

# Official Report (Hansard)

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# Northern Ireland Assembly

Tuesday 11 October 2011

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

*Members observed two minutes' silence.*

## Ministerial Statement

### North/South Ministerial Council: Institutional Format

**Mr Speaker:** The Acting deputy First Minister, Mr John O'Dowd, wishes to make a statement to the Assembly this morning.

**Mr O'Dowd (The Acting deputy First Minister):** Go raibh maith agat, a Cheann Comhairle. In compliance with section 52C(2) of the NI Act 1998, we wish to make a statement on the sixth North/South Ministerial Council (NSMC) institutional meeting, which was held in Stormont Castle on Monday 3 October 2011. Minister Kennedy, who also attended the meeting, has approved the report, and we make it on his behalf as well. The First Minister Peter Robinson MLA, Minister Kennedy MLA and I represented the Executive. The First Minister and I chaired the meeting. The Tánaiste and Minister for Foreign Affairs and Trade, Eamon Gilmore, represented the Irish Government.

Ministers had a broad discussion on practical mutually beneficial co-operation in the context of the current economic and budgetary challenges that face each jurisdiction. Among the areas discussed were shared economic challenges, the context of North/South co-operation and co-operation to save money in service delivery. The Council discussed matters relating to the North/South bodies and noted progress on their corporate and business plans and the implementation of cumulative efficiency savings. It noted that a review of the financial memoranda of the North/South bodies is under way, and a report on progress will be provided to the next NSMC institutional meeting.

The Council also noted that the boards of the North/South bodies are due for renewal in December 2011 and that nominations will be brought forward for approval at the NSMC

plenary meeting in November 2011. Revised reduced remuneration rates for board members that will take effect from December 2011 were also agreed.

The Council discussed progress on EU-related matters that were raised at NSMC meetings. That included discussions on collaboration to maximise drawdown of EU funds from the FP7 research and development programme. Ministers also discussed progress on current EU programmes and the potential for co-operation on future EU programmes.

With regard to cross-border mobility issues, Ministers were informed that systems have been put in place to resolve delays in the processing of certain Department of Social Protection welfare benefit claims with a cross-border element. The Council noted the continuing popularity of the Border People website — [www.borderpeople.info](http://www.borderpeople.info) — and that the Centre for Cross Border Studies, in partnership with other organisations, will apply for EU funding for the website, which will incorporate specialist training for the provision of advice on cross-border matters.

Work taken forward to facilitate the comparison of vocational qualifications obtained in other jurisdictions was discussed. That included the publication of a leaflet 'Qualifications can cross boundaries: a rough guide to comparing qualifications in the UK and Ireland'.

Ministers noted the progress made with regard to the north-west gateway initiative.

The Council agreed that the next institutional meeting will be held in spring 2012.

**Mr Humphrey:** I thank the Acting deputy First Minister for his statement to the House. What progress has been made as regards saving money in delivery service to North/South bodies?

**Mr O'Dowd:** There has been a constant review of the financing of the North/South ministerial bodies. The Member is aware of the ongoing review under the St Andrews Agreement, which is looking at the number of bodies and the implementation costs. Both jurisdictions are conscious of the need for savings to be delivered in those matters. We are conscious of the economic pressures bearing down on both jurisdictions, and we want to ensure that whatever work we carry out is effective and efficient in delivering services for people on the ground.

**Ms J McCann:** Go raibh maith agat, a Cheann Comhairle. Given that the Minister referred to the shared economic challenges, will he give us an update on the National Asset Management Agency (NAMA)?

**Mr O'Dowd:** NAMA was raised at the meeting, and we sought assurances from the Tánaiste with regard to its forward work programme. We also sought assurances that there would be no fire sale of properties in this jurisdiction currently under the control of NAMA and received those assurances. We raised concerns that, although we have a representative on the NAMA northern board, often that representative is given information after decisions have been taken. We sought to ensure that, in future, such matters are fully discussed with our representatives and that they are included in the decision-making process, so that we are kept up to date with all those matters. The Tánaiste noted that NAMA is an arm's-length body of the Irish Government. However, he will do all in his power to ensure that our interests and voice are heard around the NAMA table and that we are kept briefed and up to date on all its workings.

**Mr Nesbitt:** I thank the Minister for his report. With regard to the renewal of the boards of the North/South bodies, what steps are being taken to ensure that the highest quality of applicant comes forward next time, particularly given the view of DUP Executive Ministers, including the First Minister, who, speaking in the House yesterday, offered the opinion that often more can be done by a phone call to our opposite number than by working those formal North/South bodies?

**Mr O'Dowd:** It is recognised and the report shows that the North/South bodies have carried out a significant amount of work. Obviously, we want the highest calibre of individuals to apply

and be appointed to those bodies, and that is something that the Office of the First Minister and deputy First Minister (OFMDFM) and, no doubt, the Irish Government will continue to apply when selecting and appointing candidates to those bodies. As with all circumstances, there are instances when a phone call will do and business can be conducted in that way. It is good that Ministers feel comfortable enough to phone each other regularly and to conduct business over the phone. However, longer-term programmes of work need to be carried out, and detailed work has to be carried out to complete those tasks. In those circumstances, you need well-equipped boards with the right calibre of individual to carry out that work. It is not one or the other; we require both to continue that programme of work.

**Mr Byrne:** I thank the Minister for his statement. Will he update the House on what was discussed with regard to the north-west gateway initiative, given that the people of Donegal and Derry want to see co-operation on health, education and other matters?

**Mr O'Dowd:** The north-west gateway initiative was discussed. Although we are conscious of the economic pressures bearing down on both jurisdictions, it is proposed that programmes of work for the initiative will continue. Alas, as I said, we are conscious of the pressures bearing down on both Administrations. Some of the work conducted around the north-west gateway, whether interjurisdictional or in each jurisdiction, will depend on the finances available to the Executive or to the Dublin Government.

**Mr Lunn:** I thank the Acting deputy First Minister for his statement, in which he mentioned vocational qualifications and how they can cross boundaries. Will the Acting deputy First Minister encourage the Minister for Employment and Learning to engage with his Southern counterpart to improve the transferability of vocational and educational qualifications between the jurisdictions? Will he do likewise with his other hat on as Minister of Education?

**Mr O'Dowd:** Although the Minister for Employment and Learning does not have a formal North/South relationship, I understand that he has been discussing those matters with Minister Ruairí Quinn, whose brief covers further and higher education. Progress has been made on the mutual recognition of qualifications. In my capacity as Minister of Education and as I

reported to the House recently, I am aware that the General Teaching Council on this side of the border and the appropriate body on the other side of the border are working more closely together on teacher qualifications. That work is ongoing. Work is also being carried out by the Council for the Curriculum, Examinations and Assessment and the National Qualifications Authority on cross-border recognition of qualifications. That work, too, is ongoing. I also reported in my statement that an information leaflet has been published that allows for greater transparency for employing bodies in recognising work qualifications that are mutually recognised on either side of the border.

**Mr Spratt:** I refer the Acting deputy First Minister to his comments on EU funds from the FP7 research and development programme. Will he elaborate on what discussions took place on collaboration to maximise Northern Ireland's position in drawing down funds for research and development, which seems to be one of the main areas for which EU money is available at present?

**Mr O'Dowd:** How we benefit mutually from European funding and how each jurisdiction benefits from European funding were raised as issues. The Member will be aware that, even in our Budget discussions, we placed a focus on drawing down European funding to assist our programmes of work, whether they be directly government-led, community and voluntary sector-led or, within that, business-led. It remains a focus of the North/South Ministerial Council and the Executive to draw down European funding for research and development.

**Mr Flanagan:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Leas-Chéad Aire ghníomhach as a ráiteas. I thank the Acting deputy First Minister for his statement, and I welcome the progress that has been made on dealing with delays in processing certain welfare benefits that have a cross-border basis. I also welcome the fact that a system for that has been put in place. Many of us have called for such a system for years. Will the Minister provide an update and further details on the system and tell us how it will benefit people?

**Mr O'Dowd:** I have not got the complete details of the programme in front of me, but the Tánaiste assured the First Minister and me that the problems with social welfare payments, particularly to those based in the Southern

jurisdiction, have been resolved and that he has been assured by his Department and his Administration that problems that arose in the past have been resolved. However, I will ascertain whether any further information is available and, if so, forward it to the Member.

**Ms Boyle:** Go raibh maith agat, a Cheann Comhairle. How many North/South Ministerial Council meetings have been held since 2007?

**10.45 am**

**Mr O'Dowd:** Since 2007, approximately 92 North/South Ministerial Council meetings have been held. The majority of the meetings are now held in our newly equipped headquarters in Armagh, where staff are located and the functions of the North/South Ministerial Council are, by and large, operated.

**Mr A Maginness:** I thank the Acting deputy First Minister for his comprehensive report on the meeting. I am interested in paragraph 8 of the statement. There is huge potential for collaboration between North and South and other EU member states in relation to the European Union innovation fund. Do the two Governments have any specific plans to intensify the combined efforts of universities, North and South, to work together with business to really impact big time on the innovation fund? That fund is enormous. Somewhere in the region of €50 billion is available, and access to it could transform the economy in Northern Ireland.

**Mr O'Dowd:** The Member will be aware that we identified European funding as potential investment in our Budget to ensure that programmes that are operated by government, business and the community and voluntary sector are driven forward. Research and development and investment are part of that programme of work. Those issues were raised during the meeting between the First Minister and me and the Tánaiste, and both jurisdictions are acutely aware of their potential.

As we move towards the Irish presidency of the Council of the European Union in 2013, it is worth noting that the Tánaiste has offered our jurisdiction, our Civil Service and our senior officials a place at the table in preparation for that presidency. He has also offered the Civil Service membership of a working party that will discuss the terms of that presidency. Therefore, we will have a direct input at that stage. That shows that there is a good working relationship

on EU matters: the Tánaiste is kindly allowing our civil servants and senior officials access to the highest echelons of decision-making in Europe.

I cannot speak on behalf of the Minister for Employment and Learning about the universities. However, through my contact with Minister Quinn as part of my brief as Minister of Education, I am aware that he and the Minister for Employment and Learning are discussing potential work programmes for the benefit of both jurisdictions.

**Mr McMullan:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. Will he give the House an update on the A5 and A8 projects?

**Mr O'Dowd:** As I said in my opening comments, Minister Kennedy joined the First Minister and me at the meeting. He raised the A5 project with the Tánaiste, and he outlined the progress that has been made on that project and the time frame in which the work will take place. I understand that Minister Kennedy made a statement to the House yesterday on a number of spends and programmes of work that he is carrying out, and those will have an effect on the A5 project. However, that will be a delaying effect rather than a stalling effect. The Tánaiste offered his reassurance that the Dublin Government are committed to the A5 and the A8 projects.

**Mr Allister:** The statement refers to efficiency savings without quantifying what savings have been made in the £100 million per annum cost. Yesterday, the First Minister told us that a reduction in the number of bodies is on the agenda in the efficiency review. Can the Acting deputy First Minister confirm that?

**Mr O'Dowd:** The review of the workings of the North/South Ministerial Council is open to public scrutiny. I believe that the First Minister informed the Member yesterday that he may have been involved in the negotiations that led to that. I cannot verify that; I am only relaying information that I picked up yesterday in the House — *[Interruption.]*

**Mr Spratt:** He approved it.

**Mr Speaker:** Order. Allow the Acting deputy First Minister to continue.

**Mr O'Dowd:** Sorry. I understand that the Member actually approved the negotiations on the North/South Ministerial Council.

**Mr Allister:** I resigned over them.

**Mr Speaker:** Order. Allow the Minister to answer.

**Mr O'Dowd:** I suspect that the Member knows right well the answer to his question. The review of the North/South Ministerial Council is open to public scrutiny, and its work continues. Both jurisdictions want to ensure that we have effective, efficient services on the island of Ireland for the people whom we serve, regardless which side of the border they reside on.

**Mr Speaker:** That ends questions on the statement of the Acting deputy First Minister.

**Mr Spratt:** On a point of order, Mr Speaker. Is it proper for a Member, from a sedentary position, to accuse the First Minister of lying to the House yesterday? That is the word that he used: "lied". I understand that such language cannot be used in the House.

**Mr Speaker:** Allow me once again to check Hansard. I probably spend my whole life reading through Hansard for points of order. However, I am happy to allow Mr Allister to clarify the position if he wants.

**Mr Allister:** I never used the word "lied" whatsoever. I said that I resigned over the St Andrews matter. I never made any allegation about lying.

**Mr Speaker:** I am happy to check Hansard and come back to the Member or come back to the House. Let us move on.



## Private Members' Business

### Home-to-school Transport

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

**Mr McNarry:** I beg to move

*That this Assembly notes the importance of an effective home-to-school transport policy; believes that the current policy is outdated; and calls on the Minister of Education to initiate an overarching review of the policy to ensure that home-to-school transport is provided in the most cost-effective, efficient and safe manner.*

I see that the proposer of the amendment is not in the House. Perhaps, during the debate, you might give a judgement on what that implies.

