
	1	Assistant Accommodation Manager
	5	DARD Supply Lecturers
	2	Farm Workers
Total	12	

DARD's Arm's-Length Bodies	1	AO
	6	ASO
	1	EOII
	1	Part-qualified Accountant (EO1)
	3	Industrial/General Farm Workers
	1	Junior Animal Technician
	3	Laboratory Attendants
	1	Veterinary Research Officer

Employing / Arm's-Length Body	Number of Agency Staff	Grade of Agency Staff
DCAL	1	DP Accountant
	1	Curatorial F
Total	2	

DCAL – Libraries NI	1	SEO
	3 (2.1 FTE)	EO
	27 (17.8 FTE)	SCO
	6 (5.4 FTE)	CO
DCAL – Arts Council NI	1	SO
DCAL – Sport NI	1	SO
	5	AO
DCAL – National Museums NI	2	AO
	2	EO1
DCAL – Northern Ireland Screen	1	EO1
DCAL – Armagh Observatory	1 (0.4 FTE)	Cleaner
	1	Groundsman
	1	Assistant Scientific Officer

Employing / Arm's-Length Body	Number of Agency Staff	Grade of Agency Staff
DE	1	EO1
	1	EO2
Total	2	

DE – North Eastern Education and Library Board	12	Clerical Officer
	2	Education Welfare Officer
	1	Architectural Technician
	1	Contracts Officer
	1	Maintenance Officer
	1	Cleaner
DE – Southern Education and Library Board	12 (8.7FTE)	NJC pts 6-13
	1	NJC pts 14-17
DE – Western Education and Library Board	10	Clerical Officer
	1	Senior Admin Officer

DE – South Eastern Education and Library Board	6	Clerical Officer
	2	Clerk Typist
	1	Education Welfare Officer
	3	Asbestos Surveyor
DE – Belfast Education and Library Board	11	Clerical Officer
	3	Senior Clerical Officer
	2	Education Welfare Officer
	1	Property Officer
DE - Staff Commission	Nil	Nil
DE - CCMS	Nil	Nil
DE - CCEA	1	Education Manager
	1	Examinations Art and Design
DE - YCNI	1	AO
DE – NICIE	1	Development Officer
	1	Finance Assistant
	1	PA / Secretary
	1	Administrator

Employing / Arm's-Length Body	Number of Agency Staff	Grade of Agency Staff
DEL	1	SO Accountant
Total	1	

DEL – LRA	2	AO
DEL – 6 Further Education Colleges*	234 (174 FTE)	Agency Staff

*Information on grades of agency staff in FE Colleges has not been included as the grading structure is inconsistent across the Sector.

Employing / Arm's-Length Body	Number of Agency Staff	Grade of Agency Staff
DETI	Nil	Nil
Total	0	

DETI - NDPBs	1	AA
	5	AO
	1	E02
	1	E01
	4	SO
	1	Work Place Health Nurse
	2	DP

Employing / Arm's-Length Body	Number of Agency Staff	Grade of Agency Staff
DFP	4	SGB2
	8	AA
	29	AO
	1	TG1
	12	ICT 3
	1	E01
	1	PTO
	1	ICT 4
	2	SO Accountant
	1	HPT0
	1	ICT 5
	2	G7
	1	G7 Accountant
	1	Principal Legal Officer
Total	65	

Employing / Arm's-Length Body	Number of Agency Staff	Grade of Agency Staff
DHSSPS*	2	Nightwatch SGB2
Total	2	

* DHSSPS Trusts - The Health and Social Care Trusts do not have the information requested on agency staff employed readily available and this could only be obtained at a disproportionate cost.

Employing / Arm's-Length Body	Number of Agency Staff	Grade of Agency Staff
DOE (as of 1 March 2011)	12	AA
	11	AO
	2	Environmental Officer
	5	Graphic Designer
	10 (8.21 FTE)	Ranger
	10	Scientific Officer Level 1
	1 (0.53 FTE)	Scientific Officer Level 3
	4	SGB2
	1	SO Accountant
	1	SSO
	12 (6.50 FTE)	TO
	5 (0.37 FTE)	Tour guide
	1	Website Manager
Total	75 (62.61 FTE)	

DOE's Arm's-Length Bodies	1	NJC Grade 2
	1	NJC Grade 5

Employing / Arm's-Length Body	Number of Agency Staff	Grade of Agency Staff
Department of Justice	1	AO
	1	AA
	1	C
	1	ICT2
Agency		
Compensation Agency	1	DP
YJA	9	Social Workers
	5	AO
	1	Cook
NIPS	3	Catering Assistants
	1 (0.43 FTE)	Cleaner
	1	Cook
	1	Kitchen Porter Driver
NICTS	1	Legal Officer
	7	AO

Employing / Arm's-Length Body	Number of Agency Staff	Grade of Agency Staff
FSNI	6	ASO
	1	ICT2
	1	AO
	1	Electronic Technician
Total	43 (42.43 FTE)	

DOJ - LSC	14	AO
DOJ - NI Police Fund	1	EO1
	3	AO
DOJ - NI Policing Board	2	EO1
	1	AO
DOJ - PSNI	3	G6
	15 (14.75 FTE)	G7
	42 (41 FTE)	DP
	99 (96.75 FTE)	SO
	95 (90.75 FTE)	EO1
	89	EO2
	240 (235 FTE)	ASO
	59 (56.25 FTE)	ASA
	8	Industrial
	63 (56 FTE)	Non Classified
DOJ - Probation Board NI	4 (2.47 FTE)	AO
	1 (0.5 FTE)	Receptionist

Employing / Arm's-Length Body	Number of Agency Staff	Grade of Agency Staff
DRD (including Roads Service)	1	Staff Officer
	1	PTO
	1	TG2
	5	AO
	1	AA
	1	Typist
	1	Support Grade 2
	1	Porter
	1	Senior Civil Service (Grade 5)
	2	Sandwich Course Student
Total	15	

DRD - Northern Ireland Water	1	Data Administrator
	11	Work Controller
	1	Design & Development Technician
	2	CSO Telemetry Configuration Technician
	11	Data Analyst
	1	IFRS Capital Accountant
	1	Purchasing Administrator
	2	Buyer
	1	Category Manager
	2	HR Administrator
	1	HR Advisor
	1	Payroll Administrator
DRD - Northern Ireland Transport Holding Company / Translink	1	Manager
	2	Clerical Scale III
	1	Clerical Scale V
	4	Contact Centre Staff

Employing / Arm's-Length Body	Number of Agency Staff	Grade of Agency Staff
DSD (including SSA)	1	Grade 7 Accountant
	1	Staff Officer Accountant
	1	Medical Attendant
	1	Personal Secretary
	3	Support Grade Band 2
Total	7	

DSD - Northern Ireland Housing Executive	7	Industrial Grade
	32	Clerical Grade
	2	Professional Grade
	3	Professional/Management Grade
	19	Technical Officer Grade
	1	Technical Manager
	6	Craft Employees
DSD – Charity Commission for Northern Ireland	1	Accountant
	1	HR Officer
	1	HR Administrator
	1	Senior Enquiries Investigations Officer
	1	Senior Monitoring & Compliance Officer
	1	Policy HR/ Senior Information Officer
	1	Legal Advisor
DSD – ILEX	1	Deputy Principal
	2	Staff Officers
	1	Executive Officer 1
	2	Administrative Assistants

Employing / Arm's-Length Body	Number of Agency Staff	Grade of Agency Staff
OFMDFM	Nil	Nil
Total	0	

OFMDFM - NI Judicial Appointment Commission	1	Administrative Officer
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OFMDFM - Older Peoples Advocate	1	Administrative Assistant
OFMDFM - NICCY	2	Staff Officer (SO) equivalent
OFMDFM - Ilex URC Ltd	6	Various grades not aligned to the NICS structure
OFMDFM - ECNI	1 (FTE 0.4)	Administrative Officer support for disabled employee.
OFMDFM - NI Community Relations Council	1	Administrative Officer
Total	12 (11.4 FTE)	

Civil Service Staff

Mr P Callaghan asked the Minister of Finance and Personnel to detail the number of Civil Service staff in each Department who are (i) waiting to return to work following a career break; and (ii) waiting to return from a career break, having been waiting longer than a year to be posted.

(AQW 5209/11)

Minister of Finance and Personnel: The information requested is provided in the attached table. The figures presented (up to and including 10 March 2011) include NI Government departments and their Executive Agencies.

Department	Number of staff waiting to return from a career break	Number of staff waiting to return from a career break, having waited longer than a year to be posted	Number of staff who have been posted in the last two years following a career break
DARD	12	5	11
DCAL	2		4
DE	2	2	2
DEL	5	2	17
DETI	4	2	8
DFP	14	3	23
DHSSPS	5		3
DOE	11	2	12
DOJ	4	1	7
DRD	11	8	7
DSD	56	18	48
OFMDFM	1		6
Total	127	43	148

Civil Service Staff

Mr P Callaghan asked the Minister of Finance and Personnel to detail the number of Civil Service staff in each Department who have been posted in the last two years following a career break.

(AQW 5211/11)

Minister of Finance and Personnel: The information requested is provided in the attached table. The figures presented (up to and including 10 March 2011) include NI Government departments and their Executive Agencies.

Department	Number of staff waiting to return from a career break	Number of staff waiting to return from a career break, having waited longer than a year to be posted	Number of staff who have been posted in the last two years following a career break
DARD	12	5	11
DCAL	2		4
DE	2	2	2
DEL	5	2	17
DETI	4	2	8
DFP	14	3	23
DHSSPS	5		3
DOE	11	2	12
DOJ	4	1	7
DRD	11	8	7
DSD	56	18	48
OFMDFM	1		6
Total	127	43	148

Department of Health, Social Services and Public Safety

Temporary Posts

Mr J Dallat asked the Minister of Health, Social Services and Public Safety to detail the number of temporary posts currently filled in (i) each Health and Social Care Trust; and (ii) the Regional Health Board; and how many of these posts have been filled for (a) more than 2 years; (b) more than 5 years; and (iii) in excess of 8 years.

(AQW 1244/11)

Minister of Health, Social Services and Public Safety (Mr M McGimpsey): The information requested is given in the table below.

NUMBER OF TEMPORARY STAFF IN POST BY TRUST

	Temporary Staff at October 2010	Of which: Temporary Staff in post more than 2 years	Of which: Temporary Staff in post more than 5 years	Of which: Temporary Staff in post more than 8 years
Name of Trust	WTE	WTE	WTE	WTE
Belfast	545.51	222.51	52.39	14.48
Northern	633.18	240.92	57.08	14.37
South Eastern	191.51	73.07	18.17	6.77
Southern	364.83	121.74	8.62	2.81
Western	762.44	371.54	101.46	24.14
HSC Board	40.23	26.01	13.27	1.27

Source: NI HSC Trusts and NI HSC Board

Notes:

1. HC = Headcount
2. WTE = Whole-time Equivalent
3. The current figure for Northern Trust is at 31 July 2010 and the current figure for Southern Trust is at 31 August 2010.
4. Figures exclude staff employed on “as and when” contracts, rotational doctors, and student trainees.
5. Figures include significant numbers of staff who are funded on a limited time basis by outside organisations such as research charities, and in Social Care such as SureStart. Figures also include staff holding permanent contracts seconded to posts on a temporary basis.
6. Length of service has been used to indicate the length of time each staff member has been temporary. It is possible however that some staff will have moved from bank to temporary posts, or from permanent to temporary posts, or from one temporary post to another, and therefore the length of time indicated may be over-estimated.

Formal Complaints Received by Health and Social Care Trusts

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety how many formal complaints have been submitted in writing to each Health and Social Care Trust, in each of the last three years, broken down by category of complaint; and what percentage of these have required corrective action.

(AQW 1476/11)

Minister of Health, Social Services and Public Safety: Information on the number of formal complaints submitted in writing to each Health and Social Care Trust, in each of the last three years, broken down by category of complaint, is detailed in the attached tables.

It is not possible to provide data on the percentage of these that have required corrective action and could only be obtained at disproportionate cost.

BELFAST HSC TRUST: TOTAL COMPLAINT ISSUES RECEIVED (2007/08 – 2009/10)

Subject	2007/08	2008/09	2009/10
Access to Premises	34	28	42
Admission into Hospital, Delay/ Cancellation (Inpatients)	84	52	98

Subject	2007/08	2008/09	2009/10
Aids/Adaptations/Appliances	21	10	36
Appointments, Delay/Cancellation (Outpatient)	151	129	251
Clinical Diagnosis	45	31	53
Communication/Information to Patients	289	199	201
Complaints Handling	5	3	7
Confidentiality	16	15	13
Consent to Treatment	6	2	2
Contracted Regulated Establishments and Agencies	6	4	2
Other Contracted Services	23	15	31
Delayed Admission from A&E	3	2	3
Discharge/Transfer Arrangements	40	42	32
Environmental	16	14	15
Hotel/Support/Security Services	38	35	26
Infection Control	23	11	14
Mortuary & Post-Mortem	2	2	0
Patients' Privacy/Dignity	30	14	13
Patients' Property/Expenses/Finance	24	39	34
Patients' Status/Discrimination	11	10	11
Policy/Commercial Decisions	53	20	15
Professional Assessment of Need	42	29	20
Records/Records Keeping	58	36	24
Staff Attitude/Behaviour	259	216	297
Theatre/Operation/Procedure, Delay/Cancellation	13	11	6
Transport, Late or Non-arrival/Journey Time	7	5	5
Transport, Suitability of Vehicle/Equipment	2	1	1
Treatment & Care, Quality	301	332	304
Treatment & Care, Quantity	77	77	102
Waiting Lists, Community Services	11	12	5
Waiting Times, Community Services	7	9	2
Waiting Times, A&E Departments	15	13	29

Subject	2007/08	2008/09	2009/10
Waiting Times, Outpatient Departments	27	19	27
Children Order Complaints	4	12	18
Other	50	71	33
Prison Healthcare Related Complaints	0	0	0

Source: CH8

NORTHERN HSC TRUST: TOTAL COMPLAINT ISSUES RECEIVED (2007/08 – 2009/10)

Subject	2007/08	2008/09	2009/10
Access to Premises	9	3	2
Admission into Hospital, Delay/Cancellation (Inpatients)	10	7	11
Aids/Adaptations/Appliances	12	4	3
Appointments, Delay/Cancellation (Outpatient)	37	16	15
Clinical Diagnosis	34	41	38
Communication/Information to Patients	126	73	62
Complaints Handling	0	1	0
Confidentiality	8	5	10
Consent to Treatment	0	2	0
Contracted Regulated Establishments and Agencies	3	15	7
Other Contracted Services	3	7	8
Delayed Admission from A&E	0	0	2
Discharge/Transfer Arrangements	35	22	11
Environmental	2	7	2
Hotel/Support/Security Services	25	35	11
Infection Control	13	26	9
Mortuary & Post-Mortem	0	0	0
Patients' Privacy/Dignity	5	4	10
Patients' Property/Expenses/Finance	5	5	6
Patients' Status/Discrimination	3	1	1
Policy/Commercial Decisions	201	36	19
Professional Assessment of Need	52	66	66

Subject	2007/08	2008/09	2009/10
Records/Records Keeping	2	7	2
Staff Attitude/Behaviour	103	89	102
Theatre/Operation/Procedure, Delay/Cancellation	1	1	6
Transport, Late or Non-arrival/Journey Time	4	6	1
Transport, Suitability of Vehicle/Equipment	2	2	0
Treatment & Care, Quality	232	165	140
Treatment & Care, Quantity	50	29	27
Waiting Lists, Community Services	69	45	37
Waiting Times, Community Services	6	3	2
Waiting Times, A&E Departments	13	14	28
Waiting Times, Outpatient Departments	5	4	2
Children Order Complaints	9	2	4
Other	8	6	14
Prison Healthcare Related Complaints	0	0	0

Source: CH8

SOUTH EASTERN HSC TRUST: TOTAL COMPLAINT ISSUES RECEIVED (2007/08 - 2009/10)

Subject	2007/08	2008/09	2009/10
Access to Premises	14	6	11
Admission into Hospital, Delay/Cancellation (Inpatients)	7	5	12
Aids/Adaptations/Appliances	4	3	11
Appointments, Delay/Cancellation (Outpatient)	19	50	62
Clinical Diagnosis	37	27	31
Communication/Information to Patients	149	109	143
Complaints Handling	6	3	0
Confidentiality	13	7	14
Consent to Treatment	2	3	0
Contracted Regulated Establishments and Agencies	6	8	16
Other Contracted Services	8	14	27

Subject	2007/08	2008/09	2009/10
Delayed Admission from A&E	3	0	2
Discharge/Transfer Arrangements	17	14	11
Environmental	8	11	16
Hotel/Support/Security Services	12	10	10
Infection Control	12	6	10
Mortuary & Post-Mortem	1	1	0
Patients' Privacy/Dignity	16	5	5
Patients' Property/Expenses/ Finance	11	11	16
Patients' Status/Discrimination	5	1	4
Policy/Commercial Decisions	36	39	23
Professional Assessment of Need	30	12	9
Records/Records Keeping	10	5	9
Staff Attitude/Behaviour	106	94	152
Theatre/Operation/Procedure, Delay/Cancellation	7	2	10
Transport, Late or Non-arrival/ Journey Time	3	0	2
Transport, Suitability of Vehicle/ Equipment	3	1	0
Treatment & Care, Quality	122	185	206
Treatment & Care, Quantity	22	20	16
Waiting Lists, Community Services	11	5	9
Waiting Times, Community Services	9	2	9
Waiting Times, A&E Departments	10	10	21
Waiting Times, Outpatient Departments	3	20	15
Children Order Complaints	3	2	0
Other	18	22	45
Prison Healthcare Related Complaints	0	21	50

Source: CH8

SOUTHERN HSC TRUST: TOTAL COMPLAINT ISSUES RECEIVED (2007/08 – 2009/10)

Subject	2007/08	2008/09	2009/10
Access to Premises	8	8	9

Subject	2007/08	2008/09	2009/10
Admission into Hospital, Delay/ Cancellation (Inpatients)	3	8	6
Aids/Adaptations/Appliances	19	23	11
Appointments, Delay/Cancellation (Outpatient)	22	34	36
Clinical Diagnosis	14	11	11
Communication/Information to Patients	29	46	55
Complaints Handling	0	1	0
Confidentiality	5	9	9
Consent to Treatment	0	0	0
Contracted Regulated Establishments and Agencies	2	5	0
Other Contracted Services	4	0	8
Delayed Admission from A&E	1	0	0
Discharge/Transfer Arrangements	8	29	20
Environmental	2	7	10
Hotel/Support/Security Services	5	2	11
Infection Control	2	5	2
Mortuary & Post-Mortem	0	0	0
Patients' Privacy/Dignity	2	7	10
Patients' Property/Expenses/ Finance	6	6	12
Patients' Status/Discrimination	2	2	2
Policy/Commercial Decisions	6	14	36
Professional Assessment of Need	35	51	39
Records/Records Keeping	9	3	22
Staff Attitude/Behaviour	85	93	154
Theatre/Operation/Procedure, Delay/Cancellation	4	17	12
Transport, Late or Non-arrival/ Journey Time	3	2	0
Transport, Suitability of Vehicle/ Equipment	0	2	2
Treatment & Care, Quality	107	105	171
Treatment & Care, Quantity	44	40	23
Waiting Lists, Community Services	7	8	3

Subject	2007/08	2008/09	2009/10
Waiting Times, Community Services	7	4	7
Waiting Times, A&E Departments	6	14	2
Waiting Times, Outpatient Departments	7	10	17
Children Order Complaints	24	1	34
Other	16	4	7
Prison Healthcare Related Complaints	0	0	0

Source: CH8

WESTERN HSC TRUST: TOTAL COMPLAINT ISSUES RECEIVED (2007/08 – 2009/10)

SUBJECT	2007/08	2008/09	2009/10
Access to Premises	24	12	10
Admission into Hospital, Delay/ Cancellation (Inpatients)	27	23	11
Aids/Adaptations/Appliances	14	13	9
Appointments, Delay/Cancellation (Outpatient)	34	30	25
Clinical Diagnosis	13	18	10
Communication/Information to Patients	114	107	37
Complaints Handling	2	1	4
Confidentiality	8	15	9
Consent to Treatment	2	0	3
Contracted Regulated Establishments and Agencies	0	1	0
Other Contracted Services	2	0	2
Delayed Admission from A&E	0	2	3
Discharge/Transfer Arrangements	21	12	8
Environmental	1	2	3
Hotel/Support/Security Services	10	13	2
Infection Control	5	10	5
Mortuary & Post-Mortem	0	0	0
Patients' Privacy/Dignity	2	7	4
Patients' Property/Expenses/ Finance	5	4	8
Patients' Status/Discrimination	0	2	1

SUBJECT	2007/08	2008/09	2009/10
Policy/Commercial Decisions	1	5	66
Professional Assessment of Need	6	12	13
Records/Records Keeping	9	9	5
Staff Attitude/Behaviour	78	101	58
Theatre/Operation/Procedure, Delay/Cancellation	3	1	1
Transport, Late or Non-arrival/Journey Time	0	0	0
Transport, Suitability of Vehicle/Equipment	0	1	1
Treatment & Care, Quality	134	162	130
Treatment & Care, Quantity	42	50	24
Waiting Lists, Community Services	2	1	0
Waiting Times, Community Services	0	1	1
Waiting Times, A&E Departments	11	4	2
Waiting Times, Outpatient Departments	12	13	10
Children Order Complaints	19	6	10
Other	35	33	12
Prison Healthcare Related Complaints	0	0	0

Source: CH8

NORTHERN IRELAND AMBULANCE SERVICE (NIAS): TOTAL COMPLAINT ISSUES RECEIVED (2007/08 – 2009/10) *

SUBJECT	2007/08	2008/09	2009/10
Access to Premises			0
Admission into Hospital, Delay/Cancellation (Inpatients)			0
Aids/Adaptations/Appliances			0
Appointments, Delay/Cancellation (Outpatient)			0
Clinical Diagnosis			0
Communication/Information to Patients			0
Complaints Handling			0
Confidentiality			0
Consent to Treatment			0

SUBJECT	2007/08	2008/09	2009/10
Contracted Regulated Establishments and Agencies			0
Other Contracted Services			0
Delayed Admission from A&E			0
Discharge/Transfer Arrangements			0
Environmental			0
Hotel/Support/Security Services			0
Infection Control			0
Mortuary & Post-Mortem			0
Patients' Privacy/Dignity			0
Patients' Property/Expenses/Finance			1
Patients' Status/Discrimination			0
Policy/Commercial Decisions			0
Professional Assessment of Need			0
Records/Records Keeping			0
Staff Attitude/Behaviour			27
Theatre/Operation/Procedure, Delay/Cancellation			0
Transport, Late or Non-arrival/Journey Time			45
Transport, Suitability of Vehicle/Equipment			6
Treatment & Care, Quality			16
Treatment & Care, Quantity			0
Waiting Lists, Community Services			0
Waiting Times, Community Services			0
Waiting Times, A&E Departments			0
Waiting Times, Outpatient Departments			0
Children Order Complaints			0
Other			3
Prison Healthcare Related Complaints			0

Source: CH8

* Information on complaints received by the NIAS in 2007/08 and 2008/09 cannot be broken down by category of complaint.

Cost of Answering Assembly Questions

Mr D Kinahan asked the Minister of Health, Social Services and Public Safety what is the average cost to his Department of answering (i) Written; and (ii) Oral Assembly Questions; and how these costs are calculated.

(AQW 1644/11)

Minister of Health, Social Services and Public Safety: I would estimate the average cost to this Department of answering written Assembly questions to be £300 per question. The average cost of answering an oral question is around £925 per question.

These estimates are based on the time taken to research, prepare and quality assure answers to questions, and in the case of oral questions, the significant extra work that is required to provide draft responses to potential supplementary questions and ensuring I am properly briefed.

Written Assembly Questions

Mr D Kinahan asked the Minister of Health, Social Services and Public Safety for the average amount of working hours required to answer a single Written Assembly Question; and for an estimate of the total hours taken to answer all the Written Assembly Questions submitted to his Department since September 2010.

(AQW 1645/11)

Minister of Health, Social Services and Public Safety: The average is around 8 hours. It is estimated that a total of 8160 hours have been taken to answer all the Written Assembly Questions submitted to this Department since September 2010.

Ambulance Service Earnings

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 Ambulance Service who earn (i) between £50,000 and £100,000 per annum; and (ii) in excess of £100,000 per annum.

(AQW 2870/11)

Minister of Health, Social Services and Public Safety: In the Northern Ireland Ambulance Service; (i) there are 4 Senior Executives, 3 Administrative Managers and 1 General Medical Practitioner earning between £50,000 and £100,000; and

(ii) 1 General Medical Practitioner earning over £100,000 per annum.

Public Health Agency

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 Public Health Agency who earn (i) between £50,000 and £100,000 per annum; and (ii) in excess of £100,000 per annum.

(AQW 2873/11)

Minister of Health, Social Services and Public Safety: In the Public Health Agency; (i) 1 Director, 7 Medical Staff, 1 Nursing & Midwifery Manager and 15 Administrative staff earn between £50,000 and £100,000; (ii) the Chief Executive, 1 Director and 12 Medical staff earn over £100,000.

Staff in the Health and Social Care Board

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 Health and Social Care Board who earn (i) between £50,000 and £100,000 per annum; and (ii) in excess of £100,000 per annum.

(AQW 2924/11)

Minister of Health, Social Services and Public Safety: In the Health and Social Care Board; (i) there are 2 Directors; 49 administrative staff; 10 social work staff; 3 professional and technical staff and 10 medical staff earning between £50,000 and £100,000. (ii) the Chief Executive; 2 Directors and one medical staff earn over £100,000.

Northern Ireland Social Care Council

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 Social Care Council who earn (i) between £50,000 and £100,000 per annum; and (ii) in excess of £100,000 per annum.

(AQW 2926/11)

Minister of Health, Social Services and Public Safety: In the Northern Ireland Social Care Council; (i) the Chief Executive and 3 Senior Administrative staff earn between £50,000 and £100,000.

(ii) No staff member earns over £100,000.

Northern Ireland Medical and Dental Training Agency

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 Medical and Dental Training Agency who earn (i) between £50,000 and £100,000 per annum; and (ii) in excess of £100,000 per annum.

(AQW 2928/11)

Minister of Health, Social Services and Public Safety: In the Northern Ireland Medical and Dental Agency; (i) there are 2 Medical & Dental staff and 2 Administrative Managers earning between £50,000 and £100,000; and (ii) 2 Medical & Dental staff earn over £100,000.

Backlog of X-rays at Altnagelvin Hospital

Ms M Anderson asked the Minister of Health, Social Services and Public Safety to confirm that the reassurances given by representatives of the Western Health and Social Care Trust that the four 'at risk' patients affected by the backlog of x rays in Altnagelvin Hospital were informed by October 2010 are accurate, as information has come to light that one of the patients was not informed until Thursday 3 February 2011.

(AQW 4256/11)

Minister of Health, Social Services and Public Safety: It is clearly unacceptable for such delays in radiological reporting and I very much regret the distress and anxiety that some patients and their families have experienced as a consequence.

The communication of the results of diagnostic tests to patients is entirely a clinical matter and even in these exceptional circumstances it would not be appropriate for me to discuss the clinical diagnoses of individual patients. In recent public statements by senior members of staff, the Western HSC Trust has confirmed that patients were notified of the results as soon as they became available. I have been assured by the Trust that no patient was notified of their diagnosis as late as 3 February 2011.

Clostridium Difficile

Mr T Clarke asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 2400/11, what precise action was taken after his Department received the Serious Adverse Incident report from the Northern Health and Social Care Trust on 15 October 2007 regarding the emergence of the new Ribotype 027 strain of C difficile; and when this action was taken.

(AQW 4924/11)

Minister of Health, Social Services and Public Safety: The Serious Adverse Incident (SAI) report in question was received by the Safety, Quality and Standards Directorate (SQSD) of the Department on 15 October 2007 and was recorded on the Department's SAI database as SAI 248/07. It was circulated on the same day to policy and professional leads within the Department for comment

relating to the actions taken by the Trust to that point. The SAI was sent to a senior nursing lead the following day for the same purpose.

On 16 October SQSD assigned SAI 248/07 to the agenda of a forthcoming meeting of the SAI Review Group to be held on 7 January 2008, for detailed consideration of the incident and further examination of the actions taken by the Trust, including any potential for regional learning.

In early November professional colleagues indicated that they were content with the actions taken to that point by the Trust, which included informing the Northern Health and Social Services Board and the Consultant Regional Epidemiologist that ribotype 027 had been identified.

On 16 November 2007, the Consultant Regional Epidemiologist emailed each Northern Ireland hospital laboratory with advice on reporting ribotype 027 to the Communicable Disease Surveillance Centre (Northern Ireland).

On 7 January 2008 at the meeting of the SAI Review Group, which was made up of senior officials within the Department and governance leads from the HSS Boards, it was agreed that the Chief Nursing Officer would discuss this SAI with the Consultant Regional Epidemiologist to see if any further action was required.

The second SAI report from the Northern Trust (SAI 07/08) which declared an outbreak of *Clostridium difficile* in Northern Trust hospitals was received by the Department on 8 January 2008.

On 18 January 2008 the Permanent Secretary issued Circular HSS/27/2007 to disseminate key learning arising from the outbreaks of *Clostridium difficile* in Stoke Mandeville and Maidstone & Tunbridge Wells.

On 24 January 2008 the Chief Medical Officer issued Circular HSS(MD) 1/2008. This circular informed other HSC trusts of the Northern Trust outbreak of ribotype 027 and provided guidance, including the reissue of the Good Practice Guide to control of *C. difficile* which had first been issued in Northern Ireland in April 2007.

Specialist Community Heart Failure Services

Mr P Weir asked the Minister of Health, Social Services and Public Safety what steps he has taken to develop specialist community heart failure services.

(AQW 5022/11)

Minister of Health, Social Services and Public Safety: Specialist heart failure services in Northern Ireland are based in primary, community and secondary care settings. They are linked to Cardiology Services and teams consist of cardiologists and specialist cardiology nurses who are supported in their role by clinical physiologists and other professionals such as dieticians, social workers and cardiac rehabilitation nurses.

In June 2009, I launched for implementation a Service Framework for Cardiovascular Health and Wellbeing, which sets 45 standards to help prevent, diagnose, treat and care for individuals and communities at a greater risk of developing cardiovascular disease - 2 of the standards relate specifically to the treatment of individuals with suspected or diagnosed heart failure.

Last year there were 26.3 WTE specialist heart failure nurses working across Northern Ireland providing care from 12 centres. Almost two thirds of these nurses work across primary and community care settings with the remainder working in secondary care settings.

Family Nurse Partnership Pilot Project

Mr P Weir asked the Minister of Health, Social Services and Public Safety for an update on the Family Nurse Partnership pilot project in the Western Health and Social Care Trust.

(AQW 5024/11)

Minister of Health, Social Services and Public Safety: The Public Health Agency is leading the introduction of Family Nurse Partnerships to Northern Ireland. The Western HSC Trust, as the first test

site, has recruited a small team of Family Nurses and a Supervisor to deliver the programme. The team has commenced training and the Trust is actively working to recruit 100 teenagers, up to the 28th week of pregnancy, to the programme. The first test site will be completed when babies in this cohort reach two years of age.

Experiments on Animals

Mr C Lyttle asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 4105/11, whether his Department will use its devolved powers on the issue of animal experimentation and form a policy separate from that of the Home Office.

(AQW 5026/11)

Minister of Health, Social Services and Public Safety: My Department has no plans to form a policy on animal experimentation separate from that of the Home Office.

Experiments on Animals

Mr C Lyttle asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 4106/11, how his Department ensures that there is no duplication in experiments on animals when the results of a previous experiment are not known.

(AQW 5027/11)

Minister of Health, Social Services and Public Safety: An Inspector assesses all applications for new licences or for amendments to existing licences in detail and advises the Department on how to ensure that only properly justified work is licensed. All proposed project licences are subject to a rigorous scrutiny process aimed at ensuring the validity, necessity and justification of any research proposal. This includes taking into account experiments where the results are still not known.

Northern Ireland Music Therapy Trust

Mr P Weir asked the Minister of Health, Social Services and Public Safety to outline his plans for the future funding of the Northern Ireland Music Therapy Trust.

(AQW 5067/11)

Minister of Health, Social Services and Public Safety: I refer my colleague to the answer I provided to AQW 5252/11.

Northern Ireland Music Therapy Trust

Mr P Weir asked the Minister of Health, Social Services and Public Safety to detail the funding his Department has allocated to the Northern Ireland Music Therapy Trust in each of the last five years.

(AQW 5068/11)

Minister of Health, Social Services and Public Safety: The Northern Ireland Music Therapy Trust has received funding from a number of separate Departmental funding streams; a core grant towards the Trust's central operating costs, and funding for its Arioso Project from the Children's Fund. When the Children's Fund ended in March 2008, NIMTT received continued support for the Arioso Project from funding which I identified from within my own budget to continue supporting those ex-Children's Fund projects which pursued health and social care activity.

The amount of funding allocated to NIMTT in each of the last 5 years is detailed below.

	2006/07	2007/08	2008/09	2009/10	2010/11
Core Grant	£15,584	£16,250	£16,656	£17,072	£17,072
Arioso Project	£111,227	£71,006	£117,234	£133,532	Up to £150,023

Asylum-Seeking Children

Mr P Ramsey asked the Minister of Health, Social Services and Public Safety how many unaccompanied asylum-seeking children presented to Health and Social Services in each of the last three years, broken down by (i) age; (ii) gender; and (iii) Health and Social Care Trust area.
(AQW 5078/11)

Minister of Health, Social Services and Public Safety: The figures requested are not available centrally within the DHSSPS, or from the Health and Social Care Board, and could only be provided by HSC Trusts at disproportionate cost.

16 and 17 Year Olds Placed in Unregulated Accommodation

Mr P Ramsey asked the Minister of Health, Social Services and Public Safety how many (i) 16 year olds; and (ii) 17 year olds were placed in unregulated accommodation in each Health and Social Care Trust area in each of the last three years.
(AQW 5079/11)

Minister of Health, Social Services and Public Safety: The figures requested are not available centrally within the DHSSPS. The Health and Social Care Board introduced a notification process in September 2009, whereby HSC Trusts notify the Board of 16 and 17 year olds who are placed in unregulated accommodation. On receipt at the Board these placements are then analyzed to establish background circumstances, support arrangements in place, levels of contact with Social Worker and Personal Advisor, and what attempts are being made to find suitable accommodation for the young person.

The Board is working with the Housing Executive and the Department of Social Development to attain suitable accommodation for these young people, governed by minimum standards which are also being introduced to facilitate this process.

Legal Fees

Mr P McGlone asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 3160/11, to detail the reasons for the high level of expenditure on legal fees by each Health and Social Care Trust; and for a breakdown of how the money was spent.
(AQW 5082/11)

Minister of Health, Social Services and Public Safety: This information is not available and could only be provided at disproportionate cost.

Decentralisation of Public Sector Jobs

Mr P Callaghan asked the Minister of Health, Social Services and Public Safety for an update on the implementation of the plan to decentralise public sector jobs within his Department, and its agencies, since the publication of the Bain report.
(AQW 5086/11)

Minister of Health, Social Services and Public Safety: The Department of Health Social Services and Public Safety has no plans to decentralise Departmental jobs.

The Department of Health Social Services and Public Safety has not

(i) decentralised nor (ii) relocated any jobs in the last 3 years.

The new HSC organisations have all commenced early work to examine in particular, the realignment and location of legacy HSS Board functions. This work is still under consideration and it would therefore be inappropriate to comment on the numbers of posts at any location until such times as this process is complete. I remain committed however to ensuring, that a strong local presence continues to be a feature of our health and social care system.

Decentralisation of Public Sector Jobs

Mrs M Bradley asked the Minister of Health, Social Services and Public Safety, for each of the last three years, to detail the number of public sector jobs within his Department and its agencies that have been (i) decentralised from Belfast to another location, broken down by the new location; and (ii) relocated to Belfast from another location, broken down by the original location.

(AQW 5091/11)

Minister of Health, Social Services and Public Safety: There is currently no centralised programme for the location or relocation of public sector or civil service jobs.

The Department of Health Social Services and Public Safety has not

(i) decentralised or (ii) relocated any jobs in the last 3 years.

The new HSC organisations have all commenced early work to examine in particular, the realignment and location of legacy HSS Board functions. This work is still under consideration and it would therefore be inappropriate to comment on the numbers of posts at any location until such times as this process is complete. I remain committed however to ensuring, that a strong local presence continues to be a feature of our health and social care system.

European Centre for Connected Health

Lord Morrow asked the Minister of Health, Social Services and Public Safety (i) whether there are any efficiency savings that could be made through working with the European Centre for Connected Health; and (ii) to outline the extent of his Department's association with the ECCH.

(AQW 5125/11)

Minister of Health, Social Services and Public Safety: My Department established the European Centre for Connected Health (ECCH) in 2008, a central purpose of which is to progress remote telemonitoring initiatives. Responsibility for the ECCH now resides with the Public Health Agency. Technological developments offer real opportunities to deliver cost effective modern health care solutions and in that context, my Department will continue to work with PHA and the ECCH in order to develop those opportunities. Indeed, a contract for a remote telemonitoring service across Northern Ireland was signed on 16 March.

However, schemes such as telemonitoring require significant investment in order to realise long term efficiencies. Given that the final budget settlement provided to my Department is not adequate to meet pressures across health, social care and public safety, it will mean that difficult decisions will need to be taken in order to deliver on my Department's overall objectives.

Mental Ill-Health in East Belfast

Ms D Purvis asked the Minister of Health, Social Services and Public Safety to detail (i) the current levels of mental ill-health in East Belfast; and (ii) how they compare to levels in other constituencies.

(AQW 5126/11)

Minister of Health, Social Services and Public Safety: The Department does not collect information on levels of mental ill-health on a population basis. Levels in East Belfast and other constituencies are therefore not available.

Death Rate from Cancer

Ms D Purvis asked the Minister of Health, Social Services and Public Safety, given that East Belfast has the highest death rate from cancer, to outline the action his Department is taking to address this issue.

(AQW 5127/11)

Minister of Health, Social Services and Public Safety: I am advised by the NI Cancer Registry (NICR) that cancer mortality rates in East Belfast are not the highest in Northern Ireland, only slightly above

the NI average. People in East Belfast have access to excellent facilities for cancer patients at the Regional Cancer Centre in Belfast and the Cancer Units at the Ulster Hospital.