The current arrangements for the provision of home-to-school transport came into operation in 1996. It is clearly time for a review. Home-to-school transport is a major operation, involving some 110,000 children, with an annual cost of £74 million. About 30% of those children receive free home-to-school transport, and, of those using public transport, 65% are carried by Translink, 27% by the education boards and 8% by private sector operators. In that last category, some £8 million is spent each year transporting pupils by taxi. I emphasise that I do not suggest that taxis for children with special requirements should in any way be disposed of. However, an analysis of costs indicates that Translink and Metro's costs are significantly lower. That suggests to us all that major savings can be made and that we need to look for greater efficiencies, which, I might add, do not mean job losses solely to reduce costs.

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

If all pupils transported by education board buses were transported instead by Translink, it is estimated that annual savings of £6.8 million could be achieved, which is enough, I suggest, to ease significantly pressure on a

Department that has lost its fiscal direction. We simply cannot afford to ignore such potential savings. However, the least we can look for is a far better working relationship between the education boards and Translink, for the benefit of the public purse, and look further to see what reductions can be negotiated with commercial private companies, using the negotiating tool of bulk purchase. The Department pays way too much for school transport. Indeed, if we consider Translink to be a private company — it is — why should we not widen the scope of private enterprise to compete for contracts or bundles of contracts, to see what enhancement of community bus services can also be realised on the back of that?

There is another aspect of home-to-school transport that needs to be considered. Clearly, if there is to be a major rationalisation of the schools estate, existing rules will become obsolete. School closures are on the predetermined hit list of recommendations of at least one board. Even in advance of general discussions about that following the audit planned by the Minister, some boards are jumping the gun and are trying to force school closures. Look no further than the South Eastern Education and Library Board, which is taking unilateral threats to parents way beyond the limit in Ballykeigle Primary School in my constituency. Every day we hear of such threats being transmitted in other areas under that board's control.

**Mr O'Dowd (The Minister of Education):** On a point of order, Mr Deputy Speaker. I am sorry for interrupting the Member, but is it appropriate for a Member of the House to refer to a public body issuing threats to anyone? I do not think that that is appropriate language for the House.

**Mr Deputy Speaker:** I remind Members to be moderate and to avoid any kind of controversy, which we do not want.

**Mr McNarry:** Mr Deputy Speaker, after yesterday, I will be the last person to get involved in controversy with the Chair. I respect your decision. The only thing that I will say is that I have been sent here by my constituents, and they have told me that they see those as threats, and it is my duty to report that to the House. That is what I have done, and I hope that the House will accept it in that manner.

**Mr Deputy Speaker:** I remind the Member that while he is in the House he should respect the

rules of the House, whatever his constituents might think.

**Mr McNarry:** Indeed, Mr Deputy Speaker. I shall take it no further.

The point that I was going to make was that, if rural schools are closed by the actions of the Executive and the Minister, he must take responsibility and be held accountable for the financial consequences of his actions. That includes the cost of forcing many more children into a position in which they need home-to-school transport. I contend that that will be more than was hitherto the case. That having been said, in a climate of cost cutting and savings, it is incumbent on all of us to look at the most cost-effective way to provide such transport, which may well involve outsourcing those services to the private sector. There is a good example of such a private service being operated in the County Down area by Down Town Transport Ltd.

Mr Deputy Speaker, as you will know, if rural life is to continue and all-age communities are to be preserved in the countryside, good home-to-school transport is essential, not optional. I say that as an MLA who represents the Strangford constituency, where there are many small rural communities, villages, towns and schools. Indeed, that is precisely why I am proposing the motion today: to bring to the attention of the Minister and the public the absolute need to sustain rural and semi-rural life, which is the norm for more than one third of our citizens.

An intrinsic part of sustaining rural life is having good home-to-school transport. It is part of ensuring the viability of the communities that I have talked about. Therefore, we cannot allow that important consideration to fall through the grating in our scramble for savings. The balance between service and costs is crucial, but lowering standards cannot and should not be acceptable.

We know that the Minister has embarked on an audit, which will bring out many stark facts. I hope that the motion, which I trust the House will support, will add weight to the proposition that, in the audit or as an important attachment to it, the Minister will factor in the delivery of school transport. He should do that not just as a cost but as a service and an intrinsic part of a level of servicing necessary for a shrinking schools estate, bringing in its wake, I hope, a

great deal more home-to-school travel than was needed before.

I look forward to the debate. I commend the motion to the House and ask Members for their support.

**Mr Agnew:** I beg to move the following amendment: Leave out all after "Education" and insert:

*"to work with the Minister for Regional Development to create an holistic and sustainable school transport policy which will ensure that school transport is provided in the most cost-effective, efficient and safe manner."*

I must apologise to the Member and his party for my lateness and for missing the start of his introduction, but I was caught up in school traffic.

### 11.00 am

I tabled the amendment because I am concerned that the motion focuses too narrowly on a cost-benefit analysis and does not look at the huge array of benefits that investing in sustainable home-to-school transport can bring. The Member mentioned the costs that are involved, and it is right that we look at them, given the financial constraints. However, as I said, we must equally look at the benefits and, perhaps, at how we can spend money more wisely without reducing sustainable transport options for pupils.

It is estimated that congestion costs the economy £250 million a year. As anyone who drives will know, a large part of that congestion is caused by the school run, that is, children travelling to school. Many drivers dread the end of the summer when the schools come back and traffic congestion increases. Therefore, it makes sense that we look at the benefits that investing in sustainable transport would bring to the wider economy and that we look at the wider benefits of that, as opposed to the same indirect benefits.

Other benefits include safety, which is mentioned in the motion. Buses are the safest form of transport that pupils can use to get to school. The pack that the Research and Information Service provided to Members shows that there were no deaths on school buses between 1996 and 2005, while, during the same period, 17 deaths were attributable to other modes of home-to-school transport. Good work is already being done to improve

bus safety, but we must now look at improving the safety of other forms of home-to-school transport. If the motion is passed and the Minister accepts the recommendation to initiate a review of the policy, it must not only focus on safety and cost-efficiency, which, of course, are important, but have sustainability at its core. Part of the reason for my tabling the amendment was that I felt that that was an important omission from the motion.

A policy is needed that focuses on active school transport. Too many of our children get to school by private car. In some cases, that may be necessary. However, I argue that, in many cases, it is not. A policy is needed that has targets to reduce the number of children who get to school by private car. Such a policy should seek to increase the number who cycle and walk to school, because those methods have many benefits.

**Mr Campbell:** I thank the Member for giving way. Most people would appreciate the tenor of his comment that the policy should aim to increase the number of children who walk or cycle to school. However, does he appreciate and understand that many parents are concerned that, if they try to ensure that their children cycle or walk in, for example, extremely rural areas with small, narrow roads, particularly in wintertime, which has been mentioned, then, rather than assisting environmentally, they might actually be putting them in danger?

**Mr Agnew:** I absolutely accept the Member's point. At the start of my comments, I said that we need to move from making buses safer towards making walking and cycling safer. I said that there are circumstances where it may be necessary to use a car — perhaps for safety reasons because there are no alternative forms of safe transport. I will mention the Sustrans scheme to provide sustainable transport to rural schools.

As I said, there are many benefits of active school travel. It will help to tackle obesity, which, as we know, is a growing problem in society.

If children are healthier, their educational attainment will improve. In my short tenure as an MLA, the Assembly has debated reducing fuel poverty a number of times. We must help families to reduce their reliance on the car and, therefore, help them to tackle fuel poverty. As I mentioned, reducing traffic congestion will have wider benefits for our economy. Given

the targets to reduce CO2 emissions, we must be aware that transport accounts for 21% of all greenhouse gas emissions. As has been stated, the school run is a significant part of our transport.

Given the impact on a number of policy objectives, as I read up on the subject I started to think that my amendment, which calls on the Minister of Education to work with the Minister for Regional Development, does not go far enough. As has been pointed out, an active school transport policy will bring benefits to health and to the Minister for Social Development's attempts to tackle fuel poverty.

I mentioned the Sustrans rural safe routes to schools pilot, and that shows what can be achieved. The number of people using cars was cut by 22% in the pilot project; the number of children cycling increased by 100%, and the number walking increased by 40%. That happened in rural areas, which the Member mentioned and where, arguably, there are fewer sustainable transport options. Therefore, we could achieve even greater success in our towns and cities.

It is important that the Executive work together and that we do not have one party represented in the Executive calling on a Minister from another party to do something. We need co-operation at Executive level on policies such as this to ensure that costs and benefits are spread across Departments.

Sustrans estimates that it would cost around £2 million a year to provide the necessary funding to produce measures to run a successful scheme that targets primary schools. By my own crude calculations, £1.3 million or £1.4 million of that would be given to the Minister for Regional Development to improve safety for cyclists and walkers on our roads, and £600,000 or £700,000 would be given to the Education Minister. Given the benefits that I have outlined, those are reasonable costs. Indeed, such investment might increase savings in areas such as health and reduce fuel poverty. It would be a sensible investment at a time when money is scarce.

An active school transport policy would be good for our economy in reducing congestion; good for people in improving health and education outcomes; and good for our environment in reducing emissions and further improving air quality. I hope that the House will support the

amendment. It is not intended to take away from the motion in any way but simply to add to it the importance of sustainability in school transport policies and of Ministers working together.

**Mr Storey (The Chairperson of the Committee for Education):** I thank the Member who tabled the motion for the opportunity to engage in the debate. I speak as Chair of the Education Committee, but I trust that, if time permits, I will be able to make a few comments as a Member.

It is right and proper that I inform the House that the Committee has considered the issue of transport from home to school on a number of occasions since the beginning of this mandate. The thrust of the Committee's work focused on three areas: health and safety issues in such transport; the Department of Education and Department of Finance and Personnel (DFP) joint efficiency review; and the need to review the policy on transport from home to school. I will touch on each of those briefly.

At Committee meetings on 22 June and 7 September, members discussed the provision of school transport and the mechanisms through which compliance, enforcement and monitoring of health and safety issues took place, particularly the procurement process.

Some concerns were raised about contractual provisions vis-à-vis health and safety compliance; the frequency of health and safety inspections of transport; and the resources available to the boards and the Department of the Environment to monitor and enforce health and safety standards in home-to-school transport. Those are vital areas, because, although it is right for us to call for a review of the policy, we need to remember that thousands of children across Northern Ireland were transported today. Although it may take the House some considerable time to deal with the policy, the practice needs to be right today to ensure that our children are being transported in a safe manner.

The Committee, in furtherance of its scrutiny of this important issue, is pursuing information from the Federation of Passenger Transport, the Committee for Regional Development and the Committee for the Environment. It is only right and proper that we wait until such time as the Committee has formed a collective view.

In June, the Committee considered the ongoing work by the Department of Education and DFP

on a joint efficiency review. The performance and efficiency delivery unit (PEDU) review has two stages. The stage 1 report, which was published in March 2011, included school transport as one of its key themes. In short, the report found that, against a background of all boards facing increasing transport costs and falling pupil numbers, there were sharp increases of between 3% and 9% in unit costs across the education and library boards.

PEDU also found that the main sources of increased costs in home-to-school transport between 2004-05 and 2009-2010 were Ulsterbus, or Translink, and the board-owned vehicles. However, the increase in cost of the board-owned vehicles was more pronounced because that mode of transport carried just over half the number of pupils that Translink carried.

If we leave aside the three-for-two funding, the escalation in unit costs of board-owned vehicles was just under 40%, which was nearly twice the rate observed for Translink. If we take account of the three-for-two funding and examine the variation in costs of transporting children with special educational needs (SEN), the PEDU analysis still points to significant variations or growth in unit costs, particularly when comparing the South Eastern Board, the Western Board and the North Eastern Board. The stage 1 report found that, in the case of the Belfast Board, the overwhelming cost factor for board-owned vehicles in SEN —

**Mr T Clarke:** Will the Member give way?

**Mr Storey:** Yes.

**Mr T Clarke:** The Member compared the board-owned transport with the transport provided by Translink. Does the Member accept that those statistics are an unfair reflection, because Translink merely sticks to bigger routes and the board-owned buses tend to stay on smaller routes on which Translink does not function anyway? The statistics are being used to suggest that Translink is possibly cheaper, but the board-owned buses use routes that Translink cannot use.

**Mr Storey:** I thank the Member for that valid point. That needs to be clarified further, and I think that it will be addressed in the second stage of the PEDU report. His point about Translink not having access to rural roads was well made.

However, the point that must be made is that the unit cost of transporting SEN pupils in the Belfast Education and Library Board area by board-owned vehicles has gone up by a staggering 75%. In comparison, the South Eastern Education and Library Board transported more than twice the number of SEN pupils on board-owned vehicles for around the same overall cost. The stage 1 report highlighted what it characterised as some odd and unexplained variations in comparative spending on the taxi and daily allowance.

For example, in relation to the latter, PEDU was unclear why, in some cases, presumably in peripheral locations —

### 11.15 am

**Mr Deputy Speaker:** Bring your remarks to a close, please.

**Mr Storey:** — the number of pupils should have increased to such an extent —

**Mr Deputy Speaker:** Your time is up.

**Mr Storey:** I support the motion and the amendment.

**Mr Flanagan:** Go raibh maith agat, a LeasCheann Comhairle. Éirím chun tacaíocht a thabhairt don rún, agus gabhaim buíochas leis na Comhaltaí a chuir é faoi bhráid an Tionóil. Tá áthas orm go bhfuil an tAire Oideachais anseo chun éisteacht leis an rún agus leis an díospóireacht agus go mbeidh sé in ann a chuid smaointe féin a chur chun tosaigh.

There is no question that transport provision is a huge expense to the Assembly, with £75 million being spent on it each year. However, there is also no doubt about the key role that transport providers play in getting our children and young people to and from school and further education colleges in a safe and timely manner. That is particularly the case in rural constituencies such as my own. There is, however, significant wastage, and there are potential savings to be made in the transport budget. I welcome the fact that the Education Minister has made a commitment to ensure that £5 million is removed from the budget each year within this four-year budgetary period. He has also made commitments that that is to be done in a manner that does not impact on front line service provision, particularly on the needs of rural dwellers and children with special educational needs.

We need to ensure that any review that is carried out is done with rural proofing and equality measures at its core. I look forward to seeing exactly how the challenging targets that the Minister has set out can be achieved, and, later in my contribution, I will outline some proposals through which both savings and service improvements can be made.

I remember travelling to school as a young child from Garrison to Enniskillen, a journey of 25 miles, on a greatly overcrowded bus, where the youngest children had to sit on school bags at the front, and there were at least three people on each seat. That was a completely unsafe method of transporting young children to and from school, but it was good craic. Thankfully, there have been relatively few serious accidents on school transport.

In recent years, there has been a serious fall in the number of pupils availing themselves of our transport provision, so the problem of overcrowding is not so great any more. However, in the same time frame, there has been a huge surge in the cost of providing that transport. Much of those increased costs can be explained by rises in fuel prices, inflation, and the increasing costs of purchasing vehicles and servicing them, but the fact of the matter is that we need to look at how we provide and procure transport from home to school. I, therefore, welcome the motion and the amendment and the opportunity for the debate to take place.

The Chairperson of the Committee referred to stage 2 of PEDU. I look forward to seeing the proposals outlined in that report, and I anticipate the Minister reacting positively to them, as he has done to date throughout the process. I hope that one of the proposals to come out of that review will be to encourage greater collaboration between all our Departments, and particularly in regard to education and library boards, Translink, community transport operators and the Health Department. At present, we have a silo mentality in operation. Education and library board buses are often sitting idle throughout the day, when they could be used to provide affordable and reliable transport in neglected rural areas for the benefit of the entire community. There is also a greater need for collaboration and sharing of information among education and library boards and with transport providers in the South. We should not be afraid to tackle those issues.

We really need to take a serious look at the tender process for transport for children with special educational needs, at whether private taxi operators provide the best value for money for the Assembly and at whether potential savings could be found if there was greater collaboration with other public transport providers. Over the last six years alone, some £45 million has been spent on taxi hire for students.

Many Members who have spoken brought forward stories from their own constituencies, and I will keep with that trend. I was contacted by a lady just last week who had serious difficulties getting suitable transport for her 17-year-old son, who suffers from autism. He has done very well in remaining in full-time education, and he takes part in a course at the college of further education in Enniskillen. The rigid nature of the current policy means that he must get a taxi into Enniskillen for 9.00 am every morning and get one home at 3.00 pm. That normally suits him OK, except on Thursdays, when his class only runs from 11.00 am to 1.00 pm. That leaves a very vulnerable person in Enniskillen on his own for four hours each week. That is an area in which the policy has failed those it is designed to protect.

There is also a whole host of questions regarding the quality of some roads that young people are expected to walk on in dangerous conditions. We all know of the devastating loss —

**Mr T Clarke:** I thank the Member for giving way. He raises a pertinent point about some of the roads. I take it that he is referring to the fact that many of the roads have no footpaths. Does he not think that there is something that the Minister could do in relation to that? For some of the children who live fewer than two miles from the primary school, or three miles from the post-primary school, where there are spaces on the bus and buses are driving past the children walking along those roads, there are concessions that could be made. Can the Minister encourage the education and library boards to fill those places through concessions? In some areas, that is not the case.

**Mr Flanagan:** I thank the Member for his intervention. The motion calls for a review of the policy, so I hope that the Minister will take that issue on board.

To return to the subject of bad roads, we all know of the devastating loss to the local

community of Debbie White and Nathan Gault, who passed away after being knocked down getting off a bus near Florencecourt in November 2008. Since that terrible accident, their school, Devenish College, and other schools in Fermanagh have taken positive steps to attach reflective material to school blazers, a move that was supported by former Minister of Education Caitríona Ruane. I hope that that will be looked into as part of the review.

Mr Agnew correctly raised the issue of safety. In fact, a number of pupils from my former school tragically lost their lives on the way to and from school in private cars, when they could have been travelling on a bus.

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

**Mr Flanagan:** Since those incidents, the school in question has banned pupils from taking their own car to school. I look forward to hearing the rest of the debate and hope that it will get support across the House.

**Mr McDevitt:** I support the motion and Mr Agnew's amendment. I apologise to Mr McNarry and Mr Agnew for missing a good deal of their contributions; I was detained elsewhere in the Building.

It will not escape the attention of those who follow our business carefully that this is yet another day on which we are debating the need to do something at some point in the distant future. It is becoming a bit difficult to justify the House's existence when that is all that we seem to do. As meritorious as this and many other motions are, it would be much better for us all if we were here debating the outcomes of reviews and the proposed policies through legislation that Ministers may be able to bring to the House than simply calling on them to do something at some point in the not too, or perhaps too, distant future.

I am a bit surprised that anyone would come to the House and welcome a £5 million cut per annum in anyone's budget. I am surprised that anyone would suggest that taking money out of a very important public service is in the regional interest. I am particularly surprised that we would welcome it, given that we have the worst uptake in these islands of pupils — children and young people — using public transport to get to school. Fewer pupils in our primary and secondary schools use public transport

in Northern Ireland than anywhere else in these islands. In fact, more than half of all our pupils travel to school by car. I accept that we have a dispersed population, and I am a huge supporter of the integrity of our countryside and the way in which we have historically lived — a way in which we must be entitled to continue to live. However, it is bizarre to say that it is a good thing to cut by £5 million a budget that is already so abysmally failing.

I welcome the Chairperson of the Committee for Education's comments about the need to eliminate the extreme inefficiencies in the school transportation budget. However, if we are to eliminate inefficiencies, surely it would be better to close the gap in uptake so that we do not stand out as the worst-performing region in these islands when it comes to children's and young people's ability to access school transport. Rather, we need to stand out as a place in which there is a considerable increase in the uptake of school transport.

Eighty-eight per cent of schools in England now have school travel plans aimed at shifting kids and their parents away from using cars and towards alternative, safer ways of getting to school. Six hundred and fifty schools in the South use the Green-Schools programme, which, again, is about trying to make sure that children can get to school on public transport or through alternative modes other than their mum and dad's car, or, in some cases, as Mr Flanagan pointed out, and increasingly in some of the schools where the kids come from more affluent backgrounds, their own car.

Here, we have been cutting the budget to try to encourage kids to shift mode from a car to public transport. I accept that the Minister is responsible only for the education side, and I am not going to ask him to do anything else. However, when we look at our regional transportation strategy, which, of course, informs a lot of the debate, there is absolutely no connection whatsoever among health boards, education boards, Translink and the Post Office. Three or four vehicles travel the same country road and pick up three or four different people at three or four different times of the day. That is not duplicating; it is triplicating and quadrupling the amount of public investment that goes into transporting people along that road.

Wouldn't it be great if, rather than celebrating cutting £5 million a year out of the budget,

which is no celebration at all, we were genuinely talking about being able to continue to invest that money and getting so much more bang for our buck; and that, in fact, in the years ahead, it was not a majority —

**Mr Deputy Speaker:** Bring your remarks to a close.

**Mr McDevitt:** — that use their cars to go to school, but a tiny minority?

**Mr Lunn:** I support the motion and Mr Agnew's amendment, which is slightly more specific but has the same aim of tidying up and renewing an outdated policy. I am sure that substituting "holistic and sustainable" for "overarching" does not change the substance of the motion. From contributions previous, it sounds as if everybody will support it, which is good.

There are many points to be considered in this argument. Other Members referred to constituency problems. The most irritating one for me, which seems to recur every year, is the vexed question of the exact distance from home to school and the two-mile and three-mile rule. It worries me that the Department, in the case of which I am thinking, can commission an exact measurement over a three-mile route and then argue about 100 yards, particularly when the suggested route involves crossing a busy road at the nearest point without the benefit of a crossing patrol or traffic lights. The parents, in that case, did their own measurement using proper safety considerations and traffic lights. Their measurement was different to the Department's, but the Department won. It also worries me that, when two children live on the same street and attend the same school, one could be regarded as qualifying for free transport and the other not on the basis of the same rule.

Having got that out of my system, it is also a fact that, across all boards, transport costs have been rising while pupil numbers have steadily fallen over a number of years. That has produced the unit cost increase, to which the Chairman referred, of up to 9%. We are all familiar with the rapidly increasing figure of 85,000 empty desks, which only a couple of years ago was being quoted at 50,000.

Mr McNarry talked about greater efficiencies. He made some very good suggestions, mostly around privatisation and outsourcing. Mr Agnew went a different route and talked about

sustainability and environmental and health considerations. That is all very worthy. Mr McDevitt and others mentioned the £20 million that will be taken out of the budget over the four years. I wonder whether the real problem is the same one that affects every aspect of education at the moment: the fact that we have too many schools and sectors. Many schools operate well below what is regarded as a sustainable pupil number but still have a requirement for transport. Furthermore, there is the need for the controlled and maintained sectors to largely employ different school buses even though, as a result, they pass each other, sometimes half empty. That applies to the schools as well as the buses.

I do not, for one minute, advocate the closure of small schools. The Minister's viability review will take everything into consideration, not just pupil numbers. However, we need a root-and-branch review of our school estate and a meaningful post-primary review, not just the maintained sector review, which will be announced shortly. It needs to be across all sectors, and it will lead to a serious attempt to rationalise our system. That is now advocated by so many interested parties, which range from the One School of Thought campaign right through to the First Minister. There is certainly a wide range of interested parties that seem to think that the Alliance Party view has been right all along.

### 11.30 am

In recent days, the Minister has made statements that may lead to serious decisions being made. If the House were to allow the Minister to get on with that in the short, medium and longer term, perhaps problems such as the cost of school transport would resolve themselves to some extent. If the schools estate were put into the right framework and pupils were being sent to school in the most efficient way possible, obviously it would mean that there would be fewer schools and more co-operation across the sectors. That would mean that the requirement for transport would diminish, so the problem that we are looking at today would sort itself out to some extent. I look forward to what the Minister has to say. We support the motion and the amendment.

**Mr Craig:** I support the motion and the amendment. I refuse to take the pessimistic view that all of this should have been done a long time ago and that we are discussing

something that should have been sorted out. There are a wide range of reasons why it has not been sorted out, and there are a large number of reasons why it will not be sorted out in the short term. We inherited the policy from a direct rule Minister, and there is a whole raft of reasons why it is now completely out of date. One of the main reasons is the rising cost of transport, and there are rising costs of between 3% and 9% in the education and library boards (ELBs). In addition to that, the spending review that was announced by the coalition Government has led to the cut in the transport budget. All of us seem to forget that we do not have a magic hat from which we can summon up money from nowhere. Money has been taken away from us, and, unfortunately, school transport is one of the areas being cut.

The current arrangements for the provision of home-to-school transport came into operation in September 1997, and the transport costs for each pupil vary significantly between cases and between boards. Across the five boards, there are examples of it costing £513 a pupil, and there is an example of it costing £1,741 a pupil. Another reason for transport costs having risen is that the three-for-two policy was, quite rightly, abolished. In a lot of the vehicles, children now have to wear seatbelts, and that is a good safety measure. That has played a part in changing the landscape in the area of transport.

The statement that the Minister made in the House on the review of schools will also change the landscape. He talked about the sustainable schools policy, and that will have a major impact on the transport system. I can speak only from experience about the impact that that policy is having in my constituency. When we are looking at the rationalisation of schools, the impact on the transport system needs to be taken into account.