Research by the NICR has shown improved survival rates for cancer patients, despite an increase in the number of cases. This improvement is due to substantial investment in cancer services in recent years, including almost £60million for the development of the Regional Cancer Centre, which opened in 2006. Northern Ireland has made enormous progress in both the quality of treatment and outcomes for cancer patients.

Over the past three years, additional funding has been allocated to cancer prevention including the introduction of bowel cancer screening and the HPV vaccination programme for cervical cancer. In addition, the upper age limit for breast screening was extended to 70.

If we are to sustain what has been achieved for cancer patients to date, continued investment is essential. I will continue to fight to for funding to ensure the world class health service that the people of Northern Ireland need and deserve.

Acute Mental Health Services

Ms D Purvis asked the Minister of Health, Social Services and Public Safety to detail the acute mental health services that are currently available in East Belfast for (i) young people; and (ii) adults.

(AQW 5128/11)

Minister of Health, Social Services and Public Safety: Belfast Trust operates a Crisis Intervention and Assessment Team (CAIT) providing emergency mental health assessment of young people who present at the Emergency Departments of Hospitals or through GPs. CAIT have introduced the Card Before your Leave Scheme. All young people who, having presented with a Mental Health issue at an Emergency Department but are subsequently deemed fit for discharge are given a “Keep Safe” leaflet and an appointment with CAIT staff for the same or the next day.

The CAIT service will also act as the gatekeeper to Tier 3 (out-patient) child and adolescent mental health services.

All Belfast adult residents have access to the Home Treatment Service providing acute mental health care to patients in their own homes. There are also 6 Home Treatment beds located in the university area.

Acute Mental Health Day Treatment is provided from Woodstock Lodge and from the South Belfast Day Hospital at Belfast City Hospital sites. This service is also delivered in the Community Care and Treatment Centres including Hollywood Arches. Acute inpatient care is currently delivered on 3 sites in Belfast, Knockbracken Health Care Park, Mater Hospital and Belfast City Hospital.

Acute Mental Health Services

Ms D Purvis asked the Minister of Health, Social Services and Public Safety to detail the acute mental health services that are currently available on a 24-hour basis in East Belfast for (i) young people; and (ii) adults.

(AQW 5130/11)

Minister of Health, Social Services and Public Safety: Belfast Trust's Crisis Intervention and Assessment Team (CAIT) service normally operates from 8am – 8pm - 7 days a week. Currently the service is operating with limited medical cover but it is hoped that this will be increased in the future to provide a 24 hour service 7 days per week service. Most assessments are made on the same day as referral unless the child or young person is medically unfit to be assessed.

The Belfast Trust CAMHS also operates an out-of-hours Consultant Psychiatrist rota for access to in-patient beds for children and young people requiring emergency in-patient care in the Beechcroft Regional Child and Adolescent In-Patient Service on the Forster Green Hospital site.

The CAIT service will also act as the gatekeeper to Tier 3 (out-patient) child and adolescent mental health services.

All Belfast adult residents have access to the Home Treatment Service providing acute mental health care to patients in their own homes. There are also 6 Home Treatment beds located in the university area.

Acute Mental Health Day Treatment is provided from Woodstock Lodge and from the South Belfast Day Hospital at Belfast City Hospital sites. This service is also delivered in the Community Care and Treatment Centres including Hollywood Arches. Acute inpatient care is currently delivered on 3 sites in Belfast, Knockbracken Health Care Park, Mater Hospital and Belfast City Hospital.

For Adults, Mental Health at Night is available from 5:00pm until 9:00am Monday to Friday and at weekends, this service provides urgent mental health assessments to adults referred by GPs or presenting to the RVH, BCH or Mater Emergency Departments out of hours. A similar system is in place, provided by the South Eastern Trust for adults presenting at the Ulster Hospital. Home Treatment is available 24 hours a day. Inpatients beds are available 24 hours a day.

Causeway Hospital

Mr J Dallat asked the Minister of Health, Social Services and Public Safety whether he is aware of the discussions taking place between the Northern Health and Social Care Trust and other parties regarding the reduction in the number of cardiac nurses in the Causeway Hospital, Coleraine.

(AQW 5152/11)

Minister of Health, Social Services and Public Safety: The delivery of services at Causeway Hospital is a matter for the Northern Health and Social Care Trust.

The Trust tells me that since 1 February 2011, the pre hospital cardiac care service (cardiac ambulance) has been provided by NIAS (Northern Ireland Ambulance Service) instead of nursing staff from the coronary care unit at Causeway Hospital. I am advised that the Trust has had a preliminary meeting with staff who may be affected by this change; discussion is at a very early stage and the time frame for any organisational change has not been agreed.

Waiting List for Cataract Removals

Mr G Robinson asked the Minister of Health, Social Services and Public Safety to detail the number of patients in the Western Health and Social Care Trust area who were awaiting cataract removals at the year end in each of the last four years.

(AQW 5156/11)

Minister of Health, Social Services and Public Safety: The number of patients in the Western Health and Social Care Trust who were awaiting cataract removals at the year end in each of the last four years is shown in the table below.

Year End	Number of patients in the Western HSC Trust awaiting cataract removals
31/12/07	544
31/12/08	429
31/12/09	381
31/12/10	393

Source: DHSSPS Inpatient Waiting Times Dataset

Domiciliary Home Care Packages

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety to detail the current waiting times for domiciliary home care packages to be put in place for patients ready for discharge from hospital; and what action he is taking to reduce the waiting times.

(AQW 5184/11)

Minister of Health, Social Services and Public Safety: Information provided by the Chief Executives of the five Health & Social Care (HSC) Trusts indicates that on 14 March 2011, 11 people were waiting in Hospital for a domiciliary care package longer than the agreed time period specified in my Department's 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."

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 investment terms I 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, Trusts have been finding it extremely difficult to meet the rising demand for domiciliary care, and this situation is likely to worsen in view of the inadequate budget settlement for health in 2011/12.

Specialist and Consultant Nurses

Mr W Irwin asked the Minister of Health, Social Services and Public Safety how many specialist or consultant nurses are employed in the (i) acute sector; and (b) the community in each Health and Social Care Trust; and to list the areas of specialism practised.

(AQW 5191/11)

Minister of Health, Social Services and Public Safety: The information requested is given in the tables below.

SPECIALIST NURSES EMPLOYED WITHIN NI HEALTH & SOCIAL CARE BY TRUST AS AT MARCH 2011

Trust	(i) Acute Sector		(ii) Community Sector	
	Headcount	WTE	Headcount	WTE
Belfast	168	155.83	41	38.94
Northern	95	83.85	58	54.44
South Eastern	41	37.47	30	29.50
Southern	39	33.13	98	86.39
Western	95	92.80	58	57.30

Source: NI HSC Trusts

Notes:

1. WTE = Whole-Time Equivalent
2. Specialties within the Acute Sector in the Belfast HSCT include A&E, Addictions, Anaesthetics, Cancer Services, Cardiology, Cardiothoracic, Child & Family, COPD, Continence, Critical Care Outreach, Cystic Fibrosis, Dermatology, Diabetes, Dementia, Endocrinology, ENT, Epilepsy, Fractures, General Medicine, Genetics, GUM, Haematology, Hepatology, Infection Control, IVF, Learning Disability, Macmillan, Mammography, Medical, Medical Physics, Mental Health, Multiple Sclerosis, Neurology, Obs & Gynae,

- Ophthalmology, Orthopaedics, Outpatient, Paediatrics, Pain, Renal, Respiratory, Rheumatology, Stoma Care, Surgical, Theatre, Tissue Viability, Transplant Coordinator, Urology & Vascular.
3. Specialties within the Community Sector in the Belfast HSCT include COPD, Continence, Diabetes, Education, Gynaecology, Heart Failure, Learning Disability, Mental Health, Palliative Care, Primary Care, Pulmonary Rehabilitation, Quality Assurance, Renal, Stroke & Tissue Viability.
 4. Specialties within the Acute Sector in the Northern HSCT include A&E, Ante-natal, Breast Care, Breast Feeding, Cardiology, Colposcopy, Dermatology, Diabetes, Endoscopy, ENT, Epilepsy, Family Planning, IBD, Neonatal, Nurse Practitioners, Ophthalmology, Respiratory, Rheumatology, Sexual Health, Stoma Care, Stroke & Urology.
 5. Specialties within the Community Sector in the Northern HSCT include Child & Adolescent Mental Health, Child Accident Prevention, Child Protection, Continence, Health Protection, Infection Prevention & Control Nurses, Learning Disability, Paediatrics, Palliative Care & Tissue Viability.
 6. Specialties within the Acute Sector in the South Eastern HSCT include Cancer Services, Cardiology, Dermatology, ENT, Neonatal, Newborn Hearing Screening, Ophthalmology, Pain, Paediatrics, Palliative Care, Respiratory, Sexual Health & Urology.
 7. Specialties within the Community Sector in the South Eastern HSCT include Continence, Dermatology, Diabetes, Respiratory & Tissue Viability.
 8. Specialties within the Acute Sector in the Southern HSCT include Cardiology, Diabetes, Endoscopy, GUM, Gynaecology, Haematology, Neurology, Paediatrics, Pain, Respiratory, Rheumatology, Stroke & Urology.
 9. Specialties within the Community Sector in the Southern HSCT include Adult Mental Health, Cardiology, Child & Adolescent Mental Health, Child Protection, Continence, COPD, Diabetes, Epilepsy, Family Planning, Fractures, Learning Disability, Older People, Paediatrics, Palliative Care, Parkinsons, Respiratory, Stroke, Tissue Viability & Vascular.
 10. Specialties within the Acute Sector in the Western HSCT include A&E, Breast Care, Cancer Services, Cardiology, Critical Care, Diabetes, Endoscopy, ENT, Epilepsy, Fractures, Haematology, Infection Control, Multiple Sclerosis, Neurology, Ophthalmology, Orthopaedics, Paediatrics, Pain, Palliative Care, Respiratory, Rheumatology, Stoma Care, Stroke, Tissue Viability, Urology & Vascular.
 11. Specialties within the Community Sector in the Western HSCT include Cardiology, Child Protection, Cognitive Behavioural Therapy, Continence, Diabetes, Family Planning, GUM, Mental Health, Neurology, Palliative Care & Stoma Care.

Mental Health Facilities

Mrs D Kelly asked the Minister of Health, Social Services and Public Safety when the business cases which have been submitted to his Department in relation to (i) the extension of the Bluestone Psychiatric Unit; and (ii) the conversion of an Early Treatment Unit ward in Craigavon Area Hospital to a ward for children and young people with mental health problems will be approved; and whether funding is available to complete these capital projects over the next four years.

(AQW 5192/11)

Minister of Health, Social Services and Public Safety: The Southern Health and Social Care Trust submitted a revised business case for the extension of the Bluestone Unit to my Department on 7 March 2011 and this is currently being assessed by my officials.

Only when the business case has been finalised and approved can a decision be made on the timing of the project. You will be aware of the significant cut in the funding to my Department as part of Budget 2010 allocation. This level of funding makes it impossible to progress all of the projects which I had expected to take forward and I am considering my priorities in light of the final budget.

The Southern Trust has not submitted a business case to convert a ward for treatment of children and young people with mental health problems.

Ambulance Provision: Prisoners

Mr J Craig asked the Minister of Health, Social Services and Public Safety to detail (i) the procedures followed by the Ambulance Service when attending a call requesting medical assistance in a prison;

(ii) the average cost of such a call-out; and (iii) the total cost to the Ambulance Service for the transportation of prisoners to hospital in the last six months.

(AQW 5203/11)

Minister of Health, Social Services and Public Safety: The Northern Ireland Ambulance Service (NIAS) has advised that, on receiving an emergency call from a Northern Ireland Prison Service (NIPS) establishment, its staff proceed to the prison's front gate where they are met by NIPS officers who escort them to the patient's location, usually the prison hospital wing. Once prison medical staff and ambulance staff have agreed the most appropriate hospital for the patient's medical needs, NIPS officers accompany the patient in the ambulance. The ambulance crew is responsible for the patient's medical requirements during the journey. NIPS officers remain after the patient is handed over to A&E department nursing staff.

NIAS estimates that the average cost of prison call-outs in the period September 2010 to February 2011 was £82.50. The estimated total cost of calls-outs where patients required transportation from prison to hospital in that period was £8,640.

Home-Start Projects

Mr W Irwin asked the Minister of Health, Social Services and Public Safety to detail the amount of funding allocated by the Southern Health and Social Care Trust to each Home-Start project in the Trust area (i) in each of the last three years; and (ii) in the current year to date; and how much funding is planned for the 2011/12 financial year.

(AQW 5217/11)

Minister of Health, Social Services and Public Safety: Funding allocated by the Southern Health and Social Care Trust to each Home-Start project in the Trust area in the last three years; current year to date and planned for the 2011/12 (subject to available budgets) is as follows:

FUNDING IN THE LAST 3 YEARS

Home-Start Scheme	07/08	08/09	09/10
Craigavon	£32,248	£33,180	£33,180
Banbridge	£0	£0	£25,000
Armagh & Dungannon	£47,467	£48,785	£48,785
Newry	£45,995	£47,236	£47,236

CURRENT AND PLANNED FUNDING

Home-Start Scheme	10/11	11/12
Craigavon	£32,746	£32,659
Banbridge	£25,000	£25,000
Armagh & Dungannon	£48,148	£48,020
Newry	£46,619	£46,495

Armagh and Dungannon Home Start

Mr W Irwin asked the Minister of Health, Social Services and Public Safety how much funding has been provided to Armagh and Dungannon Homestart for the outreach element of its work in each of the last three years; and whether this funding will continue in the 2011/12 financial year.

(AQW 5220/11)

Minister of Health, Social Services and Public Safety: My Department provided the Homestart Armagh and Dungannon project with funding of £22,589 and £22,033 in 2008/09 and 2009/10 respectively, and is making further funding of up to £23,154 available to it in the current year.

Responsibility for commissioning services at a locality level rests with the Health and Social Care Trusts, and projects should engage direct with them about future funding issues. 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. My Department, through the Health and Social Care Board, is currently providing financial support to the majority of locally-based Home Start schemes, including the Armagh and Dungannon. This funding is delivered through the Health and Social Care Trusts.

New Build for Oakridge Social Education Centre, Dungannon

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety at what stage is the application for a new build for Oakridge Social Education Centre, Dungannon.

(AQW 5251/11)

Minister of Health, Social Services and Public Safety: The Southern Health and Social Care Trust is currently revising the business case for Oakridge Social Education Centre. Upon receipt, the business case will need to be assessed and approved by my Department and by the Department of Finance and Personnel.

Once the business case has been approved, I will consider the timing of this and other projects in light of my available budget.

Music Therapy Service

Mr P Weir asked the Minister of Health, Social Services and Public Safety how many children attending special education schools currently benefit from the Music Therapy Service.

(AQW 5259/11)

Minister of Health, Social Services and Public Safety: The information requested is not readily available and could only be compiled at disproportionate cost.

Orthopaedic Surgery at Altnagelvin Hospital

Mr R McCartney asked the Minister of Health, Social Services and Public Safety what is the average waiting time for orthopaedic surgery at Altnagelvin Hospital.

(AQW 5263/11)

Minister of Health, Social Services and Public Safety: At 31st December 2010 (the most recent date for which official waiting time data are available), the average waiting time in the Trauma and Orthopaedic specialty at Altnagelvin Hospital was 123 days (17.5 weeks).

National Institute for Health and Clinical Excellence Guidelines

Mr A Easton asked the Minister of Health, Social Services and Public Safety how his Department assesses the implementation of the National Institute for Health and Clinical Excellence guidelines in Health and Social Care Trusts.

(AQW 5264/11)

Minister of Health, Social Services and Public Safety: The Regulation and Quality Improvement Authority (RQIA) is responsible for reviewing clinical and social care governance arrangements in individual HSC Trusts against a range of quality standards on an on-going basis. This includes compliance with best practice guidance concerned with safe and effective care such as NICE guidelines.

Music Therapy Service

Mr P Weir asked the Minister of Health, Social Services and Public Safety to detail the number of children on the waiting list for the Music Therapy Service; and how much it would cost to fund these additional places.

(AQW 5271/11)

Minister of Health, Social Services and Public Safety: The information requested is not readily available and could only be compiled at disproportionate cost.

Emergency Ambulance

Mr G Robinson asked the Minister of Health, Social Services and Public Safety whether every emergency ambulance is crewed by both an emergency medical technician and a paramedic.

(AQW 5276/11)

Minister of Health, Social Services and Public Safety: Emergency ambulances are normally crewed by both an emergency medical technician and a paramedic. There are a small number of occasions when this is not possible due to short notice of sickness or other absence.

It is the NIAS's policy that as far as reasonably possible, a paramedic will respond to all Category A calls.

National Institute for Health and Clinical Excellence Guidelines

Mr A Easton asked the Minister of Health, Social Services and Public Safety if his Department monitors whether the National Institute for Health and Clinical Excellence guidelines are implemented within the specified time-frame.

(AQW 5283/11)

Minister of Health, Social Services and Public Safety: At present there is a general expectation that applicable NICE technology appraisals will be implemented within 12-24 months of endorsement for Northern Ireland. The process for the endorsement and implementation of NICE guidance here is currently under review. As part of this, the setting of specific timeframes for implementation of both NICE technology appraisals and clinical guidelines, and improved monitoring and assurance measures are being considered.

The Regulation and Quality Improvement Authority (RQIA) is responsible for reviewing clinical and social care governance arrangements in individual HSC Trusts against a range of quality standards on an on-going basis. This includes compliance with best practice guidance concerned with safe and effective care such as National Institute for Health and Clinical Excellence (NICE) guidelines.

Mental Health Services

Mr P Weir asked the Minister of Health, Social Services and Public Safety, in light of the decision to centralise mental health services in Lisburn, what measures he intends to put in place to transport patients and relatives from the Ards Peninsula.

(AQW 5289/11)

Minister of Health, Social Services and Public Safety: The South Eastern Health and Social Care Trust has provided assurances that it will develop an appropriate transport scheme for patients and their families from the Ards peninsula, and other areas, as a result of consolidating the Trust's three acute psychiatric inpatient units in Lagan Valley Hospital. The Trust will be engaging with service users, carers and representative organisations in due course.

Scottish Medicines Consortium

Mr A Easton asked the Minister of Health, Social Services and Public Safety whether his Department considers Scottish Medicines Consortium guidance to assess whether it would be appropriate for Northern Ireland; and to detail any such guidance it has endorsed for use in the last two years.

(AQW 5294/11)

Minister of Health, Social Services and Public Safety: My Department does not currently have any links with the Scottish Medicines Consortium; however this position may be reviewed in the future.

Children's Fund

Mr R Beggs asked the Minister of Health, Social Services and Public Safety to detail (i) the projects to date that have received funding under the Children's Fund, including the level of funding they received; and (ii) any funding that has been allocated for 2011/12.

(AQW 5324/11)

Minister of Health, Social Services and Public Safety: The centrally-funded Executive Children's Fund came to an end in March 2008. Since then, I have been providing funding from within my own resources to support those projects, previously assisted by the Children's Fund, that are undertaking activities that contribute to the aims and objectives of my Department. The table attached provides information on these projects, and the level of funding being made available to them in 2010/11.

With regard to funding in 2011/12, the final budget settlement provided to my Department is not adequate to meet all pressures across health, social care and public safety. In this context, I am obliged to take difficult decisions to ensure that any potential adverse impact on front line services to patients, clients and service users is minimised. As a consequence, it is with regret that I am unable to continue to provide funding to those schemes which until now have been supported directly by the Department.

Organisation	Project Name	Letter of Offer Allocation for 2010/11	Amount Released up to December 2010
Armagh Travellers Support Group	Children and Families	£39,641.00	£21,904.82
Barnardos Domestic Violence	Domestic Violence Outreach Scheme	£36,900.00	£27,338.00
Barnardos Family Group Conferences	Family Group Conferences	£95,864.00	£65,877.17
Challenge for Youth	Detached Youth	£87,125.00	£84,854.80
Craigavon Travellers Support Committee	Early Years Initiative	£81,995.00	£55,018.43
Home-Start Ards and Comber	Supporting Youth Families	£37,925.00	£28,247.89
Home-Start Armagh and Dungannon	Home-Start Outreach	£23,154.00	£14,897.11
Home-Start Down District	Satellite Schemes	£80,975.00	£71,484.42
Home-Start Newry and Mourne	Kilkeel Scheme	£36,982.00	£27,063.70

Organisation	Project Name	Letter of Offer Allocation for 2010/11	Amount Released up to December 2010
Nexus Institute Personal Education	Personal and Social Education Programme	£32,190.00	£19,708.26
North Down and Ards Women's Aid	Children and Domestic Violence	£13,130.00	£9,788.13
North Down YMCA Bangor	Parents And Kids Together	£36,183.00	£30,657.90
Autism NI	Support for Children with Autistic Spectrum Disorder	£70,725.00	£48,852.91
Springwell Centre	Family Support Worker's Salary	£18,174.00	£13,099.46
The Cedar Foundation	Transitions	£33,825.00	£22,815.47
Adoption UK	Adoptive Parent's Support	£21,763.00	£12,017.80
Centre for Health and Wellbeing	Yahoo	£32,800.00	£18,809.69
Ballymena Women's Aid	Domestic Violence Interagency and Community Development Worker	£27,211.00	£17,594.24
Barnardos Parenting Matters Carrickfergus	Carrickfergus Child and Parent Project – Parenting Matters	£42,313.00	£26,426.42
Barnardos Pyramid Plus	Pyramid Plus	£82,000.00	£55,309.13
North West Community Support Partnership	Clooney Family Centre	£300,325.00	£196,861.59
Family Planning Association	Sexual Health Programme	£27,163.00	£18,825.84
Artability	After schools Project for Children with a Disability	£61,500.00	£58,747.85
Arthritis Care NI	Positive Futures for Children and Young People with Arthritis	£24,270.00	£15,496.79
Aware Defeat Depression	Mood Matters	£24,506.00	£17,931.00
Barnardos Home from Home	Home from Home	£90,678.00	£68,314.66
Barnardos PACT	Aftercare Support Services	£57,400.00	£29,905.00

Organisation	Project Name	Letter of Offer Allocation for 2010/11	Amount Released up to December 2010
Barnardos Young Parents Advice	Young Parents Advice Information Bureau	£36,882.00	£26,951.97
Causeway Women's Aid	Domestic Violence and Children – a prevention and intervention programme	£53,456.00	£37,041.41
Action for Children	Chance for Change	£140,425.00	£102,907.92
Contact a Family	Contact a Family	£42,838.00	£30,859.55
Contact Youth Counselling Services	Youth Counselling Service	£42,903.00	£30,520.77
Cookstown and Dungannon Women's Aid	The Children's Project	£30,834.00	£22,205.72
Fermanagh Women's Aid	Refuge and Community based Aftercare Children's Services	£51,762.00	£40,161.01
Include Youth	New Leaf Project	£54,516.00	£42,741.64
Larne Community Care Centre	Child Development Worker	£24,726.00	£18,506.98
Lisburn YMCA	Small Talk	£14,999.00	£13,500.00
Mencap Society	Shout out	£44,148.00	£21,915.79
Mid Ulster Child Contact Centre	Mid Ulster Child Contact Centre	£15,150.00	£11,911.30
NI Cancer Fund for Children	Family Dynamics	£24,202.00	£18,151.50
NI Music Therapy	Arioso Project	£150,023.00	£118,887.45
Parents Advice Centre NI	Positive Parenting in Areas of Social Need	£31,906.00	£23,956.00
Threshold	Applied Psychotherapy for Children and young People within Primary Care	£34,637.00	£23,540.71
Upper Springfield Development Trust	Action on Disability	£53,608.00	£37,282.53
Voice of Young People in Care Ltd	Shaping the Changes	£60,475.00	£44,290.20

Cardiac Emergency Ambulance Service

Mr G Robinson asked the Minister of Health, Social Services and Public Safety whether a cardiac emergency ambulance service is available on a 24-hour basis in the Coleraine area; and what cover is in place when the ambulance is engaged on another call.

(AQW 5328/11)

Minister of Health, Social Services and Public Safety: From 1 February 2011, the Northern Ireland Ambulance Service (NIAS) has been responsible for providing, on a 24/7 basis, the pre-hospital cardiac care service formerly provided by Causeway Hospital coronary care unit nursing staff which covered the Coleraine area.

It is important to note that NIAS deploys its emergency response resources using a dynamic tactical deployment plan to ensure that the nearest available resource responds to an emergency call. This means that the response to an emergency call in the Coleraine area might not necessarily be provided by a resource based in that area.

Enhanced Cooperation

Mr P Callaghan asked the Minister of Health, Social Services and Public Safety whether he intends to meet with the new Irish Health Minister to discuss (i) the development of enhanced cooperation in cancer services in the Radiotherapy Centre at Altnagelvin Hospital; and (ii) the implementation of the North/South Feasibility Study on cooperation in health care.

(AQW 5329/11)

Minister of Health, Social Services and Public Safety: There have been no specific arrangements made for me to meet with Dr James Reilly, the new Irish Minister for Health and Children. I remain fully committed to ensuring appropriate radiotherapy capacity exists for all cancer patients. My proposals to increase radiotherapy capacity include the development of a radiotherapy unit at Altnagelvin Hospital. I remain fully committed to working closely with colleagues in the Republic of Ireland where there are opportunities to develop services which offer real and sustainable benefit for both jurisdictions.

Department of Justice

Republican Parade in Rosslea

Lord Morrow asked the Minister of Justice, pursuant to AQW 4530/11, to detail the reasons why he will not hold an inquiry or make a statement into the collapse of this case due to the operational independence of the Public Prosecution Service, given that he has decided to hold an investigation into a case which was dropped and then reinstated, where a woman was convicted of neglecting a patient in her care.

(AQW 5145/11)

Minister of Justice (Mr D Ford): As I noted in the reply to AQW 4530/11, the Public Prosecution Service operates independently from Government and does not fall within my Ministerial portfolio. It would therefore not be appropriate for me to hold an inquiry into any issue which falls within the responsibilities of the Director of Public Prosecutions.

I did not hold an investigation into the case where a woman was convicted of neglecting a patient in her care. However, I received a factual briefing from officials and I also spoke with the Acting Director of Public Prosecutions who made me aware of the circumstances and legal issues surrounding the case.

Operation Ore

Lord Morrow asked the Minister of Justice, pursuant to AQW 4316/11, as the Chief Constable has advised that the information requested is held by the Court Service, to detail how many people have been convicted in Northern Ireland as a result of the UK-wide Operation Ore.

(AQW 5151/11)

Minister of Justice: Further to the answer provided in AQW 4316/11, the information requested is not available. Court conviction data held by the Department do not contain background information in relation to offences committed, and it is therefore not possible to give the number of those convicted as a result of a specific operation.

Disturbance at Maghaberry Prison on 7 March 2011

Lord Morrow asked the Minister of Justice, in relation to the disturbance at Maghaberry Prison on 7 March 2011, when a fire was reported, to detail (i) in what part of the prison the fire occurred; (ii) how many prisoners were involved; (iii) the time at which the disturbance began and ended; (iv) how the fire started; (v) what damaged was caused; (vi) what injuries were sustained; and (vii) what action is being taken against those involved in the disturbance.

(AQW 5161/11)

Minister of Justice:

- (i) A fire was started in the exercise yard in the centre of Foyle House. It was extinguished by House staff.
- (ii) 43 prisoners were in the exercise yard. Seven prisoners were later identified as having caused damage. After being ordered several times to leave the exercise yard and to return to their cells, all prisoners did under controlled conditions.
- (iii) The disturbance was reported at 18.42 hours and concluded at 21.31 hours.
- (iv) The fire was started using plastic chairs and rubbish which were piled against a metal door leading into the exercise yard.
- (v) The metal door and wall were damaged and, in four cells, windows, furniture and toilets were broken. Minor smoke damage occurred on two of the landing areas. Damage was also caused to the windows and to a snooker table in the recreation room.
- (vi) No injuries were sustained by either staff or prisoners.
- (vii) Prisoners identified as having taken part in the indiscipline have been charged under prison rules.

Prisoners: Education

Mr J Dallat asked the Minister of Justice to detail what plans he has to (i) review the voluntary nature of education in prisons; and (ii) bring forward proposals which would make education more (a) attractive to prisoners; (b) rewarding; and (c) likely to lead to achieving qualifications which may decrease the chances of reoffending.

(AQW 5165/11)

Minister of Justice: I would refer the Member to my reply to AQW 4809/11 on the voluntary nature of education provision in prisons. The Member will also be aware that the recently published interim report of the Review of the Northern Ireland Prison Service, led by Dame Anne Owers, indicated that a core aim of a more effective prison system should be rehabilitation, and that in achieving that aim there would need to be a revision of education and skills provision.

In my statement of 28 February to the Assembly (Official Report, Volume 62, No 4, 260), I welcomed the interim report and noted that work is already under way within the Prison Service to bring a sharper focus on rehabilitation. I also noted that Dame Anne's final report will ultimately define the Prison Service's Strategic Efficiency and Effectiveness programme, the main vehicle by which this required change will be delivered.

A review of all Learning and Skills services is currently underway and will be used by NIPS management to align services more closely with the employment market and the type and level of qualifications required to enhance employability.

Students: Sexual Offences Prevention Order

Lord Morrow asked the Minister of Justice, pursuant to AQW 4663/11, if any of the students under a Sexual Offences Prevention Order are currently subject to court proceedings for breaching the Order whilst (i) on a Further and Higher Education course; or (ii) in Further and Higher Education facilities. (AQW 5194/11)

Minister of Justice: This question has been passed to me for answer from the Department for Employment and Learning. It would be inappropriate to provide any information about current court proceedings in individual cases.

Hospital Assistance For Prisoners

Mr J Craig asked the Minister of Justice (i) how many prisoners have been released from Maghaberry Prison to seek hospital assistance in the last six months; (ii) how many of these prisoners were prescribed medication which they subsequently overdosed on; and (iii) what is the average annual cost to the Prison Service for the transportation of prisoners to hospitals. (AQW 5210/11)

Minister of Justice:

- (i) A total of 257 prisoners were sent from Maghaberry Prison to hospitals in the six months between 1 September 2010 and 28 February 2011. This figure covers both scheduled appointments and emergency incidents.
- (ii) Of these prisoners, 13 cases had overdosed on their prescribed medication.
- (iii) The approximate cost to the Prison Service for the transportation of prisoners from prison establishments to hospital during the 12 month period from 1 January 2010 – 31 December 2010 was £577,000. This figure is based on an average cost of £500 per prisoner transported and includes journeys made for both scheduled appointments and emergencies.

Knife Traders

Mr P Weir asked the Minister of Justice what consideration has been given to introducing a licence for knife traders. (AQW 5218/11)

Minister of Justice: I have no plans at this stage to introduce a knife licensing scheme for traders but will keep the option under review. I continue to monitor levels of knife crime in Northern Ireland and have included in the Justice Bill increased penalties for possession of a knife on school premises and possession of a weapon with intent to commit an offence. Knife crime offences now have a consistent maximum penalty of up to four years' imprisonment.

Potential Savings

Mr W Irwin asked the Minister of Justice for his assessment of the potential savings that could be made by reducing division in prisons and the justice system. (AQW 5229/11)

Minister of Justice: The Department of Justice has a role, shared with other Government Departments, in tackling division in society in Northern Ireland. My role as Justice Minister is to contribute to cohesion, and many aspects of my Department's work contribute directly or indirectly to that. Examples include, work in respect of interface areas, through further enhancing confidence in the police, seeking to reduce crime and fear of crime, rehabilitating offenders and many other areas. It is not possible to put a cost on all of this but the benefits are clear.

Within the area of prisons, the Northern Ireland Prison Service (NIPS) is currently looking at all areas of its business in order to deliver the necessary savings as set out in the Budget 2010 settlement. The recent report produced by the Prison Review Team helpfully identified a range of issues, including division that NIPS will need to consider. The Prison Service's Strategic Efficiency and Effectiveness Programme will be the vehicle through which these recommendations will be delivered.

Prison Service Staff

Mr P Butler asked the Minister of Justice (i) to detail the percentage of job applications to the Prison Service received in the last two years that were from the Roman Catholic community; (ii) whether the Prison Service will meet the target this years as outlined in the Prison Service Diversity Strategy of having 35 per cent of job applicants from the Roman Catholic community; and (iii) what percentage of the current prison workforce is from the Roman Catholic community.

(AQW 5292/11)

Minister of Justice:

- (i) In 2009 the percentage of applications received from the Roman Catholic community was 22.8. In 2010 it was 12.5.
- (ii) None of the competitions which were launched in 2011 have ended yet and so it is impossible to give a figure for the current calendar year or to estimate whether we will meet the published target.
- (iii) 13.1% of the current Prison Service workforce is Roman Catholic, this figure includes both discipline and non-discipline staff.

NIPS has developed, and is currently implementing, an action plan aimed at addressing this issue through a range of positive measures, including partnership working with organisations and representatives from the voluntary and community sectors, affirmative action on advertising campaigns, a programme of school visits, offering summer work experience and representation at recruitment and careers exhibitions across Northern Ireland. However there have been no recent large recruitment campaigns to demonstrate the effectiveness of this work.

Register of Perpetrators of Domestic Violence

Mr R McCartney asked the Minister of Justice whether he would consider the development of a register of perpetrators of domestic violence, similar to the sex offenders register, which would allow the disclosure of offences to relevant agencies and individuals.

(AQW 5296/11)

Minister of Justice: Under risk assessment and management arrangements, set out in the Criminal Justice (NI) Order 2008, criminal justice agencies, social services and others already work together and share information to more effectively assess and manage the risk posed by certain sexual and violent offenders in the community.

Included in these arrangements are those who from 1st April 2010 have been convicted of a violent offence (including homicide) in domestic or family circumstances; or who have a previous conviction for a violent offence in domestic or family circumstances and about whom there are significant concerns.

Department for Regional Development

Procurement Breaches

Mr P McGlone asked the Minister for Regional Development, pursuant to AQW 3897/11, to detail how specific procurement breaches are identified by his Department's Internal Audit Unit .

(AQW 4671/11)

Minister for Regional Development (Mr C Murphy): My response to AQW 3897/11 referred to the role of Internal Audit in providing Accounting Officers with an independent and objective opinion on risk management, control and governance processes and advised how, in accordance with Government Internal Audit Standards (GIAS), DRD Internal Audit employs a “Risk Based Systems Auditing” approach. This approach focuses on strategic and high-risk areas, making recommendations for the implementation of controls to manage identified risks to an acceptable level, in accordance with the Departmental/ Agency “risk appetite”.

In determining the work to be covered within the Internal Audit Strategy (three year and annual programmes), the DRD Head of Internal Audit will establish risk-based plans to determine the priorities for internal audit activity, consistent with the Department's/ Agency's priorities, risks and goals. The Audit plans are approved by the DRD/ Roads Service Accounting Officers and the respective Audit Committees. The plans identify areas to be audited during the Annual/ Strategic period, including those relating to the procurement environment, and show linkages between the areas to be audited and the Departmental/ Agency risks.

Procurement/ procurement-related audits are undertaken using the systems based approach. As mentioned in my previous correspondence, this approach is not intended to focus specifically on identifying breaches in rules / regulations or to identify the cost of any breaches. Specific issues associated with procurement may be identified whilst employing this approach, however the key aim is to examine the adequacy and effectiveness of the system of internal control and to make recommendations to improve control and mitigate risk.

Water Meters

Mr P Butler asked the Minister for Regional Development to provide an estimate of the costs that would be incurred if water meters were provided to all domestic customers.

(AQW 4792/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that it estimates the cost of installing a water meter in all domestic properties would be in the region of £106 million. This estimate takes into account the number of meter ready chambers already installed at domestic properties since their use began in the 1990s and is based on current tendered rates for meter installation.

There are circumstances where it may not be possible to fit a meter such as when one pipe supplies a number of properties (shared supply), or where engineering difficulties or obstructions are encountered.

Legal Fees

Mr J Dallat asked the Minister for Regional Development, pursuant to AQW 4219/11, to provide a breakdown of the amount paid in (i) legal fees; and (ii) related expenses, to legal consultants, Dundas and Wilson, in (a) 2007/08; (b) 2008/09; (c) 2009/10; and (d) 2010/11 to date.

(AQW 4814/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that a breakdown of the approximate amount reported, in pursuant to AQW 4219/11, as 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	Dundas & Wilson Fees £	Cleaver Fulton Rankin (Local Legal Agent) Fees £	Counsels' Fees £	Related Expenses £
2007/2008	453,000	28,000	5,000	3,000

Year	Dundas & Wilson Fees £	Cleaver Fulton Rankin (Local Legal Agent) Fees £	Counsels' Fees £	Related Expenses £
2008/2009	812,000	99,000	88,000	11,000
2009/2010	601,000	188,000	33,000	17,000
2010/2011 (10 months)	362,000	61,000	58,000	6,000
Invoices Pending Payment	138,000	346,000	0	6,000

The amounts above are approximate and are stated exclusive of VAT.

Reclassification of NI Water

Mr C McDevitt asked the Minister for Regional Development if he will publish all correspondence, including minutes of meetings, between his Department and (i) the Office of National Statistics; and (ii) all NI Departments or UK Government Departments, in relation to the reclassification of NI water as a non-departmental body.

(AQW 4921/11)

Minister for Regional Development: In accordance with agreed protocol, my Department does not engage directly with HM Treasury and the Office of National Statistics (which has the final say regarding the classification of arm's length bodies). The Department of Finance and Personnel was the lead department in dealing with both organisations in relation to the reclassification of NI Water as a non-departmental public body.

Domestic Water Charges

Mr P Butler asked the Minister for Regional Development how much revenue could be raised annually by the introduction of domestic water charges.

(AQW 4959/11)

Minister for Regional Development: In my statement to the Assembly on 13 September 2010 I made clear my view that water and sewerage services should be delivered by a body that is not set up to introduce separate water and sewerage charges for households. The Budget recently agreed by the Executive is based on that position.

The amount of revenue that could be raised annually by the introduction of any domestic water and sewerage charges would depend on what basis the Executive agreed to introduce them. A number of factors including an assessment of any existing contributions consumers were deemed to make, the level of Executive support for low income households and the period over which any charges might be phased in would have a significant impact. It is also the case that it would take some time to implement any billing system.

Adopting an approach based on the Independent Water Review Panel's recommendations could, roughly, result in additional annual revenue of something over £100 million but not for a number of years.