In my constituency, I have watched with interest the impact that the announcement of a consultation on the closure of Dunmurry High School has had. Quite frankly, there is no way to describe it other than that pupils are now going to the four winds. A lot of them are going to schools in east Belfast. Some of them are going to the next nearest school, which is now at complete capacity. They are being handed on to yet another school, which is further away. Even today, I have heard that a number of pupils have been toured around a third school that is even further away, because there is no spare capacity



in the other schools. That is, in miniature, what I see happening as a result of the rationalisation of schools. That will have a major impact on the whole infrastructure of home-to-school transport for our children.

I am an optimist, not a pessimist, and I think that now is the time to review the whole strategy for how we transport children to school and the way in which we do so. Whether the Minister likes it or not, the rationalisation of schools will have a major impact on the provision of transport right across the board. I appeal to the Minister — as has been said in the House before — to rationalise the whole school transport system.

I can give the Minister a prime example of where it is all going wrong and where the Member for the Green Party has got it right. A board bus with three pupils on board passes the end of my street every morning and afternoon.

**Mr Deputy Speaker:** Bring your remarks to a close.

**Mr Craig:** A concessionary place was taken off my child and others because of a policy made by the board in my area, the impact of which is that another 15 cars have to travel less than a mile and a half to the local primary school.

**Mr Deputy Speaker:** Sorry; your time is up.

**Mr Craig:** That is an absurd policy, and it needs to be reviewed.

**Ms Boyle:** Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to speak to the House in support of the motion and the amendment. The current arrangements for home-to-school transport have been in operation since 1997. Pupils eligible for transport assistance must be enrolled at their nearest suitable school and live beyond the qualifying distance to that school, which, at present, is two miles for primary and three miles for post-primary. In Britain, the authorities operate lower walking standards than those used here to determine free transport eligibility.

School transport in Strabane, in my constituency, is a contentious issue at present because a service was withdrawn days before the start of the new school term. The parents of up to 133 young people from one school received letters just before the new school term informing them that their children were no longer entitled to concessionary places. As a

result, families were displaced. Some parents in rural areas received the letter only the day before the child was due to start back at school. Parents were forced to act immediately, almost overnight, to ensure that their child got to school safely the next day. For most of the parents, that was a domestic nightmare, and, more important, a health and safety one. Those who were unable to avail themselves of a car or other transport methods at that time had no alternative but to walk their children along one of the busiest roads in Strabane: the A5 Strabane to Derry road.

Children attending primary schools in my district were also displaced. I have been told by one parent that she had to walk her three small children — one was in a pram and the other two were on either side of her — along an unsafe country road for a mile and three quarters, taking her 70 minutes. There have been similar issues in the Douglas Bridge area, with parents having to make decisions that impacted greatly on their arrangements. For example, one parent had to give up her part-time employment as a result of concessionary entitlement being withdrawn.

The current system of home-to-school transport provision fails those who need it most. There is no doubt that the cost of providing home-to-school transport is rising, and I am sure that other Members also acknowledge that. That has been attributed to a number of factors: the rising number of children with special needs; the increased use of taxis by ELBs for school journeys; the rising cost of public transport due to operating costs; and the scheduling of different services due to schools' starting and finishing times.

Western Board officials in my area informed me as recently as last week that pupils who were entitled to concessionary travel to get a bus from their village in order to then get a connecting bus to their school are no longer entitled to that. They said that that practice has now ceased because they had to downsize. Yet parents from the same village told me only yesterday that the same bus passes by their children with empty seats.

Research tells us that there is significant growth in car ownership, which has resulted in increased traffic and busier roads, adding to congestion close to schools. I acknowledge the concerns that Mr Agnew has outlined. The

current policy on walking distances in home-to-school transport should be reviewed to identify the impact that changes could have on transport provision here and to ensure that all our children and young people can travel to school in a safe and effective manner. There is a need for a comprehensive review of the policy on home-to-school transport, and I believe that now is the time to have that review. It is also important that any review incorporates all existing transport resources to help to address capacity issues on buses and that steps are taken to improve safety arrangements for children and young people —

**Mr Deputy Speaker:** Draw your remarks to a close, please.

**Ms Boyle:** — travelling to and from school. Go raibh maith agat.

**Mrs Hale:** As a member of the Education Committee, I support the motion and the amendment. I, like many in the House I am sure, have been inundated with calls and letters from concerned parents in my constituency whose children are attending the nearest suitable school and who have seen their transport being withdrawn or cut by the education and library board. That presents major difficulties for parents and children, many of whom live in constituencies such as mine, where they rely on public transport to get children to school on time.

An example that I would like to highlight is Banbridge Academy, which is close to my constituency office in Dromore. It provides an excellent local educational facility for local children. A significant number of its pupils rely on a bus to get them to and from school each day. However, children who are keen to take part in extra-curricular activities outside normal school hours have been left at a severe disadvantage. The bus can take the children to school on time and bring them home, but only if they go home with the rest of the children at the end of the official day. For many children in Dromore who choose to take up extra-curricular activities, the day does not end with formal lessons. That leaves them stranded as there is no bus that will take them from Banbridge Academy to Dromore.

I feel that the approach is inflexible and maybe even discriminatory, as children who wish to stay after school to take part in sports, a homework club or drama, etc, are being discouraged

from doing so for fear of not getting home. That is not acceptable. Future employers and universities look for pupils who have access to the full curriculum as an indicator that they are team players, work well with others and can meet extra work commitments. Are we really going to actively discourage our future workforce from accessing the best jobs and universities because of an outdated policy that is not fit to meet its purpose? As we know, and as the Minister has said, 80% of learning happens outside the classroom, yet here we are in 2011, seemingly preventing a large percentage of that learning from happening. It should also be pointed out that many of those children's parents work, leaving them unable to pick them up from school.

Two weeks ago, the Minister announced a review of schools – one that will ultimately decide which schools stay open and which will close. If we are to go down that route, will we see more children having to travel a considerable distance to get an education that is suitable for their needs? The review could impact on rural areas more than urban areas. There is a greater likelihood that rural children will have to travel further than their urban counterparts. That is the case, as I have outlined already, but I fear that things could get worse. It is for that reason and others that we must see the policy renewed and updated. The current policy is 14 years old and out of date, and it should be reviewed and revised, but not at the child's expense. The child must be at the centre of any new policy, and the policy must fit in with children and their parents. Of course, I understand that costs must be looked at and that they are not an insignificant part of the policy, but the policy must be child-led. Education is vital to any child's life, and we, as legislators, must place children at the centre of any such policy. It therefore gives me great pleasure to support the motion and the amendment.

#### 11.45 am

**Mr Hussey:** I welcome those from the Strabane area who are here to observe the debate. I support my colleague Mr McNarry, and the other Members who have spoken, on the need to review the home-to-school transport policy.

I have been corresponding for a while with the Education Minister on this issue, and he educated me by advising me that the present policy dates from 1996 and is contained in

circular 1996/411, with minor updating in September 2009. He also advised that to alter the eligibility criteria to include pupils who live within the existing two- or three-mile qualifying distance would significantly increase the cost of home-to-school transport at a time when the education budget is under severe pressure. My response was: what value would be put on a child's life?

You may not believe it, but many years ago I walked to primary school from home through Omagh, across the main road with the assistance of a patrol man or traffic lights; I could quite easily walk the two miles there and back. I could not do that now, but that is a different story. In Omagh we have footpaths, street lighting and traffic lights; we had them even that long ago when I was a child — before anyone interrupts to say that. *[Laughter.]*

I now ask you to picture the scene between Magheramason and Bready, Donemana and Strabane, Artigarvan and Strabane, Ballymagorry and Strabane, the Glebe and Strabane, and Killen and Castledearg. Those names may mean very little to Members, but they mean an awful lot to the parents of children who have suddenly found bus services removed. In the case of Magheramason to Bready or from Ballymagorry, we are just short of two miles for primary-school children and just short of three miles for secondary-school children.

Once you leave Magheramason the footpath disappears in a very short time and you are left with a grassy area. The grassed area runs alongside the main A5, and to comply with pedestrian safety guidelines or the 'Highway Code', you walk towards oncoming traffic, which can legitimately travel at up to 60mph. If it is raining, you are walking on slippery grass, keeping your head down to try to avoid the rain and being buffeted by the pressure created by an articulated lorry thundering past. The case is similar when you leave Ballymagorry and attempt to walk towards Strabane.

In Londonderry, it has been decided that the bus service can be withdrawn because the Peace Bridge is now open and children can walk to Foyle and Londonderry College even though in inclement weather the bridge may become a nightmare for pedestrians and at times may be closed.

**Mr Buchanan:** Does the Member agree that it is totally irrational that at the beginning of

this school term 130 children in the Strabane area and those areas that he mentioned were told that they were no longer entitled to school transport simply because of a merger between Strabane Grammar and Strabane High School? Remember, that is an area with no footpaths or street lighting, and children were being asked to walk to school on the busy A5 arterial route where, just a few years ago, a local GP was killed as he cycled along.

**Mr Hussey:** I thank the Member for his intervention. He makes the point clearly that the A5 is not a road for pedestrians or cyclists; it is an arterial route where traffic will travel at up to 60mph. Picture the scene with a child attempting to carry his schoolbag, head down, heading towards that road. A child could be drawn under an articulated lorry, and I would not wish to see that at any time.

Glenmornan is a small rural school with windy roads that make it a nightmare for children to attempt to walk to school, with two-way traffic battling for control of the limited space available on a rural road. With the withdrawal of certain services to the newly amalgamated Strabane Academy, parents were left with a decision: pay approximately £8 to send a child to school by bus or walk them to school. The police at one stage suggested that they would be prosecuted because by walking as a group they were taking part in an illegal parade. Two to three miles may not seem a big deal when walking up the leafy lanes around Parliament Buildings, but when you are living in a rural area such as west Tyrone it can be quite a battle.

I mention the Children's Commissioner's report 'Safer Journeys to School', which was produced in June 2006 in collaboration with the Consumer Council and the Department for Regional Development. One of the recommendations in that report was a review of the current statutory walking distance for home-to-school transport to identify the impact that changes could have on school transport provision. It also stated that, in order to help achieve a modal shift, the current walking distances might need to be reduced to make bus services attractive and viable for those who need them. On the other hand, it stated that current walking distances might need to be increased or removed and that provision could be based on household car ownership and/or low household income in order to target need.

Michaela already made reference to the case of a parent of three children: a baby, a toddler and a primary-school child. Her words to me were, "She has three weans, and she has to get them out to school in the morning."

**Mr Deputy Speaker:** Bring your remarks to a close, please.

**Mr Hussey:** How does she do that? Would you like to see a five-year-old child walking to primary school? I certainly would not.

**Mr O'Dowd:** Thank you, a LeasCheann Comhairle. I welcome the opportunity to speak to the motion and the amendment. Both should be supported. I assure you that I fully agree that there is a need for an effective home-to-school transport policy. It is on record that I have indicated to the Education Committee, in my deliberations with it, that we need to examine every aspect of the arrangements for home-to-school transport.

It is worth noting that approximately 90,000 pupils were transported to school this morning by some form of public transport. That is a mammoth task undertaken every morning by the transport services of the boards. However, we have to examine whether we are transporting the right children to school and whether we are using our finances and resources efficiently. I make that remark in the context of trying to identify savings that can be released to support teaching and learning in classrooms.

Mr McDevitt asked whether we should be celebrating the fact that we have taken £5 million out of the transport policy budget. It was the right decision, because even a preliminary examination of transport costs shows us that the £75 million was not being used effectively or efficiently. We have taken £5 million off that, and I support that decision. That £5 million was not returned to the centre or the Finance Minister; it was reinvested in education services in a more effective and efficient way.

**Mr Byrne:** How can the Minister definitively say that the education and library boards' transport departments are inefficient? What statistical analysis has been done? I assure him that in the Western Education and Library Board area, the transport service managed by the board is very efficient and its garages are extremely efficient.

**Mr O'Dowd:** This debate will be in Hansard. I suggest that, in several months' time, when the PEDU stage 2 reports are published, he returns to his comments. I assure you that all the examinations of school transport have shown that it is not being effectively or efficiently run. I also assure you that PEDU stage 2 reports will also show, when they are finally published, that our education transport system is not being effectively or efficiently run. I am not prepared to waste any money on this matter. My comments are evidence-based. The examinations are not being carried out by my Department; they are being carried out by officials from the Department of Finance and Personnel. The work of the Education Committee and the knowledge in the Department of Education and among Members here show that transport services are not being effectively or efficiently run. So the Member's statement cannot be stood over in any way.

It would be remiss of me not to say that Mr McNarry's comments about boards and board members are completely unacceptable. No public servant working for the Education Department or the Assembly has threatened anyone. No board has threatened anyone, and the use of that language is not helpful and does not assist any public servant in carrying out their work. What is going on at the moment, as has been referred to by Mr Craig, which will have an effect on school transport policy, is —

**Mr McNarry:** Will the Minister give way?

**Mr O'Dowd:** I will give way briefly.

**Mr McNarry:** You know that you are being given every assistance to deliver education in your capacity as Minister. I will tread very warily, because the Speaker already mentioned this in response to your previous objection. When I mentioned the word "threat", it was specific to one board. It was also specific to the fact that your Department denied any knowledge of what I called a hit list. There is something wrong, Minister, when your Department does not know what a board is doing, and that is from where the word "threat" emanates.

**Mr O'Dowd:** The Member has —

**Mr McNarry:** You are either in or out.

**Mr O'Dowd:** The Member has refused to take the opportunity to withdraw his comments. I think that that is a mistake and unfair on staff,

who are public servants and have to carry out a very difficult task. All Members, whether they accept it or not, are aware of the practice that I have put in place to deal with our unsustainable schools estate, and every Member agrees that we have an unsustainable schools estate. To deal with that, action is required. Difficult decisions will have to be taken, but no Member, including me as a representative of Upper Bann, can seriously expect that all other constituencies except their own will see school closures. That is neither a sustainable nor a practical way forward. I appeal to Members to show leadership on the matter and not to offer false hope where there is no hope. There are instances in which Members are rallying to the flag —

**Mr McNarry:** *[Interruption.]*

**Mr Deputy Speaker:** Order, please. The Minister should resume his seat. I pointed out yesterday and today that no Member should make any comments from a sedentary position. If Members insist on doing so, they will not make a comment from any position.

**Mr O'Dowd:** Thank you, a LeasCheann Comhairle. Members are rallying to the flag of convenience, seeking 15 minutes of fame, and their main focus is not where it should be. It should be on the educational well-being of the young people whom we are here to serve.

I will return to the motion. The viability audit that is ongoing and the area planning review that will take place will have an effect on our school transport policy, and rightly so. I think that both will have to heed the other.

I have no intention of rushing into a short-term fix. A full review of our transport services and policies across the areas is required. We currently have five boards that, by and large, run similar programmes. However, as Members also said, only three of the boards offer concessionary seats. It is worthwhile putting on record exactly what a concessionary seat is. It is a seat on a bus that is provided to transport eligible children that may be made available to a child who is not eligible at that time. The concessionary seat can be removed by the board at any time. That causes difficulties when an eligible child needs that seat. It is worth noting that only three of our boards carry out such a practice, while two do not.

I intend to look at our transport services and the planning of education provision in every area. Both should support access to high-quality education and the appropriate educational pathway that all children and young people need. Transport needs to be kept in focus as part of the need to identify savings. Any savings identified will be driven back into the education service to ensure that the educational requirements of all our young people are met in the schools that they attend.

As I said to Mr Byrne, some work is already under way as a result of the Executive agreement in July 2010 to exempt the education and health sectors from the in-year Budget adjustments. It was agreed that DFP would commission PEDU to undertake work on the scope for and delivery of significant cost reductions across the two sectors. Stage 1 involved the identification of broad areas in the education sector in which there appeared to be scope to make savings, and transport was one of those areas. The evidence was primarily in the form of unexplained variations in the cost of provision from one board to another or unexplained changes in the cost of provision over time.

The previous Minister requested that home-to-school transport be examined further in stage 2 of the review. Work on that stage is nearing completion, and the draft reports will be published by me and the Minister of Finance and Personnel. Although the report will focus primarily on the scope for improving efficiency and reducing costs in the existing policy framework, I expect that it will also signal areas in which policy change could yield further savings and produce a more rational system to complement a strategically planned school system. I will want to consider those and other areas carefully, and in the context of the wider financial climate, before producing any proposals for change.

As I have said, in the interim, a savings requirement of £5 million was set for the ELBs for 2011-12, and those savings are to be achieved through greater efficiency in operating home-to-school transport within existing policy parameters. The scope for further work lies in the nature of the existing policy and how services are delivered. Members will, I hope, bear with me while I briefly account for those.

**12.00 noon**

Legislation obliges education and library boards to make arrangements for the provision of transport and other provisions, subject to the approval of those arrangements by the Department. The Department and the boards must then have regard to the general principle that pupils shall be educated in accordance with the wishes of their parents in so far as is compatible with the avoidance of unrealistic public expenditure. The combined effect of those obligations, which is outlined in the Department's circular on home-to-school transport, is the provision of transport assistance for pupils who qualify for it according to two criteria: distance and suitable school. Pupils are essentially eligible for transport assistance if, within the specified distance — two miles for a primary school child and three miles for a post-primary school child — they may not attend a school of a suitable type and so must travel further to attend one.

The Department of Education recognises six types of schools: controlled, integrated, Irish-medium, maintained, grammar and non-denominational grammar. As I have said, 90,000 children are eligible for that assistance. The form of assistance they receive — and this is key — is determined by the five education and library boards, having regard to the need to avoid unreasonable public expenditure. So, if Mr Clarke, who I understand sits on an education and library board, believes that a change in services is required in his area, the first port of call is the education and library board, and that request for change of service should then be sent to the Department of Education.

Boards must consider providing transport assistance through one of the available forms of mass transport: Translink, board services or private bus operators. Translink, comprising Ulsterbus, Metro and NI Railways, has the widest network for providing transport assistance. Accordingly, 50,000 eligible pupils travel on Translink buses using a sessional ticket or bus pass. Board services have the next widest network, primarily in rural areas and carry 27,000 pupils, and private bus operators carry approximately 7,500 pupils.

Translink provides two different forms of service. First, it provides the stage carriage service, which is a public service that carries adults and pupils. Secondly, it provides designated

services or school buses. Designated school buses are provided by Translink where there are a large number of eligible and non-eligible pupils in one location, such as a town. A significant proportion of the boards' fleet of nearly 900 vehicles and most private operated taxis are used to transport pupils with special educational needs.

When we look at the review, all those elements will have to be examined. I await the vote of the Assembly on the motion and the amendment. However, if they are passed by the Assembly, that would be welcome. If we are to carry out a review of transport services, we have to look at them in their entirety. The outcome of that review will have to ensure that we live within the current budget of around £70 million. So, the services proposed at the end of the review will have to operate within that budget, and we will have to look at the categories of school that we transport children to. Are Members prepared for that challenge? Are they prepared to look at the challenge of cross-departmental uses of transport services? Mr McDevitt suggested that we have three different forms of public transport in some areas. That, in itself, presents challenges, because if we adopt one of those transport services, two will lose out. Therefore, at least two transport drivers will lose their post as a result.

So, whatever recommendations the review comes forward with, they will present a challenge to us all to provide a transport service for 90,000 people. There is no quick fix or easy solution through the review of transport services to our education system. We have to ensure that the outcome of the review looks after those who are most needy in our society and young people with special educational needs, and embraces the rights of rural dwellers. We must provide a service that is cost-effective and delivers an efficient service for our pupils, our schools and the public purse.

**Mrs McKevitt:** Will the Member give way?

**Mr O'Dowd:** I have nearly finished, and I want to finish with a number of points.

We await the outcome of the vote and the recommendation of the Assembly today. I will embrace a review of the transport service. I am more than happy to report back to the Assembly on those recommendations and how we carry them forward. I suspect that several will require legislative change, which, in itself, will take time.

However, difficult decisions will have to be made by individual Members. Not all of it will be up to the Minister to carry forward, although I have no difficulty in doing so. Individual Members will have to decide where the priority for school transport rests and where they want the limited budget available to the Department of Education and the Executive to be spent. I am happy to carry out my role, but I suggest that Members will be required to make decisions around the matter, too.

**Mr Agnew:** I thank the Minister and Members for supporting the amendment. A revised policy that reduces bus services without providing safe alternatives has the potential to be detrimental. An option that increases the cost to families and increases the risk of death on our roads is not an acceptable alternative or an acceptable way of saving money. In seeking to make savings, we cannot simply pass the cost on to families. We would be doing with one hand what we are trying to prevent with the other by tackling fuel poverty. The cost of the average school run is about £340 a year for a family using a private car as transport, and that is predicted to go up to £400 a year with rising fuel costs. I do not think that that is an acceptable alternative.

Any new policy must have active travel at its core and include targets to reduce the number of pupils travelling in cars and increase the number of those cycling and walking. The statistics are pretty damning: 52% of pupils travel to school by car. As Mr McDevitt pointed out, that is the highest percentage of any region on these islands. Only 2% cycle to school, compared with 50% in Denmark. I am not sure that we or our children are so different, but the facilities and incentives that we apply to active travel are different. We need school travel plans: 88% of schools in England have travel plans, and 650 schools in the Republic of Ireland have green school travel plans. Only nine schools in Northern Ireland have travel plans. Although it is important for the Minister to conduct a review, we need to ensure that policies get down to school and board level and that those travel plans are drawn up.

There will be health benefits. As I said earlier, obesity is a major problem. Significant numbers of our children are considered obese: some 33% of two- to 10-year-olds are considered obese, with only one out of seven children getting the required 60 minutes of exercise a

day. There will also be educational benefits: a 3-4% improvement in test scores can be gained by exercising for 15 minutes earlier in the day.

I call on the Education Minister to work with his colleague the Minister for Regional Development to ensure the safe provision of pedestrian and cycle routes to schools. He can ensure that our pupils are trained in cycle safety skills and pedestrian safety; that school travel plans are based on active school travel; and that the provision of cycle sheds is compulsory, particularly in new capital builds. If he works with the Minister for Regional Development, we can ensure that those pedestrian and cycle routes are safe. Modest investment now can and will lead to long-term savings across Departments.

**Mrs Dobson:** I thank Members for their contributions and the Minister for his response. Having called on the Department in June this year to review the guidelines on home-to-school transport, I am pleased that we are having the opportunity to debate the issue in the House today.

The provision of home-to-school transport is a vital lifeline to the thousands of students who use the service daily. It is especially important to those students with special educational needs who benefit so much from attending their schools. The Department of Education, quite rightly, has a duty to provide transportation for students to and from their schools, and there are many examples of good practice from Translink drivers and, indeed, private bus and taxi companies. However, the needs of our children have outgrown the 15-year-old legislation. Although the overall number of pupils being transported has decreased on average by 8% since the 2004-05 academic year, the average cost for the transport has increased by some 17.6% in the same timescale. Therefore, the legislation needs to be reviewed.

In my constituency of Upper Bann, I have been contacted by a number of concerned parents about SEN students travelling to and from schools in taxis that are overcrowded. That is an issue that may very well affect all our constituencies and raise serious health and safety concerns. The consequences of an accident occurring when children do not have access to a seatbelt are too horrific to contemplate. We have all seen the television

advertises that graphically highlight the issue in adults, but it would be abhorrent to think that in being transported to and from their schools, our young children were being put in danger.

People who live and work in rural communities know how dangerous country roads can be. It only takes someone to be travelling too fast on a twisty road to cause an accident, and I fear for children who may not be properly protected if such an accident were to occur.

I welcome that random inspections are carried out by the boards and the Department of the Environment for Translink and private bus and taxi companies. However, I know that parents and teaching and non-teaching staff employed at schools would welcome more information as to how they can report health and safety concerns directly to the boards via school principals. That would aid the targeting of inspections, which would result in a greater degree of public accountability for the home-to-school service and, ultimately, the safer transport of our children.

As part of my winding-up speech, Mr Speaker, I will draw attention to Members' valuable contributions. In particular, Mr Hussey made a good point about the importance of home-to-school transport in rural areas. He highlighted dangers such as the lack of proper footpaths or street lighting and, of course, the fact that the distances to and from schools in rural areas are obviously longer and more dangerous than they are in our towns. I can certainly imagine the Member crossing the main road in Omagh with a schoolbag over his shoulder. That is quite a vivid image from today. Mr Hussey also asked what price we placed on the life of a child, which is a very serious point.

Members also raised the following important points. Steven Agnew urged that money be spent wisely, and he spoke about the benefits of sustainable transport. He also urged that any review focus on cost and safety, and he urged co-operation on the issue at Executive level to improve health and the environment.

Mervyn Storey reminded the House that the Committee has discussed the issue, and, quite rightly, he described it as vital. He also highlighted the 75% increase in the cost of transporting SEN students in the Belfast Board.

My colleague David McNarry reminded us of the importance of the issue and highlighted

that 110,000 students are transported via the scheme. He also said that if rural schools are closed, the Minister must be responsible for the financial consequences of his actions. Such closures may result in an increased demand for home-to-school transport.

Phil Flanagan highlighted the £75 million that the Assembly spends annually on home-to-school transport, and he pointed towards potential savings.

Conall McDevitt supported the motion. He said that half our pupils travel to school by car and that few use public transport. He welcomed the call from the Chairman of the Committee for Education to limit inefficiencies. He also said that the lack of a connection between the different transport agencies heightens public expenditure.