Social Clause Requirements

Mr P Callaghan asked the Minister for Regional Development to detail (i) the social clause requirements in his Department's capital or current spend projects, including (a) the creation of apprenticeships; and (b) the employment of long-term unemployed persons; and (ii) any proposals his Department has to expand such opportunities.

(AQW 4985/11)

Minister for Regional Development:**(I) Recruitment of Apprentices and Long-Term Unemployed**

My Department, and its Arms Length Bodies, Northern Ireland Water (NIW) and the Northern Ireland Transport Holding Company (NITHC) include the following clauses in construction contracts on (a) the creation of apprenticeships; and (b) the employment of long-term unemployed persons.

(a) Creation of Apprenticeships

NIW and NITHC / Translink construction contracts include the following clause “The Contractor agrees to recruit one apprentice, either directly or through the supply chain, for each £2m of project construction value”.

Roads Service contracts include the following clause “Five percent of the main contractor’s workforce and the workforce of its first tier subcontractors (with 20 or more employees) will be employed on formally recognised paid apprenticeship”.

(b) Employment of Long Term Unemployed Persons

NIW and NITHC / Translink include the following clause “The Contractor agrees to secure the creation of employment opportunities for one long-term unemployed person, either directly or through the supply chain, for each £5m of project construction value”.

Roads Service contracts include the following clause “For every £0.5m of contract labour value, the main contractor will be required to provide 26 person weeks of employment opportunities through the DEL Steps to Work or Kick Start 2 Work initiatives”.

ii. Proposals to Expand Opportunities

Due to the current economic climate some construction companies have undergone restructuring and this has in some instances led to company redundancies. There are difficulties in encouraging the recruitment of apprentices and the long-term unemployed against this backdrop. However, my department will continue to work with our colleagues in other departments, the Central Procurement Directorate and the Construction Employers’ Federation on promoting this important aspect of social inclusion in our construction contracts.

Portadown Railway Station

Mr S Gardiner asked the Minister for Regional Development whether he has had any further communications with Translink over disabled access to Portadown Railway Station since February 2010 as part of his process with Translink to agree capital spending plans.

(AQW 5037/11)

Minister for Regional Development: My officials are liaising with Translink regarding this project and an Economic Appraisal for DDA work to be carried out at Portadown Station is currently being prepared. It is envisaged that the work will start later this year.

Legal Services

Mr P McGlone asked Minister for Regional Development, pursuant to AQW 1509/11, to provide a breakdown of the payments on legal services in each of the last five years.

(AQW 5080/11)

Minister for Regional Development: A breakdown of the payments on legal services for the Department and its agencies in each of the last five years is as follows.

	2005/06 £	2006/07 £	2007/08 £	2008/09 £	2009/10* £
Legal Fees / Costs	65,687	432,253	46,210	31,756	29,215
Legal Fees – Industrial Tribunal (Fair Employment)	-	-	-	32,401	-
Legal Fees – Industrial Tribunal (Equal Opportunities Commission)	-	-	1,100	-	-
Solicitors Fees (Personal)	994,751	1,006,637	1,125,751	1,113,096	235,996
Solicitors Fees (Property)	20,224	10,077	13,028	4,116	£ 396
Solicitors Fees (Vehicle)	8,201	4,621	6,718	12,027	2,749
Consultancy Advice – Legal Services*	-	-	-	-	13,877
Solicitors Fees – Employers Liability*	-	-	-	-	33,506
Solicitors Fees – Public Liability*	-	-	-	-	1,056,942
External Consultancy Fees / Consultancy Advice – Legal Services	759,832	310,584	513,055	72,259	69,305
Total	1,848,695	1,764,172	1,705,862	1,265,655	1,441,986

* In July 2009 DRD migrated to a new Financial Accounting System. This redefined a number of the descriptions against which expenditure is recorded.

Decentralisation of Public Sector Jobs

Mr P Callaghan asked the Minister for Regional Development for an update on the implementation of the plan to decentralise public sector jobs within his Department, and its agencies, since the publication of the Bain Report.

(AQW 5088/11)

Minister for Regional Development: Given the spending pressures facing all Departments, there is currently no centralised programme for the location or relocation of public sector or civil service jobs. DRD is, however, one of the Departments with the highest proportions of staff already based at work locations outside Belfast. Most are attached to Roads Service, where the need to manage and maintain the regional road network and to deliver effective local services means that the bulk of the Agency's staff are based in well-dispersed regional offices outside its Belfast headquarters.

My Department will continue to explore opportunities for the relocation of public sector jobs as they arise. This will, of course, be subject to the normal requirements of business need, value for money and affordability.

Broken Down Buses

Mr P Frew asked the Minister for Regional Development to detail (i) the number of buses in the Ballymena, Ballymoney and Moyles area that have broken down whilst in service, in the last year; and (ii) the number of these buses that went on fire.

(AQW 5141/11)

Minister for Regional Development: Translink has advised me that in response to (i) 13 buses have broken down while in service and (ii) one vehicle developed a mechanical failure which resulted in an engine compartment fire.

Belfast-Derry Railway Track

Mr J Dallat asked the Minister for Regional Development (i) when work on the upgrade of the Derry-Coleraine section of the Belfast-Derry Railway track will commence; and (ii) what steps he has taken to ensure that a future Minister is bound by his decision.

(AQW 5166/11)

Minister for Regional Development: The 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.

The budget has been agreed by the Executive but it is for departmental Ministers to decide upon the break down of that budget, subject to normal approvals. An economic appraisal for this project has been approved. It would not be appropriate to comment any further.

Coleraine to Londonderry Track Relay

Mr G Robinson asked the Minister for Regional Development on what date the Coleraine to Londonderry track relay will commence; and whether this date will be brought forward if the budget permits.

(AQW 5177/11)

Minister for Regional Development: The budget proposals make provision for the commencement of the Coleraine to Derry Track relay in 2014. This reflects estimated capital availability over the new four year budget period.

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.

Translink advise that the opportunity for construction works to be brought forward is now extremely limited due to potential restrictions imposed by the award of City of Culture status to Derry in 2013.

Shankill Estate, Lurgan

Mrs D Kelly asked the Minister for Regional Development for an update on the sewage flooding incident in the Shankill Estate, Lurgan during the Christmas period; and to detail what action his Department is taking to upgrade the sewerage system in the north Lurgan area.

(AQW 5196/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that their investigations indicate that rapidly thawing snow together with heavy rainfall allowed surface water to collect in the rear yards. As there is no provision for surface water drainage in the rear of the properties, this contributed to the flooding.

The report concluded that there were some minor defects in the sewer and that these, together with inappropriate materials that had been deposited in the sewers, may have contributed to the blockages which occurred in August, September and October of 2010. All repairs of these minor defects were completed by the end of January 2011.

The Deputy First Minister and I visited the properties affected on the 28 December 2010 and talked with the residents. As a result I have brought a paper to the Executive asking it to consider making hardship payments to those whose homes suffered flood damage as a result of the freeze-thaw event.

LED Lights in Traffic Lights

Mr P Weir asked the Minister for Regional Development for his assessment of the potential savings from fitting LED lights in traffic lights.

(AQW 5216/11)

Minister for Regional Development: My Department's Roads Service has advised that it currently manages and maintains 343 signalised junctions throughout the North.

An initial investigation has revealed that approx 50% of these signalised junctions are fitted with traffic signal heads that could be relatively easily retrofitted with LED signals. It is estimated that retrofitting would cost approximately £1.2 million and would provide an estimated saving of £86,000 per annum.

The remaining 50% of the signalised junctions would require more extensive work to adapt them for LED technology, and further investigation would be required before an accurate estimate of costs and saving could be determined.

Replacement of Street Lights in Springhill Road, Bangor

Mr P Weir asked the Minister for Regional Development to detail the cost of the proposed replacement of street lights in Springhill Road, Bangor.

(AQW 5225/11)

Minister for Regional Development: My Department's Roads Service has advised that it is estimated the street lighting works currently being carried out in Springhill Road, Bangor will cost £27,000.

On-Street Parking Charges

Mr P McGlone asked the Minister for Regional Development (i) if he intends to introduce on-street parking charges in all towns; and (ii) whether an assessment has been carried out of the impact this would have on town centre retail trade.

(AQW 5233/11)

Minister for Regional Development: I can advise that a commitment has been made within my Department's current Budget 2011-15 Savings Delivery Plans to extend on-street parking charges beyond the three cities where on-street charging is already in place, namely Belfast, Lisburn and Newry. It is initially proposed that the extension of on-street charging will apply to all towns and cities covered by the Sub Regional Transport Plan (SRTP) and the Belfast Metropolitan Transport Plan (BMTP). However, some towns not included in the SRTP and BMTP will also be assessed to gauge the viability of implementing on-street parking charges.

As a result, on-street parking charges will be extended to all major towns in the North to provide a fair and equitable system that charges a reasonable fee for prime parking locations in all towns. This will also generate a turnover of spaces and therefore allow more vehicles and people to use town centres.

This is a challenging project, which will take time to roll out to all towns, given the legislative changes required and the provision of operational infrastructure. Implementation of on-street parking charges in all towns is planned for 2012/13.

The specific detail on how on-street parking charges will be further extended to all major towns in the North will be considered in detail by my Department, in a Review of On-Street Parking, as part of the extension project.

As part of the review, my Department envisages a high level of consultation on this aspect of parking policy including the impact on retail trade prior to implementation. There will also be an opportunity for consultation on individual schemes at the legislation stage.

Public Accounts Committee's Report: Measuring the Performance of NI Water and Procurement and Governance in NI Water

Mr P McGlone asked the Minister for Regional Development in relation to the Public Accounts Committee's report 'Measuring the Performance of NI Water and Procurement and Governance in NI Water', for his assessment of (i) the procurement failings of his Department identified in the report; (ii) the role of his Department's former Permanent Secretary; and (iii) the independence of the review team.

(AQW 5234/11)

Minister for Regional Development: I refer to the answer I gave in the Assembly on 14 March in response to oral questions AQ01256/11 and AQ01259/11.

Magee Campus, Derry

Mr P Callaghan asked the Minister for Regional Development what consideration he has given to introducing a residents' parking scheme in the area surrounding the Magee Campus, Derry, similar to the scheme that has been taken forward near to Queen's University, Belfast.

(AQW 5272/11)

Minister for Regional Development: My Department's Roads Service has advised that a working group was set up last year to consider options for dealing with parking in the area surrounding the Magee Campus in Derry. The group is expected to report its findings by summer 2011 and it is anticipated that a residents' parking scheme will be included as an option for some of the area. However, the progression of any Residents' Parking Scheme will be dependent upon those areas identified meeting the necessary criteria and achieving the required level of support from residents.

Car Parking at Foyle Street, Bishop Street and Shipquay Street, Derry

Mr P Callaghan asked the Minister for Regional Development (i) what consideration Roads Service has given to introducing a pay and display parking management scheme at Foyle Street car park and at Bishop Street car park, Derry; and (ii) when consultation will commence on an on-street parking scheme for Shipquay Street, Derry.

(AQW 5279/11)

Minister for Regional Development: My Department's Roads Service has advised that it has considered and intends to proceed with the conversion of the car parks at Foyle Street and Bishop Street to pay and display operation, as resources permit.

Consultation on the introduction of on-street parking at Shipquay Street will be included in the consultation process for on-street charging proposals in the city that is expected to take place within the next six months.

Office Of National Statistics

Mr C McDevitt asked the Minister for Regional Development (i) on what date did Executive Ministers become aware of the Office Of National Statistics (ONS) consideration that NI Water should be reclassified to a non-departmental public body; (ii) in what form was this information conveyed to

Ministers and officials; (iii) what representations were made by the ONS; and (iv) whether he will publish these representations.

(AQW 5282/11)

Minister for Regional Development:

- (i) & (ii) Executive Ministers became aware of the Office of National Statistics (ONS) consideration that NI Water should be reclassified to a non-departmental public body on 1 October 2008 in a paper from the then Minister of Finance and Personnel, Nigel Dodds, seeking the Executive's agreement to his recommendations in respect of the 2008-09 September Monitoring Round.
- (iii) & (iv) The Department of Finance and Personnel (DFP) has advised that there were no representations from ONS. ONS advised the Treasury of the change in status and the Treasury subsequently advised DFP in line with agreed protocols. DFP in turn advised my Department.

Street Lighting Schemes

Mr B McElduff asked the Minister for Regional Development for his assessment of the financial savings which could be made by providing LED light fittings for Street Lighting Schemes; and to detail the costs and outcomes of any pilot schemes that have been undertaken on LED retrofit lighting.

(AQW 5291/11)

Minister for Regional Development: My Department's Roads Service has advised that there is the potential for substantial financial savings to be made in the future by using LED street lights. LED technology is developing rapidly and is expected to result in reduced energy consumption, longer life and reduced maintenance costs for street lighting. However, on the basis of comparable light outputs, LED lighting does not yet currently offer guaranteed energy savings over conventional street lights.

Roads Service has retrofitted ten street lights with LED street lighting lanterns, to allow the lighting performance, reliability and reaction of the public to be assessed. The cost of the various LED lanterns used in the trials has typically been three to five times the cost of conventional street lights. On the other criteria, the outcome of these pilot schemes, to date, has been successful.

Roads Service will continue to monitor developments in LED technology and seek to adopt the use of LED equipment more widely, when the benefits and costs justify such action.

NI Water

Mr J Dallat asked the Minister for Regional Development what action he has taken to investigate possible breaches of the appointment procedures to director and executive positions in NI Water in the last three years.

(AQW 5299/11)

Minister for Regional Development: No actions have been taken by me to investigate such matters as I have not been advised of any possible breaches by Northern Ireland Water.

Information Commissioner's Office

Mr P McGlone asked the Minister for Regional Development (i) if he is aware of an investigation being carried out by the Information Commissioner's Office into his Department and NI Water; and (ii) what direction he has issued to departmental staff, NI Water staff, and all others carrying out work on behalf of his Department, in relation to co-operating with this investigation.

(AQW 5300/11)

Minister for Regional Development: I am aware that the Information Commissioner's Office is investigating four complaints under section 50 of the Freedom of Information Act 2000 in respect of requests for information received by Northern Ireland Water (NIW) and one complaint in respect of requests for information received directly by my Department (not related to NIW).

I have not issued any direction to staff in my Department, staff in NIW nor anyone else with regards to co-operating with these investigations as there is no need given the clear statutory requirement to co-operate.

Disability Living Allowance

Mr K McCarthy asked the Minister for Regional Development if he would consider granting a free bus pass to people in receipt of the higher rate of the care component and the mobility component of the Disability Living Allowance.

(AQW 5307/11)

Minister for Regional Development: I have no plans at present to change the terms of the Concessionary Fares Scheme. However, were resources to become available in future to do so, I would favour extending the scheme to include free travel for those categories of disabled people currently in receipt of a half fare. This would include persons in receipt of either the higher or lower rate mobility component of DLA, but not those who receive the care component only of that benefit.

Derry-Dungiven A6 Upgrade

Mr P Callaghan asked the Minister for Regional Development if he can confirm that funding will be allocated for the construction of the entire Derry-Dungiven A6 upgrade in the 2011-15 budget period.

(AQW 5311/11)

Minister for Regional Development: You will be aware that the overall reduction of 40% in the Executive's capital funding from Treasury, has had a significant impact on my Department's 2011-2015 budget for infrastructure investment.

Although significantly constrained by the overall budget allocation, I remain committed to rebalancing infrastructure investment across the North and I have continued to make the case for infrastructure and transport with the Executive.

An additional £107 million allocated to my Department over the budget period, will allow for the start of road improvements on the A6 and I believe the Dungiven Bypass will be the priority.

Beyond that, the extent of further improvements on the A6, will be dependent on the availability of capital funding in the next budget period (i.e. beyond 2011-15).

Speed Reduction Measures in Straid, Antrim

Mr D Kinahan asked the Minister for Regional Development what action his Department is taking to introduce speed bumps or other speed reduction measures in Straid, Antrim.

(AQW 5314/11)

Minister for Regional Development: My Department's Roads Service has advised that traffic calming features, comprising road markings and village gateway signage have already been provided within Straid.

However, Roads Service will arrange for a traffic survey to be carried out within the next few months in order to assess if further physical measures, such as road humps or speed cushions, would be merited.

Freedom of Information Requests

Mr P McGlone asked the Minister for Regional Development to detail the number of Freedom of Information requests received by his Department in relation to correspondence between his Department, the Permanent Secretary and Mr Peter Dixon during the period 1 July- 6 July 2010; and (ii) how many of these requests were met.

(AQW 5315/11)

Minister for Regional Development: Five Freedom of Information requests have been received by my Department which requested (though not necessarily exclusively) information in relation to correspondence between the Permanent Secretary of the Department and Mr Peter Dixon during the period 1 July to 6 July 2010. All of these requests were answered in accordance with the requirements of the Freedom of Information Act 2000.

Frosses Road, County Antrim

Mr D McKay asked the Minister for Regional Development what improvements are planned for the Frosses Road, County Antrim over the next four years.

(AQW 5318/11)

Minister for Regional Development: My Department's Roads Service is currently 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 Budget 2010 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 current budget period. However, in the meantime, Roads Service will continue to develop the scheme through the normal statutory processes.

Roads Service has also identified two other possible resurfacing schemes on the Frosses Road, one at Knockahollet (1.3km in length), and one at Burnquarter (1.15km in length). In addition, a right turning lane at the junction of the Crosstagherty Road with the A26 Frosses Road is also under consideration. However, implementation of these schemes over the next four years will be dependent upon the availability of finance and the priority afforded to each scheme, when compared to other schemes.

Trust Ports

Ms M Ritchie asked the Minister for Regional Development when he will bring forward legislation which will give statutory effect to Trust Ports to allow them more freedom to compete commercially.

(AQW 5322/11)

Minister for Regional Development: Primary legislation (a Harbours Bill) has been drafted which includes provision for enhanced commercial powers.

As there is insufficient time available to bring forward this legislation during the current Assembly, it is a matter which will have to be taken forward under the next Assembly.

Reservoir Storage Capacity and Pipe Replacement in Private Properties

Mr C Lyttle asked the Minister for Regional Development whether he has considered the introduction of measures to increase reservoir storage capacity and pipe replacement in private properties.

(AQW 5327/11)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that it plans to carry out a comprehensive review of the capacity of all of its service reservoirs in order to identify any areas where additional capacity is needed to reduce the risk of service failure to acceptable levels. The review is scheduled to commence in May 2011.

In addition, the ongoing Water Resource Management Plan will consider a critical period assessment covering peak winter demands to determine whether such events will influence the long term plan for the provision of water resources.

In respect of pipe replacement in private properties it is important to remember that such pipes are themselves private property and are not the property or the responsibility of the water undertaker. Homeowners have responsibility for the maintenance and upkeep of their own pipes as they have for other fixtures and fittings.

However, both the PAC, in its report on measuring the performance of NIW and procurement and governance in NIW, and the Utility Regulator, in its investigation of the freeze / thaw incident, have recommended that an economic assessment or review of a free or subsidised repair service should be carried out. These recommendations are currently under consideration.

Department for Social Development

Fuel Poverty

Ms A Lo asked the Minister for Social Development, given his commitment in his draft budget proposals to protecting vulnerable households and capital programmes to address fuel poverty, why the budget for the Warm Homes Scheme is being reduced in each of the four years of the Budget period.
(AQW 3676/11)

Minister for Social Development (Mr A Attwood): I have now published 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. The Warm Homes Scheme will continue to be a very important tool in tackling fuel poverty in the future. Over the four year budget period, funding allocations have not been reduced instead I have increased allocations to £15 million for Warm Homes in 2011/12, £15.5 million in 2012/13, £16 million in 2013/14 and £16.5 million in 2014/15. This has been achieved in the context of general budget cuts.

£12 million will be spent on the Warm Homes Scheme in 2010/2011 and the Public Service Agreement target to assist 9,000 vulnerable households will be met. The £15 million allocated in my draft budget to the Warm Homes Scheme in 2011/2012 will allow the Warm Homes Scheme Managers to assist more vulnerable householders to improve the energy efficiency of their homes. In addition, I have advised the Housing Executive that fuel poverty and energy efficiency measures should be a priority within their maintenance investment plan and when this expenditure is added to the Warm Homes budget there will be in the region of £35 million spent in 2011/12 and subject to monitoring rounds every effort will be made to maintain this level of expenditure on fuel poverty interventions over each of the remaining three years of the budget period.

I continue to look at mechanisms to increase spend and warm home interventions including brokering with the oil importers and energy suppliers to get the best deal possible for Housing Executive and Housing Association tenants.

Spend on Electricity

Mr J Spratt asked the Minister for Social Development how much his Department and its arms-length bodies have spent on electricity in each of the last three available financial years.
(AQW 4432/11)

Minister for Social Development: The Department for Social Development and its arms-length bodies have spent the following amounts on electricity in the last three available financial years –

Department	2007/08 (£)	2008/09 (£)	2009/10 (£)	Totals (£)
Sub Total	951,719.51	1,214,352.48	984,253.22	3,150,325.21

Arms-length Bodies	2007/08 (£)	2008/09 (£)	2009/10 (£)	Totals (£)
Sub Total	668,646.58	852,851.95	689,546.14	2,211,044.67

Total Electricity Spend	2007/08 (£)	2008/09 (£)	2009/10 (£)	Totals (£)
Grand Total	1,620,366.09	2,067,204.43	1,673,799.36	5,361,369.88

This total does not include those premises occupied by staff from the Department for Social Development for which the Department of Finance and Personnel, Properties Division have responsibility for payment of the electricity costs.

The total does not include that portion of the Department's electricity spend which is attributable and therefore recouped from the Department of Works and Pensions for work carried out in this Department on their behalf.

I have advised officials that, within government and within arms-length bodies, given the more open electricity market every opportunity to negotiate prices (energy brokering) should be availed of. I have made it clear that be it Government, NIHE, Ilex or the Charities Commission every effort to broker prices should be exploited.

Social Clause Requirements

Mr P Callaghan asked the Minister for Social Development to detail (i) the social clause requirements in his Department's capital or current spend projects, including (a) the creation of apprenticeships; and (b) the employment of long-term unemployed persons; and (ii) any proposals his Department has to expand such opportunities.

(AQW 4982/11)

Minister for Social Development: 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 all. I am, therefore, writing to advise you that I instructed 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 a work placement opportunity for an unemployed person through the Department for Employment and Learning's Steps to Work Programme or equivalent.

This new social clause provides that 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 and doing so significantly 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.

I am aware that the Derry City Council area does not currently operate the Steps to Work Programme. However, I have ensured that the same work experience opportunities will be made available to unemployed people in the Derry City Council area as a result of Social Housing and Urban Regeneration contracts through utilising the Department for Employment and Learning's New Deal Programme.

Government needs to push on with the social inclusion agenda and there is clear potential for the public sector in Northern Ireland to make a difference through their procurement processes.

Indeed, based on the figures available to me, the total number of work placements that could have been accommodated if the above 'unemployment' social clause had been applied to 2009/10 social housing construction works contracts, under the Social Housing Development Programme, is approximately 73 26 week work placements or 146 13 week work placements.

Whilst the Construction Industry Forum NI is considering the potential of including this sort of clause across all Government contracts, I moved forward unilaterally as of 1 January 2011, so that immediately we can extend the potential of social benefits for all communities.

My instruction is 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 on the Glen Road in West Belfast have 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 January 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 2 long-term unemployed people as well as an electrical apprenticeship for one young person. In a number of projects such as the Colin Gateway, Andersonstown 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.

I have also instructed that a similar social clause be taken forward for all other contracts such as maintenance; warm homes; and consultancy contracts. Five NIHE Egan-type contracts being tendered this year will have social clauses built into its terms and I welcome the endorsement of the NIHE to this approach.

Clearly major potential exists through this initiative to improve employment opportunities for unemployed people or to assist them gaining vital work experience they need to complete a vocational qualification. For example, in 2009/10 the total value of procurement expenditure for Northern Ireland Departments, Agencies, NDPBs and Public Corporations totalled £2.3bn.

Of that figure, Construction Contracts awarded by Centres of Procurement Expertise for NI Departments amounted to £925m. Under the arrangements that have previously applied new construction works arranged by Centres of Procurement Expertise have included minimum requirements to recruit one apprentice per £2m of capital value and one long term unemployed per £5m of capital value. This potentially could be translated as 462 apprentices and 185 long term unemployed (647). If the new arrangement put in place by my Department were in place across government, there is the potential for 1850 work opportunities. The new arrangements potentially could mean a 65% increase.

Supplies and Services and Services awarded by Centres of Procurement Expertise for NI Departments amounted to £1.38bn. Under the new arrangements £0.5m of labour value the main contractor would be required to provide a work placement opportunity which could be translated as 2760 opportunities in consultancy; in cleaning, catering and security services; in utility services; in maintenance; and in other areas too. I met again with officials last week in relation to social clauses for supplies and services. I understand that this approach may be adopted in relation to current tenders for portering, security and cleaning provision.

I have also instructed officials to put a social clause into the conditions of funding, say of the larger regional infrastructure organisations.

This shows that by rolling out my initiative across the totality of Government spending, the outcomes could be even more impressive and at a time when we have rising unemployment, the opportunities for work placements is one we should comprehensively interrogate and implement.

I am determined to ensure that my Department's spending on procurement incentivises training and work experience opportunities for the unemployed and regenerates communities. I also have written to

Ministerial colleagues on the 28 February 2011 to inform them of my plans and to encourage them to consider the potential of bringing this forward in their own Departments' as soon as possible. I believe that in the current economic climate there is a need for an even more profound focus on enhancing employment opportunities from public spending.

Social Development Housing Programme for North and West Belfast and Derry City

Ms C Ní Chuilín asked the Minister for Social Development what data he used to inform his decision to remove the ring-fenced funding for the Social Development Housing Programme for (i) North Belfast; (ii) West Belfast; and (iii) Derry City.

(AQW 5070/11)

Minister for Social Development: The Housing Executive revised the strategic guidelines and removed ring fencing when it became clear that the policy had become inflexible and was not providing for the huge growth of housing need both in ring fenced and non ring fenced areas of the North. This was evidenced by the increased levels of housing stress in all areas, as set out in the table below;

INCREASE IN HOUSING STRESS BY NIHE AREA 2004 - 2008

NIHE Area	Increase in Housing Stress applications	% Increase
Belfast	+1461	+33.93%
North East	+1705	+65.88%
South	+1674	+77.28%
South East	+1497	+43.14%
West	+872	+53.76%
NI Total	+7209	+51%

In determining the impact of the decision to remove ring fencing an Equality Impact Assessment was carried out, which found the removal of ring fencing and the revised methodology of apportioning the Social Housing Development Programme in line with an areas assessed level of housing need, weighted by waiting time, took full account of the Housing Executive's duties under Section 75 of the Northern Ireland Act 1998.

The current approach targets scarce resources to those in greatest need and is reviewed annually to ensure that it remains appropriate.

Consultations

Ms C Ní Chuilín asked the Minister for Social Development to detail (i) the amount of money his Department has spent on consultations since 2007; (ii) the geographical area to which each consultation related; (iii) the number of multiple consultations which took place in relation to the same geographical area; and (iv) the outcome of each consultation.

(AQW 5072/11)

Minister for Social Development: Please see the attached table which details the information you have requested.

Title of Consultation Documents	Number of Consultations	Geographical Area Covered	Cost	Outcome
Access and Mobility Study for Belfast City Centre	1	Belfast City Centre	£5k	Framework produced relating to Access and Mobility considerations for future Public Realm and Infrastructure projects in Belfast City Centre
Andersonstown Gateway Masterplan & EQIA	1	Study area for the Andersonstown Gateway Feasibility Study	Commitment included in the consultancy assignment therefore no separate cost available	Community consultation informed the options/ proposals set out in the Andersonstown Gateway Feasibility Study Report
Antrim Town Centre Masterplan and Delivery Strategy	1	Antrim town centre	Commitment included in the consultancy assignment therefore no separate cost available	Generally Supportive
Armagh Masterplan public consultation	1	Armagh City Centre	Included within Terms of Consultancy Brief – No separate cost	Generally supportive of Masterplan
Ballyclare Town Centre Masterplan	1	Ballyclare town centre	Commitment included in the consultancy assignment therefore no separate cost available	Generally Supportive
Ballymena Town Centre Masterplan - Draft	1	Ballymena town centre	Commitment included in the consultancy assignment therefore no separate cost available	Generally Supportive

Title of Consultation Documents	Number of Consultations	Geographical Area Covered	Cost	Outcome
Bangor Town Centre Draft Masterplan	1	Bangor town centre	Commitment included in the consultancy assignment therefore no separate cost available	Generally Supportive
Bank Square Regeneration Project	1	Bank Square/ Bank St/Chapel Lane/Berry St/ King St (part).	£5k	Planning application due to be submitted mid-March 2011
Belfast City Centre Northside Urban Village Draft Regeneration Framework - EQIA	1	Press & Library Quarter/ Carrick Hill/Browns Square	Nil – consultation on EQIA carried out in-house as part of normal business.	Full EQIA report produced on proposals contained in the Northside Urban Village Regeneration Framework.
Belfast City Centre Northside Urban Village Draft Regeneration Framework	1	Press & Library Quarter/ Carrick Hill/Browns Square	£3k	Final version of Northside Urban Village Regeneration Framework produced. Market testing exercise commenced Feb 2011
Belfast City Centre Westside Regeneration District Draft Masterplan	1	South West Quarter, Belfast City Centre.	£2.5k	Final version of Westside Regeneration Masterplan produced. Market testing exercise commenced March 2011
Carrickfergus (Revised) Draft Masterplan	1	Carrickfergus town centre	Commitment included in the consultancy assignment therefore no separate cost available	Generally supportive of Masterplan

Title of Consultation Documents	Number of Consultations	Geographical Area Covered	Cost	Outcome
Clondermot Outline Business Case	1	Electoral output areas neighbouring the site (Waterside, Derry) which would be impacted upon by any development.	Costs of the Consultation was included as part of the preparation of the Outline Business Case.	Department's proposals generally endorsed.
Concordat Consultation.	5	Enniskillen; Cookstown; Belfast; Newry & Derry/ Londonderry	£1,256	Ongoing
Cookstown Masterplan	1	Cookstown Council Area	Included in Masterplan production	Yet to take place
Derry City Centre Public Realm	1	Derry City Centre	Cost cannot be isolated separately as it was included in the design brief.	Views were taken on board and informed the final scheme design.
Downpatrick Town Centre Draft Masterplan	1	Downpatrick Town Centre	Commitment included in the consultancy assignment therefore no separate cost available	Generally Supportive
Draft Equality Impact Assessment – Crumlin Road Gaol and Girdwood Park Draft Masterplan	1	North Belfast	£6012.87	Final Equality Impact Assessment Report with revised site layout published in March 2010.
Draft Equality Impact Assessment Consultation on Closure of Cookstown Medical Examination centre	1	Cookstown	£1,464.18	Minister noted and agreed closure of Cookstown Medical Examination Centre.

Title of Consultation Documents	Number of Consultations	Geographical Area Covered	Cost	Outcome
Draft Masterplan for Crumlin Road Gaol and Girdwood Barracks	1	North Belfast	£9290.59	Analysis of consultation responses published in May 2008. Equality Impact Assessment subsequently carried out on proposals in draft Masterplan.
Dungannon Masterplan Public Consultation	1	Dungannon Council Area	Included in production costs of Masterplan	Comments taken into account in production of final plan
Enniskillen Masterplan	1	Fermanagh District Council Area	Included in production costs of Masterplan	Yet to take place
Equality Impact Assessment on the Draft Physical Regeneration concept Masterplans for 5 areas of Belfast	5	Inner East, York Road/Shore Road, Crumlin Road (including Lower Oldpark), Lower Shankill and Lower Falls	Included with costs of Public Consultation (Line 80) – no additional costs.	Comments were taken into account in DSD's drafting of final masterplan documents.
Glen Road Development Framework & EQIA	2	West Belfast	Not yet invoiced for costs.	Final Development Framework to be published for formal consultation summer 2011
Glengormley Town Centre Masterplan	1	Glengormley centre	Commitment included in the consultancy assignment therefore no separate cost available	Generally Supportive
Guidance on the Provision of Local Generalist Voluntary Sector Advice'	1	Specific stakeholders	£452.30	Ongoing

Title of Consultation Documents	Number of Consultations	Geographical Area Covered	Cost	Outcome
Larne Town Centre Draft Masterplan	1	Larne town centre	Commitment included in the consultancy assignment therefore no separate cost available	Generally Supportive
Launch of Public Consultation for the Regeneration Curran Street / Obins Street Site, Portadown	1	Portadown	Included within Terms of Consultancy Brief – No separate cost	Generally supportive of Development
Limavady Masterplan	1	Limavady	The cost of consultation, which was undertaken as part of the overall masterplanning process cannot be isolated.	Information/ views received will be used to inform the final draft Masterplan document which is due for publication in April 2011
Magherafelt Masterplan	1	Magherafelt District Council area	Included in production costs of Masterplan	Completed on 4/3/2011. Responses currently being assessed.
Marine Gardens, Comprehensive Development Proposal	1	Bangor town centre	£3,555	Generally Supportive
Newry Masterplan	1	Newry City Centre	Commitment included in the consultancy assignment therefore no separate cost available	Generally Supportive
Newtownards Masterplan	1	Newtownards Town Centre	Commitment included in the consultancy assignment therefore no separate cost available	Generally Supportive

Title of Consultation Documents	Number of Consultations	Geographical Area Covered	Cost	Outcome
Omagh Masterplan Public Consultation	1	Omagh District Council Area	Included in production costs of masterplan	Responses analysed and taken into account in production of the final plan
Proposed Development sites in Coleraine	1	Coleraine town centre	Commitment included in the consultancy assignment therefore no separate cost available	Generally Supportive
Public Art Work vote on Arthur Square	1	Belfast	£3800	Art work chosen
Public Benefit Consultation (CCNI)	7	(From 3/9/9 – 16/11/09) Belfast (x 2), Ballymena, Enniskillen, Coleraine, Newry, Derry/ Londonderry	£1,840.63	Finalisation of Charity Commission's Public Benefit Document
Public Consultation for Craigavon integrated Development Framework	1	Craigavon Area	Included within Terms of Consultancy Brief – No separate cost	Generally supportive of Framework Document
Public Consultation for Lisburn Design Compendium	1	Lisburn City Centre	Included within Terms of Consultancy Brief – No separate cost	Generally supportive
Public Consultation of the Draft Masterplan for Carrickfergus	1	Carrickfergus town centre	Commitment included in the consultancy assignment therefore no separate cost available	Number of objections raised through lobbying groups to some proposed actions. Extension of consultation process approved to resolve these.

Title of Consultation Documents	Number of Consultations	Geographical Area Covered	Cost	Outcome
Public Consultation of the Draft Physical Regeneration Concept Masterplans for 5 areas of Belfast	5	Inner East, York Road/ Shore Road, Crumlin Road (including Lower Oldpark), Lower Shankill and Lower Falls.	£19,050	Community consultation informed the development of final documents for 4 areas and a revisiting of the draft document for Lower Shankill. In addition, the Department is now, as a result of consultation, exploring potential for a further concept masterplan in South Belfast.
Public Consultation on the Lisburn Masterplan	1	Lisburn City Centre	Included within Terms of Consultancy Brief – No separate cost	Generally supportive of Masterplan
Strabane Town Centre Masterplan	One – covering District Council, Schools, Chamber of Trade, Strabane 2000, potential developers and general public	Strabane	The cost of consultation, which was undertaken as part of the overall masterplanning process cannot be isolated.	Information/ views received were used to inform the final Masterplan document which was published in September 2010
Warm Homes - Consultation	1	2 public consultation events. One in Belfast and one in Newry	N/A	Warm Homes criteria changed and new contracts awarded
Warmer Healthier Homes	1	4 public consultation events. Belfast, Newry, Ballymena & Omagh	£690.99	Consultation used to finalise the Fuel Poverty Strategy

Title of Consultation Documents	Number of Consultations	Geographical Area Covered	Cost	Outcome
West side EQIA report	1	South West Quarter, Belfast City Centre.	Nil – consultation on EQIA carried out in-house as part of normal business.	Full EQIA report produced on proposals contained in the Westside Regeneration Masterplan.
When should the state pension age increase to 66? - A Call for Evidence	1	Northern Ireland	£135	2 Responses – all fed into Draft Consultative response.
Supporting People Guidance	1	Northern Ireland	Nil	Still open
Supporting people into work: the next stage of Housing Benefit reform	1	Northern Ireland	£135	Comments forwarded to Great Britain consultation
The interaction of the deferral of State Pension with certain income-related benefits	1	Northern Ireland	£135	4 responses (including SDC) proposals included in regulations.
The powers of the Pensions Regulator	1	Northern Ireland	£135	No responses Provisions included in Pensions Act 2008 extended to NI.
The Social Fund : a new approach	1	Northern Ireland	£71.39	7 responses all fed into DWP consultation response
Universal Credit: Welfare that Works	1	Northern Ireland	£135	10 plus 3 Departmental responses – on going.
Supporting People Guidance	1	Northern Ireland	Nil	Still open
Social Fund reform: debt, credit and low-income households	1	Northern Ireland	£43.66	3 responses all fed into DWP overall consultation response

Title of Consultation Documents	Number of Consultations	Geographical Area Covered	Cost	Outcome
Regional Infrastructure Programme Review	1	Northern Ireland	£552.30.	Report and Draft Policy Statement
Proposed Mortgage Rescue Scheme for Northern Ireland - Consultation	1	Northern Ireland	£550	Draft Policy completed. No funding for scheme
Procurement Guide	1	Northern Ireland	Nil	Housing Association Guide
Proposal to stop the annual internet publication Individual Incomes Series Northern Ireland	1	Northern Ireland	Nil - in-house - internet dissemination	The annual National Statistics report 'Individual Incomes Series Northern Ireland' was stopped and shorter bulletin to be provided instead.
Proposal to stop the annual internet publication Pensioners Income Series Northern Ireland	1	Northern Ireland	Nil - in-house - internet dissemination	The annual National Statistics report 'Pensioners Income Series Northern Ireland' was stopped and shorter bulletin to be provided instead.
Proposal to stop the annual internet publication the Income Related Benefits Estimates of Take-up Series Northern Ireland	1	Northern Ireland	Nil - in-house - internet dissemination	The annual National Statistics report 'Income Related Benefits Estimates of Take-up Series Northern Ireland' was stopped.

Title of Consultation Documents	Number of Consultations	Geographical Area Covered	Cost	Outcome
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	1	Northern Ireland	£135	On -going
Pensions Consultation on Draft Regulations - Workplace Pension Reform: Completing the Picture	1	Northern Ireland	£135	Statutory Rules made.
National Insurance Credit Changes	1	Northern Ireland	£135	3 responses – provisions included in regulations.
Join In, Get Involved: Build a Better Future - A Consultation Paper on a Volunteering Strategy for Northern Ireland	1	Northern Ireland	£10,718.43	Ongoing
Joint DSD/ DHSSPS consultation on introduction of minimum unit pricing of alcohol	1	Northern Ireland	£1222.32	Consultation ongoing until 26 June 2011
Equality Scheme	1	Northern Ireland	Nil	Still ongoing
Building Sound Foundations - A Strategy for the Private Rented Sector	1	Northern Ireland	£300	A Private Rented Sector Strategy and new enhanced legislation to regulate the private rented sector.

Title of Consultation Documents	Number of Consultations	Geographical Area Covered	Cost	Outcome
Business improvement Districts and licensing of pavement cafes.	1	Northern Ireland	£1280.50	Consultation concluded on 28 Feb 2011. Officials are currently carrying out an analysis of the responses.
Child Maintenance Bill EQIA	1	Northern Ireland	£63.41	(Bill now an Act)
Child Maintenance Green Paper "Strengthening Families, promoting Parental responsibility: the future of Child Maintenance	1	Northern Ireland	£19.56	Ongoing
Delivering a Better Service for Customers	1	Northern Ireland	£6971.76	Consultation Completed successfully
Disability Action Plan 2010	1	Northern Ireland	£150	Comments informed plan
Disability Living Allowance Reform	1 (32 sent)	Northern Ireland	£18.88	Ongoing
Discussion paper on gambling review	1	Northern Ireland	£1465.41	Consultation still open
Discussion paper on Sunday Trading	1	Northern Ireland	£neg.	Consultation still open
Consultation document on the number and location of Area Advice Centres	6	Northern Ireland	£14598.78	Area Advice Centre Location Policy Document
Equality Impact Assessment in relation to the Mesothelioma Bill	1	Northern Ireland	£246.22	No responses received. Proposals did not have significant implications for equality of opportunity

Title of Consultation Documents	Number of Consultations	Geographical Area Covered	Cost	Outcome
Draft Budget 2010	1	Northern Ireland	Nil – on internet	85 responses received
Draft Regeneration and Housing Bill	1	Northern Ireland	£1172.46	Consultation concluded in April 2010 However, as the Executive did not agree a way forward for the reform of local government, work on taking forward this piece of legislation was put on hold.
Equality Impact Assessment – Social Security (Equalisation of State Pension Age) Regulations (Northern Ireland) 2009	1	Northern Ireland	£135	2 Responses. Proposals included in Regulations.
Equality Impact Assessment on the Implementation Arrangements for the Strategic Business Review	1	Northern Ireland	£5122.96	Consultation successfully completed
Equality Impact Assessment on the Welfare Reform Bill 2009	1	Northern Ireland	£135	Responses fed into final Equality Impact Assessment
Equality Impact Assessment: Pensions Bill	1	Northern Ireland	£135	2 Responses. Provisions enacted in Pensions (No.2) Act (NI) 2008
Flexible Retirement and Pension Provision	1	Northern Ireland	£135	Further Consultation on –going. Proposals not included in Regulations.

Title of Consultation Documents	Number of Consultations	Geographical Area Covered	Cost	Outcome
Flexible Retirement and Pension Provision - Next Steps	1	Northern Ireland	£135	Proposals not included in Regulations.
Housing Bill (Northern Ireland)	<p>Proposals for new housing legislation were published for consultation on 7 December 2009.</p> <p>A public consultation event was held on 28 January 2010.</p> <p>Presentations were also made to various organisations including the Housing Council and the Council for the Homeless.</p> <p>Some of the provisions in the Housing (Amendment) Bill also appeared in consultation on the future of the private rented sector published on 15 May 2009 and in proposals for a Housing and Regeneration Bill published on 1 March 2010.</p>	Northern Ireland	£317.55	Final stage of Bill 14/03/11
Housing Sales Scheme	1	Northern Ireland	Nil	Minor amendment introduced

Title of Consultation Documents	Number of Consultations	Geographical Area Covered	Cost	Outcome
Introduction of powers to prohibit or restrict irresponsible alcohol promotions	1	Northern Ireland	£972.32	Power to introduce irresponsible promotions included in Licensing and Registration of Clubs (Amendment) Bill which completed Final Assembly Stage on 22 February
Green Paper - No one written off: reforming welfare to reward responsibility		Northern Ireland		Responses considered for the Welfare Reform Bill 2009
21st Century Welfare	1	Northern Ireland	£135	7 Responses. All fed back to DWP Ministers
Supporting owner occupiers in redevelopment areas	1	Northern Ireland	Document issued via email so NIL costs	Responses received from 15 consultees. The comments received were considered and some minor amendments made. Policy received Ministerial approval in February 2011.
Reforming the Medical Statement	1	Northern Ireland	£135	Consultation completed successfully
Shaping the Future of Care Together	1	Northern Ireland	£135	Consultation completed successfully

Shared Housing

Ms C Ní Chuilín asked the Minister for Social Development (i) to outline what 'Shared Housing' means; and (ii) how he will tackle the growing housing waiting list for North Belfast, a list which, by 2012 it is estimated, will be made up of 95% of people from a Catholic background.

(AQW 5073/11)

Minister for Social Development: I am encouraged that the most recent NI Life and Times survey showed that 8 out of 10 people would now prefer to live in shared housing. That is why I have sought to bring forward more shared housing opportunities in both existing estates and through our new build programme. This shared housing is where people have said they want to live, they have chosen to live and the neighbourhood is safe, welcoming to all, and threatening to none.

An analysis of our new build provision over the last decade shows North Belfast has benefited from around 33% of all new social housing in Belfast and 15% of all social housing new build in Northern Ireland. This is largely due to the North Belfast Housing Strategy and future housing need will continue be met through a combination of re-lets and new developments. For example, this year we will deliver our largest number of new homes for over a decade and North Belfast will get its full share of that increased provision with nearly 300 units due this year alone. I have also announced plans to deliver 200 new homes on the former military base at Girdwood and alongside other sites already identified in the community, this underlines my commitment to meeting housing need wherever it may be.

It is difficult to give an accurate breakdown of the waiting list by religion due to the large number of applicants choosing not to disclose their religious background; it would seem the proportion of Catholics to Protestants in housing stress is closer to 70/30.

A crucial factor in continuing to address housing need is an adequate housing budget. The new build budget, endorsed by the Assembly reduces new build by 500-600 per annum over the next budget period, when mortgage debt and general housing stress will be increasing. Addressing housing need in North Belfast will be predetermined by the Budget endorsed by the Assembly.

Royal Exchange Development

Ms C Ní Chuilín asked the Minister for Social Development whether he has adopted a different approach from that of his predecessor to the proposed Royal Exchange development; and (ii) if so, to outline the difference in approach.

(AQW 5074/11)

Minister for Social Development: My Department has not adopted a different approach from that of my predecessor to the proposed Royal Exchange development. However, following the proposal in the draft budget to move the capital allocation from year 4 to a later year, my Department will explore other funding options to facilitate the delivery of the development once it obtains all statutory planning approvals and achieves viability. This will ensure that Royal Exchange can be brought forward within a timescale that will meet the need for additional retail capacity and market demand for a second major scheme in Belfast city centre.

It is simply wrong to claim any different approach has been adopted – if it had not been for my predecessor's commitment to Belfast regeneration, plans for Westside, Northside, Cathedral Quarter, Streets Ahead and much besides would not have either happened or be happening. Moreover, my predecessor was fully committed to Royal Exchange, did argue for a different phase for spending, but never sent out the message that Belfast might be closed for business conveyed in the arbitrary decision to move Royal Exchange out of the 2011 – 2015 CSR

Mortgage Rescue Scheme

Ms C Ní Chuilín asked the Minister for Social Development to confirm whether the Minister for Social Development prioritised the Mortgage Rescue Scheme in his departmental spending plans.

(AQO 1302/11)

Minister for Social Development: As members know there have been repeated attempts to secure funding in monitoring rounds for a mortgage rescue scheme, on the many occasions money has not been made available. I proposed a Hardship Fund last Autumn, which is now in the budget as a Social Protection Fund. I have forwarded a paper to the First Minister and deputy First Minister outlining how the budget line should be spent including a proposal for a mortgage rescue scheme. In addition, I have provided funding for the Mortgage Debt Advice Service which has increased the level of advice for

people experiencing difficulty making mortgage payments. This specialised service is preventing where possible, people here from becoming homeless as a consequence of housing related debt.

Fuel Poverty

Mr S Gardiner asked the Minister for Social Development to detail the strategies he intends to adopt to address fuel poverty, given that 46.3% of households in the Upper Bann and Armagh area are in fuel poverty.

(AQW 5108/11)

Minister for Social Development: I have announced 'Warmer Healthier Homes - a new Fuel Poverty Strategy for Northern Ireland'.

The new strategy takes forward energy brokering, calls for action on the price of oil imports, plans a boiler replacement scheme, seeks an increase in the budget for a Hardship Fund for those in need, confirms Warm Homes monies and develops a range of other initiatives. The strategy will now be implemented, including a spend of £127 million over 4 years on private and public warm homes/fuel poverty interventions.

Charity Commission

Lord Morrow asked the Minister for Social Development to detail (i) the powers that the Charity Commission has in relation to groups or trusts purporting to be of a charitable status but are not registered with HM Revenue and Customs; and (ii) the scrutiny that can be carried out in respect of such groups to ensure that they are operating within the law.

(AQW 5124/11)

Minister for Social Development: The Charity Commission for Northern Ireland (CCNI) has currently no regulatory powers in relation to bodies which are not registered with HM Revenue and Customs for Charitable tax status. All local charities will however be required to register and will fall within the Commission's remit once the current legal issue with the Charities Act (NI) 2008 is rectified.

My Department retains powers under the Charities Act (NI) 1964 to intervene in respect of other charities which currently fall outside CCNI's remit. Any charity or trust operating outside the law is of course also open to PSNI intervention.

The registration function of the Commission is not yet in place due to a legal issue in relation to the 2008 Act. This issue has become more complex due to a decision of the Executive to re-introduce the presumption of public benefit for certain categories of charities.

Single Glazing

Mr G Campbell asked the Minister for Social Development, pursuant to AQW 4709/11, to detail the (i) number; and (ii) percentage of Housing Executive properties in each council area which have single glazed windows.

(AQW 5131/11)

Minister for Social Development: The information is not available in the format requested as the Housing Executive does not hold detailed records on its properties in each Council area which still have single glazed windows. To gather such information would be a manual exercise across the entire Housing Executive stock and would incur a high cost which is deemed disproportionate.

However, the table below details Housing Executive schemes over the last ten years from 2001/02 – 2010/11 which included an element of double glazing. These figures represent dwellings where some double glazing has taken place but does not confirm that all windows in individual dwellings have been replaced with double glazing.

Council	Schemes containing double glazing	Gross stock	% double glazing
Derry	4426	7055	62.7
Limavady	1236	1469	84.1
Coleraine	1402*	3077	45.6
Ballymoney	405	1476	27.4
Moyle	397	827	48.0
Larne	296	1453	20.4
Ballymena	784	2764	28.4
Magherafelt	848	1300	65.2
Cookstown	797	1047	76.1
Strabane	1721	2201	78.2
Omagh	1336	1823	73.3
Fermanagh	1305	2021	64.6
Dungannon	744	1793	41.5
Craigavon	1935	4270	45.3
Armagh	433	1949	22.2
Newry & Mourne	1062	3081	34.5
Banbridge	729	1796	40.6
Down	927	2386	38.9
Lisburn	1408	6219	22.6
Antrim	566	2455	23.1
Newtownabbey	1286	4375	29.4
Carrickfergus	455	1918	23.7
North Down	1071	2726	39.3
Ards	1706	3906	43.7
Castlereagh	874	3755	23.3
Belfast	9081	22874	39.7

* This figure is not related to the same figure in AQW 4709/11 in relation to properties within Coleraine District with single glazed windows.

Housing Executive Homes: Renovations

Mr G Campbell asked the Minister for Social Development for an estimate of the number of homes to which the Housing Executive will be able to carry out extensive renovations in 2011/12 financial year. **(AQW 5132/11)**

Minister for Social Development: The capital budget for 2011/12 has not yet been finalised. However, it is estimated that work will be carried out in 2011/12 as shown in the table below. It is anticipated that a small number of capital schemes will include major renovations.

	Category	Dwellings
Revenue Programme	External Cyclical Maintenance	3500
	Revenue Replacement	1700
	Heating	2500
Capital Programme	Capital kitchens	86
	Retrofits	580
	Special schemes	177

Boiler Replacement Pilot Scheme

Mr G Campbell asked the Minister for Social Development for an update on the introduction of a boiler replacement pilot scheme.

(AQW 5133/11)

Minister for Social Development: I have announced 'Warmer Healthier Homes - a new Fuel Poverty Strategy for Northern Ireland' which includes a new pilot boiler replacement scheme targeted at households where:

- the owner or tenant is aged 60 years or more;
- has an older inefficient boiler, i.e. 15 years or older; and,
- receives state pension with rates relief award.

Thirteen hundred homes across Northern Ireland will get their boilers replaced in a £2 million pilot scheme. The scheme will be launched in summer 2011.

Work Carried Out On A Property

Ms S Ramsey asked the Minister for Social Development to detail (i) all work carried out on 11, Glasvey Walk, Twinbrook, Belfast in each of the last five years, including work carried out as a result of the health requirements of the residents; and (ii) if there is any work outstanding, and if so, when this work will be completed.

(AQW 5144/11)

Minister for Social Development: It is not possible to provide the information requested in relation to a specific address as to do so would be deemed as unwarranted disclosure to a third party of personal information about a person and could facilitate an unwarranted invasion of privacy.

Disability Living Allowance

Mr G Robinson asked the Minister for Social Development to detail the number of Disability Living Allowance applications that were (i) rejected; and (ii) then overturned on appeal, in each of the last four years.

(AQW 5173/11)

Minister for Social Development: The information is not available in the format requested. Appeals are received both from applicants who were unsuccessful (rejected / nil award) and also those awarded one of the eleven different rates of DLA but were not satisfied with the particular rate awarded. DLA appeals are recorded on an overall number basis and not by different categories which distinguish an individual's benefit history. The table below details the number of appeals received in the Appeals Service and the overall number appeals of where the decision of the Tribunal was to award or increase entitlement to benefit.

Disability Living Allowance

Year	Number of Appeals received in the Appeals Service	Number of Appeals Allowed
2006/07	5,442	1,560
2007/08	6,125	1,716
2008/09	7,016	1,942
2009/10	5,636	1,836

Window Replacement Scheme in the Kilwilkie Estate in Lurgan

Mrs D Kelly asked the Minister for Social Development whether his Department has any plans to provide a window replacement scheme in the Kilwilkie Estate in Lurgan.

(AQW 5193/11)

Minister for Social Development: The Housing Executive currently has no plans to carry out a window replacement scheme in the Kilwilkie Estate in Lurgan over the next two years. It is too early at this stage to advise which schemes will be included in the 2012/13 programme. The Housing Executive will however continue to monitor the condition of the windows in its properties on this estate and any necessary repairs will be carried out promptly.

Small Pockets of Deprivation Funding

Mr A Easton asked the Minister for Social Development when he will announce his intentions for the Small Pockets of Deprivation funding for the next financial year for the Rathgill Estate in Bangor.

(AQW 5199/11)

Minister for Social Development: I have repeatedly signalled my intention to maintain and, if possible, enhance the budget for Neighbourhood Renewal, SPODs and Areas at Risk as I am strongly committed to the principle that people in areas of need should be protected going forward. To this end I will be making an announcement about the Small Pockets of Deprivation programme which includes the Rathgill estate within the next few days.

Devenagh Way Flats in the Rectory Estate, Ballymena

Mr D O'Loan asked the Minister for Social Development, in light of the proliferation of drug dealers in the area and the level of antisocial behaviour and associated PSNI activity causing distress to the residents, for his assessment of the Housing Executive housing allocations in the Devenagh Way flats in the Rectory Estate, Ballymena; and whether he will take action to address this situation.

(AQW 5201/11)

Minister for Social Development: The Housing Executive allocates properties in accordance with the Housing Selection Scheme under Article 22 of the Housing (NI) Order 1981. There are 18 flats at Devenagh Way, one is sold, five are currently vacant and twelve are tenanted. Of these twelve properties, ten have long term tenants and there have therefore only been two new allocations within the past year. The Housing Executive's Ballymena District Office has not received nor recorded any reports of anti-social behaviour associated with the flats since 2009. However, should any such reports be received and there is sufficient evidence to proceed, they will be referred to the local Anti-social Behaviour Forum which comprises of the Ballymena Borough Council, the PSNI and the Housing Executive; and will subsequently be actioned by the appropriate agency if necessary.

Moyraferty Flats Retail Complex

Mr J O'Dowd asked the Minister for Social Development when the Housing Executive intends to demolish the derelict section of Moyravery flats retail complex.

(AQW 5260/11)

Minister for Social Development: There are still some outstanding legal issues to be resolved but subject to the successful resolution of those and re-tendering of the demolition contract, I expect the demolition of these units to be completed as soon as practicably possible in the coming financial year 2011/12.

Neighbourhood Renewal: Funding

Ms C Ní Chuilín asked the Minister for Social Development whether funding contracts for Neighbourhood Renewal Schemes will be issued by 1 April 2011.

(AQW 5288/11)

Minister for Social Development: Where applications have been received it is the Department's aim to have contracts issued by 1 April 2011. On an individual basis the award of new contracts will be determined by the outcome of economic appraisal. These are currently being carried out in line with the Northern Ireland Guide to Expenditure Appraisal and Evaluation issued by the Department of Finance and Personnel. My officials are working closely throughout this process with the groups and where necessary are updating them on progress.

Benefit Changes

Mr M McLaughlin asked the Minister for Social Development what measures he intends to introduce to mitigate the effect of the benefit changes of 1 March 2011, on low-income families.

(AQO 1280/11)

Minister for Social Development: I am not aware of any specific benefit changes that took place on the 1 March 2011 however, the reassessment of Incapacity Benefits (which includes Incapacity Benefit, Severe Disablement Allowance and Income Support paid because of an illness or disability) began on 28 February 2011 and will continue to March 2014. About 76,000 customers are expected to go through the process and current estimates are that most will move to Employment and Support Allowance, where they will continue to get the same level of payment as they did on Incapacity Benefits, as their rate of benefit will be protected.

The reassessment process will, however, result in some customers being disallowed and, depending on circumstances, may mean some will be on a lower rate of benefit as a result. I am gravely concerned about the impact of this and for this reason my officials have developed comprehensive, pro-active advice and support measures which will focus on this group of customers. First, before a decision is made to disallow benefit, the Decision Maker will call the customer to ensure that the Agency has all the relevant information to hand and to offer the customer the opportunity to provide any new information which may mean the case is not disallowed. Secondly, a dedicated team has been set up whereby customers will receive a telephone call a number of weeks before their incapacity benefit is due to stop, to carry out a detailed assessment of their individual and family income and circumstances. This will allow Agency officials to provide specific advice and support, which will enable these customers to make an informed decision about whether to claim another benefit such as Jobseekers Allowance, Housing Benefit, Tax Credits etc, or make an appeal (and which benefit to claim when they appeal).

Whilst we cannot ensure there is no reduction in income, the overall aim is to ensure customers are aware of all their options and have the necessary advice and support to make claims for all benefits appropriate to their circumstances, before their Incapacity Benefits payments stop, so to avoid a disruption in their income. The migration process will be closely monitored to ensure that every affected customer is supported and that none fall out of the protections offered by the benefit system.

Finally, I am the only Minister from the devolved administrations who has met the relevant London Ministers on a number of occasions to voice my deep concerns about this measure and the wider package of welfare reforms proposals. I have argued strenuously (and will continue to do so) that all welfare reforms need to be significantly modified to take account of Northern Ireland's unique challenges arising from levels of deprivation and the legacy from the conflict here.

Common Selection Scheme

Ms C Ní Chuilín asked the Minister for Social Development how many people are currently on the Common Selection Scheme housing waiting list in each district office area.

(AQW 5302/11)

Minister for Social Development: The information is not available in the format requested as the Housing Executive collates the data on a quarterly basis. However, the table below details the number of applicants on the Common Selection Scheme Waiting List in each Housing Executive District Office area as at 31 December 2010, which is the latest information available.

Applicants on waiting list at 31 December 2010:-

Housing Executive District Office		Total Applicants
Belfast	East Belfast	2095
	North Belfast	2390
	Shankill	832
	South Belfast	2080
	West Belfast	2516
North East	Antrim	964
	Ballycastle	337
	Ballymena	1433
	Ballymoney	458
	Carrickfergus	965
	Coleraine	1274
	Larne	550
	Newtownabbey 1	821
	Newtownabbey 2	899
South	Armagh	794
	Banbridge	658
	Dungannon	962
	Fermanagh	813
	Lurgan	1097
	Newry	1778
	Portadown	747
South East	Bangor	1864
	Castlereagh	1429
	Downpatrick	1238
	Lisburn Antrim Street	1984
	Lisburn Dairy Farm	588
	Newtownards	1721

Housing Executive District Office		Total Applicants
West	Cookstown	388
	Waterloo Place	919
	Waterside	941
	Collon Tce	969
	Limavady	466
	Magherafelt	516
	Omagh	619
	Strabane	577

Phase 2 of the Village Regeneration Scheme

Ms A Lo asked the Minister for Social Development to outline the allocation criteria for the 42 houses in Roden Street, Belfast which are part of Phase 2 of the Village Regeneration Scheme.

(AQW 5308/11)

Minister for Social Development: All applicants for social housing are assessed by the Housing Executive in accordance with the criteria set out in the Housing Selection Scheme.

The Housing Selection Scheme determines the points applicants are entitled to and determines the size of accommodation required based on that assessed housing need. Applicants are then registered in merit order on the waiting list for their area of choice.

The properties in Roden Street were allocated by Fold Housing Association in accordance with this Housing Selection Scheme following discussion with the Housing Executive.

However I am aware that following this recent allocation an issue has arisen in respect of a particular property. I have asked both the Housing Executive and Fold to reassess this allocation to re-assure themselves and the local community that the allocation was appropriate and based on housing need.

Derry-Londonderry City of Culture 2013

Mr R McCartney asked the Minister for Social Development (i) to outline the process for distributing the funding awarded by his Department to the Derry-Londonderry City of Culture 2013; (ii) how much of the funding will be allocated to the community, voluntary and arts sectors; and (iii) how will the funded projects target people most in need.

(AQW 5309/11)

Minister for Social Development:

- (i) As the only Minister who bid for and secured City of Culture funding, I intend ensuring that it is directed at supporting and developing Arts and Culture across the City. Ilex will take the lead role in overseeing the administration of the £10m of capital funding, which will be directed at three key areas - vital venues, community infrastructure and physical enhancement/infrastructure.

The Vital Venues strand will seek to support the development of new venues of strategic importance, which will add to the city's capacity to deliver major programmes and events. Ilex will shortly commission, through an international architectural competition, a demountable pavilion which will provide a main venue setting for 8,000 people.

The Community Infrastructure strand will be used to enhance and develop cultural venues and services. On Tuesday I announced an open call seeking expressions of interest from Community, Arts and Culture organisations to develop community infrastructure facilities. Adverts have been placed in local papers with application forms available to download from the Ilex website.

The third strand, Physical Enhancement and Regeneration will be managed by my Department as a means of developing Public Realm and Environmental Improvement works to enhance the urban environment in keeping with the city's designation as City of Culture 2013. Up to £1m of funding will also be earmarked to enhance a number of retail areas on both the Cityside and Waterside.

- (ii) The Department of Finance and Personnel has indicated that the £10m capital funding must be spent equally in 2011/12 and 2012/13. It cannot be transferred from one year to another. Community, voluntary and arts organisations will be able to access funding through the open call I announced earlier this week. To meet the restriction placed by DFP it is essential that organisations in their application demonstrate how and when funding will be spent. Only when this information is available will I be able to say with certainty what the total amount of funding will be for community, voluntary and arts organisations.
- (iii) It is essential that the benefits of projects funded under City of Culture are enjoyed by as many people as possible regardless of race, religion, gender or sexual preference. Particular attention will be paid to people with disabilities, children and young people and citizens from the top 20% lowest income housing areas. The criteria for decision making will embrace the following five step changes sought from the City of Culture:
 - 1) Deliver step changes in equality, good relations and social cohesion through culturally-led regeneration.
 - 2) Drive an economic renaissance transforming levels of prosperity in the city and the wider region.
 - 3) Build a sustainable, cultural environment which will nourish and enhance a world-class experience.
 - 4) Unleash talent to build a proud and ambitious, creative and connected community.
 - 5) Tell the world our new story.

Charities Act (Northern Ireland) 2008

Mr A Bresland asked the Minister for Social Development why he has not yet introduced legislative amendments to the Charities Act (Northern Ireland) 2008 to ensure a presumption of public benefit for religious organisations, as was agreed by the Executive in February 2011.

(AQW 5310/11)

Minister for Social Development: In February 2011 the Executive approved an amendment to the Charities Act (Northern Ireland) 2008 that upon enactment would reintroduce the presumption of public benefit. It was unclear at the time if the amendment would extend the presumption of public benefit to religious charities and educational organisations only or to other categories of charities. I therefore needed to seek confirmation to enable the Department to finalise a Bill that fully reflected the intentions of the Executive decision. It was not possible to achieve this in time to introduce the Bill to the Assembly during the current mandate.

It is now my understanding that the Executive wishes to restore presumption of public benefit for the original three heads of charity, i.e. those institutions with charitable purposes exclusively for the advancement of education, the advancement of religion and for the relief of poverty. The Department is engaging in further discussions to establish the full impact of this decision with a view to bringing forward an amendment to the legislation in the next Assembly term.

Benefits

Ms C Ní Chuilín asked the Minister for Social Development to detail the number of people in receipt of benefits in each constituency, broken down by the benefit received.

(AQW 5316/11)

Minister for Social Development: The information requested is set out in the tables below. The figures detail each of the social security benefit claims where a monetary amount is in payment at February 2011. There are cases in which a person may have entitlement to benefit but payment has been

suspended due to, for example, hospitalisation or National Insurance contribution conditions not being met. Such cases are not included in the analysis provided.

Tables 1 to 4 detail the total number of claims where a benefit was in payment for each of the social security benefits listed.

Many people are however in receipt of more than one social security benefit. This is detailed in Table 5. Where a claimant is in receipt of multiple benefits they are only counted once.

TABLE 1 BENEFIT RECIPIENTS BY ASSEMBLY AREA AT FEBRUARY 2011

Assembly Area	Benefit		
	Attendance Allowance	Disability Living Allowance	Carer's Allowance
Belfast East	3,248	7,658	1,266
Belfast North	3,305	13,074	2,468
Belfast South	2,866	7,472	1,142
Belfast West	2,419	16,772	3,588
East Antrim	2,730	7,217	1,137
East Londonderry	3,000	7,624	1,708
Fermanagh and South Tyrone	3,329	9,199	1,714
Foyle	2,442	14,228	2,958
Lagan Valley	3,282	8,666	1,464
Mid Ulster	2,964	10,123	2,113
Newry and Armagh	3,427	12,004	2,384
North Antrim	3,647	8,675	1,620
North Down	3,366	6,103	914
South Antrim	2,964	8,842	1,386
South Down	3,495	11,693	2,259
Strangford	3,240	8,457	1,471
Upper Bann	3,403	12,714	2,293
West Tyrone	2,736	12,718	2,270
Missing*	655	1,623	324
Total	56,518	184,862	34,479

TABLE 2 BENEFIT RECIPIENTS BY ASSEMBLY AREA AT FEBRUARY 2011

Assembly Area	Benefit			
	Income Support	Jobseeker's Allowance	Employment & Support Allowance	Pension Credit
Belfast East	3,587	2,158	885	4,366

	Benefit			
Assembly Area	Income Support	Jobseeker's Allowance	Employment & Support Allowance	Pension Credit
Belfast North	7,992	4,105	1,637	6,789
Belfast South	3,741	2,756	884	3,814
Belfast West	9,921	4,482	1,647	7,031
East Antrim	2,841	2,109	984	4,100
East Londonderry	3,999	3,038	1,299	5,097
Fermanagh and South Tyrone	3,451	2,528	1,124	5,541
Foyle	8,606	5,142	1,468	6,459
Lagan Valley	3,060	2,158	1,002	4,409
Mid Ulster	3,882	2,503	1,328	5,631
Newry and Armagh	5,074	3,754	1,284	6,484
North Antrim	3,906	2,931	1,283	6,037
North Down	2,225	1,822	697	3,628
South Antrim	3,164	2,107	1,044	4,310
South Down	4,515	3,359	1,436	5,807
Strangford	2,665	2,158	1,014	4,731
Upper Bann	4,953	3,330	1,521	6,329
West Tyrone	5,157	3,161	1,146	5,859
Missing*	822	523	168	1,018
Total	83,561	54,124	21,851	97,440

Table 3 Benefit Recipients by Assembly Area at February 2011

	Benefit			
Assembly Area	State Pension	Incapacity Benefit	Passported Incapacity Benefit	Severe Disablement Allowance
Belfast East	15,604	2,205	141	393
Belfast North	14,814	3,424	219	596
Belfast South	14,073	2,010	138	442
Belfast West	12,338	3,550	217	656
East Antrim	16,052	2,331	115	390
East Londonderry	15,490	2,716	157	509

	Benefit			
Assembly Area	State Pension	Incapacity Benefit	Passported Incapacity Benefit	Severe Disablement Allowance
Fermanagh and South Tyrone	14,454	2,379	134	600
Foyle	14,373	4,300	232	743
Lagan Valley	19,091	2,549	139	468
Mid Ulster	13,476	3,128	162	542
Newry and Armagh	16,508	3,308	182	801
North Antrim	20,155	2,971	188	619
North Down	19,013	1,837	110	430
South Antrim	17,668	2,607	155	684
South Down	17,986	3,378	190	751
Strangford	19,310	2,664	122	405
Upper Bann	18,140	4,146	181	560
West Tyrone	13,481	3,482	168	726
Missing*	3,882	449	41	192
Total	295,908	53,434	2,991	10,507

TABLE 4 BENEFIT RECIPIENTS BY ASSEMBLY AREA AT FEBRUARY 2011

	Benefit			
Assembly Area	Industrial Injuries Disablement Benefit	Maternity Allowance	Bereavement Benefit	Widows Benefit
Belfast East	704	68	73	57
Belfast North	605	69	114	87
Belfast South	374	71	77	65
Belfast West	557	56	126	117
East Antrim	657	59	139	90
East Londonderry	541	88	127	78
Fermanagh and South Tyrone	491	101	130	108
Foyle	536	89	155	106
Lagan Valley	687	105	132	97
Mid Ulster	478	111	131	99

	Benefit			
Assembly Area	Industrial Injuries Disablement Benefit	Maternity Allowance	Bereavement Benefit	Widows Benefit
Newry and Armagh	629	99	149	115
North Antrim	581	100	148	89
North Down	632	76	104	82
South Antrim	641	85	127	95
South Down	563	112	165	122
Strangford	813	96	126	78
Upper Bann	841	129	153	109
West Tyrone	738	70	89	99
Missing*	71	12	17	25
Total	11,139	1,596	2,282	1,718

TABLE 5 INDIVIDUALS IN RECEIPT OF A SOCIAL SECURITY BENEFIT AT FEBRUARY 2011

Assembly Area	Individuals in Receipt of a Social Security Benefit
Belfast East	26,769
Belfast North	35,128
Belfast South	25,774
Belfast West	36,057
East Antrim	27,168
East Londonderry	29,811
Fermanagh and South Tyrone	27,943
Foyle	38,092
Lagan Valley	31,637
Mid Ulster	28,344
Newry and Armagh	34,581
North Antrim	34,873
North Down	28,129
South Antrim	30,261
South Down	35,356
Strangford	31,376
Upper Bann	36,173
West Tyrone	30,714

Assembly Area	Individuals in Receipt of a Social Security Benefit
Missing*	6,702
Total	574,888

* Recipients are allocated to an Assembly Area by postcode. In some cases this is not possible, for example, a postcode may be missing, incomplete or incorrectly recorded.

Answers to Assembly Questions

Lord Morrow asked the Minister for Social Development (i) why he did not provide a written answer to AQO 1279/11 on the day it was due for answer; (ii) why the provisions of Standing Order 20 (9) (b) and parliamentary practice for oral answers not reached were not followed in this case; and (ii) how it was possible that an MLA from his Party was able to provide the information requested by way of a press release.

(AQW 5331/11)

Minister for Social Development: I confirm that, contrary to the convention, there have been a not insignificant number of occasions when Assembly Questions were not reached during Question Time and have not been lodged in time in Members Boxes. The reason is straightforward.

MLAs know too well answers to Assembly Questions can often be vague and limited. As I believe in Members being accountable and providing full information to Members, I have regularly added to or rewritten Assembly Questions to provide further information to MLA's beyond what was in the draft. This arose on this occasion when I wished to check what further information I could include in the Assembly Question beyond what was in the draft.

The Assembly Question was released on the morning of 16 March and the Business Office of the Assembly received the Assembly Question shortly after 11:00am. I have fully explained the situation to the Speaker.

I should also advise that where MLA's approach me and ask for an update on issues or raise orally a matter with me without tabling an Assembly Question or submitting a letter, I try to assist. This arose in relation to plans for Dungannon Public Realm, where I had repeatedly made clear to MLA's in the Assembly, Assembly Questions and meetings, that it was a priority, indeed advising the Member in a meeting in 2010 that after the Strabane Foot Bridge it was a top capital priority. I believe it is important to share information with Members. I have done so on other issues on previous occasions with other MLA's and I believe that this is acceptable and right.

Charities Act (NI) 2008

Mr F Cobain asked the Minister for Social Development to detail the number of organisations which will not have to prove public benefit in order to be registered as a charity if the proposed changes to the Charities Act (NI) 2008 are implemented.

(AQW 5337/11)

Minister for Social Development: At present there is no accurate means of identifying the different categories of charitable purpose for which existing Northern Ireland charities have been established. This information will only become available when the Charity Commission for Northern Ireland (CCNI) has carried out determinations on all institutions purporting to be charities and has established a fully populated register.

The Executive's proposed amendment to the Charities Act (NI) 2008 will have the effect of restoring presumption of public benefit for institutions established for the purpose of advancement of religion, advancement of education and the relief of poverty. These constitute three of the twelve charitable purposes listed in section 2(2) of the Act. All institutions falling within the other nine categories will be required to meet the "public benefit" test.

The only source of information about existing Northern Ireland charities is a list of institutions established here and registered with HM Revenue and Customs for tax purposes. That list is held by the CCNI and is available on the CCNI website. Based on the names of those institutions the CCNI estimates that of the 6,000 plus listed, approximately 1,200 are established for the advancement of religion. There is, however, no means of identifying institutions established for the advancement of education or the relief of poverty which would produce a reliable estimate.

Charities (Amendment) Bill

Mr B Armstrong asked the Minister for Social Development what resources have been allocated to administer the revised public benefit test if the changes in the proposed Charities (Amendment) Bill are implemented.

(AQW 5338/11)

Minister for Social Development: At this stage no resources have been allocated in anticipation of changes which might result from the proposed amendment to the public benefit test. The implementation of any legislative changes will be a matter for the Charity Commission for Northern Ireland (CCNI). It has resources in place to prepare and consult upon new draft guidance on the “public benefit” test. The level of resources was, however, based on the amendment which I first took to the Executive on 16 December 2010.

The proposed amendment as approved by the Executive on 10 February will create the need for a dual determination/registration system, i.e., one for those institutions for which presumption of public benefit has been restored and one for all other categories of institution. This dual system will require changes to CCNI’s internal systems for registration, annual returns, monitoring and compliance.

Draft Charities (Amendment) Bill

Mr B McCrea asked the Minister for Social Development whether he intends to recommend the accelerated passage for the Draft Charities (Amendment) Bill, in light of the Executive’s endorsed approach to the changes to the public benefit test.

(AQW 5340/11)

Minister for Social Development: It has now been established that the Executive’s amendment to the Charities Act (Northern Ireland) 2008 will, upon enactment, restore presumption of public benefit for the original three heads of charity, i.e. those institutions with charitable purposes exclusively for the advancement of education, the advancement of religion and for the relief of poverty. It was not possible to secure confirmation of this detail in time to introduce a Bill to the Assembly during the current mandate.

The Department is engaging in further discussions to establish the full impact of this decision with a view to bringing forward an amendment to the legislation in the next Assembly term. It is my view that the amendment approved by the Executive represents a material change to the legislation and should be subject to the full legislative process, including consultation, however it will be for the next Minister for Social Development to determine the form of the Bill and the appropriate legislative passage.

Northern Ireland Assembly Commission

Paper Used in the Assembly

Mr T Clarke asked the Assembly Commission what steps it is taking to reduce the amount of paper being used.

(AQO 1019/11)

The Representative of the Assembly Commission (Mr S Neeson): The Assembly Commission recognises the need to reduce the Assembly’s impact on the environment. The amount of paper used within the Assembly has been identified as an area where improvements will have to be made.

Since the start of the current mandate the Commission has sought to proactively reduce the volume of Assembly publications being printed. For example, on a regular basis all Members have been asked to consider opting to receive Assembly publications by email.

In December 2010 the Assembly Commission agreed a significant reduction in printing of Assembly publications, and this will be implemented within the next few weeks. Environmental awareness training is being provided to Assembly Secretariat staff and Party Support Staff to increase awareness of the environmental impact of paper use and to suggest steps which can be taken to reduce the amount of paper used in carrying out their business.

Finally, the Commission is currently considering a significant reduction in the number of copies of bound volumes of the Official Report being printed, however, a number will be printed for distribution to deposit libraries and PRONI. All of these changes will not only result in a significant reduction in the amount of Assembly publications being printed, it will also result in a significant financial saving.

Pay and Conditions for Assembly Staff

Mr P Butler asked the Assembly Commission for an update on pay and conditions for Assembly staff. (AQO 1016/11)

The Representative of the Assembly Commission (Mr P Ramsey): In keeping with best practice and to minimise equal pay risks, the Assembly Commission, as the employer of Assembly Secretariat staff, has recently completed a systematic evaluation of all posts within the Assembly Secretariat. In addition, a review of the Assembly Secretariat's grading structure was undertaken along with a comparison of the current pay and reward structures to other comparable organisations including other legislatures.