### **12.15 pm**

Trevor Lunn described how, because of the two-mile and three-mile rules, some children who live on the same street qualify for the scheme while others do not. He also said that safety should form a greater part of the consideration of that issue.

Jonathan Craig welcomed the opportunity to sort out the issue and gave many valid reasons why the issue has remained unresolved to date. He also outlined the practicalities of the rationalisation of schools. He talked about students having difficulty finding suitable places and highlighted how that will impact on the home-to-school transport scheme.

Michaela Boyle referred to school transport in Strabane, which is a contentious issue because of the withdrawal of the service. She detailed the concerns of many about the rise in the cost of home-to-school transport.

Other Members also made valuable contributions. They highlighted the issues of safety and cost and suggested that the needs of children be placed at the heart of any review.

I thank the Minister for his response and for echoing many of the views raised in the House. I welcome his assurances that he will conduct a review of home-to-school transport. I trust that, in that review, he will address the issue of half-empty buses, which came up time and again during the debate.



If one thing is to come out of the debate today, let a review of the policy identify that parents, teaching and non-teaching staff should be made more aware that a mechanism for the reporting of health and safety concerns exists. They should be made aware that they can easily use that mechanism to report clear breaches that put our children's lives in danger. If more people are aware that such a mechanism exists, those who place children in danger may alter their practice, and the fear of losing a contract may be enough to ensure that all of our young children travel safely. To that end, I wrote to the Minister this morning to ask him to detail the number of private companies that have been reported, and, as a result of random and targeted inspections, were no longer being used by his Department.

Once again, I thank all Members who contributed to the debate. I commend the motion and the amendment to the House.

*Question, That the amendment be made, put and agreed to.*

*Main Question, as amended, put and agreed to.*

*Resolved:*

*That this Assembly notes the importance of an effective home-to-school transport policy; believes that the current policy is outdated; and calls on the Minister of Education to work with the Minister for Regional Development to create an holistic and sustainable school transport policy which will ensure that school transport is provided in the most cost-effective, efficient and safe manner.*

**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, when the next item of business will be Question Time.

*The sitting was suspended at 12.18 pm.*

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

**2.00 pm**

## Oral Answers to Questions

### Health, Social Services and Public Safety

#### **NHS: Plastic Surgery**

1. **Mr Kinahan** asked the Minister of Health, Social Services and Public Safety what proportion of plastic surgery carried out in the health service is done for cosmetic reasons. (AQO 516/11-15)

**Mr Poots (The Minister of Health, Social Services and Public Safety):** I can advise that no plastic surgery is carried out by the health service in Northern Ireland for purely cosmetic reasons. Current policy on plastic surgery is contained in the document 'A Policy to Make Best Use of Resources in Plastic Surgery and Related Specialities', which was developed in 2006 by the four legacy health boards. That document sets clear clinical criteria for a range of routine, non-urgent procedures. Patients who do not meet the criteria are not referred for surgery. The Department has asked the Health and Social Care Board to review that guidance in 2011-12. That will promote discussion on both the physical and psychological criteria to be used in decision-making. Clearly, hard choices will have to be made and interventions of low clinical value may not routinely be available on the health service.

**Mr Kinahan:** I thank the Minister for his answer. He has already touched on my supplementary question in his reference to the review of the guidelines. Will the review look at whether more plastic surgery procedures that involve a hospital stay can be carried out by consultant dermatologists in day surgery?

**Mr Poots:** Clearly, we want to see as many procedures as possible carried out in day surgery. Day surgery potentially has fewer problems for the patient, a lesser potential for cross-contamination or infection and is also much more cost effective. For all those reasons, it is our desire to reduce the number

of overnight stays and have a greater number of day surgery procedures take place. Any efforts made on that front will help.

**Ms Boyle:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his responses. How many of those procedures involve gastric band surgery?

**Mr Poots:** Not many of those procedures involve gastric band surgery. The present Health and Social Care (HSC) Board does not routinely commission bariatric surgery, and we are looking at that. Bariatric surgery has huge potential and is extensively used in some other areas, although it is not without problems. We have been carrying out a pilot and reviewing its results. There is evidence that, even after bariatric surgery, some people return to eating habits that lead to them becoming morbidly obese. However, other evidence indicates that it reverses diabetes, and that it is the only type of intervention that does. It certainly has pluses, but also some minuses.

**Ms P Bradley:** What actions have been taken to identify treatments that are or have become inappropriate for provision by the National Health Service?

**Mr Poots:** Plastic surgery is very important. It is of huge benefit particularly to people who have had serious burns or suffered trauma incidents. We must use our resources wisely, and we have to give fairly broad consideration to a number of areas. For example, breast augmentation may have to be carried out to correct congenital conditions such as amastia or endocrine abnormalities, etc. However, they should not always be carried out on the National Health Service. Similarly, eyelid surgery may be performed to remove excess skin on the upper eyelids that results from the ageing process if it starts to interfere with vision or the function of the eyelids, but it should not necessarily be provided on the National Health Service if it is only to enhance appearance. Therefore there are areas where judgement calls have to be made. The report will help surgeons to ascertain what should and should not be done.

**Dr McDonnell:** I thank the Minister for his answers. We could spend all day debating the merits or otherwise of plastic surgery. You recently mentioned restricting caesarean section procedures. How do you compare the two procedures? Is plastic surgery an option for

cutting? Could optional plastic surgery procedures be reduced instead of caesarean sections?

**Mr Poots:** There is certainly plenty of cutting in plastic surgery, but, as for cutting plastic surgery, 85% of procedures are done purely on a clinical basis, and there is a question mark over whether the remaining 15% are done purely for clinical or cosmetic purposes. Surgeons could do with some clarification in those areas. Therefore, it is down to the personal choice of individuals. If they wish to pay for a cosmetic service, it is open for them to do so privately; however, it is not necessarily something that we should do on the National Health Service.

## Pharmacy

2. **Mr Dallat** asked the Minister of Health, Social Services and Public Safety how his Department intends to deal with the pressure put on service delivery resulting from the cuts to the pharmacy budget. (AQO 517/11-15)

**Mr Poots:** As I advised the House on 19 September, the Department recognises that it has an obligation to provide fair and reasonable remuneration for community pharmacy. In January 2010, the High Court found that the arrangements in place at that time did not meet that obligation. Thereafter, the Department and the HSC Board engaged in extensive negotiations with Community Pharmacy Northern Ireland (CPNI) in an attempt to reach agreement on community pharmacy arrangements in 2011-12. However, agreement could not be reached.

New arrangements were introduced with effect from 1 April 2011 to meet my Department's statutory obligation to provide fair and reasonable remuneration. CPNI has brought forward a judicial review challenge to renew remuneration and reimbursement arrangements. Against that background, it would be inappropriate for me to comment further on community pharmacy remuneration until the outcome of the hearing is known. However, I do not accept the assertions that are being made by CPNI, and I assure Members that I am committed, as required by law, to provide a fair and reasonable system of remuneration to community pharmacists in Northern Ireland.

**Mr Dallat:** No doubt, the Minister will be aware that up to 80% of small towns and villages in England no longer have pharmacies. If the cuts continue and rural pharmacies close, what plans

does he have to protect the most vulnerable people living in rural areas?

**Mr Poots:** Pharmacists have a key role in delivering healthcare, particularly in our rural towns and villages. Unfortunately, however, I inherited a legacy arrangement that was subsequently challenged through judicial review. Therefore, I have not been able to involve myself in arriving at an arrangement that will help us to ensure that we have pharmacies in rural areas and in many deprived areas in our cities. We have a pharmacy system that does not lead to the extensive costs that we currently have, because costs have been going up year on year and have got to the point where they are unsustainable. Therefore we need to challenge the cost structure in our pharmacies.

**Ms Gildernew:** Go raibh maith agat, a LeasCheann Comhairle. Is the Minister aware that at least one pharmacy in Rasharkin has closed and that another in Dunloy is on the verge of closure? Pharmacies from Belcoo right across the North are ready to close their doors thereby doing away with a valuable community service, not only in rural areas — although I take the point that the questioner raised — but in areas of social deprivation as well. Does the Minister accept that you cannot impose an English model on the Six Counties because it will not work? It will be a disaster not only for our communities but for businesses that are struggling to keep their doors open in a very harsh funding environment?

**Mr Poots:** I recognise that Northern Ireland is not London. In the English model, the prescribing cost is £169.13 per head of population. In Northern Ireland, it is £244.67. Wales and Scotland, which are not dissimilar to Northern Ireland in that they have some large urban areas as well as being strongly rural, have costs of £192 and £195 respectively. Therefore, as far as pharmacy is concerned, one can see that we are not getting good value for money in Northern Ireland as things stand. We need to do better. Whether the current arrangements are the correct ones is being tested in court. Therefore, I cannot comment on them. However, I can say, clearly and unequivocally, that, irrespective of the court's findings, I am happy to engage with pharmacists as soon as the court case is over to arrive at a position that delivers a good quality service for the people of Northern Ireland and provides sustainable pharmacies for the future.

**Mr Campbell:** My question is further to that precise point. People understand the legal situation and the position in which it puts the Minister until it is resolved. Will he give an undertaking that as soon as the situation is resolved, there will be intensive discussions in order to try to take matters forward so that community pharmacies and the people whom they serve will best benefit from the outcome?

**Mr Poots:** I give that undertaking, and would have done so prior to the court case had Community Pharmacy NI been prepared to drop the judicial review and allow negotiations to take place in good faith. I do not think that pharmacists are being well represented by going through with that particular court case. There was preparedness on my part and on that of the Department to engage in reasonable negotiations to arrive at a reasonable outcome. It has been particularly punitive on smaller pharmacists and those that operate in more rural areas and are almost wholly dependent on prescription fees. Unfortunately, I believe that some of the larger pharmacies have driven that particular court case. It is not to the good of the population of Northern Ireland nor, indeed, to small pharmacies.

### Economy: Health Sector

3. **Mr Newton** asked the Minister of Health, Social Services and Public Safety what action is being taken to harness the potential of the health sector to contribute to growing the economy. (AQO 518/11-15)

**Mr Poots:** I believe that there is considerable potential for the health sector to contribute to economic growth. I have given priority to disease prevention and having a strong public health agenda, which should lead to a healthier and more productive workforce. There is scope for research and development in the health and life sciences sectors to have benefits both for patient outcomes and attracting inward investment and assisting development of local business. My Department is working with the Department of Enterprise, Trade and Investment (DETI) on the application of e-health technologies here, including using technology to provide healthcare remotely.

The health and social care sector is also involved, along with the Department of Agriculture and Rural Development, in the RAFAEL project, centred in the north-west, to encourage and support local food producers and processors to

compete for business in the public sector, specifically in hospitals and schools. As an employer, both directly and through significant capital investment, the health service is a major contributor to the local economy.

**Mr Newton:** I thank the Minister for his question. It is good to know that the health service is moving in a direction in which it can make a contribution to the economy. Does the Minister believe that there is further potential to expand the type of relationship that he has described both with DETI and Invest Northern Ireland?

**Mr Poots:** I have been working closely with Minister Foster on a range of those issues. It is our intention to develop a memorandum of understanding between my Department and DETI's Invest NI to take forward a health-and-wealth agenda. It is my intention to move things forward considerably next week, as we visit Boston, and we are working closely with Invest NI to develop that particular agenda. Northern Ireland is very well placed to bring jobs to the area through the life sciences sector. The greater the degree of co-operation that takes place between the two Departments and Invest Northern Ireland, the greater the potential to bring significant job benefits to Northern Ireland as a result.

## 2.15 pm

**Mr Copeland:** Will the Minister detail the amount of money received from the Government of the Irish Republic last year in return for our National Health Service's treating its citizens?

**Mr Poots:** It is very simple, even though the question is slightly off the subject: we get full reimbursement for whatever treatments are carried out. I see the new hospital in Fermanagh and indeed the facilities at Altnagelvin and Daisy Hill as creating opportunities to provide healthcare to people from the Republic of Ireland, to be paid for by the Republic of Ireland, and to assist us in sustaining and enhancing services in Northern Ireland.

I regard that as a win-win situation. I do not see any underlying political connotations that are bad for the people of Northern Ireland. I see significant benefits of the new facilities, such as the hospital being erected in the south-west of the Province, as they will provide a greater level of service for all the people in the area.

**Mr Flanagan:** Go raibh maith agat, a LeasCheann Comhairle. I would like to tease

out further information on the RAFAEL project. Given that a number of reports indicate that older people who go into hospital are more likely to be malnourished than other patients, and that the RAFAEL project has assisted greatly in that regard, does the Minister have any plans to expand the project from the north-west to right across the Six Counties?

**Mr Poots:** We must have a starting point. At the outset, we look at the success of what has happened, and we then make judgements on how to expand. We will deal with that in due course, once we have a better understanding of the project's success or otherwise.