A report was presented to the Assembly Commission in December 2010 and the Commission considered options for a preferred grading structure. The Commission also considered the pay comparison findings contained in the report. The Commission noted potential equal pay implications arising from the report and agreed an option to conclude the review of pay and grading that had commenced in 2003.

Clearly, these deliberations are informed by the Assembly Commission's contribution to the cost savings across the Northern Ireland Block. The Commission is keen to ensure that it maintains a pay and reward structure that mitigates the risk of equal pay challenge, that rewards staff in a fair and transparent manner and that operates in a cost effective manner.

Equality Scheme

Mr R McCartney asked the Assembly Commission what consultation was carried out when developing the Equality Scheme and how it intends to ensure that staff are aware of the scheme. (AQO 1017/11)

The Representative of the Assembly Commission (Mr P Weir): The current Northern Ireland Assembly Commission's Equality Scheme was approved by the Equality Commission for Northern Ireland (ECNI) on the 27th February 2008. This Equality Scheme was publicly consulted on from 3rd September until 30th November 2007. The consultation exercise was advertised in the 3 main regional newspapers, inviting the public to comment on the scheme. An email was also issued to all staff directing them to the consultation documentation on the website and inviting their comments. As part of this exercise, the Assembly Commission emphasised their wish to consult as widely as possible and offered the opportunity for individuals and/or organisations to meet with secretariat staff to discuss the scheme. The Commission's Equality Scheme is currently available on both the Assembly's Intranet and the website. The scheme is available in hardcopy and alternative formats on request. In addition, key updates are provided to all staff through the internal Core Brief.

In April 2010, the ECNI revised their guidance with regard to the implementation of the Statutory Duties under Section 75 of the Northern Ireland Act 1998. This was in response to the recommendations in the 'Review of Effectiveness of the Duties' document published by the Equality Commission in

November 2008. The Equality Commission now recommends that public bodies develop action plans to address inequalities experienced by people across the Section 75 categories which will assist in the development of a revised Equality Scheme. The Assembly Commission received notification from the Equality Commission on the 1st February 2011 that they will be required to submit an approved Equality Scheme to the ECNI on or before the 1st August 2011.

As part of this action plan the Assembly's Research and Library Service in December 2010 conducted an Audit of Inequalities across each of the business areas within the Secretariat. Evidence was gathered through a range of qualitative and quantitative methods in relation to any inequalities that exist or are perceived to exist relevant to each business area. The results of this audit are currently being reviewed by the Commission Support and Compliance Unit and an action plan and revised Equality Scheme will be developed in due course for consideration and approval by the Assembly Commission.

It is intended that following approval, a full consultation process will be initiated. This consultation exercise will be advertised in each of the three main regional newspapers, distributed directly to all organisations on the Commissions Section 75 consultee list and highlighted through internal postmasters to all Assembly staff.

The Consultation period will last for a minimum of 12 weeks and will follow best practice as recommended by the Equality Commission. The Assembly Commission will then consider the consultation responses before approving a final Equality Scheme for submission to the ECNI. It is also intended that

Capital Projects

Mrs M O'Neill asked the Assembly Commission to outline its priority capital projects and whether the projects are graded.

(AQO 1020/11)

The Representative of the Assembly Commission (Mr S Neeson): As part of the Assembly Commission's deliberations on the Comprehensive Spending Review, all capital expenditure proposals were assigned a priority weighting, priority 1 being the highest priority and priority 3, the lowest. Of the priority 1 projects, the most pressing and most expensive requirement for capital expenditure is the Parliament Buildings roof project. On present estimates, this work is likely to cost approximately £6 million over the next three years.

Other priority 1 projects include capital expenditure on an electronic Bill drafting and Bill management system (known as a Bill Template system) and expenditure to upgrade the equipment and systems used to record Assembly proceedings as part of the preparation of the Official Report. These projects are anticipated to costs £250,000 each.

Priority 1 status has also been assigned to capital expenditure of related to the plans to sell Ormiston House. The Assembly Commission is hopeful that this expenditure will lead to the successful sale of the property with the resulting capital receipts available for use to fund further capital projects.

The Commission is mindful of the capital pressures across the Northern Ireland Block and will only seek capital funding for projects that are necessary to enable the Commission to deliver the services required by the Assembly and its Members.

Energy Efficiency in Parliament Buildings

Mr D McKay asked the Assembly Commission what action has been taken in the last year to improve energy efficiency in Parliament Buildings; and what plans it has improve energy efficiency.

(AQW 5112/11)

The Representative of the Assembly Commission (Mr S Neeson): The Assembly Commission recognises the need to reduce the Assembly's impact on the environment. The amount of energy used within the Assembly has been identified as an area where improvements will to be made.

Since the start of the current mandate the Commission has sought to proactively reduce energy consumption and improve energy efficiency. For example, detailed energy surveys have been carried out throughout Parliament Buildings as part of the wider Sustainable Development Strategy. The aim of the surveys was to identify a series of measures to reduce energy consumption and increase energy efficiency. In addition, environmental awareness training is being provided to Assembly Secretariat staff and Party Support Staff to increase awareness of energy consumption and to suggest steps that they can take to improve energy efficiency.

Actual improvements in energy efficiency include a decrease in consumption in 2009/10 by 3.5%, energy costs by 31% and CO2 emissions by 4% compared to the 2006/07 baseline levels.

Plans to further improve energy efficiency include the installation of an effective monitoring and targeting system, the replacement of inefficient equipment and to assess the feasibility of installing greener technologies such as solar panels and a Combined Heat and Power (CHP) plant.

All of these changes will not only result in improvements to energy efficiency, it will also result in a financial saving.

Improved Internet Access

Mr D McKay asked the Assembly Commission for an update on when improved internet access will be available for Members in Parliament Buildings.

(AQW 5113/11)

The Representative of the Assembly Commission (Rev Dr R Coulter): Prior to the Christmas 2010 recess, the Assembly Commission agreed to install a dedicated internet connection for use by Members and staff. The procurement process was completed with BT selected as the preferred supplier in mid-January. The contract was subsequently awarded to BT. Minor delays were encountered during negotiations to ensure that the Commission was not exposed to unnecessary contractual risk.

An installation plan has provided detailing completion by the end of March 2011. The supplier has been informed of the urgency of the project and has been asked to prioritise the upgrade to web access during the installation. It should be recognised that any internet connection will have a finite capacity but the aim of the Commission is to provide a high quality connection that is available for Members for use on Assembly business.

Revised Written Answers

This section contains the revised written answers to questions tabled by Members.

The content of the responses is as received at the time from the relevant Minister or representative of the Assembly Commission, and it has not been subject to the official reporting (Hansard) process or changed.

Revised Written Answers

Culture, Arts and Leisure

Irish Language Strategy

In Bound Volume 62, page WA200, replace the answer to the question (AQO 1130/11) asked by Mr R McCartney with:

Considerable work has been carried out on a Regional or Minority Languages Strategy for the Ulster-Scots language, heritage and culture and the Irish language.

However there remains an outstanding issue in relation to cultural rights of children in the classroom. On 8 February 2011 I met the Minister for Education to try to progress this matter.

If my concerns around this issue can be addressed it would be my intention to bring a draft strategy to the Executive before the end of this Assembly.

Regional Development

Chair of NI Water

In Bound Volume 62, page WA148, replace the answer to the question (AQO 4130/11) asked by Mr T Elliott with:

(i) I became aware that Philip Holder had been considered for the position of the Chair of NI Water on 21 May 2010. (ii) Yes, I wrote to the First Minister and deputy First Minister on 12 January 2011 to advise them accordingly.

Agriculture and Rural Development

Training Courses

In Bound Volume 62, page WA16, replace the answer to the question (AQW 4074/11) asked by Mr T Burns with:

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.

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	S0 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
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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
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	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	EO1 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

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	EO1 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
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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	S0 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
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	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 – total cost for 2 staff £863.50 per attendee	£1,084 – total cost for 2 staff £544 for 1 attendee £540 for 1 attendee	£1,342 – total cost for 2 staff £671 per attendee	Copenhagen (hotel name unknown)

Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q 10	Q11
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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
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	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 – total cost for 2 staff. £959.50 per attendee	£962 – total cost for 2 staff £481 per attendee	£1,282 – total cost for 2 staff £683 for one attendee £599 for 1 attendee.	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
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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

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/ the 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
	Entomology	22/9/10	1	2	Grade III Service Delivery Group	Netherlands	Nil	£506 – total cost for 2 attendees £204 for 1 attendee £302 for 1 attendee	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 – total cost for 4 attendees. €1,080 per attendee	£1,836 – total cost for 4 attendees £459 per attendee	£780 – total cost for 4 attendees £195 per attendee	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

Education

Consultations

In Bound Volume 62, page 202, replace the answer to the question (AQW 4426/11) asked by Mr K Robinson with:

- (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

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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 - £46447.65
 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.

Culture, Arts and Leisure

2010/11 In-Year Monitoring Rounds

In Bound Volume 63, page WA109, replace the answer to the question (AQW 4960/11) asked by Ms A Lo with:

- (i) The additional funding my Department was allocated through in-year monitoring rounds was as follows:

Value	Background
£77k	To reimburse the Department for part of its contribution towards DHSSPS' Swine Flu costs
£986k	To fund the equal pay settlement for civil servants
£3,230k	To provide additional funding for PRONI's new accommodation project. This was required because of delays in disposing of its existing premises; the disposal was planned to generate income which would be used to part fund the new project.
£260k£ £260k	To provide additional funding for the Sports Strategy Implementation programme.
£117k	Funding for the purchase of security gates for Falls, Shankill and Whiterock Libraries and for small items of capital equipment and software in Libraries.
£59k	Funding for Armagh Planetarium for the purchase of desk top work stations, repair work, the purchase of book-stock and reprinting of the Border Heritage Book.
£5k	Additional funding for the upgrade of PCs for Museums Council.
£342k	Additional funding for National Museums for the purchase of a Sir John Lavery painting, a counting machine for the Dalchoolin Gallery, signage and to cover unforeseen increased costs in Cultra Manor, New World Development and Security Systems.
£50k	Additional funding for the Department's Administration costs

- (ii/iii) Of this additional £5,126k received through in year monitoring rounds, £4,343k was for spending within the Department and £783k was for spend through the Department's Arms Length Bodies.

- (iv) DFP commissions four budget monitoring rounds each year. These monitoring rounds give Departments and their Arm's Length Bodies (ALBs) the opportunity to bid for additional funding or to return reduced budget requirements.

The Department scrutinises bids developed by its ALBs to ensure these are consistent with its objectives and priorities and represent responses to genuine budget pressures. The additional funding for them was obtained via this process.

- (v/vi) The £260k provided to Sport NI was allocated to a specific project under Motorsport Safety. Distribution of funds through this programme was based on identified need at various venues, developed through formal business cases. Funding was awarded through letters of offer and delivered on the completion of milestones. Sport NI's funding verification processes are designed to ensure that all funding provided is used for the purpose intended.

Education

Western Education and Library Board: Newbuilds

In Bound Volume 61, page WA48, replace the answer to the question (AQW 942/11) asked by Mr T Buchanan with:

The person entitled to possession will be the ratepayer, however, where that person is entitled only in his or her capacity as the personal representative of a deceased person an exclusion will apply.

Regional Development

Legal Services

In Bound Volume 57, page WA84, replace the answer to the question (AQW 1509/11) asked by Mr P McGlone with:

The amounts paid by the Department for Regional Development and its agencies for legal services in each of the last five years are as follows:

2005/06	2006/07	2007/08	2008/09	2009/10
£1,848,695	£1,764,172	£1,705,862	£1,265,655	£1,441,986

The firms engaged over the last five years are as follows:

- | | |
|------------------------------------|-----------------------------------|
| ■ Agnew Andress Higgins Solicitors | ■ Brennan Paul S |
| ■ Allianz Direct | ■ Breslin McCormick & Co |
| ■ Anderson Agnew & Co Solicitors | ■ Brian Kelly Solicitors |
| ■ Andrew T Armstrong & Co | ■ Brolly Jameson Solicitors |
| ■ Anne Kelly Solicitors | ■ Brown, McConnell, Clark, Mckee |
| ■ Anthony A McCormick | ■ Burnside & Logue |
| ■ Archer Heaney & Magee Solicitors | ■ C & H Jefferson Solicitors |
| ■ Arthur Cox N.I. | ■ C & J Black Solicitors |
| ■ Arthur J Downey & Co | ■ C Murnion & Co |
| ■ Babington & Croasdaile | ■ Campbell & Caher Solicitors |
| ■ Barr & Co | ■ Campbell & Co Solicitors |
| ■ Barry Brady Solicitors | ■ Campbell & Haughey Solicitors |
| ■ Barry Fox Solicitors | ■ Campbell Bates & Co Solicitors |
| ■ Basil Glass & Co | ■ Campbell Fitzpatrick Solicitors |
| ■ Bernadette Mulholland Solicitors | ■ Campbell Stafford Solicitors |
| ■ Bernard Campbell & Co | ■ Canopus Managing Agents |
| ■ Bogue & McNulty Solicitors | ■ Carmel O'meara & Co Solicitors |
| ■ Boyce Timothy Mr | ■ Carson Morrow Graham |
| ■ Boyd Rice & Co | ■ Casey & Casey Solicitors |
| ■ Breen Rankin Lenzi | ■ Casrson Mcdowell Solicitors |
| ■ Brendan Kearney & Co | ■ Ch Mcelhenny Solicitor |

■ Christopher Millinson	■ Donaghy Carey Solicitors
■ Ciaran J Mccaffrey & Co	■ Donaldson Mcconnell & Co
■ Ciaran Rafferty	■ Donard King & Co
■ Cleaver Fulton Rankin Solicitors	■ Donnelly & Kinder Solicitors
■ Cmg Solicitors	■ Donnelly & Wall
■ Colmer Adrian Wg Mr	■ Donnelly Neary & Donnelly
■ Comerton & Hill Solicitors	■ Doran Mccoy Steele Solicitors
■ Con Lavery & Co Solicitors	■ Doris & Macmahon
■ Con O'hagan LLB	■ Dundas & Wilson
■ Conn & Fenton Melvyn T Doherty Solicitors	■ E & L Kennedy Solicitors
■ Connolly Paul	■ Eamonn Mcevoy & Co
■ Connolly Rosemary	■ Edward Dougan & Co Solicitors
■ Conor Downey & Co Solicitors	■ Edwards & Co Solicitors
■ Conway Todd & Co Solicitors	■ EJ Lavery & Co
■ Cousins & Gilmore Solicitors	■ Elaine Early & Co
■ Cp Steele Solicitor	■ Emmet J Kelly & Co Solicitors
■ Crawford Scally & Co	■ Fahy Corrigan
■ Creighton & Co	■ Falls & Hanna
■ Ct Mcalpine & Son Solicitor	■ Faloon & Co
■ D & E Fisher	■ Faloon & Toal Solicitors
■ DA Mckenna & Co	■ Ferguson & Co Solicitors
■ David A Martin	■ Ferguson Solicitors
■ David G Bell Solicitors	■ Fitzsimmons Kinney & Mallon
■ David Robinson Associates	■ FJ Madden Solicitors
■ Deery Mcguinness & Co Solicitors	■ Flynn & Mcgettrick
■ Delaney & Co	■ Fox & Associates
■ Denis D Humphrey Solicitors	■ Francis Curley
■ Denton Heather Ms	■ Francis Hanna & Co Solicitors
■ Denton Wilde & Sapte	■ GAH Lockhart Solicitors
■ Dermott Walker Madden & Co	■ Gallery & Campbell Solicitors
■ Desmond J Doherty Solicitors	■ Gaston Graham & Co Solicitors
■ DG McCormick & Co Solicitors	■ Gerald P Henvey
■ Diamond Herons Solicitors	■ Gerard P Mooney Solicitor
■ Dickson & McNulty Solicitors	■ Gibson & Quigley Solicitors
■ Dillon & Co Solicitors	■ Gillan Barr & Co Solicitors
■ DJW Consulting (Ni) Ltd	■ Gillen & Co Solicitors
■ Dm Kane & Co	■ Gordon Bell & Son Solicitors
■ Dominic Mcinerney Solicitors	■ Gordon Fw Mcilwrath & Co

■ Gordon Wallace & Co	■ JG O'hare & Co Solicitors
■ GR Ingram & Co	■ JJ Haughey Solicitors
■ Gray Magee Solicitors	■ JJ McNally & Co Solicitors
■ Greer Hamilton & Gailey Solicitors	■ John F Gibbons & Co Solicitors
■ Gus Campbell Solicitors	■ John F Mcevoy & Co
■ Hagan & Mcconville Solicitors	■ John Fahy & Co Solicitors
■ Hamilton & Thompson Solicitors	■ John Gh Wilson & Co
■ Hanna Francis & Co Solicitors	■ John J Rice & Co Solicitors
■ Harrisons Solicitors	■ John J Roche Solicitors
■ Harry Mcpartland & Sons	■ John Mcatamney & Co
■ Hart & Co	■ John Mccaffrey & Company
■ Harte Coyle Collins	■ John Mcevoy & Co Solicitors
■ Hastings & Co Solicitors	■ John McGale Kelly & Co
■ Haughey & Co Solicitors	■ John Mcgrane & Co Solicitors
■ HB Marley Solicitors	■ John P Slevin
■ Hegarty & Mcfeely Solicitors	■ John Reavey Solicitors
■ Higgins Holywood Deasley	■ John Ross & Son Solicitors
■ Hilary Carmichael Solicitor	■ John W Pinkerton & Son
■ Holmes & Moffitt Solicitors	■ Johnsons Solicitors
■ Humphrey D Denis	■ Jonathon Mckeown Solicitors
■ Hunt & Co Solicitors	■ Jones Co Solicitors
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■ Irwin Mcgrath Solicitors	■ Joseph Lockhart & Co
■ Jack Mccann & Son Solicitors	■ JP Hagan & Co
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■ James Boston & Sullivan Solicitors	■ Karen Fox Solicitors
■ James Dornan & Co	■ Keenan Solicitors
■ James F Fitzpatrick	■ Kennedy Hughes & Co
■ James G Rice & Co	■ Kenneth Mckee Solicitors
■ James H Rodgers & Co	■ Keown Solicitors
■ James J Macaulay Solicitors	■ Kevin R Winters Solicitors
■ James McNulty & Co Solicitors	■ King & Boyd Solicitors
■ James Murland & Co	■ King & Gowdy Solicitors
■ James O'brien & Co Solicitors	■ KJ Morgan Solicitors
■ James T Johnston & Co Solicitors	■ L Donnelly & Co Solicitors
■ JB & Rh Twigg	■ Lavery & Reid
■ JB Stelfox & Co	■ Law Quinn Solicitors
■ JG Haughey & Co	■ Leeson & Co Solicitors

■ Liam Valley & Co Solicitors	■ McGrady Collins
■ LK Bannon & Co Solicitors	■ McGrady Scullion Solicitors
■ Logan & Corry Solicitors	■ McGrigor Donald Solicitors
■ Lundy & Co	■ McGuigan Solicitors
■ M Diane M Coulter	■ McGuinness & Canavan
■ M Ferguson Solicitors	■ McHugh Lynam Solicitors
■ Macallister Keenan & Co	■ McIntosh Solicitors
■ Macaulay & Ritchie Solicitors	■ McIvor Farrell Solicitors
■ Macauley Wray Solicitors	■ McIvor Maurice & Co Solicitors
■ Macdermott & McGurk Solicitors	■ McKee Solicitors
■ Macelhatton & Co Solicitors	■ McKenna & Boyd
■ Mackenzie & Dorman Solicitors	■ McKenna Sweeney Mckeown Solicitors
■ Madden & Finucane Solicitors	■ McKervill Neilly
■ Magennis & Creighton Solicitors	■ McKinty & Wright Solicitors
■ Maguinness Andrew	■ McKnight & Co Solicitors
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■ McCallion Keown Solicitors	■ Messrs Fj Orr & Co Solicitors
■ McCallum O'kane Solicitors	■ Messrs John P Hagan Solicitors
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■ Mccartney & Casey	■ Meyler Mcguigan
■ McCloskey Bernard Qc	■ Michael Flanigan Solicitor
■ McCloskey Solicitors	■ Michael Gillen Solicitors
■ McCollum & Co Solicitors	■ Mildred Breakey Solicitors
■ McConnell & Fyffe	■ Millar Mccall & Wylie
■ McConnell Kelly & Co	■ Millar Shearer & Black
■ McCoubrey Hinds Solicitors	■ Millinson Chris
■ McCullough & Co	■ Minnis & Braden Solicitors
■ McElhinney Mcdaid & Hegarty	■ ML White Solicitor
■ McElhone & Co Solicitor	■ Morgan & Murphy Solicitors
■ McEvoy Sheridan Solicitors	■ Morris & Co Solicitors
■ McFadden Perry Solicitors	■ Morrison & Broderick
■ McFarland Graham Mccombe	■ Mr Ad Mcclay & Co

■ Mr Aidan Quinn	■ Patrick McMahon Solicitors
■ Mr Brett Lockhart	■ Patrick Park Solicitors
■ Mr D Brewster	■ Patterson Donnelly Solicitors
■ Mr D Walker & Co Solicitors	■ Patterson Taylor & Co Solicitors
■ Mr George Farrell Lib	■ Paul Connolly Solicitors
■ Mr Ij Maccorkell Solicitors	■ Paul Ferris Solicitor
■ Mr Martin Wolfe	■ Paul K Nolan & Co Solicitors
■ Mr Mcmanus	■ Paul McMullan Solicitors
■ Mr Oliver M Loughran	■ Paul Nolan & Co Solicitors
■ Mr Philip Aldworth	■ Peter Dornan & Co Solicitors
■ MS Sandhu & Company Solicitors	■ Philip Crossey
■ MSM Solicitors	■ Philip Gallen & Co
■ Murnaghan & Fee Solicitors	■ Philip J Smith & Co
■ Murnaghan Colton	■ PJ McGrory & Co Solicitors
■ Murnaghan Neasa	■ Porter & Mccanny
■ Murphy & Mcmanus	■ Potter Michael
■ Murphy & O'rawe Solicitors	■ PR Hanna Solicitors
■ Murray Mccourt Kelly	■ RH O'connor & Co
■ Murtagh Breen & Co	■ RM Cullen & Son Solicitors
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■ Norman Shannon & Co	■ Reid Black & Co Solicitors
■ Nugent Majella	■ RG Connell & Son Solicitors
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■ O'Hara John Mr	■ Richard Monteith Solicitor
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■ Sompo Japan Insurance Co	■ TS Mcallister & Son
■ Stelfox Solicitors	■ Tughans Solicitors
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■ Stephen Tumelty	■ Walker McDonald Solicitors
■ Stewarts Solicitors	■ Ward Joseph
■ Tara Walsh	■ WB Thompson & Co
■ Terence Mccourt	■ William J Hasson Solicitors
■ The Elliott Trainor Partnership	■ Wilson Nesbitt Solicitors
■ Thomas Doherty & Co Solicitors	■ Wolfe Martin
■ Thomas T Montague Solicitors	■ Worthington Solicitors
■ Thompson Crook	

ZURICH Amounts paid to the Departmental Solicitors Office and the Crown Solicitors Office are not included in the analysis above.

(Footnotes)

1 Figures represent costs up to January 2011

Index

MEMBERS' INDEX

Anderson, Ms Martina

Committee Business

European Issues: Committee for OFMDFM
Report, 107–8, 108

Executive Committee Business

Budget 2011-15: Programme for Expenditure,
250–1, 251, 252

Ministerial Statements

Water Services: Freeze-Thaw December 2010,
128–9

Oral Answers

Enterprise, Trade and Investment
Tourism, 560

Finance and Personnel

Altnagelvin Area Hospital: Radiotherapy Unit,
402

Justice

Community Safety Partnerships, 150, 151

Office of the First Minister and deputy First
Minister

Community Relations: Craigavon, 469

Written Answers

Health, Social Services and Public Safety
Backlog of X-rays at Altnagelvin Hospital,
WA276

Anderson, Mr Sydney

Ministerial Statements

Higher Education: Tuition Fees and Student
Finance, 414

Proposed Discontinuance of Stranmillis

University College and Merger with QUB, 387

Written Answers

Enterprise, Trade and Investment
Fuel Duty, WA248

Social Development

Housing Executive Office in Craigavon, WA88

Housing Executive: Repairs, WA200

Housing Executive Tenants, WA84

Armstrong, Mr Billy

Ministerial Statements

Health: Capital Priorities, 539

Water Services: Freeze-Thaw December 2010,
123

Oral Answers

Office of the First Minister and deputy First
Minister

Fuel Prices, 467

Written Answers

Education

Cycle to Work Scheme, WA29

Schools: Budgets, WA231

Finance and Personnel

Cycle to Work Scheme, WA160

NICS Cycle to Work Scheme, WA55

Social Development

Charities (Amendment) Bill, WA337

Attwood, Mr Alex

Executive Committee Business

Business 2011-15 Programme for Expenditure,
259, 260, 260–1

Attwood, Mr Alex (as Minister for Social Development)

Executive Committee Business

Housing (Amendment) Bill (NIA 32/09)

Final Stage, 338, 338–9, 339, 339-340,
345, 345-6, 346, 346-7, 347, 348

Mesothelioma Lump Sum Payments (Conditions
and Amounts) (Amendment) Regulations
(Northern Ireland) 2011, 501–2, 502

Pensions Bill

Legislative Consent Motion, 503–4, 505–6

Pneumoconiosis, etc., (Workers' Compensation)
(Payment of Claims) (Amendment) Regulations
(Northern Ireland) 2011, 500, 501

Ministerial Statements

Northern Ireland Housing Executive, 564–7, 567–
9, 569, 570, 571, 571–2, 572–3, 573, 574

Oral Answers

Social Development

Housing: East Londonderry, 365, 365–6

Girdwood, 366–7, 367, 367–8

South Antrim, 365, 365–6, 366

Mixed Housing, 368

Social Investment Fund, 369, 369–70

Village, Belfast: Regeneration, 370, 370–1,
371

Written Answers

Social Development

Announcements Relating to Work in the
West Belfast Constituency, WA91–3

Answers to Assembly Questions, WA336

Benefit Changes, WA328

Benefits, WA331–6

Boiler Replacement Pilot Scheme, WA326

Charities (Amendment) Bill, WA337

Charities Act (NI) 2008, WA336–7
 Charities Act (Northern Ireland) 2008, WA331
 Charity Commission, WA324
 City of Culture 2013, WA202
 Colin Area of Belfast, WA86–7
 Common Selection Scheme, WA329–30
 Consultations, WA308–22
 Co-ownership Scheme, WA93
 Decentralisation of Public Sector Jobs,
 WA199–200
 Derry-Londonderry City of Culture 2013,
 WA330–1
 Devenagh Way Flats in the Rectory Estate,
 Ballymena, WA327
 Disability Living Allowance and Employment
 Support Allowance Oral Appeal Tribunals,
 WA86
 Disability Living Allowance Oral Appeal
 Tribunals, WA86
 Disability Living Allowance, WA326–7
 Disability Living Allowance, WA90
 Draft Charities (Amendment) Bill, WA337
 Flats at 127 Woodvale Road, Belfast, WA94
 Foodbanks by Registered Charities, WA85
 Fuel Poverty, WA305
 Fuel Poverty, WA324
 Girdwood Barracks Site in Belfast, WA199
 Households Below Average Income
 Publication, WA87–8
 Housing Executive Homes: Renovations,
 WA325–6
 Housing Executive Houses in the My Lady's
 Road Area of South Belfast, WA90
 Housing Executive Office in Craigavon, WA88
 Housing Executive Tenants, WA85
 Housing Executive: Repairs, WA200
 Housing: North Belfast, WA200
 Improvement Works for the Dunclug Area,
 WA198
 Incapacity Benefit, WA199
 Kitchen Replacement Scheme, WA89
 Legislation, WA90
 Mortgage Rescue Scheme, WA323–4
 Moyraferity Flats Retail Complex, WA328
 Neighbourhood Renewal: Funding, WA328
 Nelson Street Site in Belfast, WA199
 Phase 2 of the Village Regeneration
 Scheme, WA330
 Public Realm Schemes: Dungannon, WA201
 Ravenlink Residents Group in South Belfast,
 WA91
 Regeneration: Masterplans, WA201

Rent Increases in Housing Executive
 Properties, WA91
 Research and Development, WA85
 Rodent Infestations, WA94
 Royal Exchange Development, WA323
 Shared Housing, WA323
 Single Glazing, WA324–5
 Small Pockets of Deprivation Funding,
 WA327
 Small Pockets of Deprivation Programme,
 WA201
 Social Clause Requirements, WA306–8
 Social Development Housing Programme
 for North and West Belfast and Derry City,
 WA308
 Spend on Electricity, WA305–6
 State Pension Credit, WA89
 Suicide Prevention, WA88
 Theft of Copper Storage Tanks from Vacant
 Properties, WA94
 Town Centre Regeneration, WA93
 Vacant Housing Stock, WA94
 Village, Belfast: Vesting, WA201
 Window Replacement Scheme in the
 Kilwilkie Estate in Lurgan, WA327
 Work Carried Out On A Property, WA326
 Written Ministerial Statements
 Social Clauses in Government Contracts
 WMS18–19
 Social Security Agency: Customer First
 Evaluation Decision and Commencement of
 Roll-out, WMS1

Bannside, the Lord

Speaker's Business
 End of Mandate, 530–1

Beggs, Mr Roy

Executive Committee Business
 Budget 2011-15: Programme for Expenditure,
 242, 257, 278, 286
 Ministerial Statements
 Higher Education: Participation, 7
 Road Safety Strategy, 382
 Oral Answers
 Agriculture and Rural Development
 Single Farm Payments, 399
 Employment and Learning
 Student Fees, 553
 Office of the First Minister and deputy First
 Minister
 Arm's-length Bodies, 30
 Child Poverty Strategy, 467

Private Members' Business

Local Government (Disqualification) Bill
(NIA 7/09)
Final Stage, 303, 304–5, 305, 305–6, 306,
306–7, 307, 307–8, 308, 308–9, 309,
309–10, 311, 313, 318, 321, 324, 327,
Single Use Plastic Bags Bill (NIA 8/10)
Consideration Stage, 212–3

Written Answers

Health, Social Services and Public Safety
Children's Fund, WA288
Justice
PSNI: Back Pay, WA73
Regional Development
A5: Traffic Levels, WA192
Water Shortage Crisis, WA193
Translink: Larne, WA194

**Roy Beggs (as Deputy Chairperson of the
Committee for Agriculture and Rural Development)**

Executive Committee Business
Fishing Boats (Electronic Transmission of Fishing
Activities Data) Scheme (Northern Ireland)
2011, 507

Bell, Mr Jonathan

Executive Committee Business
Budget 2011-15: Programme for Expenditure,
247, 251, 254, 254–5, 255, 255–6, 256,
261, 263, 267, 274, 279, 282
Justice Bill (NIA 1/10)
Further Consideration Stage, 50
Ministerial Statements
Higher Education: Participation, 4
Proposed Discontinuance of Stranmillis
University College and Merger with QUB, 385
Higher Education: Tuition Fees and Student
Finance, 412
Oral Answers
Education
DE: Budget 2011-15, 476
Employment and Learning
Essential Skills, 556
Enterprise, Trade and Investment
Tourism, 559
Health, Social Services and Public Safety
Altnagelvin Area Hospital: Neurology, 148
Office of the First Minister and deputy First
Minister
Civic Forum, 469
Maze/Long Kesh: Delisting, 28
Regional Development
NI Water: PAC Report, 364

Written Answers

Finance and Personnel
Budget 2011-15: Vulnerable People, WA162

Boylan, Mr Cathal

Ministerial Statements
Water Services: Freeze-Thaw December 2010,
120, 129
Oral Answers
Agriculture and Rural Development
Farm Mapping, 398
Regional Development
A5 Dual Carriageway, 362
Written Answers
Agriculture and Rural Development
Brucellosis: Keady, WA108

**Boylan, Mr Cathal (as Chairperson of the
Committee for the Environment)**

Executive Committee Business
Clean Neighbourhoods and Environment Bill
(NIA 31/09)
Final Stage, 335
Code of Audit Practice, 540–1
High Hedges Bill (NIA 15/09)
Further Consideration Stage, 9–10
Final Stage, 390
Marine Licensing (Appeals) Regulations
(Northern Ireland) 2011, 479
Marine Licensing (Civil Sanctions) Order
(Northern Ireland) 2011, 480
Planning Bill (NIA 7/10)
Consideration Stage, 134–5, 135, 155–6,
161–2, 162, 163, 164, 165–6, 167, 173–4,
196–7
Further Consideration Stage, 459–60, 462
Final Stage, 542–3
Ministerial Statements
British-Irish Council: Environment, 331
Road Safety Strategy, 378
Private Members' Business
Local Government (Disqualification) Bill
(NIA 7/09)
Final Stage, 299

Bradley, Mr Dominic

Committee Business
Successful Post-Primary Schools Serving
Disadvantaged Communities, 518, 520–3
Executive Committee Business
Budget 2011-15: Programme for Expenditure,
273, 284

Oral Answers
 Education
 St Peter's Primary School, Charlemont, 473, 473–4
 Enterprise, Trade and Investment
 Economy: Newry and Armagh, 561
 Justice
 McGurk's Bar: Police Ombudsman's Report, 149–50, 150
 Private Members' Business
 Autism Bill (NIA 2/10)
 Further Consideration Stage, 113–4, 114, 114–5
 Final Stage, 417–9, 419–20, 422, 433–4
 Written Answers
 Agriculture and Rural Development
 Conservation of Salmon in the North Atlantic Ocean, WA214
 Education
 Departmental Budget, WA115
 GCSE and GCE A-Level Irish, WA115
 Languages Strategy, WA26
 Primary Schools that Currently Teach Irish and Spanish, WA121
 Environment
 Planning Applications, WA48
 Website for Tracking Planning Applications, WA48
 Finance and Personnel
 Public Expenditure Reductions, WA56
 Office of the First Minister and deputy First Minister
 S.A.V.E.R. N.A.V.E.R. Organisation, WA11

Bradley, Mrs Mary

Ministerial Statements
 Northern Ireland Housing Executive, 571
 Oral Answers
 Culture, Arts and Leisure
 Film and Television Production, 36, 37
 Education
 DE: Capital Projects, 472
 Health, Social Services and Public Safety
 Suicide Prevention, 145
 Written Answers
 Culture, Arts and Leisure
 Decentralisation of Public Sector Jobs, WA111
 Education
 Teachers: Job Losses, WA229
 Enterprise, Trade and Investment
 Decentralisation of Public Sector Jobs, WA156
 Health, Social Services and Public Safety
 Decentralisation of Public Sector Jobs, WA280
 Justice
 Decentralisation of Public Sector Jobs, WA179

Regional Development
 Decentralisation of Public Sector Jobs, WA190

Bradley, Mr P J

Assembly Business, 117
 Oral Answers
 Agriculture and Rural Development
 Single Farm Payments, 400
 Justice
 Maghaberry Prison: Drugs, 152
 Written Answers
 Agriculture and Rural Development
 Consultation Documents, WA98
 Education
 New Primary School in Carrick, Warrenpoint, WA31
 Environment
 Road Vehicle Licences, WA156
 Regional Development
 Consultation Documents, WA184

Brady, Mr Mickey

Executive Committee Business
 Mesothelioma Lump Sum Payments
 (Conditions and Amendments) (Amendment)
 Regulations (Northern Ireland) 2011, 502
 Budget 2011-15: Programme for Expenditure, 239, 239–40, 240, 243
 Housing (Amendment) Bill (NIA 32/09)
 Final Stage, 347
 Mesothelioma Lump Sum Payments
 (Conditions and Amounts) (Amendment)
 Regulations (Northern Ireland) 2011, 502
 Pensions Bill
 Legislative Consent Motion, 504
 Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2011, 500–1
 Ministerial Statements
 Northern Ireland Housing Executive, 573
 Private Members' Business
 Single Use Plastic Bags Bill (NIA 8/10)
 Consideration Stage, 211
 Written Answers
 Employment and Learning
 European Social Fund, WA240
 Health, Social Services and Public Safety
 Proposed New GP Surgery: Meigh, WA67

Bresland, Mr Allan

Ministerial Statements
 Water Services: Freeze-Thaw December 2010, 123

Written Answers

Agriculture and Rural Development
Young Farmers' Clubs of Ulster, WA16, WA17
Rural Communities, WA108
Culture, Arts and Leisure
Ulster Scots: West Tyrone, WA24
Education
Irish Medium School: Castlederg, WA135
Office of the First Minister and deputy First Minister
US Visits, WA210
Social Development
Charities Act (Northern Ireland) 2008, WA331

Browne, The Lord

Executive Committee Business
Justice Bill
Further Consideration Stage, 52, 52–3, 53
Oral Answers
Culture, Arts and Leisure
Cultural Awareness Strategy, 34
Office of the First Minister and deputy First Minister
Child Poverty Strategy, 467
Written Answers
Finance and Personnel
Budget 2011-15, WA161
Office of the First Minister and deputy First Minister
Budget Priorities, WA208

Buchanan, Mr Thomas

Executive Committee Business
Justice Bill (NIA 1/10)
Further Consideration Stage, 98, 99
Ministerial Statements
Water Services: Freeze-Thaw December 2010, 125
Oral Answers
Health, Social Services and Public Safety
DHSSPS: Capital Projects, 146
Written Answers
Health, Social Services and Public Safety
Follow-up Patient Review Appointments, WA58
Regional Development
A32 Improvement Schemes, WA197

Burns, Mr Thomas

Oral Answers
Culture, Arts and Leisure
Northern Ireland Environment Agency: Enforcement, 33

Written Answers

Agriculture and Rural Development
Disposing of Poultry Litter, WA213
EU Nitrates Directive, WA106
Education
Formal Intervention Programme, WA136
Enterprise, Trade and Investment
Rose Energy Poultry Litter Incinerator, WA156
Anaerobic Digestion Plants, WA241
Environment
Rose Energy Incinerator at Glenavy, WA53, WA157
EU Nitrates Directive, WA157
Health, Social Services and Public Safety
Royal Victoria Hospital: Neurology, WA69
Increase in VAT, WA167

Butler, Mr Paul

Oral Answers
Culture, Arts and Leisure
Sports Stadia, 35, 36
Written Answers
Assembly Commission
Pay and Conditions for Assembly Staff, WA338
Culture, Arts and Leisure
Irish Cricket Team, WA112
Education
Free School Meal Entitlement, WA131
General Teaching Council, WA27
Loreto College, Coleraine, WA228
Mobile Classroom Provision, WA226
Employment and Learning
Union Flag, WA41
Enterprise, Trade and Investment
Titanic Signature Project, WA245
Environment
Kerb-Side Glass Recycling Facilities, WA51
Justice
Prison Service Staff, WA294
Office of the First Minister and deputy First Minister
Northern Ireland Commissioner for Children and Young People, WA4
Report into the Commissioner for Children and Young People, WA11
Ulster Defence Regiment Memorial, WA11–12
Use of Funding, WA206
Regional Development
Cycle Lanes, WA83
Domestic Water Charges, WA296
DRD: Investment, WA198
NI Water, WA81
Water Meters, WA295

Callaghan, Mr Pól

Executive Committee Business

Budget 2011-15: Programme for Expenditure,
228, 239, 240, 251, 252, 268

Health and Social Care Bill

Legislative Consent Motion, 132

Justice Bill (NIA 1/10)

Further Consideration Stage, 93

Mesothelioma Lump Sum Payments (Conditions
and Amounts) (Amendment) Regulations
(Northern Ireland) 2011, 502

Pensions Bill

Legislative Consent Motion, 504–5

Ministerial Statements

Health: Capital Priorities for Northern Ireland, 536

Higher Education: Tuition Fees and Student
Finance, 416

Road Safety Strategy, 382

Water Services: Freeze-Thaw December 2010,
127–8, 128

Oral Answers

Education

Primary School Admissions: Bangor, 471

Finance and Personnel

Government: Joint Services, 404

Health, Social Services and Public Safety

Altnagelvin Area Hospital: Neurology, 148

Regional Development

A5 Dual Carriageway: Funding, 339

Private Members' Business

Autism Bill (NIA 2/10)

Further Consideration Stage, 114

Final Stage, 428–30

Written Answers

Agriculture and Rural Development

Decentralisation of Public Sector Jobs, WA215

Social Clause Requirements, WA213

Culture, Arts and Leisure

Decentralisation of Public Sector Jobs, WA111

Department's Capital or Current Spend
Projects, WA110

Redevelopment of Windsor Park, Ravenhill
Stadium and Casement Park, WA217

Education

Decentralisation of Public Sector Jobs, WA145

Social Clause Requirements, WA137

Employment and Learning

Decentralisation of Public Sector Jobs, WA234

Regional Colleges: Industrial Tribunal of Fair
Employment Tribunal Cases, WA39

Social Clause Requirements, WA153

Enterprise, Trade and Investment

Decentralisation of Public Sector Jobs, WA47

Social Clause Requirements, WA241

Environment

Decentralisation of Public Sector Jobs, WA249

Department's Capital or Current Spend
Projects, WA157

Finance and Personnel

Civil Service Staff, WA264, WA265

Decentralisation of Public Sector Jobs,
WA159, WA160

Health, Social Services and Public Safety

Decentralisation of Public Sector Jobs, WA279

Department's Capital or Current Spend
Projects, WA174

Enhanced Cooperation, WA291

Frozen Embryo Transfer, WA67

IVF and ICSI Fertility Treatment, WA67

Neurology Referrals, WA59

Out of Hours Services, WA171

Justice

County Courts: Judges, WA75

Decentralisation of Public Sector Jobs, WA179

Department's Capital or Current Spend
Projects, WA177

Office of the First Minister and deputy First
Minister

Decentralisation of Public Sector Jobs, WA97

Regional Development

Car Parking at Foyle Street, Bishop Street
and Shipquay Street, Derry, WA301

Decentralisation of Public Sector Jobs, WA298

Derry-Dungiven A6 Upgrade, WA303

Magee Campus, Derry, WA301

Social Clause Requirements, WA296

Social Development

Decentralisation of Public Sector Jobs, WA199

Social Clause Requirements, WA306

City of Culture 2013, WA202

Campbell, Mr Gregory

Assembly Business, 117

Executive Committee Business

Justice Bill (NIA 1/10)

Further Consideration Stage, 50

Oral Answers

Education

Schools: Maintenance, 475

Regional Development

Railways: Sustainability, 360

Office of the First Minister and deputy First
Minister

Victims: 'Dealing with the Past', 26

Written Answers

Agriculture and Rural Development

New Headquarters, WA18

Culture, Arts and Leisure
Libraries, WA21

Education
Assaults on School Staff, WA31

Enterprise, Trade and Investment
Fuel Duty Stabilizer, WA244
Project Kelvin Initiative, WA243
Rising Cost of Fuel, WA244
Small and Medium-Sized Business Sector, WA243

Environment
Heavy Goods Vehicles Drivers, WA51

Health, Social Services and Public Safety
Interviews with Media Outlets, WA58
Compensation Scheme for Patients who Contracted Hepatitis C, WA63
Staff Salaries, WA66
Fire and Rescue Service: East Londonderry, WA172

Office of the First Minister and deputy First Minister
Appointments and Nominations, WA 2

Regional Development
A6 Londonderry to Dungiven Dual Carriageway Project, WA 78

Social Development
Foodbanks by Registered Charities, WA85
Households Below Average Income Publication, WA87
State Pension Credit, WA89
Single Glazing, WA324
Housing Executive Homes: Renovations, WA325
Boiler Replacement Pilot Scheme, WA326

Clarke, Mr Trevor

Executive Committee Business
High Hedges Bill (NIA 15/09)
Further Consideration Stage, 14, 15, 16–17, 18, 23
Planning Bill (NIA 7/10)
Consideration Stage, 166, 167, 175, 182, 183

Oral Answers
Agriculture and Rural Development
Farm Mapping, 398
Social Development
Housing: South Antrim, 365, 366

Private Members' Business:
Local Government (Disqualification) Bill (NIA 7/09)
Final Stage, 320, 325

Written Answers
Agriculture and Rural Development
Farm Modernisation Programme: South Antrim, WA108

Assembly Commission
Paper Used in the Assembly, WA337

Culture, Arts and Leisure
Additional Funding for Libraries, WA112

Enterprise, Trade and Investment
Rise in Air Passenger Duty, WA245

Health, Social Services and Public Safety
Clostridium Difficile, WA171, WA276

Justice
Senior and Junior Counsels Representing Clients, WA176

Office of the First Minister and deputy First Minister
Military Sites, WA210

Regional Development
Door-to-Door Service in the South Antrim Area, WA84

Clarke, Mr Willie

Executive Committee Business
Clean Neighbourhoods and Environment Bill (NIA 31/09)
Final Stage, 336–7
High Hedges Bill (NIA 15/09)
Further Consideration Stage, 17, 18
Final Stage, 393
Planning Bill (NIA 7/10)
Consideration Stage, 135, 141–43, 168, 181–2, 182
Further Consideration Stage, 450, 450–1, 456–458

Ministerial Statements
British-Irish Council: Environment, 332
Road Safety Strategy, 381

Private Members' Business
Single Use Plastic Bags Bill (NIA 8/10)
Consideration Stage, 212

Written Answers
Environment
Removal of Waste at Ballymartin Gaelic Athletic Club in Ballymartin, WA52

Cobain, Mr Fred

Written Answers
Social Development
Charities Act (NI) 2008, WA336

Cobain, Mr Fred (as Chairperson of the Committee for Regional Development):

Executive Committee Business
Budget 2011-15: Programme for Expenditure, 264–66

Ministerial Statements
Water Services: Freeze-Thaw December 2010, 119

Coulter, Rev Dr Robert

Ministerial Statements
Higher Education: Participation, 5
Proposed Discontinuance of Stranmillis
University College and Merger with QUB, 386
Oral Answers
Employment and Learning
Essential Skills, 556
Enterprise, Trade and Investment
Giant's Causeway: Interpretative Centre, 563
Written Answers
Health, Social Services and Public Safety
DHSSPS: Budget 2011-15, WA70

Coulter, Rev Dr Robert (as a representative of the Assembly Commission)

Improved Internet Access, WA340

Craig, Mr Jonathan

Committee Business
Successful Post-Primary Schools Serving
Disadvantaged Communities, 517, 517-8
Ministerial Statements
Northern Ireland Housing Executive, 572
Oral Answers
Justice
Maghaberry Prison: Drugs, 152-3
Private Members' Business
Autism Bill (NIA 2/10)
Final Stage, 431-2, 432
Written Answers
Agriculture and Rural Development
Farm Modernisation Programme, WA107
Employment and Learning
South Eastern Regional College, Lisburn,
WA239
Health, Social Services and Public Safety
Ambulance Provision: Prisoners, WA284-5
Ambulance Service Earnings, WA275
Charging for Prescriptions, WA162
Health Service, WA63
NHS: Bureaucracy, WA70
Northern Ireland Medical and Dental Training
Agency, WA276
Northern Ireland Social Care Council, WA276
Public Health Agency, WA275
Staff in the Health and Social Care Board,
WA275
Justice
Hospital Assistance For Prisoners, WA293
Office of the First Minister and deputy First
Minister
Arm's-Length Bodies, WA95

Cree, Mr Leslie

Executive Committee Business
Justice Bill (NIA 1/10)
Further Consideration Stage, 43
Oral Answers
Education
Primary School Admissions: Bangor, 471
Health, Social Services and Public Safety
DHSSPS: Capital Projects, 145, 146
Justice
Maghaberry Prison: Drugs, 153
Office of the First Minister and deputy First
Minister
HM Coastguard, 29

Dallat, Mr John

Executive Committee Business
High Hedges Bill (NIA 15/09)
Final Stage, 392
Planning Bill (NIA 7/10)
Consideration Stage, 183-4
Further Consideration Stage, 453, 456
Ministerial Statements
British-Irish Council: Environment, 331
Northern Health and Social Care Trust:
Clostridium Difficile, 444
Road Safety Strategy, 379-80
Water Services: Freeze-Thaw December 2010,
126
Oral Answers
Office of the First Minister and deputy First
Minister
HM Coastguard, 29
Fuel Prices, 468
Social Development
Housing: South Antrim, 366
Village, Belfast: Regeneration, 371
Private Members' Business:
Local Government (Disqualification) Bill
(NIA 7/09)
Final Stage, 301, 310, 310-11, 311
Single Use Plastic Bags Bill (NIA 8/10)
Consideration Stage, 210-11, 211
Written Answers
Agriculture and Rural Development
Bovine Tuberculosis and Brucellosis, WA107
Assembly Commission
Maintenance for Parliament Buildings, WA202
Education
Suspended Teachers, WA35-6
Enterprise, Trade and Investment
Small Businesses, WA154
Environment
Planning Application, WA50

Finance and Personnel
Agency Staff Employed in each Department
and their Arm's-Length Bodies, WA256
Decentralisation of Public Sector Jobs, WA255
Job Cuts, WA54
Legal Services Review Group, WA160
Health, Social Services and Public Safety
Ambulances and Fire Appliances: Hoax Call-
Outs, WA64
Causeway Hospital, WA282
Temporary Posts, WA265
Justice
Education and Training for Prisoners, WA71
Legal costs of the Colin Howell Case and
the Hazel Stewart Case, WA180
Prisoners: Education, WA292
Regional Development
A6 Road Improvement Project, WA183
Legal Fees, WA295
Belfast-Derry Railway Track, WA299
NI Water, WA302

Dallat, Mr John (as Deputy Speaker)

Executive Committee Business
Rates (Industrial Hereditaments) (Specified
Percentage) Order (Northern Ireland) 2011,
489, 493
Budget 2011-15: Programme for Expenditure,
239, 242, 243, 244, 247, 248, 249, 250,
251, 252, 255, 256, 260, 261
Clean Neighbourhoods and Environment Bill
(NIA 31/09)
Final Stage, 337
Damages (Asbestos-related Conditions) Bill
(NIA 10/10)
Final Stage, 488
Departments (Transfer of Functions) Order
(Northern Ireland) 2011, 350
Dogs (Amendment) Bill
Royal Assent, 245
Draft Insolvency (Monetary Limits) (Amendment)
Order (Northern Ireland) 2011, 355, 356
Housing (Amendment) Bill (NIA 32/09)
Final Stage, 346, 347, 348
Insolvency (Fees) (Amendment) Order
(Northern Ireland) 2011, 357
Justice Bill (NIA 1/10)
Further Consideration Stage, 70, 71, 72, 73,
74, 86, 87
Final Stage, 548, 552
Planning Bill (NIA 7/10)
Final Stage, 546

Rates (Regional Rates) Order (Northern
Ireland) 2011, 497
Rates (Housing Executive) Order
(Northern Ireland) 2011, 499
Ministerial Statements
Northern Ireland Housing Executive, 564, 570,
572, 573
Oral Answers
Enterprise, Trade and Investment
Employment, 561
Private Members' Business
Single Use Carrier Bags Bill (NIA 8/10)
Further Consideration Stage, 358

Doherty, Mr Pat

Oral Answers
Agriculture and Rural Development
Common Agricultural Policy, 396
Written Answers
Enterprise, Trade and Investment
Agrifood, WA248
Regional Development
DRD: Procurement, WA195

Easton, Mr Alex

Executive Committee Business
Budget 2011-15: Programme for Expenditure,
270, 270–272, 272
Oral Answers
Education
Primary School Admissions: Bangor, 471
Private Members' Business
Autism Bill (NIA 2/10)
Final Stage, 427–8, 428
Written Answers
Culture, Arts and Leisure
Sports Facilities: North Down, WA25
Education
Withdrawal of Funding from Preparatory
Departments of Grammar Schools, WA223
Year 1 School Places, WA37
Enterprise, Trade and Investment
Internet: North Down, WA248
Health, Social Services and Public Safety
Community Care Rapid Response Team,
WA173
Efficiency Plan for the Health Committee, WA58
Fertility Services, WA60
Infertility Services, WA61
National Institute for Health and Clinical
Excellence Guidelines, WA286, WA287
Northern Ireland Music Therapy Trust:
Funding, WA175

Scottish Medicines Consortium, WA288
Social Development
Small Pockets of Deprivation Funding, WA327

Elliott, Mr Tom

Executive Committee Business
Budget 2011-15: Programme for Expenditure,
281, 282
Ministerial Statements
Water Services: Freeze-Thaw December 2010,
127
Oral Answers
Culture, Arts and Leisure
Football: Attendances, 35
Speaker's Business
End of Mandate, 527-8
Written Answers
Agriculture and Rural Development
Land at Crossnacreevy, WA215
South West Action for Rural Development,
WA214
Education
DE: Performance and Efficiency Delivery
Unit, WA228
Enterprise, Trade and Investment
Corporation Tax and Enterprise Zone, WA247
Justice
Parades: Rosslea, WA74
Office of the First Minister and deputy First
Minister
Strategic Support Fund, WA9
Maze/Long Kesh Development Unit, WA10
Maze/Long Kesh Site, WA11

**Elliott, Mr Tom (as Chairperson of the Committee
for the Office of the First Minister and deputy
First Minister)**

Committee Business
European Issues: Committee for OFMDFM
Report, 105-7
Executive Committee Business
Departments (Transfer of Functions) (No. 2)
Order (Northern Ireland) 2011, 350-1
Departments (Transfer of Functions) Order
(Northern Ireland) 2011, 349

Empey, The Lord

Executive Committee Business
Budget 2011-15: Programme for Expenditure,
219, 232, 233

Justice Bill (NIA 1/10)
Further Consideration Stage, 40, 45, 59,
64-6, 66, 67, 70, 96-7, 99

Oral Answers

Culture, Arts and Leisure
Creative Industries, 31
Justice
Community Safety Partnerships, 151

Private Members' Business

Local Government (Disqualification) Bill
(NIA 7/09)
Final Stage, 314-5, 315, 315-6

Written Answers

Education
Health and Safety Issues, WA220
Temporary Buildings, WA149
Office of the First Minister and deputy First
Minister
Victims and Survivors Groups, WA208
Regional Development
City of Derry Airport, WA81, WA82

Farry, Dr Stephen

Executive Committee Business:
Budget 2011-15: Programme for Expenditure,
225-6
Damages (Asbestos-related Conditions) Bill
(NIA 10/10)
Final Stage, 486-7
(Industrial Hereditaments) (Specified Percentage)
Order (Northern Ireland) 2011, 490-1
Justice Bill (NIA 1/10)
Further Consideration Stage, 41, 42, 50, 57,
57-8, 60-1, 61, 61-2, 62, 62-3, 63, 64,
66, 67, 86, 88-9
Exceptional Further Consideration Stage,
483
Final Stage, 575
Planning Bill (NIA 7/10)
Consideration Stage, 169, 171, 188, 189,
190, 204,
Rates (Regional Rates) Order (Northern
Ireland) 2011, 495-6
Oral Answers
Culture, Arts and Leisure
Creative Industries, 32
Enterprise, Trade and Investment
Energy Costs: Business, 559
Private Members' Business
Local Government (Disqualification) Bill (NIA
7/09)
Final Stage, 319-20, 320, 320-1, 321,
321-2, 322

Single Use Plastic Bags Bill (NIA 8/10)
Consideration Stage, 211–2

Written Answers

Education

Withdrawal of Funding from Preparatory
Departments of Grammar Schools, WA224
Office of the First Minister and deputy First
Minister
Draft Savings Delivery Plans, WA1
Programme for Cohesion, Sharing and
Integration, WA15
Social Development
Regeneration: Masterplans, WA201

**Farry, Dr Stephen (as Deputy Chairperson of the
Committee for the Office of the First Minister and
deputy First Minister)**

Committee Business:

European Issues: Committee for OFMDFM
Report, 111

Ford, Mr David (as Minister of Justice)

Executive Committee Business

Justice Bill (NIA 1/10)
Further Consideration Stage, 38, 39, 40, 48,
72, 74, 77, 79–81, 94, 100, 102, 104
Exceptional Further Consideration Stage, 482
Final Stage, 417, 548–9
Suspension of Standing Orders, 481

Oral Answers

Justice

Community Safety Partnerships, 150–1, 152
DOJ: Budget, 154, 154–5, 155
Maghaberry Prison: Drugs, 152, 153
McGurk's Bar: Police Ombudsman's Report,
150
Parades: Lurgan, 149
Policing, 153, 153–4

Written Answers

Justice

Case Number 10/80754 and 11/16273,
WA179–80
Colin Howell: Legal Aid, WA182
County Courts: Judges, WA75
Decentralisation of Public Sector Jobs, WA179
Department's Capital or Current Spend
Projects, WA177
Education and Training for Prisoners, WA71
Family Courts: Mediation, WA73–4
Hazel Stewart, WA73
Investigation into the Killing of Six Men at
O'Toole's Bar in Loughinisland, WA178
Larne Probation Office, WA72, WA73

Legal costs of the Colin Howell Case and
the Hazel Stewart Case, WA180

Legislation, WA72

Operation Mazurka, WA180

Parades: Rosslea, WA74

Police Clearance Through Access NI, WA181–2

Policing and Community Safety Partnerships,
WA75

PSNI: Back Pay, WA73

Relocating the Compensation Agency to
Antrim, WA181

Republican Parade in Rosslea, WA291

Senior and Junior Counsels Representing
Clients, WA176–7

Suicide Prevention, WA72

Victims of Crime, WA181

Victims of Crime: Support, WA180–1

Youth Justice: Conferences, WA74

Foster, Mrs Arlene

Private Members' Business

Autism Bill (NIA 2/10)

Final Stage, 432

**Foster, Mrs Arlene (as Minister of Enterprise, Trade
and Investment)**

Executive Committee Business

Categories of Tourist Establishment Order
(Northern Ireland) 2011, 354

Draft Debt Relief (2010 Act) (Transitional
Provision) Order (Northern Ireland) 2011, 357

Draft Insolvency (Monetary Limits) (Amendment)
Order (Northern Ireland) 2011, 355–6

Energy Bill

Legislative Consent Motion, 351–2

Insolvency (Fees) (Amendment) Order (Northern
Ireland) 2011, 357

Renewables Obligation (Amendment) Order
(Northern Ireland) 2011, 446–9

Oral Answers

Enterprise, Trade and Investment

Economy: Newry and Armagh, 560–1, 561

Employment, 561, 562

Energy Costs: Business, 558, 558–9, 559

Giant's Causeway: Interpretative Centre,
563, 564

Tourism, 559, 559–60, 560

Written Answers

Enterprise, Trade and Investment

Agrifood, WA248

Anaerobic Digestion Plants, WA241

Belfast Harbour Estate, WA155

Board of the Presbyterian Mutual Society,
WA242–3

Business Start-Ups: East Belfast, WA246
 Business: Insolvency, WA247
 Colin Area of Belfast, WA154
 Corporation Tax and Enterprise Zone, WA247–8
 Decentralisation of Public Sector Jobs,
 WA47, WA156
 Draft PPS 16: Tourism, WA47
 Exploratory Drilling, WA244–5
 Fuel Duty Stabilizer, WA244
 Fuel Duty, WA248
 Internet: North Down, WA248
 Invest NI, the Industrial Development Board
 and the Local Enterprise Development Unit,
 WA155
 Invest NI, WA155, WA247
 Investment: West Belfast, WA246–7
 Legislation, WA46
 Northern Ireland: An Enterprise Zone, WA155
 Presbyterian Mutual Society, WA245
 Project Kelvin Initiative, WA243
 Rise in Air Passenger Duty, WA245–6
 Rising Cost of Fuel, WA244
 Rose Energy Poultry Litter Incinerator, WA156
 Small and Medium-Sized Business Sector,
 WA243, WA243–4
 Small Businesses, WA154
 Social Clause Requirements, WA241–2
 Suicide Prevention, WA47
 Titanic Signature Project, WA245
 Titanic: 100th Anniversary, WA246
 Town Centre Regeneration, WA156

Written Ministerial Statements

Independent Review of Economic Policy (IREP),
 WMS4–17

Frew, Mr Paul

Executive Committee Business

Budget 2011-15: Programme for Expenditure,
 223, 223–5

Oral Answers

Culture, Arts and Leisure

Sports Stadia, 36

Written Answers

Agriculture and Rural Development

Rural Development Programme, WA16

Employment and Learning

European Social Fund, WA44

Health, Social Services and Public Safety

Day Opportunities Scheme, WA173

Justice

Policing and Community Safety Partnerships,
 WA75

Regional Development

Broken Down Buses, WA299

Social Development

Theft of Copper Storage Tanks from Vacant
 Properties, WA93

Gallagher, Mr Tommy

Executive Committee Business

Health and Social Care Bill

Legislative Consent Motion, 132

Budget 2011-15: Programme for Expenditure,
 279, 280

Housing (Amendment) Bill (NIA 32/09)

Final Stage, 342

Ministerial Statements

Northern Health and Social Care Trust:

Clostridium Difficile, 442

Oral Answers

Agriculture and Rural Development

Single Farm Payments, 397

Health, Social Services and Public Safety

DHSSPS: Capital Projects, 146

Social Development

Mixed Housing, 368

Written Answers

Environment

Health Risks Associated with Illegal Waste
 Sites, WA53

Health, Social Services and Public Safety

Health and Social Care Trust: Taxi Services,
 WA167

Regional Development

Introduction of Car Parking Charges, WA193

Gardiner, Mr Samuel

Ministerial Statements

Health: Capital Priorities, 535

Higher Education: Tuition Fees and Student
 Finance, 414

Northern Health and Social Care Trust:

Clostridium Difficile, 444

Proposed Discontinuance of Stranmillis

University College and Merger with QUB, 389

Oral Answers

Agriculture and Rural Development

Single Farm Payments, 397

Enterprise, Trade and Investment

Energy Costs: Business, 558

Finance and Personnel

Government: Joint Services, 404

Justice

Parades: Lurgan, 149

Written Answers

Education

Accumulation of Budgetary Surpluses, WA219

Development of a Strategic Plan for Schools,
 WA143

Education and Skills Authority, WA144
Employment and Learning
Adult Apprenticeships, WA238
Regional Development
Belfast-Dublin Enterprise, WA187
Portadown Railway Station, WA297
Rail Line between Lisburn and Lurgan, WA189
Railway Line: Knockmore, Lisburn, Lurgan,
WA187
Social Development
Fuel Poverty, WA324

Gibson, Mr Simpson

Oral Answers
Agriculture and Rural Development
Single Farm Payments, 397
Office of the First Minister and deputy First
Minister
HM Coastguard, 28

**Gildernew, Ms Michelle (as Minister of Agriculture
and Rural Development)**

Executive Committee Business
Fishing Boats (Electronic Transmission of
Fishing Activities Data) Scheme (Northern
Ireland) 2011, 506–7, 507
Oral Answers
Agriculture and Rural Development
Agritourism, 401, 401–2
Common Agricultural Policy, 396, 396–7
Farm Mapping, 398, 399
Forests, 395–6, 396
Rural White Paper, 400, 401
Single Farm Payments, 397, 399, 399–400
Revised Written Answers
Training Courses, RWA1–12
Written Answers
Agriculture and Rural Development
Bovine Tuberculosis and Brucellosis, WA107
Breakwater at Kilkeel Harbour, WA214
Brucellosis: Keady, WA108–9
Calf Carcass Discovered in Keady, WA215–16
Conservation of Salmon in the North Atlantic
Ocean, WA215
Consultation Documents, WA98–106
Decentralisation of Public Sector Jobs, WA215
Disposing of Poultry Litter, WA213
Draft PPS 16: Tourism, WA18
EU Nitrates Directive, WA106
Farm Modernisation Programme, WA107,
WA109
Farm Modernisation Programme: South
Antrim, WA 108
Ireland: GM-free Zone, WA107
Land at Crossnacreevy, WA215

Legislation, WA18–21
New Headquarters, WA18
Rural Broadband Services, WA211–13
Rural Communities, WA108
Rural Development Programme, WA16, WA109
Sale of Puppies, WA17
Social Clause Requirements, WA213
South West Action for Rural Development,
WA214
Spend on Electricity, WA216
Young Farmers' Clubs of Ulster, WA16, WA17

Girvan, Mr Paul

Ministerial Statements
Northern Health and Social Care Trust:
Clostridium Difficile, 443
Oral Answers
Culture, Arts and Leisure
Northern Ireland Environment Agency:
Enforcement, 33
Private Members' Business
Autism Bill (NIA 2/10)
Final Stage, 428

Givan, Mr Paul

Executive Committee Business
Budget 2011-15: Programme for Expenditure,
239, 277, 277–8, 278–9, 279
Justice Bill (NIA 1/10)
Further Consideration Stage, 41–2, 42,
45–6, 89–91, 91
Final Stage, 575–6
Ministerial Statements
Health: Capital Priorities, 537
Oral Answers
Health, Social Services and Public Safety
Lagan Valley Hospital, 143
Private Members' Business
Autism Bill (NIA 2/10)
Final Stage, 423
Written Answers
Education
Dromore Central Primary School, WA230
Justice
Colin Howell: Legal Aid, WA182
Hazel Stewart, WA73
Regional Development
DRD and NI Water: Christmas 2010, WA196

Hamilton, Mr Simon

Executive Committee Business
Budget 2011-15: Programme for Expenditure,
230, 230–1, 231, 232, 234

Oral Answers

Office of the First Minister and deputy First Minister

Fuel Prices, 468

Written Answers

Education

Ring-fenced Funding for Special Education, WA30

Finance and Personnel

Funding Allocations, WA159

Office of the First Minister and deputy First Minister

Executive: Key Achievements, WA209

Regional Development

A24 Ballynahinch to Belfast Road, WA81

Social Development

Kitchen Replacement Scheme, WA89

Rent Increases in Housing Executive

Properties, WA91

Hamilton, Mr Simon (as Chairperson of the Committee for Social Development)

Ministerial Statements

Northern Ireland Housing Executive, 569

Hilditch, Mr David

Oral Answers

Culture, Arts and Leisure

Football: Attendances, 34, 34–5

Humphrey, Mr William

Committee Business

European Issues: Committee for OFMDFM Report, 108–9, 112

Museums: Impact and Value, 582–3

Executive Committee Business

Budget 2011-15: Programme for Expenditure, 244, 249

High Hedges Bill (NIA 15/09)

Final Stage, 393

Ministerial Statements

Northern Ireland Housing Executive, 567, 574

Oral Answers

Culture, Arts and Leisure

Creative Industries, 32

Education

St Peter's Primary School, Charlemont, 474

Finance and Personnel

Finance Ministers, 406

Justice

Policing, 153

Office of the First Minister and deputy First Minister

Social Investment Fund, 465

Social Development

Housing: Girdwood, 367

Private Members' Business

Local Government (Disqualification) Bill (NIA 7/09)

Final Stage, 306, 308, 309, 315, 318, 319, 322, 323

Irwin, Mr William

Oral Answers

Enterprise, Trade and Investment

Economy: Newry and Armagh, 560, 561

Written Answers

Agriculture

Calf Carcase Discovered in Keady, WA215

Environment

Wind Farm at Fardross, Slieve Beagh, Clogher, 52–3

Health, Social Services and Public Safety

Armagh and Dungannon Home Start, WA285

Home-Start Projects, WA285

Specialist and Consultant Nurses, WA283

St Luke's Hospital, Armagh, WA68

Justice

Potential Savings, WA293

Regional Development

Seagahan Dam, Armagh, WA83

Kelly, Mrs Dolores

Executive Committee Business

Budget 2011-15: Programme for Expenditure, 249, 273

Matters of the Day

Lance Corporal Stephen McKee, 374

Oral Answers

Agriculture and Rural Development

Farm Mapping, 398–9

Culture, Arts and Leisure

Sports Stadia, 36

Enterprise, Trade and Investment

Energy Costs: Business, 559

Health, Social Services and Public Safety

Lagan Valley Hospital, 144

Justice

Parades: Lurgan, 149

Office of the First Minister and deputy First Minister

Childcare Strategy, 30

Regional Development

NI Water: PAC Report, 362, 363

Private Members' Business

Autism Bill (NIA 2/10)

Final Stage, 431

Local Government (Disqualification) Bill
(NIA 7/09)

Final Stage, 300, 320, 321

Written Answers

Culture, Arts and Leisure

Gilford Library, WA23

Lough Neagh Navigation Marker System,
WA111

Proposed Ulster-Scots Academy, WA23

Education

Behavioural Difficulties, WA26

Newbuild or Maintenance Schemes in Upper
Bann, WA148

Professional Development for Teachers,
WA140

Employment and Learning

Stranmillis College

College Site, WA 152

and St Mary's College, WA153

Stakeholder Forum, WA153

Environment

Planning Application by Tesco for the Outlet
Centre at Banbridge, WA 248

Finance and Personnel

Civil Service Pay Award, WA56

Health, Social Services and Public Safety

Hospital Appointments, WA70

Mental Health Facilities, WA 284

Office of the First Minister and deputy First
Minister

Severe Child Poverty in Northern Ireland, WA96

Strategic Investment Board, WA5

Regional Development

Shankill Estate, Lurgan, WA299

Social Development

Window Replacement Scheme in the
Kilwilkie Estate in Lurgan, WA327

**Kelly, Mrs Dolores (as Chairperson of the
Committee for Employment and Learning)**

Ministerial Statements

Higher Education: Participation, 4

Higher Education: Tuition Fees and Student
Finance, 411–12

Proposed Discontinuance of Stranmillis
University College and Merger with QUB, 385

**Kelly, Mr Gerry (as junior Minister in the Office of
the First Minister and deputy First Minister)**

Executive Committee Business

Departments (Transfer of Functions) (No. 2)
Order (Northern Ireland) 2011, 350, 351

Departments (Transfer of Functions) Order
(Northern Ireland) 2011, 349, 350

Oral Answers

Office of the First Minister and deputy First
Minister

Childcare Strategy, 29–30, 30

Kennedy, Mr Danny

Matters of the Day

Lance Corporal Stephen McKee, 374

**Kennedy, Mr Danny (as Minister for Employment
and Learning)**

Ministerial Statements

Higher Education: Participation, 1– 4, 4, 5, 6,
6–7, 7

Higher Education: Tuition Fees and Student
Finance, 408–11, 412, 412–13, 413, 413–14,
414, 415, 416

Proposed Discontinuance of Stranmillis
University College and Merger with QUB,
383–5, 385, 386, 386–7, 387, 387–8, 388,
388–9, 389

Oral Answers

Employment and Learning

Belfast Metropolitan College: Titanic
Quarter, 556–7, 557

DEL: Budget 2011-15, 557

Essential Skills, 555, 555–6, 556

Queen's University Belfast and Stranmillis
University College: Controlled Schools,
554, 555

Steps to Work: East Belfast, 555

Student Fees, 552, 553

Written Answers

Employment and Learning

Additional Budget Allocation, WA235

Adult Apprenticeships, WA238

Adult Education Services, WA237–8

Apprenticeships, WA240

Belfast Metropolitan College: Titanic
Quarter, WA240

Budget 2011-15, WA 239

Colin Area of Belfast, WA40–1

Decentralisation of Public Sector Jobs, WA234

Departmental Staff: Trips to North Carolina,
WA152

Education and Training Inspectorate, WA44–5

Education Maintenance Allowance, WA46

Essential Skills and Training for Success
Programme, WA233–4

Essential Skills Strategy, WA42

European Social Fund, WA42, WA42–3,
WA43, WA44, WA46, WA154, WA232–3,
WA233, WA240

European Social Fund: Tranche 2, WA152
 Former Deputy Director of Business Services
 at Belfast Metropolitan College, WA 236–7
 Gateway Review Recommendations, WA237
 Interim Chairperson of the Board of Belfast
 Metropolitan College, WA236
 Northern Regional College, Larne, WA 238
 Priority 1 of the European Social Fund, WA43
 Regional Colleges: Industrial Tribunal of Fair
 Employment Tribunal Cases, WA39–40
 Social Clause Requirements, WA153
 South Eastern Regional College, Lisburn,
 WA239
 Stranmillis College
 College Site, WA152, WA153
 and St Mary's College, WA 153
 Stakeholder Forum, WA153
 Students: Employability Certificates, WA238–9
 Students from the Republic of Ireland,
 WA41–2
 Students: Sexual Offences Prevention Order,
 WA40
 Suicide Prevention, WA41
 Training for Women Network, WA43–4, WA232
 UK NARIC Pilot Scheme, WA236
 Union Flag, WA41
 University Fees, WA 235
 University Students, WA151
 University Tuition Fees, WA234–5
 Young People not in Education, Employment
 or Training, WA241

Kinahan, Mr Danny

Executive Committee Business

Budget 2011-15: Programme for Expenditure,
 256, 256–7
 Clean Neighbourhoods and Environment Bill
 (NIA 31/09)
 Final Stage, 335–6
 High Hedges Bill (NIA 15/09)
 Further Consideration Stage, 10–11, 14–15
 Final Stage, 391–2
 Planning Bill (NIA 7/10)
 Consideration Stage, 138–9, 139, 166–7,
 167, 171, 177, 188, 197, 205, 210
 Further Consideration Stage, 452–3, 460,
 462–3
 Final Stage, 543

Ministerial Statements

British-Irish Council: Environment, 331
 Road Safety Strategy, 379
 Water Services: Freeze-Thaw December 2010,
 125

Oral Answers

Agriculture and Rural Development
 Forests, 396
 Education
 DE: Capital Projects, 473
 Queen's University Belfast and Stranmillis
 University College: Controlled Schools,
 553–4, 554
 Environment
 Northern Ireland Environment Agency:
 Enforcement, 33
 Finance and Personnel
 Altnagelvin Area Hospital: Radiotherapy Unit,
 403
 Office of the First Minister and deputy First
 Minister
 Social Investment Fund, 464, 465
 Regional Development
 NI Water: PAC Report, 364
 Social Development
 Housing: South Antrim, 366
 Private Members' Business
 Local Government (Disqualification) Bill
 (NIA 7/09)
 Final Stage, 303, 305, 318, 319
 Single Use Carrier Bags Bill (NIA 8/10)
 Final Stage, 591–2

Written Answers

Agriculture and Rural Development
 Legislation, WA18
 Culture, Arts and Leisure
 Libraries, WA21
 Education
 Boards of Governors, WA141
 Education and Training Inspectorate, WA139,
 WA141
 Education and Training Inspectors, WA218
 Interactive Computerised Assessment
 System, WA221, WA 222
 School Inspections, WA39, WA140, WA141
 Teachers and Principals Deemed
 Unsatisfactory, WA28
 Training and Support Delivered by Education
 and Library Boards, WA220
 Training and Support for Boards of
 Governors and Teachers, WA220
 Training from Education and Library Board
 Officers, WA219
 Enterprise, Trade and Investment
 Legislation, WA46
 Environment
 Illegal Waste Activity at 67 Tullyrusk Road,
 Hannahstown, Belfast, WA158
 Legislation, WA48

Sixmilewater River: Sampling, WA249
Finance and Personnel
Legislation, WA55
Health, Social Services and Public Safety
Cost of Answering Assembly Questions,
WA275
Legislation, WA168
Written Assembly Questions, WA275
Justice
Legislation, WA72
Regional Development
Assembly Legislation, WA82
Speed Reduction Measures in Straid,
Antrim, WA303
Ulsterbus Services, WA190
Social Development
Legislation, WA90

Lo, Ms Anna

Executive Committee Business
Housing (Amendment) Bill (NIA 32/09)
Final Stage, 342–3
Mesothelioma Lump Sum Payments (Conditions
and Amounts) (Amendment) Regulations
(Northern Ireland) 2011, 502
Pensions Bill
Legislative Consent Motion, 504
Planning Bill (NIA 7/10)
Consideration Stage, 141, 169, 171, 176,
177, 180–1, 191–2
Further Consideration Stage, 450, 453–4,
458, 461
Final Stage, 544
Pneumoconiosis, etc., (Workers' Compensation)
(Payment of Claims) (Amendment) Regulations
(Northern Ireland) 2011, 501
Ministerial Statements
Higher Education: Participation, 7
Higher Education: Tuition Fees and Student
Finance, 416
Northern Ireland Housing Executive, 571
Proposed Discontinuance of Stranmillis
University College and Merger with QUB, 386
Water Services: Freeze-Thaw December 2010,
121
Oral Answers
Culture, Arts and Leisure
Cultural Awareness Strategy, 33, 34
Justice
Policing, 153
Written Answers
Culture, Arts and Leisure
2010-11 In-Year Monitoring Rounds, WA109
Equality Screening, WA217

Office of the First Minister and deputy First
Minister
Playboard: Funding, WA97
Regional Development
NI Water: Priority Register, WA193
Social Development
Fuel Poverty, WA305
Phase 2 of the Village Regeneration
Scheme, WA330
Village, Belfast: Vesting, WA201