## Mental Health

4. **Mr McCarthy** asked the Minister of Health, Social Services and Public Safety what measures his Department will be taking forward to reduce the stigma associated with mental health issues. (AQO 519/11-15)

**Mr Poots:** A new public information campaign Under the Surface was launched on 6 October. That campaign aims to de-stigmatise mental illness and raise awareness of the early warning signs and symptoms. In addition, the Public Health Agency will continue to deliver training programmes and community-focused mental health awareness programmes that aim to increase the understanding of mental illness. The reduction of the stigma associated with mental illness will be a priority in the new mental health and well-being promotion strategy being developed. An improved understanding of mental health issues will encourage people to seek help before problems escalate.

**Mr McCarthy:** I thank the Minister for his response. Does he agree that, unless the Department and wider society address the stigma fully, people with mental health conditions cannot have proper equality of access to the full range of services and opportunities in line with the Bamford review and, moreover, that, as a consequence, our economy will suffer through absences from work and the loss of productivity?

**Mr Poots:** At any one time, one in six adults in the UK has a mental health condition. Therefore, if stigmatisation is happening, we are stigmatising an awful lot of the population. The Department wishes to challenge the stigmatisation of mental health. We wish to give the lead on that issue, and that is what we are doing.

Evidence suggests that Northern Ireland's levels of psychiatric morbidity are up to 25% higher than those in the rest of the UK and that poor mental health affects almost 300,000 people in Northern Ireland. We cannot ignore poor mental health. We cannot write people off as a consequence of mental health issues. Early intervention and prevention can bring major benefits to the individuals concerned and to Northern Ireland and its economy.

**Mr Dunne:** What does the Minister hope will be the impact of the mental health services framework?

**Mr Poots:** The mental health services framework, which we launched on Monday, can have significant benefits. It can identify treatment paths and assist us in engaging in early interventions. It also gives strong guidance to people who provide mental health services on how they should respond.

At that event, I listened to a carer and to someone who had been in the mental health system, and I found their views on how mental health problems have been treated in the past very challenging and certainly not satisfactory.

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. Does the Minister recognise the excellent work carried out by Home-Start in supporting families and children, thus helping to prevent mental illness?

**Mr Poots:** Yes, I do. I believe that Home-Start has a very useful purpose and I would like it to be able to continue to provide that service. I think that the next question is about funding. That money was dealt with specifically under the children's fund, and my Department did not have that money to continue with. It is somewhat unfortunate that, last year, the funding was discontinued for that project. I was not in a position this year to reinstate that, given the financial circumstances we are in.

**Mr McCallister:** The Minister will probably be aware that yesterday was world mental health day. My colleague Mr McCrea and his colleague junior Minister Bell marked that event by riding bicycles around Belfast in the soaking rain. Does the Minister agree that such events play an important role in reducing stigma and raising the profile of this important issue?

**Mr Poots:** Yes; I think events such as Mr McCrea and Mr Bell riding bicycles in the rain

are of significant benefit to the rest of us.  
*[Laughter.]*

Nonetheless, I will not treat this issue glibly. It is important to highlight concerns about the stigmatisation of mental health. It is important for others to step up to the mark and say that it is wrong to stigmatise it, that there is help out there and that we all have some role. It will affect virtually everyone's families at one stage or another. Many young women have postnatal depression and so forth. One in four of our over-65s has depression. There are so many cases that will affect nearly every family in Northern Ireland. It is important that we all assist in de-stigmatising mental health issues and depression, and that we work with the authorities and trusts to ensure that the right service provision is there to provide the right quality of care for those individuals.

## Cancer Drugs

5. **Mr T Clarke** asked the Minister of Health, Social Services and Public Safety what plans he has to improve access to newly developed cancer drugs. (AQO 520/11-15)

**Mr Poots:** The development of new technologies in medicines is continually advancing and bringing new ways of treating cancer. I want to improve access to such interventions when there is robust evidence to support their introduction here.

I recently approved a new process that will reduce the time it takes to endorse National Institute for Health and Clinical Excellence (NICE) guidance for use in Northern Ireland. Although approximately £22 million is recurrently spent on cancer medicines here, there are, nonetheless, significant costs associated with the introduction of new medicines and treatments. Clearly, some hard choices will have to be made as we cannot fund all new interventions, but I am currently exploring options to increase the resources available to fund access to specialist medicines and interventions, including those for cancer.

**Mr T Clarke:** I thank the Minister for that answer. Will he give the House an assurance that, where possible, the money will be found so that those drugs can be made available to those who are suffering from cancer? That may be the only hope they have. Will he update the House on progress on the cancer services framework?

**Mr Poots:** NICE has approved a range of drugs to treat cancer that are currently not available in Northern Ireland. Particularly when we are talking about people who have cancer, which is an illness that can lead to their early death, and when we are talking about other drugs that can help people to absolutely transform their lives, we have a responsibility. We have a mechanism that tests those costs against the outcomes. When that has been tested, as it has by NICE, we have a responsibility to respond.

Unfortunately, that is not currently the case in Northern Ireland. It is an issue that I wish to address positively. I want to deliver on that and ensure that people in Northern Ireland who have cancer are not left in a worse situation than those in other parts of the United Kingdom. Those with cancer in Northern Ireland must not be second-class citizens.

**Mrs Overend:** Will the Minister consider the creation of a special cancer drugs fund in his budget to fast-track treatments outside the normal NICE regulatory process?

**Mr Poots:** There is such a fund in England. However, I think that we need to play catch-up in the first instance and deliver on the NICE drugs. It will get to the point where we will have some challenging decisions to make. There are big questions for the House: do we not fund those drugs because of the current financial restraints, or do we find a way of funding them? Do we introduce fresh income into the Department, or do we strip income from something else? Those are the testing questions in front of me. I feel morally obliged to provide those drugs, and I want to resolve that issue.

**Mr A Maginness:** I acknowledge the Minister's very sympathetic and thoughtful approach to this matter. Bone marrow donations relate to the treatment of cancer. Has the Minister any measures or support mechanisms in place to increase such donations?

**Mr Poots:** Bone marrow donations can certainly be of significant benefit and are carried out regularly to assist people who have cancer. We are constantly trying to raise the general public's awareness of how they can become involved and seeking to get more people to donate bone marrow. It has been demonstrated in quite a number of, though not all, cases that donated bone marrow can be of considerable benefit to people suffering from cancer. It can help in the

recovery process and in beating cancer, and I want to use every element of the armoury that exists to that end.

## Suicide

6. **Mr Weir** asked the Minister of Health, Social Services and Public Safety what action he has taken to address the issue of suicide.  
(AQO 521/11-15)

**Mr Poots:** I am very concerned that the local suicide rate continues to rise despite the strenuous suicide prevention efforts made over the past five years. Actions that I have taken include the ring-fencing of £6.7 million of funding for 2011-12; consultation with community and voluntary support groups; the launch of a new public information campaign on mental health and suicide prevention, Under the Surface; meeting other Ministers and suicide prevention experts from the USA to consider new and innovative ideas; and ongoing discussions with the health and social care sector to progress actions such as places of safety. The learning from those actions will be reflected in the forthcoming updated Protect Life strategy.

**Mr Weir:** I thank the Minister for his response. Will he indicate how the community and voluntary sector can help to stem the tide of suicide in Northern Ireland?

**Mr Poots:** The community and voluntary sector plays a key role. It has a tremendous amount of goodwill. Indeed, in the Colin area, the community and voluntary sector was instrumental in positively challenging the number of deaths from suicide. I would like to look at how we can extend similar activities to other areas and provide more training for people in the voluntary sector so that they can assist us in providing counselling services for those with suicidal tendencies. I would like to do that in conjunction with developing safe places in hospitals, close to hospitals or in facilities that people with suicidal tendencies can easily access.

2.30 pm

## Justice

**Mr Deputy Speaker:** I advise Members that question 1 has been withdrawn.

## Antisocial Behaviour

2. **Mr Weir** asked the Minister of Justice what new initiatives his Department intends to introduce to combat antisocial behaviour. (AQO 532/11-15)

**Mr Ford (The Minister of Justice):** Tackling antisocial behaviour is a key priority for my Department. A graduated response of prevention, intervention and enforcement has contributed to a 20% reduction in antisocial behaviour since 2008. I am determined to build on that success and support communities to address the issues that matter locally. At a regional level, the response has included initiatives such as CCTV, community safety wardens, neighbourhood watch schemes, inter-generational projects and youth diversion programmes. Community safety partnerships across Northern Ireland have, in consultation with local communities, identified specific types of antisocial behaviour that are of concern to their local areas, and they have delivered initiatives to help address those concerns.

Members will know that earlier this year I consulted on a new community safety strategy and met groups across Northern Ireland to listen to views on our approach to addressing antisocial behaviour and on how we can best support local communities. The responses to the consultation broadly supported that graduated approach, focusing on early intervention and prevention, recognising the need for effective enforcement where required. The consultation also highlighted the role of the voluntary and community sectors, in partnership with statutory agencies, in addressing antisocial behaviour. My officials are in discussions with key stakeholders to develop the final community safety strategy, taking account of the views raised during the consultation process. I aim to publish a new community safety strategy by the end of this year.

**Mr Weir:** I thank the Minister for his response. Given the widespread public concern about antisocial behaviour, will he give an assurance that, when he implements any youth justice strategy, combating antisocial behaviour will be the cornerstone of any actions that are taken in that field?

**Mr Ford:** I can assure the Member that the issue is being taken seriously. The youth justice strategy is not particularly concentrating on antisocial behaviour, because that is covered predominantly by the community safety

strategy. However, we should also recognise the successes that have been achieved against the target of a 15% reduction over three years. We have actually seen a 20% reduction, which is clearly a sign that the different agencies and the non-governmental organisations concerned are working together well.

**Ms J McCann:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. In considering any future community safety strategy, will he recognise, first, the importance of people who are directly affected by antisocial activity and are victims of it, and, secondly, the input that the wider community can have in formulating any such strategy? How does his Department see that process happening?

**Mr Ford:** I agree with Ms McCann about the vital necessity — not just the importance — of ensuring the widest possible involvement in developing the strategy. That is why the Department arranged a significant number of public events across Northern Ireland, several of which I attended. There were many meetings with specific groups representing particular interests, and that is why we have had a detailed and full response to the consultation exercise in general, which, I believe, will mean that the views of every part of the community are fully taken on board.

**Mrs Overend:** I thank the Minister for his answers. Will he explain what he proposes to do, or is doing, to encourage people in the community to come forward with information to the PSNI that would help build a case against those who carry out antisocial behaviour?

**Mr Ford:** It is incumbent not just on me but on every Member of the Assembly, and anyone else with influence, to ensure that we encourage people with any information about crimes or antisocial behaviour to come forward to assist the police and to ensure that the perpetrators are dealt with appropriately.

**Dr McDonnell:** I thank the Minister for his answers. He has touched on the consultation with local communities, but will any new initiatives to curb antisocial behaviour be presented to the local police, district policing partnerships or community safety partnerships (CSPs) before they are introduced in local areas?

**Mr Ford:** That is part of the key direction of the Department. The issue, frankly, is that

the Department is open to assisting, whether through CSPs or the new partnerships, in whatever can be done that is seen potentially to deliver locally. It is also open to assisting in good practice being taken from one district to another. However, it is not about the Department directing things from the top down but about encouraging local people to find local solutions and assisting them in doing so.

## Parades

3. **Mr Humphrey** asked the Minister of Justice how many illegal republican parades have been held over the past three years and how many people have been convicted as a result. (AQO 533/11-15)

**Mr Ford:** The Police Service has advised that figures on illegal parades are available only from July 2009. Records show that, since then, there have been nine illegal republican parades. The Public Prosecution Service has advised that 25 individuals have been charged. No one has yet been convicted in relation to those parades, as the cases have yet to come to court. Decisions on prosecutions are pending in a further 23 cases.

**Mr Humphrey:** I thank the Minister for his reply. Does he agree with me that the Parades Commission in Northern Ireland is now discredited and that it is part of the problem, not the solution, and, quite frankly, should be abolished?

**Mr Ford:** No, I do not agree with the Member. The management of the Parades Commission is a matter for the Northern Ireland Office, or indeed, the Office of the First Minister and deputy First Minister, of course, if it were to come forward with agreed alternative proposals.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. Gabham buíochas leis an Aire as a fhreagra. I thank the Minister for his answer. Will he give us the statistics on the number of people who have been arrested and charged for recent rioting in north Antrim, east Belfast and north Belfast?

**Mr Ford:** The answer at this stage is that I do not have the figures available. However, I will write to the Member about them.

**Mrs McKeivitt:** Does the Minister agree that the Parades Commission offers the most effective and fair way of dealing with contentious parades?