Lunn, Mr Trevor

Committee Business
Successful Post-Primary Schools Serving
Disadvantaged Communities, 516–17, 517
Executive Committee Business
Budget 2011-15: Programme for Expenditure,
252–3, 253, 254
Oral Answers
Office of the First Minister and deputy First
Minister
Maze/Long Kesh: Delisting, 27
Social Development
Mixed Housing, 368
Written Answers
Culture, Arts and Leisure
World Police and Fire Games, WA24

Lyttle, Mr Chris

Executive Committee Business
Clean Neighbourhoods and Environment Bill
(NIA 31/09)
Final Stage, 336
High Hedges Bill (NIA 15/09)
Further Consideration Stage, 12, 23, 24, 24–5
Final Stage, 392, 392–3
Ministerial Statements
British-Irish Council: Environment, 332
Higher Education: Participation, 5
Higher Education: Tuition Fees and Student
Finance, 413
Road Safety Strategy, 380
Water Services: Freeze-Thaw December 2010,
127
Oral Answers
Employment and Learning
Steps to Work: East Belfast, 555
Private Members' Business
Single Use Carrier Bags Bill (NIA 8/10)
Final Stage, 592
Written Answers
Agriculture and Rural Development
Sale of Puppies, WA17
Education
Draft Partnership Agreement, WA38

Schools Careers Service Partnership Agreement, WA225
Employment and Learning
Education Maintenance Allowance, WA46
Environment
High Hedges Bill, WA251
Finance and Personnel
Civil Service Equal Pay Claim, WA160
Corporation Tax, WA162
Health, Social Services and Public Safety
Draft Budget 2011-15, WA59
Experiments on Animals, WA278
Podiatry Care, WA175
Services for People Suffering from Personality Disorders, WA171
Office of the First Minister and deputy First Minister
Draft Programme for Cohesion, Sharing and Integration, WA13
Playboard Administered Funding, WA207
Presbyterian Mutual Society, WA205
Regional Childcare Strategy, WA13
Regional Development
Reservoir Storage Capacity and Pipe Replacement in Private Properties, WA304
Speed Limits: Schools, WA198
Social Development
Research and Development, WA85

McCallister, Mr John

Executive Committee Business
Budget 2011-15: Programme for Expenditure, 242-3, 243, 244, 249, 270, 277
Health and Social Care Bill
Legislative Consent Motion, 132
Ministerial Statements
Higher Education: Participation, 6
Higher Education: Tuition Fees and Student Finance, 416
Northern Health and Social Care Trust: Clostridium Difficile, 442
Oral Answers
Culture, Arts and Leisure
Creative Industries, 31
Health, Social Services and Public Safety
Suicide Prevention, 145
Private Members' Business
Autism Bill (NIA 2/10)
Further Consideration Stage, 114
Final Stage, 421, 422
Written Answers
Education
DE: Draft Spending Plan, WA230
Enterprise, Trade and Investment
Investment: West Belfast, WA246

McCann, Mr Fra

Executive Committee Business
Budget 2011-15: Programme for Expenditure, 228, 237, 243, 257, 261-2, 262-3
Clean Neighbourhoods and Environment Bill (NIA 31/09)
Final Stage, 334
Housing (Amendment) Bill (NIA 32/09)
Final Stage, 338, 339, 343-5, 345, 346, 347
Ministerial Statements
Northern Ireland Housing Executive, 569, 570, 573
Water Services: Freeze-Thaw December 2010, 122
Oral Answers
Education
DE: Budget 2011-15, 475, 476
Social Development
Housing: Girdwood, 367
Written Answers
Finance and Personnel
Economy: Rebalancing, WA162

McCann, Ms Jennifer

Executive Committee Business
Budget 2011-15: Programme for Expenditure, 222-3, 231, 240, 259, 259-60
Ministerial Statements
Water Services: Freeze-Thaw December 2010, 125
Oral Answers
Office of the First Minister and deputy First Minister
Childcare Strategy, 466
Written Answers
Education
Bytes Projects Based in West Belfast, WA37
Colin Area of Belfast, WA27
Employment and Learning
Colin Area of Belfast, WA40
Enterprise, Trade and Investment
Colin Area of Belfast, WA154
Health, Social Services and Public Safety
Colin Area of Belfast, WA62
Social Development
Colin Area of Belfast, WA86

McCarthy, Mr Kieran

Committee Business
Museums: Impact and Value, 585, 589
Executive Committee Business
Budget 2011-15: Programme for Expenditure, 238
Health and Social Care Bill
Legislative Consent Motion, 132

Planning Bill (NIA 7/10)
Consideration Stage, 176
Final Stage, 547

Matters of the Day

Lance Corporal Stephen McKee, 374

Ministerial Statements

Health: Capital Priorities, 536, 537
Northern Health and Social Care Trust:
Clostridium Difficile, 443

Oral Answers

Employment and Learning
Essential Skills, 555
Health, Social Service and Public Safety
Health: Shared Services, 146, 147
Office of the First Minister and deputy First
Minister
Child Poverty Strategy, 466

Private Members' Business

Autism Bill (NIA 2/10)
Further Consideration Stage, 114
Final Stage, 422

Written Answers

Environment
Historic Buildings Grant Scheme, WA251
Finance and Personnel
Apartment Development Management
Reform Bill, WA160
Regional Development
Disability Living Allowance, WA303

McCartney, Mr Raymond

Executive Committee Business

Justice Bill (NIA 1/10)
Further Consideration Stage, 38, 39, 39–40,
40, 46, 46–7, 47, 48, 51, 53, 58, 59, 66,
73, 99, 102
Final Stage, 550–1

Oral Answers

Finance and Personnel
Finance Ministers, 405
Office of the First Minister and deputy First
Minister
Maze/Long Kesh: Delisting, 27

Written Answers

Assembly Commission
Equality Scheme, WA338
Culture, Arts and Leisure
Derry-Londonderry City of Culture 2013,
WA330
Education
Minister for Education and Skills WA228
Private Finance Initiative Contract, WA38
Rural Outreach Workers, WA138

Health, Social Services and Public Safety
Orthopaedic Surgery at Altnagelvin Hospital,
WA286

Patient and Client Council, WA63

Justice

Register of Perpetrators of Domestic
Violence, WA294

McCausland, Mr Nelson

Private Members' Business

Local Government (Disqualification) Bill
(NIA 7/09)
Final Stage, 323

**McCausland, Mr Nelson (as Minister of Culture,
Arts and Leisure)**

Committee Business

Museums: Impact and Value, 585–8

Oral Answers

Culture, Arts and Leisure
Creative Industries, 31, 31–2, 32
Cultural Awareness Strategy, 34
Film and Television Production, 36–7, 37
Football: Attendances, 34, 35
Motorsport: Safety, 32, 33
Northern Ireland Environment Agency:
Enforcement, 33
Sports Stadia, 35–6, 36

Written Answers

Culture, Arts and Leisure
2010-11 In-Year Monitoring Rounds, WA110
Additional Funding for Libraries, WA112
Amateur Boxing, WA113–14
Decentralisation of Public Sector Jobs,
WA111
Department's Capital or Current Spend
Projects, WA110–11
Equality Screening, WA217–18
Football: North Antrim, WA24
Foras na Gaeilge, WA216
Funding for Motorsport, WA217
Funding to Boxing Clubs, WA113
Funds Allocated to the Three Regional
Sports Stadia, WA112
Gilford Library, WA23
Irish Amateur Boxing Association, WA114
Irish Cricket Team, WA112
Irish Football Association, WA25
Libraries, WA21
Lough Neagh Navigation Marker System,
WA111
Motorsport Programme, WA216–17
Proposed Ulster-Scots Academy, WA23

Redevelopment of Windsor Park, Ravenhill
Stadium and Casement Park, WA217
Salmon and Sea Trout Stocks, WA25–6
Sports Facilities: North Down, WA25
Ulster Scots: West Tyrone, WA24
World Police and Fire Games, WA24–5

Redundancies, WA227
Regional Development
NI Water Infrastructure Extension
Modifications, WA190
Social Development
Draft Charities (Amendment) Bill, WA337

McClarty, Mr David (as Deputy Speaker)

Executive Committee Business
Budget 2011-15: Programme for Expenditure,
294, 295
Civil Registration Bill (NIA 20/07)
Further Consideration Stage, 133
Justice Bill (NIA 1/10)
Further Consideration Stage, 38, 48
Planning Bill (NIA 7/10)
Consideration Stage, 134, 140, 143
Further Consideration Stage, 450, 451, 458,
460, 461, 463, 464
Ministerial Statements
Northern Ireland Housing Executive, 564, 570,
572, 573
Water Services: Freeze-Thaw December 2010,
126, 128, 129
Oral Answers
Culture, Arts and Leisure
Creative Industries, 32
Film and Television Production, 37
Football: Attendances, 35
Enterprise, Trade and Investment, 558, 560
Employment, 561
Office of the First Minister and deputy First
Minister
HM Coastguard, 28
Maze/Long Kesh: Delisting, 27
Private Members' Business
Local Government (Disqualification) Bill
(NIA 7/09)
Final Stage, 297, 302, 303, 307, 308, 309,
310, 314, 319, 320, 323, 324, 325, 326,
327, 328

McCrea, Mr Basil

Executive Committee Business
Budget 2011-15: Programme for Expenditure,
243, 267, 272, 272–3, 273, 273–4, 285, 286
Justice Bill (NIA 1/10)
Further Consideration Stage, 49, 57, 58,
58–9, 59, 60, 62, 63, 70, 83–5, 85, 85–6,
86, 86–7, 87, 88, 97, 98
Written Answers
Education
Funding for Irish Football Association and
GAA Youth Schemes, WA227

McCrea, Mr Ian

Ministerial Statements
Water Services: Freeze-Thaw December 2010,
124
Oral Answers
Agriculture and Rural Development
Rural White Paper, 401
Education
DE: Capital Projects, 471, 472
Employment and Learning
DEL: Budget 2011-15, 557
Enterprise, Trade and Investment
Energy Costs: Business, 558
Finance and Personnel
Finance Ministers, 405
Justice
Community Safety Partnerships, 151
Office of the First Minister and deputy First
Minister
Arm's-length Bodies, 30, 31
Private Members' Business
Autism Bill (NIA 2/10)
Further Consideration Stage, 114
Final Stage, 424–5, 425
Local Government (Disqualification) Bill
(NIA 7/09)
Final Stage, 300, 303, 327
Written Answers
Social Development
Incapacity Benefit, WA198–9

McDevitt, Mr Conall

Executive Committee Business
Budget 2011-15: Programme for Expenditure,
223, 229, 230, 237, 239, 240, 248, 251,
254, 255, 269, 270, 280, 280–1, 281, 282,
283, 288, 290, 295
Justice Bill (NIA 1/10)
Further Consideration Stage, 46, 48, 48–9,
49, 49–50, 50, 50–1, 51, 51–2, 52, 54,
56, 57, 59, 59–60, 69, 69–70, 70, 71
Planning Bill (NIA 7/10)
Consideration Stage, 186–7, 187, 188, 190
Final Stage, 546, 576–8
Ministerial Statements
Higher Education: Tuition Fees and Student
Finance, 415

Water Services: Freeze-Thaw December 2010, 120, 126, 128, 129

Oral Answers

Agriculture and Rural Development

Rural White Paper, 401

Culture, Arts and Leisure

Football: Attendances, 35

Finance and Personnel

Finance Ministers, 405

Health, Social Services and Public Safety

Health: Shared Services, 147

Justice

Policing, 154

Regional Development

NI Water: PAC Report, 363

Railways: Sustainability, 361

Social Development

Village, Belfast: Regeneration, 371

Written Answers

Employment and Learning

Departmental Staff: Trips to North Carolina, WA152

Environment

Licensed Taxi Drivers, WA52

Health, Social Services and Public Safety

Child and Adolescent Mental Health Services, WA60

Regional Development

NI Water, WA195

NI Water: Expenditure, WA194

Office of National Statistics, WA301–2

Reclassification of NI Water, WA296

McDonnell, Dr Alasdair

Executive Committee Business

Budget 2011-15: Programme for Expenditure, 266, 267, 267–8, 268

Oral Answers

Culture, Arts and Leisure

Creative Industries, 32

Written Answers

Health, Social Services and Public Safety

Land Deemed Surplus to Requirements, WA57

McElduff, Mr Barry

Executive Committee Business

Budget 2011-15: Programme for Expenditure, 274, 275

Oral Answers

Culture, Arts and Leisure

Cultural Awareness Strategy, 34

Education

St Peter's Primary School, Charlemont, 474

Office of the First Minister and deputy First Minister

Fuel Prices, 468

Regional Development

A5 Dual Carriageway: Funding, 359

Written Answers

Culture, Arts and Leisure

Funding to Boxing Clubs, WA113

Irish Amateur Boxing Association, WA114

Employment and Learning

University Fees, WA235

University Tuition Fees, WA234

Young People not in Education, Employment or Training, WA240

Health, Social Services and Public Safety

Beltany House in Omagh, WA169

Care Assistants (Band 3) who work in Adult Learning Disability Services, WA170

Dental Practices, WA174

Dentistry Budget, WA174

NI Music Therapy Trust, WA68

Travel Expenses for Carers, WA170

Regional Development

Street Lighting Schemes, WA302

McElduff, Mr Barry (as Chairperson of the Committee for Culture, Arts and Leisure)

Committee Business

European Issues: Committee for OFMDFM Report, 109–10, 110–11

Museums: Impact and Value, 588, 588–9, 589

McFarland, Mr Alan

Executive Committee Business

Justice Bill (NIA 1/10)

Further Consideration Stage, 51, 54, 55, 55–6, 62, 69, 95, 99

Private Members' Business

Local Government (Disqualification) Bill (NIA 7/09)

Final Stage, 304, 317

Written Answers

Culture, Arts and Leisure

Salmon and Sea Trout Stocks, WA25

McGill, Mrs Claire

Ministerial Statements

Proposed Discontinuance of Stranmillis

University College and Merger with QUB, 388

Written Answers

Justice

Youth Justice: Conferences, WA74

Regional Development

A5 Road Scheme, WA196

Social Development
Disability Living Allowance and Employment
Support Allowance Oral Appeal Tribunals,
WA86
Disability Living Allowance Oral Appeal
Tribunals, WA86

**McGimpsey, Mr Michael (as Minister of Health,
Social Services and Public Safety)**

Executive Committee Business
Health and Social Care Bill
Legislative Consent Motion, 130–1, 133
Protection of Freedoms Bill
Legislative Consent Motion, 508–9, 511
Ministerial Statements
Health: Capital Priorities, 532–4, 534–5, 535,
535–6, 536, 536–7, 537, 538, 539, 540
Northern Health and Social Care Trust:
Clostridium Difficile, 440–1, 442, 443, 443–4,
444, 444–5, 445, 446
Oral Answers
Health, Social Services and Public Safety
Altnagelvin Area Hospital: Neurology, 148,
148–9, 149
DHSSPS: Capital Projects, 145, 146
Health: Shared Services, 147, 148
Lagan Valley Hospital, 143, 144
Suicide Prevention, 144, 144–5, 145
Written Answers
Health, Social Services and Public Safety
16- and 17-Year-Olds Placed in Unregulated
Accommodation, WA279
Action on Disability, WA61–2
Acute Mental Health Services, WA281,
WA281–2
Altnagelvin Area Hospital: Radiotherapy Unit,
WA70–1
Ambulance Provision: Prisoners, WA284–5
Ambulance Service Earnings, WA275
Ambulances and Fire Appliances: Hoax Call-
Outs, WA64
Anti-Tumour Necrosis Factor Drugs, WA59
Antrim Area Hospital: Palliative Care Unit,
WA71
Armagh and Dungannon Home Start,
WA285–6
Asylum-Seeking Children, WA279
Backlog of X-rays at Altnagelvin Hospital,
WA276
Beltany House in Omagh, WA169–70
Cardiac Emergency Ambulance Service, WA291
Care Assistants (Band 3) who work in Adult
Learning Disability Services, WA170

Care Packages, WA62
Causeway Hospital, WA65, WA282
Charging for Prescriptions, WA163
Child and Adolescent Mental Health
Services, WA60
Children's Fund, WA288–90
Clostridium Difficile, WA172, WA276–7
Colin Area of Belfast, WA62
Community Care Rapid Response Team,
WA173
Compensation Scheme for Patients who
Contracted Hepatitis C, WA63
Cost of Answering Assembly Questions,
WA275
Craigavon Area Hospital: X-rays, WA71
Day Opportunites Scheme, WA173
Death Rate from Cancer, WA280–1
Decentralisation of Public Sector Jobs,
WA279, WA280
Dental Practices, WA174
Dentistry Budget, WA174
Department's Capital or Current Spend
Projects, WA174
DHSSPS: Budget 2011-15, WA70
Domiciliary Home Care Packages, WA283
Domiciliary, Residential and Nursing Care,
WA163–4, 164–5
Draft Budget 2011-15, WA58–9, WA59
Efficiency Plan for the Health Committee, WA58
Emergency Ambulance, WA287
Employing Locums from Outside Northern
Ireland, WA169
Enhanced Cooperation, WA291
European Centre for Connected Health, WA280
Experiments on Animals, WA278
Family Nurse Partnership Pilot Project,
WA277–8
Fertility Services, WA60
Fire and Rescue Service, WA64
Fire and Rescue Service: East Londonderry,
WA172
Follow-up Patient Review Appointments, WA58
Formal Complaints Received by Health and
Social Care Trusts, WA266–74
Foyleville Nursing Home, WA62
Frozen Embryo Transfer, WA67
Funding for Barnardo's Safe Choices
Service, WA175
Health and Social Care Trust: Taxi Services,
WA167–8
Health and Social Care Trusts, WA166
Health Service, WA63

Home Start Scheme in Newcastle and Ballynahinch, WA61, WA68
 Home-Start Projects, WA285
 Hospital Appointments, WA70
 Hospitals: Delayed Discharges, WA69–70
 Increase in VAT, WA167
 Infertility Services, WA61
 Interim Management and Support Reports, WA167
 Interviews with Media Outlets, WA58
 IVF and ICSI Fertility Treatment, WA67
 Land Deemed Surplus to Requirements, WA57
 Legal Fees, WA279
 Legislation, WA169
 Mental Health Facilities, WA284
 Mental Health Services, WA287
 Mental Ill-Health in East Belfast, WA280
 Mixed-Sex Wards, WA166
 Music Therapy Service, WA286, WA287
 National Institute for Health and Clinical Excellence Guidelines, WA286, WA287
 Neurology Referrals, WA59–60
 New Build for Oakridge Social Education Centre, Dungannon, WA286
 NHS: Bureaucracy, WA70
 Northern Ireland Medical and Dental Training Agency, WA276
 Northern Ireland Music Therapy Trust, WA68, WA278
 Northern Ireland Music Therapy Trust: Funding, WA175, WA176
 Northern Ireland Social Care Council, WA276
 Older People Assessed for Care Needs, WA165
 Orthopaedic Surgery at Altnagelvin Hospital, WA286
 Out of Hours Services, WA171
 Parkinson's Disease, WA66
 Patient and Client Council, WA63–4
 Phase II of the Royal Victoria Hospital Redevelopment Plan, WA64–5
 Podiatry Care, WA175
 Private Office Staff, WA61
 Proposed New GP Surgery: Meigh, WA68
 Psychiatric Care, WA170
 Public Health Agency, WA275
 Reduce Suicide Rates, WA168
 Renal Dialysis Beds, WA173
 Replies to Assembly Questions, WA66
 Review into the Western Health and Social Care Trust, WA58
 Royal Victoria Hospital
 Critical Care Centre, WA69
 Neurology, WA69

Scottish Medicines Consortium, WA288
 Services for People Suffering from Personality Disorders, WA171
 Services for Stroke Victims, WA172
 Specialist and Consultant Nurses, WA283–4
 Specialist Community Heart Failure Services, WA277
 St Luke's Hospital, Armagh, WA68–9
 Staff in the Health and Social Care Board, WA276
 Staff Mobile Phone Bills, WA169
 Staff Salaries, WA66
 Suicide Prevention Initiatives, WA168
 Swine Flu: Admissions to Hospital, WA65, WA65–6
 Temporary Posts, WA265–6
 Travel Expenses for Carers, WA170
 Waiting List for Cataract Removals, WA282
 Written Assembly Questions, WA275

McGlone, Mr Patsy

Assembly Business, 437
 Executive Committee Business
 Budget 2011-15: Programme for Expenditure, 262, 280
 Clean Neighbourhoods and Environment Bill (NIA 31/09)
 Final Stage, 336
 High Hedges Bill (NIA 15/09)
 Further Consideration Stage, 15, 15–16, 16, 19
 Final Stage, 394
 Planning Bill (NIA 7/10)
 Consideration Stage, 139, 140, 167–8, 178–80, 180, 188, 190, 211
 Final Stage, 543–4
 Ministerial Statements
 British-Irish Council: Environment, 332
 Oral Answers
 Education
 Schools: Maintenance, 475
 Finance and Personnel
 Low-Carbon Homes Schemes, 407
 Social Development
 Social Investment Fund, 368, 369
 Private Members' Business
 Local Government (Disqualification) Bill (NIA 7/09)
 Final Stage, 308, 313–14
 Speaker's Business
 End of Mandate, 528–9
 Written Answers
 Agriculture and Rural Development
 Draft PPS 16: Tourism, WA18, WA47, WA51

Rural Broadband Services, WA211
Enterprise, Trade and Investment
Northern Ireland: An Enterprise Zone, WA155
Town Centre Regeneration, WA156
Finance and Personnel
Decentralisation of Civil Service Jobs, WA56
Rating on Vacant Properties, WA158
Health, Social Services and Public Safety
Legal Fees, WA279
Private Office Staff, WA61
Office of the First Minister and deputy First Minister
Fuel Price Stabilizer, WA206
Regional Development
Freedom of Information Requests, WA303
Information Commissioner's Office, WA302
Legal Services, WA297
NI Water: Supply Infrastructure, WA186
On-Street Parking Charges, WA300
Personal Injury Claims, WA84
Procurement Breaches, WA294
Public Accounts Committee's Report:
Measuring the Performance of NI Water and Procurement and Governance in NI Water, WA301
Road Improvements and Road Surface Maintenance, WA78
Social Development
Co-ownership Scheme, WA93
Town Centre Regeneration, WA93
Vacant Housing Stock, WA94

McGuinness, Mr Martin (as deputy First Minister)

Oral Answers

Office of the First Minister and deputy First Minister
Arm's-length Bodies, 30–31, 31
Childcare Strategy, 29
HM Coastguard, 28, 28–9, 29
Maze/Long Kesh: Delisting, 26, 27, 27–8, 28
Victims: 'Dealing with the Past', 25, 26

Speaker's Business

End of Mandate, 526–7

Written Answers

Office of the First Minister and deputy First Minister
Appointment of a New High Court Judge, WA97
Appointments and Nominations, WA2–4
Arm's-Length Bodies, WA95
Budget Priorities, WA208–9
Child Poverty, WA207
Child Poverty Act, WA96

Child Poverty Strategy, WA95, WA 96
City of Culture 2013, WA15
Decentralisation of Public Sector Jobs, WA97
Draft Programme for Cohesion, Sharing and Integration, WA13
Draft Savings Delivery Plans, WA1
Efficiency Review Panel, WA208
Emergency Hardships, WA205
European Commission Task Force, WA207
European Microfinance Scheme: PROGRESS, WA1–2
European Micro-Loan Funding, WA97–8
Executive: Key Achievements, WA209–10
Fuel Price Stabilizer, WA206
Maritime and Coastguard Agency, WA12
Maze/Long Kesh Development Unit, WA10–11
Maze/Long Kesh Site, WA11
Military Sites, WA210
Non-departmental Public Bodies and Arm's-Length Bodies, WA13–14
Northern Ireland Commissioner for Children and Young People, WA4
Playboard Administered Funding, WA207
Playboard: Funding, WA97
Presbyterian Mutual Society, WA205
Programme for Cohesion, Sharing and Integration, WA15
Race Relations (Northern Ireland) Order 1997, WA207
Regional Childcare Strategy, WA13
Report into the Commissioner for Children and Young People, WA11
S.A.V.E.R. N.A.V.E.R. Organisation, WA11
Severe Child Poverty in Northern Ireland, WA96
St Andrews Agreement, WA14–15
St Patrick's Barracks in Ballymena, WA12–13
Strategic Investment Board, WA5-9
Strategic Support Fund, WA9–10
Suicide Prevention, WA12
Ulster Defence Regiment Memorial, WA12
US Visits, WA210–11
Use of Funding, WA206
Victims and Survivors Groups, WA208
Written Ministerial Statements
Office of the First Minister and deputy First Minister
Executive Response to the Independent Review of the Dioxin Incident, WMS3

McHugh, Mr Gerry

Written Answers

Enterprise, Trade and Investment
Exploratory Drilling, WA244

McIlveen, Miss Michelle

Ministerial Statements

Water Services: Freeze-Thaw December 2010, 120

Oral Answers

Culture, Arts and Leisure

Motorsport: Safety, 32, 32–3

Written Answers

Education

Independent Counselling Service for Schools, WA231

Enterprise, Trade and Investment

Titanic: 100th Anniversary, WA246

Health, Social Services and Public Safety

Funding for Barnardo's Safe Choices Service, WA175

McKay, Mr Daithí

Oral Answers

Agriculture and Rural Development

Single Farm Payments, 400

Employment and Learning

Student Fees, 552, 552–3

Office of the First Minister and deputy First Minister

Childcare Strategy, 29, 30

Private Members' Business

Single Use Carrier Bags Bill (NIA 8/10)

Further Consideration Stage, 358

Final Stage, 590, 593, 594

Single Use Plastic Bags Bill (NIA 8/10)

Consideration Stage, 207–8, 208–9, 209, 213–14

Written Answers

Assembly Commission

Energy Efficiency in Parliament Buildings, WA339

Improved Internet Access, WA340

Education

School Places, WA30

Office of the First Minister and deputy First Minister

St Patrick's Barracks in Ballymena, WA12

Regional Development

Frosses Road, County Antrim, WA304

Social Development

Improvement Works for the Dunclug Area, WA198

McKay, Daithí (as Chairperson of the Committee for Finance and Personnel)

Executive Committee Business

Damages (Asbestos-related Conditions) Bill (10/10): Final Stage, 486

Budget 2011-15: Programme for Expenditure, 221–2, 222, 223

Rates (Housing Executive) Order (Northern Ireland) 2011, 499

Rates (Industrial Hereditaments) (Specified Percentage) Order (Northern Ireland) 2011, 490

Rates (Regional Rates) Order (Northern Ireland) 2011, 495

McLaughlin, Mr Mitchel

Executive Committee Business

Budget 2011-15: Programme for Expenditure, 227, 228, 228–9, 229, 229–30, 230

Justice Bill (NIA 1/10)

Further Consideration Stage, 71

Ministerial Statements

Northern Health and Social Care Trust: Clostridium Difficile, 444

Oral Answers

Social Development

Social Investment Fund, 369

Written Answers

Culture, Arts and Leisure

Funding for Motorsport, WA217

Motorsport Programme, WA216

Environment

Illegal Waste Activity at 67 Tullyrusk Road, Hannahstown, Belfast, WA52

Regional Development

DRD: Revenue, WA197

Social Development

Benefit Changes, WA328

McNarry, Mr David

Executive Committee Business

Budget 2011-15: Programme for Expenditure, 217–18, 218, 218–9, 219, 223, 229, 231, 237, 241, 242, 250, 264, 274

Justice Bill (NIA 1/10)

Final Stage, 551

Rates (Regional Rates) Order (Northern Ireland) 2011, 496

Ministerial Statements

Health: Capital Priorities, 537

Oral Answers

Office of the First Minister and deputy First Minister

Maze/Long Kesh: Delisting, 26

Written Answers

Employment and Learning

Students: Employability Certificates, WA238

Finance and Personnel

Parking Charges, WA55

Office of the First Minister and deputy First Minister
Efficiency Review Panel, WA208
Regional Development
Impact of Parking Charges on Retail, WA77
Parking Charges, WA76
Parking Tickets, WA76

McQuillan, Mr Adrian

Oral Answers
Agriculture and Rural Development
Common Agricultural Policy, 396
Enterprise, Trade and Investment
Employment, 562
Private Members' Business
Local Government (Disqualification) Bill (NIA 7/09)
Final Stage, 318
Written Answers
Enterprise, Trade and Investment
Business: Insolvency, WA247
Finance and Personnel
Departmental Staff: Deputising, WA253
Number of Staff Employed in each Department, WA251, WA252
Health, Social Services and Public Safety
Antrim Area Hospital: Palliative Care Unit, WA71

Maginness, Mr Alban

Executive Committee Business
Damages (Asbestos-related Conditions) Bill (10/10)
Final Stage, 485–6
Budget 2011-15: Programme for Expenditure, 243, 253, 266, 275
Justice Bill (NIA 1/10)
Further Consideration Stage, 40–41, 42, 54, 58, 60, 61, 66–7, 67, 67–8, 87–8, 88, 91, 97, 97–8, 98
Exceptional Further Consideration Stage, 482–3
Final Stage, 551–2
Oral Answers
Social Development
Housing: Girdwood, 366, 367
Written Answers
Education
Newbuild for the Holy Family Primary School Newington, Belfast, WA150
Enterprise, Trade and Investment
Board of the Presbyterian Mutual Society, WA242

Office of the First Minister and deputy First Minister
Appointment of a New High Court Judge, WA97
St Andrews Agreement, WA14–15

Maginness, Mr Alban (as Chairperson of the Committee for Enterprise, Trade and Investment)

Committee Business
European Issues: Committee for OFMDFM Report, 108, 109
Executive Committee Business
Energy Bill: Legislative Consent Motion, 352–3

Maskey, Mr Alex

Executive Committee Business
Budget 2011-15: Programme for Expenditure, 227, 231, 236, 257, 257–9
Planning Bill (NIA 7/10)
Consideration Stage, 189
Further Consideration Stage, 454–5
Oral Answers
Education
LILAC Project, 470
Enterprise, Trade and Investment
Employment, 561, 562
Culture, Arts and Leisure
Sports Stadia, 35, 36
Written Answers
Education
Schools: Capital Building Programme, WA229
Employment and Learning
Belfast Metropolitan College: Titanic Quarter, WA239
Justice
Victims of Crime, WA181
Victims of Crime: Support, WA180

Maskey, Mr Paul

Ministerial Statements
Higher Education: Participation, 6
Higher Education: Tuition Fees and Student Finance, 414
Proposed Discontinuance of Stranmillis University College and Merger with QUB, 387
Water Services: Freeze-Thaw December 2010, 124
Written Answers
Enterprise, Trade and Investment
Belfast Harbour Estate, WA155
Invest NI, WA155
Invest NI, the Industrial Development Board and the Local Enterprise Development Unit, WA154, WA155

Health, Social Services and Public Safety
Royal Victoria Hospital: Critical Care Centre,
WA69
Social Development
Flats at 127 Woodvale Road, Belfast, WA94
Rodent Infestations, WA94

**Maskey, Mr Paul (as Chairperson of the Public
Accounts Committee)**

Assembly Business
Privilege: Leak of PAC Report, 477

Molloy, Mr Francie

Ministerial Statements
Health, Social Services and Public Safety
Northern Health and Social Care Trust:
Clostridium Difficile, 445–6
Oral Answers
Agriculture and Rural Development
Forests, 395, 396
Finance and Personnel
Government: Joint Services, 403, 404
Office of the First Minister and deputy First
Minister
Victims: ‘Dealing with the Past’, 26
Poverty and Deprivation, 464, 465
Regional Development
NI Water: PAC Report, 362, 363

Molloy, Mr Francie (as Deputy Speaker)

Committee Business
European Issues: Committee for OFMDFM
Report, 105, 108, 109, 110
Successful Post-Primary Schools Serving
Disadvantaged Communities, 512, 515, 516,
517, 518, 519, 520, 523
Museums: Impact and Value, 581, 588
Executive Committee Business
Budget 2011-15: Programme for Expenditure,
272, 273, 275, 279, 280, 281, 282, 288
Fishing Boats (Electronic Transmission of
Fishing Activities Data) Scheme (Northern
Ireland) 2011, 506
High Hedges Bill (NIA 15/09)
Further Consideration Stage, 8, 12, 17, 25
Planning Bill (NIA 7/10)
Consideration Stage, 169, 183, 187, 188–9
Protection of Freedoms Bill: Legislative
Consent Motion, 510
Ministerial Statements
Employment and Learning
Higher Education: Participation, 4, 7

Private Members’ Business
Autism Bill (NIA 2/10)
Further Consideration Stage, 113, 115
Single Use Plastic Bags Bill (NIA 8/10)
Consideration Stage, 207, 211, 214

Morrow, The Lord

Assembly Business, 437, 438
Executive Committee Business
Budget 2011-15: Programme for Expenditure,
235, 237, 237–8, 238, 239, 242
Justice Bill (NIA 1/10)
Further Consideration Stage, 94, 95, 95–6,
101–2
Exceptional Further Consideration Stage,
482, 484
Oral Answers
Finance and Personnel
Altnagelvin Area Hospital: Radiotherapy Unit,
403
Justice
DOJ: Budget, 155
Regional Development
A5 Dual Carriageway, 361
Private Members’ Business
Autism Bill (NIA 2/10)
Final Stage, 434–5
Speaker’s Business
End of Mandate, 531
Written Answers
Employment and Learning
Students: Sexual Offences Prevention Order,
WA40, WA293
Environment
Extended Driving Test, WA47
Health, Social Services and Public Safety
Care Packages, WA62
Employing Locums from Outside Northern
Ireland, WA169
European Centre for Connected Health, WA280
Health and Social Care Trusts, WA165
Review into the Western Health and Social
Care Trust, WA58
Staff Mobile Phone Bills, WA169
Justice
Case Number 10/80754 and 11/16273,
WA179
Disturbance at Maghaberry Prison on 7
March 2011, WA292
Operation Mazurka, WA180
Operation Ore, WA292
Republican Parade in Rosslea, WA291

Regional Development
Blue Badge
Entitlement Criteria, WA184
Renewal, WA184
Fraudulent Blue Badges, WA182
Social Development
Answers to Assembly Questions, WA336
Charity Commission, WA324
Public Realm Schemes: Dungannon, WA201

Morrow, The Lord (as Chairperson of the Committee for Justice)

Executive Committee Business
Departments (Transfer of Functions) Order
(Northern Ireland) 2011, 349–50
Justice Bill (NIA 1/10)
Further Consideration Stage, 40, 45, 55, 56,
81–2, 92
Final Stage, 549–50

Moutray, Mr Stephen

Matters of the Day
Lance Corporal Stephen McKee, 373
Oral Answers
Agriculture and Rural Development
Single Farm Payments, 399
Justice
Parades: Lurgan, 149
Office of the First Minister and deputy First
Minister
Community Relations: Craigavon, 468, 469
Written Answers
Education
Impact of Draft Budget: Upper Bann, WA114
Health, Social Services and Public Safety
Craigavon Area Hospital: X-rays, WA71
Fire and Rescue Service, WA64

Moutray, Mr Stephen (as Chairperson of the Committee for Agriculture and Rural Development)

Executive Committee Business
Budget 2011-15: Programme for Expenditure,
227

Murphy, Mr Conor (as Minister for Regional Development)

Ministerial Statements
Water Services: Freeze-Thaw December 2010,
118–19, 119–20, 120, 120–1, 121, 121–2,
122, 122–3, 123, 123–4, 124, 124–5, 125,
125–6, 126, 126–7, 127, 128, 129
Oral Answers
A5 Dual Carriageway, 361, 362
Funding, 358, 358–9, 359, 359–60

NI Water: PAC Report, 362–3, 363, 363–4, 364
Railways: Sustainability, 360, 361
Water: Governance, 364–5, 365

Written Answers

A24 Ballynahinch to Belfast Road, WA81
A32 Improvement Schemes, WA197
A5 Road Scheme, WA196
A5: Traffic Levels, WA192–3
A6 Londonderry to Dungiven Dual Carriageway
Project, WA78
A6 Road Improvement Project, WA183–4
Assembly Legislation, WA82
Belfast – Dublin Enterprise, WA187–9
Belfast Harbour Commissioners, WA189
Belfast-Derry Railway Track, WA299
Blue Badge Scheme, WA75–6
Blue Badge
Entitlement Criteria, WA184
Renewal, WA184
Broken Down Buses, WA299
Car Park in Millisle Beach Park, WA77
Car Parking at Foyle Street, Bishop Street and
Shipquay Street, Derry, WA301
City of Derry Airport, WA81–2, WA82
Coleraine to Londonderry Track Relay, WA299
Consultation Documents, WA184–6
Cycle Lanes, WA83
Decentralisation of Public Sector Jobs, WA190,
WA298
Derry-Dungiven A6 Upgrade, WA303
Disability Living Allowance, WA303
Domestic Water Charges, WA296
Door-to-Door Service in the South Antrim Area,
WA84
DRD and NI Water: Christmas 2010, WA196
DRD
Investment, WA198
Procurement, WA195–6
Revenue, WA197
Dungiven Bypass, WA183
Footpath Between Ballymena and Cullybackey,
WA191
Footpath Between Cargan and GAC Con Magee
Entrance, WA191
Footpath Between Martinstown Village and the
Church of Mary Queen of Peace, Martinstown,
WA191–2
Fraudulent Blue Badges, WA182–3
Freedom of Information Requests, WA304
Frosses Road, County Antrim, WA304
Impact of Parking Charges on Retail, WA77
Information Commissioner's Office, WA302–3
Introduction of Car Parking Charges, WA193–4
LED Lights in Traffic Lights, WA300

Legal Fees, WA295–6
 Legal Services, WA297–8
 Magee Campus, Derry, WA301
 New CAF 4000 Trains to NI Railway Services, WA192
 New Sewerage Pipe for Millisle, WA183
 NI Water Infrastructure Extension Modifications, WA190
 NI Water, WA81, WA195, WA197, WA302
 Expenditure, WA194–5
 Priority Register, WA193
 Supply Infrastructure, WA186
 Office Of National Statistics, WA302
 On-Street Parking Charges, WA300–1
 Parking Charges, WA76
 Parking Tickets, WA76, WA82–3
 Personal Injury Claims, WA84
 Portadown Railway Station, WA297
 Procurement Breaches, WA295
 Public Accounts Committee's Report:
 Measuring the Performance of NI Water and
 Procurement and Governance in NI Water, WA301
 Rail Line Between Lisburn and Lurgan, WA189
 Railway Line: Knockmore, Lisburn, Lurgan, WA187
 Reclassification of NI Water, WA296
 Refurbishment Work at Coleraine Train Station, WA84
 Replacement of Street Lights in Springhill Road, Bangor, WA300
 Replacing Lead Supply Pipes, WA192
 Reservoir Storage Capacity and Pipe Replacement in Private Properties, WA304–5
 Road Improvements and Road Surface Maintenance, WA78–80
 Road Maintenance Network: South Down, WA194
 Roads in the Ards Peninsula, WA77–8
 Roads Maintenance, WA195
 Safe Routes to School, WA81
 Seagahan Dam, Armagh, WA83
 Shankill Estate, Lurgan, WA299–300
 Social Clause Requirements, WA297
 Speed Limits: Schools, WA198
 Speed Reduction Measures in Straid, Antrim, WA303
 Street Lighting Schemes, WA302
 Suicide Prevention, WA182
 Translink: Larne, WA194
 Trust Port Legislation, WA190
 Trust Ports, WA304
 Ulster Bus Services, WA190
 Water Meters, WA295
 Water Shortage Crisis, WA193

Written Ministerial Statements
 Review of the Regional Transportation Strategy – Consultation, WMS2

Neeson, Mr Sean

Executive Committee Business
 Budget 2011-15: Programme for Expenditure, 292
 Oral Answers
 Agriculture and Rural Development
 Agritourism, 401
 Speaker's Business
 End of Mandate, 529–30
 Written Answers
 Employment and Learning
 Northern Regional College, Larne, WA238

Neeson, Mr Sean (as a representative of the Assembly Commission)

Written Answers
 Capital Projects, WA339
 Energy Efficiency in Parliament Buildings, WA339–40
 Maintenance for Parliament Buildings, WA202–3
 Paper Used in the Assembly, WA337–8

Newton, Mr Robin (as junior Minister in the Office of the First Minister and deputy First Minister)

Executive Committee Business
 Public Bodies Bill: Legislative Consent Motion, 105
 Oral Answers
 Office of the First Minister and deputy First Minister
 Childcare Strategy, 466, 467
 Child Poverty Strategy, 466, 467

Ní Chuilín, Ms Carál

Executive Committee Business
 Justice Bill (NIA 1/10)
 Further Consideration Stage, 82–3, 85, 88
 Oral Answers
 Employment and Learning
 Belfast Metropolitan College: Titanic Quarter, 556, 557
 Justice
 Maghaberry Prison: Drugs, 152
 Office of the First Minister and deputy First Minister
 HM Coastguard, 29
 Regional Development
 Railways: Sustainability, 360
 Written Answers
 Employment and Learning
 Adult Education Services, WA237

Health, Social Services and Public Safety
Action on Disability, WA61
Social Development
Benefits, WA331
Common Selection Scheme, WA329
Consultations, WA308
Girdwood Barracks Site in Belfast, WA199
Housing: North Belfast, WA200
Mortgage Rescue Scheme, WA323
Neighbourhood Renewal: Funding, WA328
Nelson Street Site in Belfast, WA199
Royal Exchange Development, WA323
Shared Housing, WA322
Social Development Housing Programme
for North and West Belfast and Derry City,
WA308

Ní Chuilín, Ms Carál (as Deputy Chairperson of the Committee for Social Development)

Executive Committee Business
Housing (Amendment) Bill (NIA 32/09)
Final Stage, 340–2

O'Dowd, Mr John

Committee Business
Successful Post-Primary Schools Serving
Disadvantaged Communities, 515, 515–16,
516
Executive Committee Business
Budget 2011-15: Programme for Expenditure,
232, 260, 268–9, 269–70, 270
Justice Bill (NIA 1/10)
Further Consideration Stage, 42–3, 53–4,
54, 54–5, 55, 56, 61
Matters of the Day
Lance Corporal Stephen McKee, 373–4
Ministerial Statements
Higher Education: Tuition Fees and Student
Finance, 415
Oral Answers
Agriculture and Rural Development
Rural White Paper, 400
Justice
DOJ: Budget, 154
Written Answers
Social Development
Moyraferity Flats Retail Complex, WA327

O'Loan, Mr Declan

Executive Committee Business
Budget 2011-15: Programme for Expenditure,
229, 231, 233–4, 234, 234–5, 235, 237,
248, 288

Ministerial Statements
Water Services: Freeze-Thaw December 2010,
123

Oral Answers

Agriculture and Rural Development
Farm Mapping, 398
Enterprise, Trade and Investment
Giant's Causeway: Interpretative Centre,
563–4
Finance and Personnel
Finance Ministers, 406
Office of the First Minister and deputy First
Minister
Victims: 'Dealing with the Past', 25, 25–6

Written Answers

Culture, Arts and Leisure
Foras na Gaeilge, WA216
Funds Allocated to the Three Regional
Sports Stadia, WA111–12

Education

Departmental Forward Work Programme,
WA150
Irish Medium and Integrated Education, WA150
Provisions for Opting Out of Religious
Education, WA223
Religious Education, WA224, WA225

Finance and Personnel

HR Connect, WA55
Office of the First Minister and deputy First
Minister
Emergency Hardships, WA205
European Microfinance Scheme: PROGRESS,
WA1

Regional Development

Footpath Between Ballymena and
Cullybackey, WA190
Footpath Between Cargan and GAC Con
Magee Entrance, WA191
Footpath Between Martinstown Village and
the Church of Mary Queen of Peace,
Martinstown, WA191
NI Water, WA197
Social Development
Devenagh Way Flats in the Rectory Estate,
Ballymena, WA327

O'Loan, Declan (as Deputy Chairperson of the Committee for Culture, Arts and Leisure)

Committee Business
Museums: Impact and Value, 581–2

O'Neill, Mrs Michelle

Executive Committee Business
Budget 2011-15: Programme for Expenditure,
235–6, 236–7, 237, 243

Ministerial Statements
Health: Capital Priorities, 535
Northern Health and Social Care Trust:
Clostridium Difficile, 442

Oral Answers

Health, Social Services and Public Safety
Health: Shared Services, 147

Private Members' Business

Autism Bill (NIA 2/10)
Final Stage, 420–1

Written Answers

Assembly Commission
Capital Projects, WA339

Education

Voluntary Grammar Schools, WA151

Health, Social Services and Public Safety

Interim Management and Support Reports,
WA166

New Build for Oakridge Social Education
Centre, Dungannon, WA286

Older People Assessed for Care Needs,
WA165

Justice

Family Courts: Mediation, WA73

Regional Development

Roads Maintenance, WA195

O'Neill, Mrs Michelle (as Deputy Chairperson of the Committee for Health, Social Services and Public Safety)

Executive Committee Business

Health and Social Care Bill: Legislative
Consent Motion, 131–2

Poots, Mr Edwin (as Minister of the Environment)

Executive Committee Business

Clean Neighbourhoods and Environment Bill
(NIA 31/09)

Final Stage, 333–4, 334–5, 337

Code of Audit Practice, 540, 541

High Hedges Bill (NIA 15/09)

Further Consideration Stage, 8, 9, 11, 21–2,
22, 22–3, 24

Final Stage, 389–90, 394–5

Marine Licensing (Appeals) Regulations
(Northern Ireland) 2011, 478–9, 479

Marine Licensing (Civil Sanctions) Order
(Northern Ireland) 2011, 480

Planning Bill (NIA 7/10)

Consideration Stage, 134, 158–61, 163,
164–5, 168–9, 169, 171–3, 180, 183,
185, 187, 187–8, 188, 189, 189–90, 190,
190–1, 192, 196, 197

Further Consideration Stage, 450, 455–6,
456, 458, 459, 460, 462, 463

Final Stage, 541–2, 546, 546–7, 547, 547–8

Suspension of Standing Orders: Planning Bill
(NIA 7/10), 477

Ministerial Statements

British-Irish Council: Environment, 330–1, 331,
331–2, 332, 332–3

Road Safety Strategy, 375–8, 378–9, 379,
380, 380–1, 381, 382

Private Members' Business

Single Use Carrier Bags Bill (NIA 8/10)
Final Stage, 593

Single Use Plastic Bags Bill (NIA 8/10)
Consideration Stage, 213

Written Answers

Environment

Decentralisation of Public Sector Jobs, WA249

Department's Capital or Current Spend
Projects, WA157

Downpatrick Divisional Planning Office, WA250

Draft PPS 16: Tourism, WA51

EU Nitrates Directive, WA157

Extended Driving Test, WA48

Health Risks Associated with Illegal Waste
Sites, WA53

Heavy Goods Vehicles Drivers, WA51–2

High Hedges Bill, WA251

Historic Buildings Grant Scheme, WA251

Illegal Waste Activity at 67 Tullyrusk Road,
Hannahstown, Belfast, WA52, WA158

Kerb-Side Glass Recycling Facilities, WA51
Legislation, WA49

Licensed Taxi Drivers, WA52

NI Water Infrastructure, WA52

Planning Application by Tesco for the Outlet
Centre at Banbridge., WA248

Planning Application, WA50

Planning Applications, WA48

Removal of Waste at Ballymartin Gaelic
Athletic Club in Ballymartin, WA52

Road Vehicle Licences, WA156–7

Rose Energy Incinerator at Glenavy, WA53–4

Rose Energy's Incinerator Plant at Glenavy,
WA158

Sixmilewater River: Sampling, WA249–50

Suicide Prevention, WA50–1

Website for Tracking Planning Applications,
WA48

Wind Farm at Fardross, Slieve Beagh,
Clogher, WA53

Purvis, Ms Dawn

Executive Committee Business
Budget 2011-15: Programme for Expenditure, 282
Oral Answers
Office of the First Minister and deputy First Minister
Victims: 'Dealing with the Past', 26
Private Members' Business
Local Government (Disqualification) Bill (NIA 7/09)
Final Stage, 297-9, 303, 304, 307, 323, 324, 324-5, 325, 325-6, 326, 326-7, 327
Written Answers
Education
Departmental Expenditure Limit Budget, WA145
Employment and Learning
Priority 1 of the European Social Fund, WA43
European Social Fund, WA46
Enterprise, Trade and Investment
Business Start-Ups: East Belfast, WA246
Health, Social Services and Public Safety
Acute Mental Health Services, WA281
Death Rate from Cancer, WA280
Mental Ill-Health in East Belfast, WA280
Office of the First Minister and deputy First Minister
Child Poverty, WA207
Child Poverty Act, WA96
Child Poverty Strategy, WA95, WA96
European Micro-Loan Funding, WA97

Ramsey, Mr Pat

Assembly Business
Suspension of Standing Orders, 439
Committee Business
European Issues: Committee for OFMDFM Report, 109, 112
Executive Committee Business
Budget 2011-15: Programme for Expenditure, 246-7, 247, 293
Ministerial Statements
Health: Capital Priorities, 539
Higher Education: Participation, 6
Higher Education: Tuition Fees and Student Finance, 414-15
Proposed Discontinuance of Stranmillis University College and Merger with QUB, 388
Road Safety Strategy, 381-2
Oral Answers
Employment and Learning
Student Fees, 553

Enterprise, Trade and Investment
Tourism, 560
Health, Social Services and Public Safety
Altnagelvin Area Hospital: Radiotherapy Unit, 402, 403
Office of the First Minister and deputy First Minister
Social Investment Fund, 465
Private Members' Business
Autism Bill (NIA 2/10)
Further Consideration Stage, 114
Final Stage, 425, 425-7
Written Answers
Culture, Arts and Leisure
Irish Football Association, WA25
Employment and Learning
Additional Budget Allocation, WA235
Health, Social Services and Public Safety
16 and 17 Year Olds Placed in Unregulated Accommodation, WA279
Altnagelvin Area Hospital: Radiotherapy Unit, WA70
Asylum-Seeking Children, WA279
Foyleville Nursing Home, WA62
Northern Ireland Music Therapy Trust: Funding, WA175
Office of the First Minister and deputy First Minister
City of Culture 2013, WA15

Ramsey, Mr Pat (as a representative of the Assembly Commission)

Written Answers
Assembly Commission
Pay and Conditions for Assembly Staff, WA338

Ramsey, Ms Sue

Ministerial Statements
Health: Capital Priorities, 537-8
Higher Education: Participation, 4, 5
Higher Education: Tuition Fees and Student Finance, 412
Northern Health and Social Care Trust: Clostridium Difficile, 445
Proposed Discontinuance of Stranmillis University College and Merger with QUB, 385-6
Oral Answers
Employment and Learning
Queen's University Belfast and Stranmillis University College: Controlled Schools, 554-5
Health, Social Services and Public Safety
Altnagelvin Area Hospital: Neurology, 148

Suicide Prevention, 144

Justice

McGurk's Bar: Police Ombudsman's Report, 149, 150

Regional Development

Water: Governance, 364, 365

Private Members' Business

Autism Bill (NIA 2/10)

Final Stage, 423–4

Written Answers

Education

Suicide Prevention, WA134

Employment and Learning

European Social Fund, WA42, WA43, WA154

Tranche 2, WA152

Former Deputy Director of Business Services at Belfast Metropolitan College, WA236

Gateway Review Recommendations, WA237

Interim Chairperson of the Board of Belfast Metropolitan College, WA236

Suicide Prevention, WA41

Training for Women Network, WA43

Enterprise, Trade and Investment

Suicide Prevention, WA46

Environment

Suicide Prevention, WA50

Finance and Personnel

Enterprise Zone, WA161

Health, Social Services and Public Safety

Domiciliary, Residential and Nursing Care, WA163, WA164

Formal Complaints Received by Health and Social Care Trusts, WA266

Mixed-Sex Wards, WA166

Phase II of the Royal Victoria Hospital Redevelopment Plan, WA 64

Reduce Suicide Rates, WA168

Suicide Prevention Initiatives, WA168

Justice

Suicide Prevention, WA72

Office of the First Minister and deputy First Minister

Suicide Prevention, WA12

Regional Development

Suicide Prevention, WA182

Social Development

Suicide Prevention, WA88

Work Carried Out On A Property, WA326

Ritchie, Ms Margaret

Executive Committee Business

Budget 2011-15: Programme for Expenditure, 219–21, 221, 287, 294

Written Answers

Agriculture and Rural Development

Breakwater at Kilkeel Harbour, WA213–14

Education

Education and Training Inspectorate, WA135–6, WA143, WA146, WA147, WA148

Membership, WA142

Travel Costs, WA143

Value For Money Surveys, WA218

Employment and Learning

Education and Training Inspectorate, WA44

Essential Skills and Training for Success Programme, WA233

Essential Skills Strategy, WA42

Enterprise, Trade and Investment

Presbyterian Mutual Society, WA245

Environment

Downpatrick Divisional Planning Office, WA250

Health, Social Services and Public Safety

Domiciliary Home Care Packages, WA283

Home-Start Scheme in Newcastle and Ballynahinch, WA61, WA68

Hospitals: Delayed Discharges, WA69

Services for Stroke Victims, WA172

Justice

Investigation into the Killing of Six Men at O'Toole's Bar in Loughinisland, WA178

Police Clearance Through Access NI, WA181

Regional Development

Belfast Harbour Commissioners, WA189

Road Maintenance Network: South Down, WA194

Trust Port Legislation, WA189

Trust Ports, WA304

Robinson, Mr George

Executive Committee Business

Budget 2011-15: Programme for Expenditure, 261, 275

Ministerial Statements

Water Services: Freeze-Thaw December 2010, 121

Oral Answers

Social Development

Housing: East Londonderry, 365

Private Members' Business

Autism Bill (NIA 2/10)

Final Stage, 430–1

Written Answers

Employment and Learning

Apprenticeships, WA240

Enterprise, Trade and Investment

Invest NI, WA247

Health, Social Services and Public Safety
Cardiac Emergency Ambulance Service, WA291
Emergency Ambulance, WA287
Renal Dialysis Beds, WA173
Waiting List for Cataract Removals, WA282
Regional Development
Blue Badge Scheme, WA75
Coleraine to Londonderry Track Relay, WA299
Dungiven Bypass, WA183
New CAF 4000 Trains to NI Railway Services,
WA192
Refurbishment Work at Coleraine Train
Station, WA84
Replacing Lead Supply Pipes, WA192
Social Development
Disability Living Allowance, WA326

Robinson, Mr Ken

Committee Business
Museums: Impact and Value, 584–5, 589
Ministerial Statements
Health: Capital Priorities, 538–9
Higher Education: Participation, 7
Higher Education: Tuition Fees and Student
Finance, 413
Proposed Discontinuance of Stranmillis
University College and Merger with QUB, 387
Oral Answers
Culture, Arts and Leisure
Motorsport: Safety, 33
Education
Schools: Maintenance, 475
Enterprise, Trade and Investment
Employment, 562
Justice
Policing, 154
Office of the First Minister and deputy First
Minister
Civic Forum, 470
Regional Development
A5 Dual Carriageway: Funding, 359
Social Development
Social Investment Fund, 369
Written Answers
Education
Consultations, WA32
Education Psychology Service, WA35
Policy on Supporting Ethnic Minority Children
and Young People, WA34
Review of Literacy and Numeracy Strategy,
WA31
Justice
Larne Probation Office, WA73

Robinson, Mr Peter

Executive Committee Business
Budget 2011-15: Programme for Expenditure,
247–8, 248, 249, 249–50, 250, 256, 291
Justice Bill (NIA 1/10)
Further Consideration Stage, 98
Private Members' Business
Local Government (Disqualification) Bill
(NIA 7/09)
Final Stage, 326

Robinson, Mr Peter (as the First Minister)

Oral Answers
Office of the First Minister and deputy Minister
Child Poverty Strategy, 466
Childcare Strategy, 466
Civic Forum, 469, 469–70 470
Community Relations: Craigavon, 468–9, 469
Fuel Prices, 467, 467–8, 468
Poverty and Deprivation, 464–5, 465
Social Investment Fund, 464–5, 465
Speaker's Business
End of Mandate, 525–6
Written Answers
Office of the First Minister and deputy First
Minister
Appointment of a New High Court Judge, WA97
Appointments and Nominations, WA2–4
Arm's-Length Bodies, WA95
Budget Priorities, WA208–9
Child Poverty, WA207
Child Poverty Act, WA96
Child Poverty Strategy, WA95, WA96
City of Culture 2013, WA15
Decentralisation of Public Sector Jobs, WA97
Draft Programme for Cohesion, Sharing and
Integration, WA13
Draft Savings Delivery Plans, WA1
Efficiency Review Panel, WA208
Emergency Hardships, WA205
European Commission Task Force, WA207
European Microfinance Scheme: PROGRESS,
WA1–2
European Micro-Loan Funding, WA97–8
Executive: Key Achievements, WA209–10
Fuel Price Stabilizer, WA206
Maritime and Coastguard Agency, WA12
Maze/Long Kesh Development Unit, WA10–11
Maze/Long Kesh Site, WA11
Military Sites, WA210
Northern Ireland Commissioner for Children
and Young People, WA4
Playboard Administered Funding, WA207
Playboard: Funding, WA97

Presbyterian Mutual Society, WA205
 Programme for Cohesion, Sharing and
 Integration, WA15
 Race Relations (Northern Ireland) Order
 1997, WA207
 Regional Childcare Strategy, WA13–14
 Report into the Commissioner for Children
 and Young People, WA11
 S.A.V.E.R. N.A.V.E.R. Organisation, WA11
 Severe Child Poverty in Northern Ireland,
 WA96
 St Andrews Agreement, WA14–15
 St Patrick's Barracks in Ballymena, WA12–13
 Strategic Investment Board, WA5–WA9
 Strategic Support Fund, WA9–10
 Suicide Prevention, WA12
 Ulster Defence Regiment Memorial, WA12
 US Visits, WA210–11
 Use of Funding, WA206
 Victims and Survivors Groups, WA208
 Written Ministerial Statements
 Executive Response to the Independent Review
 of the Dioxin Incident, WMS3

Ross, Mr Alastair

Executive Committee Business
 High Hedges Bill (NIA 15/09)
 Further Consideration Stage, 13, 16, 17, 18,
 21, 24
 Planning Bill (NIA 7/10)
 Consideration Stage, 187
 Ministerial Statements
 Road Safety Strategy, 379
 Oral Answers
 Regional Development
 A5 Dual Carriageway: Funding, 358
 Private Members' Business
 Local Government (Disqualification) Bill (NIA
 7/09)
 Final Stage, 301, 302, 302–3, 303, 303–4,
 304, 306, 307, 310, 324, 325
 Single Use Carrier Bags Bill (NIA 8/10)
 Final Stage, 592–3
 Single Use Plastic Bags Bill (NIA 8/10)
 Consideration Stage, 209, 209–10
 Written Answers
 Agriculture and Rural Development
 Rural Development Programme, WA109
 Employment and Learning
 Budget 2011-15, WA239
 Justice
 Larne Probation Office, WA72
 Budget 2011-15

Ruane, Ms Caitríona (as Minister of Education)

Committee Business
 Successful Post-Primary Schools Serving
 Disadvantaged Communities, 518–19, 519,
 519–20, 520
 Oral Answers
 Education
 DE: Budget 2011-15, 475–6, 476
 DE: Capital Projects, 471–2, 472, 473
 LILAC Project, 470, 470–1
 Primary School Admissions: Bangor, 471
 Schools: Maintenance, 475
 St Peter's Primary School, Charlemont, 473,
 474, 474–5
 Written Answers
 Education
 Accumulation of Budgetary Surpluses, WA219
 After School Homework Clubs, WA146
 Assaults on School Staff, WA31
 Behavioural Difficulties, WA26
 Boards of Governors, WA141–2
 Bytes Projects Based in West Belfast, WA37
 Colin Area of Belfast, WA27–8
 Commissioners for the South Eastern
 Education and Library Board, WA36–7
 Consultations, WA32–4
 Convergence Programme Management
 Board, WA36, WA37
 Cycle to Work Scheme, WA29
 DE: Draft Spending Plan, WA230
 DE: Performance and Efficiency Delivery
 Unit, WA228
 Decentralisation of Public Sector Jobs, WA145
 Departmental Budget, WA115
 Departmental Expenditure Limit Budget,
 WA145
 Departmental Forward Work Programme,
 WA150
 Development of a Strategic Plan for Schools,
 WA143–4
 Draft Partnership Agreement, WA38
 Dromore Central Primary School, WA230
 Education and Skills Authority, WA144,
 WA144–5
 Education and Training Inspectorate, WA136,
 WA139, WA141, WA143, WA146–7,
 WA147, WA148
 Membership, WA142
 Travel Costs, WA143
 Value For Money Surveys, WA218–19
 Education and Training Inspectors, WA218
 Education Psychology Service, WA35
 Enrolment Figures, WA29

Enrolment Places, WA29
 Formal Intervention Programme, WA137
 Free School Meal Entitlement, WA131–4
 Funded Preschool Places, WA226
 Funding for Irish Football Association and GAA Youth Schemes, WA227
 Funding for Voluntary Organisations, WA225
 GCSE and GCE A-Level Irish, WA115–21
 General Teaching Council, WA27
 Head Teachers: Restrictions, WA137
 Health and Safety Issues, WA221
 Homework Support for the Chinese Community, WA146
 Impact of Draft Budget: Upper Bann, WA114
 Independent Counselling Service for Schools, WA231
 Interactive Computerised Assessment System, WA221, WA222, WA222–3
 Irish Medium School: Castlederg, WA135
 Irish Medium and Integrated Education, WA150
 Languages Strategy, WA26–7
 Loreto College, Coleraine, WA228–9
 Minister for Education and Skills, WA228
 Mobile Classroom Provision, WA226–7
 New Primary School in Carrick, Warrenpoint, WA31
 Newbuild for the Holy Family Primary School Newtown, Belfast, WA150–1
 Newbuild or Maintenance Schemes in Upper Bann, WA148–9
 Policy on Supporting Ethnic Minority Children and Young People, WA34–5
 Primary Schools that Currently Teach Irish and Spanish, WA121–31
 Private Finance Initiative Contract, WA38
 Professional Development For Teachers, WA141
 Provisions for Opting Out of Religious Education, WA149–50, WA223–4
 Redundancies, WA227–8
 Religious Education, WA224–5
 Review of Literacy and Numeracy Strategy, WA31–2
 Ring-fenced Funding for Special Education, WA30
 Rural Outreach Workers, WA138–9
 School Inspections, WA39, WA140, WA141
 School Places, WA30
 Schools Careers Service Partnership Agreement, WA225–6
 Schools: Budgets, WA231
 Schools: Capital Building Programme, WA229
 Social Clause Requirements, WA137–8

South Eastern Education and Library Board, WA135
 Suicide Prevention, WA134–5
 Suspended Teachers, WA36
 Teachers and Principals Deemed Unsatisfactory, WA28
 Teachers: Job Losses, WA229–30
 Temporary Buildings, WA149
 Training and Support Delivered by Education and Library Boards, WA220
 Training and Support for Boards of Governors and Teachers, WA220
 Training for Education and Library Board Officers, WA219
 Vacancies for Enrolment, WA28–9
 Voluntary Grammar Schools, WA151
 Withdrawal of Funding from Preparatory Departments of Grammar Schools, WA223, WA224
 Year 1 School Places, WA37–8

Savage, Mr George

Executive Committee Business
 Budget 2011-15: Programme for Expenditure, 254
 Clean Neighbourhoods and Environment Bill (NIA 31/09)
 Final Stage, 337
 High Hedges Bill (NIA 15/09)
 Further Consideration Stage, 11
 Final Stage, 393–4
 Planning Bill (NIA 7/10)
 Consideration Stage, 157, 157–8, 168, 182–3, 183, 197
 Final Stage, 545–6
 Ministerial Statements
 Road Safety Strategy, 381
 Oral Answers
 Regional Development
 A5 Dual Carriageway, 362
 Private Members' Business
 Local Government (Disqualification) Bill (NIA 7/09)
 Final Stage, 312–13, 313
 Written Answers
 Education
 Funding for Voluntary Organisations, WA225

Sheehan, Mr Pat

Committee Business
 Museums: Impact and Value, 583–4
 Ministerial Statements
 Water Services: Freeze-Thaw December 2010, 126

Oral Answers

- Culture, Arts and Leisure
 - Football: Attendances, 35
- Office of the First Minister and deputy First Minister
 - Arm's-length Bodies, 31

Written Answers

- Culture, Arts and Leisure
 - Amateur Boxing, WA113

Speaker (Mr William Hay)

- Assembly Business, 1, 117, 215, 437, 437–8, 438
 - Budget Bill (NIA 11/10): Royal Assent, 532
 - Caravans Bill (NIA 17/09): Royal Assent, 439
 - Employment Bill (NIA 24/09): Royal Assent, 532
 - Justice Bill (NIA 1/10), 375
 - Local Government Finance Bill (NIA 14/09):
 - Royal Assent, 439
 - Petition of Concern: Planning Bill (NIA 7/10), 438
 - Privilege: Leak of PAC Report, 477
 - Suspension of Standing Orders, 1, 439
 - Transport Bill (NIA 29/09): Royal Assent, 439

Executive Committee Business

- Budget 2011-15: Programme for Expenditure,
 - 215, 218, 219, 221, 223, 229, 230, 231, 232,
 - 233, 234, 235, 237, 263, 264, 267, 268, 270
- Civil Registration Bill (NIA 20/07)
 - Final Stage, 485
- Code of Audit Practice, 541
- High Hedges Bill (NIA 15/09)
 - Final Stage, 392, 395
- Justice Bill (NIA 1/10)
 - Further Consideration Stage, 50, 56, 60, 63,
 - 63–4, 94, 98, 104
 - Exceptional Further Consideration Stage,
 - 482, 484
- Planning Bill (NIA 7/10)
 - Consideration Stage, 157, 163, 192, 205,
 - 206–7
- Suspension of Standing Orders: Justice Bill
(NIA 1/10), 481

Matters of the Day

- Lance Corporal Stephen McKee, 373

Ministerial Statements

- British-Irish Council: Environment, 330
- Health: Capital Priorities, 532, 535, 536, 537,
539, 540
- Higher Education: Participation, 1
- Northern Health and Social Care Trust:
 - Clostridium Difficile, 440
- Proposed Discontinuance of Stranmillis
University College and Merger with QUB, 383
- Water Services: Freeze-Thaw December 2010,
120, 121

Oral Answers

- Education, 475
 - LILAC Project, 470
 - St Peter's Primary School, Charlemont, 474
 - Schools Maintenance, 475
- Health, Social Services and Public Safety
 - Altnagelvin Area Hospital: Neurology, 148,
149
 - Health: Shared Services, 147
 - Lagan Valley Hospital, 144

Justice

- Policing, 154
 - DOJ: Budget, 155
- Office of the First Minister and deputy First Minister, 464
 - Fuel Prices, 468
- Regional Development
 - NI Water: PAC Report, 363
- Social Development
 - Housing: Girdwood, 367, 368
 - Mixed Housing, 369
- Private Members' Business
 - Single Use Carrier Bags Bill (NIA 8/10)
 - Final Stage, 594
- Speaker's Business
 - End of Mandate, 525, 530, 531
 - Standards of Debate, 329

Spratt, Mr Jimmy

Committee Business

- European Issues: Committee for OFMDFM
Report, 107, 111

Executive Committee Business

- Housing (Amendment) Bill (NIA 32/09)
 - Final Stage, 347

Ministerial Statements

- Road Safety Strategy, 381
- Proposed Discontinuance of Stranmillis
University College and Merger with QUB, 388

Oral Answers

Education

- LILAC Project, 470

Justice

- McGurk's Bar: Police Ombudsman's Report,
150
- Office of the First Minister and deputy First Minister
 - Childcare Strategy, 30
- Social Development
 - Village, Belfast: Regeneration, 370
- Private Members' Business
 - Local Government (Disqualification) Bill
(NIA 7/09)
 - Final Stage, 323

Written Answers

- Agriculture and Rural Development
 - Spend on Electricity, WA216
- Finance and Personnel
 - Village, Belfast: Negative Equity, WA161
- Social Development
 - Housing Executive Houses in the My Lady's Road Area of South Belfast, WA90
 - Ravenlink Residents Group in South Belfast, WA91
 - Spend on Electricity, WA305

Storey, Mr Mervyn

Oral Answers

- Education
 - DE: Capital Projects, 473
- Employment and Learning
 - Queen's University Belfast and Stranmillis University College: Controlled Schools, 554
- Enterprise, Trade and Investment
 - Giant's Causeway: Interpretative Centre, 563
- Finance and Personnel
 - Low Carbon Homes Schemes, 406, 407
- Social Development
 - Mixed Housing, 368

Private Members' Business

- Local Government (Disqualification) Bill (NIA 7/09)
 - Final Stage, 308, 309, 311

Written Answers

- Culture, Arts and Leisure
 - Football: North Antrim, WA24
- Health, Social Services and Public Safety
 - Anti-Tumour Necrosis Factor Drugs, WA59
 - Causeway Hospital, WA65
 - Draft Budget 2011-15, WA58
 - Replies to Assembly Questions, WA66
 - Swine Flu: Admissions to Hospital, WA65
- Regional Development
 - Parking Tickets, WA82
 - Safe Routes to School, WA81
- Social Development
 - Small Pockets of Deprivation Programme, WA201

Storey, Mr Mervyn (as the Chairperson of the Committee for Education)

Committee Business

- Successful Post-Primary Schools Serving Disadvantaged Communities, 512-14, 515, 519

Executive Committee Business

- Budget 2011-15: Programme for Expenditure, 240-1, 241, 242

Weir, Mr Peter

Assembly Business

- Suspension of Standing Orders, 1

Executive Committee Business

- High Hedges Bill (NIA 15/09)
 - Further Consideration Stage, 10, 14, 16, 18, 19, 19-20, 20, 21, 24
 - Final Stage, 390-1, 392
- Planning Bill (NIA 7/10)
 - Consideration Stage, 139, 156-7, 175, 175-6, 176, 177, 182, 183, 185, 187
 - Further Consideration Stage, 451-2, 456

Ministerial Statements

- Higher Education: Participation, 5-6
- Higher Education: Tuition Fees and Student Finance, 413
- Proposed Discontinuance of Stranmillis University College and Merger with QUB, 386
- Road Safety Strategy, 380

Private Members' Business

- Local Government (Disqualification) Bill (NIA 7/09)
 - Final Stage, 299-300, 300, 301, 305, 308, 310, 312, 315, 316-17, 317-18, 318, 318-19, 319, 323, 325
- Single Use Carrier Bags Bill (NIA 8/10)
 - Final Stage, 590-1, 591, 594

Written Answers

Education

- After School Homework Clubs, WA146
 - Commissioners for the South Eastern Education and Library Board, WA36
 - Convergence Programme Management Board, WA36
 - Convergence Programme Management Board, WA37
 - Enrolment Figures, WA29
 - Enrolment Places, WA29
 - Funded Preschool Places, WA226
 - Head Teachers: Restrictions, WA137
 - Homework Support for the Chinese Community, WA146
 - South Eastern Education and Library Board, WA135
 - Vacancies for Enrolment, WA28
 - Withdrawal of Funding from Preparatory Departments of Grammar Schools, WA224
- #### Employment and Learning
- European Social Fund, WA233
 - European Social Funding, WA232
 - Students from the Republic of Ireland, WA41
 - Training for Women Network, WA231
 - University Students, WA151

Finance and Personnel
 Increase in Rates Collection, WA56
 Performance and Efficiency Delivery Unit's
 Review of the DHSSPS, WA56
 Small Business Rate Relief Scheme, WA158
 Health, Social Services and Public Safety
 Family Nurse Partnership Pilot Project, WA277
 Mental Health Services, WA287
 Music Therapy Service, WA286, WA287
 Northern Ireland Music Therapy Trust, WA278
 Parkinson's Disease, WA66
 Psychiatric Care, WA170
 Specialist Community Heart Failure
 Services, WA277
 Justice
 Knife Traders, WA293
 Relocating the Compensation Agency to
 Antrim, WA181
 Office of the First Minister and deputy First
 Minister
 European Commission Task Force, WA207
 Maritime and Coastguard Agency, WA12
 Non-departmental Public Bodies and Arm's-
 Length Bodies, WA13
 Regional Development
 Car Park in Millisle Beach Park, WA77
 LED Lights in Traffic Lights, WA300
 New Sewerage Pipe for Millisle, WA183
 Replacement of Street Lights in Springhill
 Road, Bangor, WA300
 Roads in the Ards Peninsula, WA77
 Social Development
 Disability Living Allowance, WA90

**Weir, Peter (as a representative of the Assembly
 Commission)**

Written Answers
 Assembly Commission
 Equality Scheme, WA338

Wells, Mr Jim

Executive Committee Business
 Budget 2011-15: Programme for Expenditure,
 289
 Private Members' Business
 Single Use Carrier Bags Bill (NIA 8/10)
 Final Stage, 591, 594

**Wells, Mr Jim (as the Chairperson of the Committee
 for Health, Social Services and Public Safety)**

Executive Committee Business
 Protection of Freedoms Bill: Legislative
 Consent Motion, 509-10, 510-11

Ministerial Statements
 Health: Capital Priorities, 534
 Northern Health and Social Care Trust:
 Clostridium Difficile, 441-2
 Private Members' Business
 Autism Bill (NIA 2/10)
 Final Stage, 419, 420

Wilson, Mr Brian

Executive Committee Business
 Budget 2011-15: Programme for Expenditure,
 275-7
 High Hedges Bill (NIA 15/09)
 Further Consideration Stage, 20, 20-1, 21
 Planning Bill (NIA 7/10)
 Consideration Stage, 158, 184, 184-85,
 185, 185-6
 Final Stage, 544-5
 Private Members' Business
 Local Government (Disqualification) Bill
 (NIA 7/09)
 Final Stage, 311, 311-12, 312
 Written Answers
 Agriculture and Rural Development
 Ireland: GM-free Zone, WA107
 Education
 Provisions for Opting Out of Religious
 Education, WA149
 Employment and Learning
 UK NARIC Pilot Scheme, WA236
 Office of the First Minister and deputy First
 Minister
 Race Relations (Northern Ireland) Order
 1997, WA207

**Wilson, Mr Sammy (as the Minister of Finance and
 Personnel)**

Executive Committee Business
 Budget 2011-15: Programme for Expenditure,
 215-17, 247, 256, 282, 282-3, 283, 283-4,
 284-5, 285, 286, 286-7, 287, 288, 288-9,
 289, 289-90, 290-1, 291-2, 292-3, 293,
 293-4, 294, 294-5, 295,
 Civil Registration Bill (NIA 20/07)
 Further Consideration Stage, 133
 Final Stage, 485
 Damages (Asbestos-related Conditions) Bill
 (10/10)
 Further Consideration Stage, 133
 Final Stage, 485, 486, 487-8
 Rates (Housing Executive) Order (Northern
 Ireland) 2011, 498-9
 Rates (Industrial Hereditaments) (Specified
 Percentage) Order (Northern Ireland) 2011,
 489-90, 492-3

Rates (Regional Rates) Order (Northern Ireland) 2011, 493–5, 496, 496–7

Oral Answers

Finance and Personal

Altnagelvin Area Hospital: Radiotherapy Unit, 402, 403

Finance Ministers, 405, 405–6, 406

Government: Joint Services, 403–4, 404, 404–5

Low Carbon Homes Schemes, 407

Written Answers

Finance and Personnel

Agency Staff Employed in each Department and their Arm's-Length Bodies, WA256–64

Apartment Development Management

Reform Bill, WA160

Budget 2011-15, WA161

Budget 2011-15: Vulnerable People, WA162

Civil Service Equal Pay Claim, WA160

Civil Service Pay Award, WA56

Civil Service Staff, WA264, WA265

Corporation Tax, WA162

Cycle to Work Scheme, WA160

Decentralisation of Civil Service Jobs, WA56, WA255–6

Decentralisation of Public Sector Jobs, WA159 WA160

Departmental Staff: Deputising, WA253–4

Economy: Rebalancing, WA162

Enterprise Zone, WA161

Funding Allocations, WA159

HR Connect, WA55

Increase in Rates Collection, WA57

Job Cuts, WA54

Legal Services Review Group, WA160–1

Legislation, WA55

NICS Cycle to Work Scheme, WA55

Number of Staff Employed in each Department, WA251–2, WA252–3

Parking Charges, WA55

Performance and Efficiency Delivery Unit's Review of the DHSSPS, WA56

Public Expenditure Reductions, WA56

Rating on Vacant Properties, WA158

Small Business Rate Relief Scheme, WA158–9

Village, Belfast: Negative Equity, WA161