**Mr Ford:** I think, Mr Deputy Speaker, that I will duck the opportunity to repeat what I just said to Mr Humphrey. The issue of parading is clearly one of significant contention. The responsibility at the moment for the Parades Commission lies with the Northern Ireland Office. That is the only arrangement that is currently in place. Whether it is the best or the only method is not the issue; the issue is the institution that is currently in operation. Certainly, the institutions of the Department of Justice are committed to working with the Parades Commission to ensure that parading proceeds as well as can be arranged.

**Mr Cree:** I thank the Minister for his answer. Will he explain whether there is a repetitive pattern in the parades in question? Is he satisfied that the penalties are adequate to deal with the problem?

**Mr Ford:** It is a little bit difficult to say whether the penalties are adequate, given that, although 25 people have been charged, which I just said, none of those cases has come to court. However, the issue of penalties is one that has to be carried through by the courts. It will be for the Assembly to decide whether it wishes to increase penalties on the basis of experience.

## Human Trafficking

4. **Mr Hussey** asked the Minister of Justice what action he is taking to deal with the growing prevalence of human trafficking. (AQO 534/11-15)

**Mr Ford:** As Minister of Justice and chair of the Organised Crime Task Force (OCTF) stakeholder group, I am committed to seeing that all reasonable measures are taken to tackle that appalling crime and ensure that the victims have the support that they need. The PSNI and other partners in OCTF have undertaken a number of co-ordinated intelligence-led operations. Those will continue, as will the ongoing cross-border co-operation between the PSNI and an Garda Síochána. Our approach is twofold: first, to rescue the victims of human trafficking and support them in a safe environment; and secondly, to put the traffickers before the courts.

**Mr Hussey:** I thank the Minister for his response. I presume that you are referring to the police Operation Pentameter 1 and Operation Pentameter 2. Will the Minister outline what steps he is taking to ensure that



the scale of the problem of human trafficking is properly investigated and known?

**Mr Ford:** I am not sure that I can do much other than take the statistics as they emerge from the police and the other agencies that are concerned with dealing with that dreadful crime. It is certainly an issue for the Department that we are seeking to reduce rather than merely assess. We have run the Blue Blindfold campaign twice, for example, to emphasise the significance of human exploitation, and we are doing all that we can to remind people that those who are currently making use of prostitution are, in many cases, supporting the exploitation of people who have been trafficked. That is why we are encouraging and assisting the relevant agencies in all the work that they do. We have seen significant successes in the past couple of years, but there is clearly still an ongoing problem both within Northern Ireland and to or from other regions of these islands.

**Mr Agnew:** I thank the Minister for permitting two of his officials to attend the meeting of the all-party group on ethnic minority communities today. That meeting addressed the issue of human trafficking.

Given that sex workers are often the victims of human trafficking, what work is he doing to ensure that the policy focus is on enforcement towards those who avail themselves of the services and create the demand for sex workers, rather than the sex workers themselves?

**Mr Ford:** Mr Agnew raises an extremely serious position. Like so much else in organised crime, trafficking and exploitation of individuals would not happen if there were not a demand created for them. The Department is working on a policy on prostitution and, this week, hosted a seminar on the issue. I hope that, later this year, we will publish specific conclusions and proposals on addressing the range of issues. Mr Agnew's point on the victimisation of those who work in prostitution will be taken on board.

**Mr I McCrea:** Given the international dimension to human trafficking, have international links with other police forces been established? Will the Minister again confirm that his Department is addressing the issue with the priority that it deserves?

**Mr Ford:** As for prioritisation, I can confirm only that, when I chair the regular meetings of the OCTF stakeholder group, the issue of human

exploitation features at every meeting. The OCTF brings together a range of organisations, including the Serious Organised Crime Agency, the UK Border Agency and the Police Service, and subgroups work on a cross-border basis. From recent court cases, there is clear evidence of co-operation between the PSNI and police forces across the UK and the Garda Síochána. I am not sure whether Mr McCrea was asking specifically about structures. The practical working relationships are at an extremely high level.

**Ms Lo:** I was in the same meeting as Steven, who mentioned the presentation from a number of Department of Justice officials and the police, who told us about the many initiatives.

**Mr Deputy Speaker:** May we have a question, please?

**Ms Lo:** Yes, I am coming to that. I understand from the presentation that the British Government are in the process of ratifying the EU directive on human trafficking.

**Mr Deputy Speaker:** Will the Member ask the question, please?

**Ms Lo:** Does the Minister anticipate that any legislation or policies will come out of Northern Ireland to comply with the new directive?

**Mr Ford:** As I understand it, the initial position of the UK Government was that they would not ratify the EU directive. That position has now been reversed by the Home Office. My officials have been in discussion with the Home Office, and, undoubtedly, we will implement whatever is required. At this stage, I am not sure whether that will involve legislative change or merely administrative change, but I make a commitment that the Department of Justice will do all that is needed to ensure that we remain at the top of the European league in dealing with this dreadful problem.

## Police Ombudsman: Payments

5. **Mr McMullan** asked the Minister of Justice to detail the overall amount in salary, expenses, and other financial contributions that his Department expects to pay to the Police Ombudsman between 1 September 2011 and 1 June 2012, including the amount for any special severance arrangement.

(AQO 535/11-15)

**Mr Ford:** The overall amount in salary, expenses and other financial contributions that my Department expects to pay to the Police Ombudsman between 1 September 2011 and 1 June 2012 is £133,000. That is made up as follows: gross pay of £96,000; pension of £24,000; housing allowance of £9,000; and £4,000 in flights. There has been no discussion of any severance arrangements following Al Hutchinson's decision to leave office on 1 June 2012.

**Mr McMullan:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. When he met the Police Ombudsman to discuss his departure from office, did the Minister question whether it was in the interests of the public purse to pay a single penny more to Mr Hutchinson for the sensational failure that defined his time in office?

**Mr Ford:** Mr Hutchinson has given a date on which he proposes to leave. He has indicated his willingness to leave early if arrangements are made to put in place a replacement, and he will carry out the duties of ombudsman until that time. Therefore, he is entitled to the salary and expenses until that date, but no question has arisen of any specific severance payments beyond that.

## 2.45 pm

**Mr Spratt:** Can the Minister confirm that Mr Hutchinson will be treated in an equitable way and in the manner that any other public servant would expect to be treated, that the Police Ombudsman has served the Province well up to this point and that we therefore wish him well for the future?

**Mr Ford:** I can confirm that Mr Hutchinson will continue to receive his salary and expenses, which were agreed on his appointment, before I came to office. That will apply until the date on which he ceases his duties, which, at this stage, is projected to be 1 June 2012. I believe that the Department of Justice's obligation is to ensure that Mr Hutchinson is appropriately remunerated, in accordance with that previous agreement, for as long as he continues to exercise the functions of ombudsman.

**Mr Byrne:** Does the Minister accept that the Police Ombudsman's office is a very important public office and must enjoy widespread public support? Given the uncertainty over Mr Hutchinson's recent statements and inquiries, would it be sensible to encourage him to move

a bit earlier in order to restore morale and confidence in the office?

**Mr Ford:** I must say that it seems that we are stretching the question a little bit beyond its initial point. The simple reality is that there is no alternative in Northern Ireland to the ombudsman functioning under the corporation sole model, so Al Hutchinson must remain in office, continuing to do the job for which he was appointed, while arrangements are made to appoint a replacement ombudsman. That responsibility lies with the Office of the First Minister and deputy First Minister (OFMDFM). The Department of Justice has offered any assistance that might be requested by OFMDFM to carry out those duties, and we will do what we can to assist.

In the meantime, there is ongoing work in the office. The ombudsman is committed to carrying out the day-to-day work as well as working on the necessary reforms for his successor. On that basis, he will continue in office until a replacement is appointed, which might be before 1 June, subject to OFMDFM.

**Mr McCallister:** Given that the Criminal Justice Inspection report recommended that the Police Ombudsman's office should not carry out investigations into historical cases, will the Minister indicate what he has done so far to advance the process of looking into historical investigations?

**Mr Ford:** I appreciate the question. However, I need to be very careful, because we are coming perilously close to the point where I am being asked to intervene in the operational responsibilities of the office. The Department can, however, quite legitimately give support on governance issues.

I met the ombudsman and his two senior staff members this morning. We discussed some of the arrangements that are being put in place for the reform and restructuring of the office as well as the governance issues in which the Department has a role. However, it would have been completely improper for me to go into the detail of how the operational work of the office is being carried through.

## Office of the Police Ombudsman: Serious Organised Crime Agency

6. **Mr Murphy** asked the Minister of Justice when the Office of the Police Ombudsman

agreed, and began to implement, a memorandum of understanding with the Serious Organised Crime Agency. (AQO 536/11-15)

**Mr Ford:** On 3 March 2010, the Police Ombudsman signed an agreement between his office and the Serious Organised Crime Agency (SOCA) for the investigation of complaints against SOCA staff operating in Northern Ireland. The Office of the Police Ombudsman has advised that the agreement was implemented from the date of signing and that the ombudsman has not received any complaints for investigation under that agreement.

**Mr Murphy:** I thank the Minister for his answer. The Minister will be aware that the Serious Organised Crime Agency has been engaged in very public and publicity-orientated action since its inception in April 2008. Does he, therefore, feel that coming to some arrangement with it almost two years later — just one month short, in fact — is a further serious indictment of the Police Ombudsman's office under the directorship of Al Hutchinson?

**Mr Ford:** Given the fact that I became Minister in April 2010, I am not sure that I am in a position to give any interpretation of what happened and of what role the Northern Ireland Office, the ombudsman or SOCA had in reaching that concordat prior to my appointment.

**Mr Durkan:** Can the Minister please outline in detail the terms of the memorandum of understanding?

**Mr Ford:** No, I cannot outline that at this stage, but I will certainly write to the Member with what detail we have.

**Mr Kinahan:** I thank the Minister for his answers. Will he give his assessment of the success of criminal assets recovery, especially considering its immediacy in Northern Ireland following the merger of the Assets Recovery Agency and the Serious Organised Crime Agency?

**Mr Ford:** We really seem to be getting to the point where we are stretching supplementary questions beyond any bounds of connection to the original question. I can give an assessment only of what I have seen in my connections with SOCA and its role in the Organised Crime Task Force stakeholder group since I became Minister almost 18 months ago. It seems to me that we have an effectively functioning organisation, working in partnership with the other agencies,

including on a cross-border basis. As for the comparison with its predecessor agency, I am not in a position to make any statement.

## Criminal Responsibility

7. **Mr B McCrea** asked the Minister of Justice for his assessment of the call to raise the age of criminal responsibility to 12 years old. (AQO 537/11-15)

14. **Mr McGlone** asked the Minister of Justice if he will act immediately on recommendation 29 of the criminal justice review of the youth justice system and raise the age of criminal responsibility from 10 to 12. (AQO 544/11-15)

**Mr Ford:** With permission, Mr Deputy Speaker, I will answer questions 7 and 14 together. I spent some time covering proposals on the age of criminal responsibility during the questions that followed my statement on the youth justice review report. I appreciate that it is a subject on which people have strongly held and often opposing views. However, the review team was required to consider the subject, given the inclusion of the requirement in the Hillsborough Castle Agreement's reference to a youth justice review:

*"to ensure compliance with international obligations and best practice."*

The review team sought to take a careful and balanced approach to reflect the views it received and how Northern Ireland sits in relation to international norms and standards. I am not proposing at this stage to make an assessment of the merits of the review team's recommendations. With the report now out for consultation, I welcome the opportunity that it provides to promote an informed public debate on this important matter.

Rather than acting immediately, the proper process is to put the issues out for public consultation and to make decisions once the results of the formal consultation exercise have been fully analysed. I also remind the House that it is only one of 31 recommendations in that important report and I invite Members to afford equal consideration to the other recommendations and to play a full part in the consultation process.

I am committed to listening carefully to the debate generated by the report and to draw on its conclusions in shaping decisions on the direction of youth justice to provide a modern,

effective youth justice system that meets the needs of our children and young people and of the wider community.

**Mr B McCrea:** Minister, I wonder whether you might do more than just listen. There is a requirement for you to explain why the UN Convention on the Rights of the Child is legally binding, but it is not proposed —

**Mr Deputy Speaker:** Can we have a question, please?

**Mr B McCrea:** It is not proposed that there will be no criminal responsibility, but some other form of looking after those young people.

**Mr Ford:** Mr McCrea makes the point that I made when I answered questions on the review report. If we are talking about a tiny number of young people aged 10 or 11, or even 12 or 13, we are talking about those who, if they come to the notice of the criminal justice system, will almost certainly be dealt with by care methods rather than criminal sanction, recognising their age and vulnerability, even as offenders. Therefore, the significance of the age of criminal responsibility is perhaps sometimes overrated by some, including some in this House. We need to take account of international norms and best practice, recognise that Northern Ireland has among the lowest ages of criminal responsibility in Europe, and ensure that we see what is best for our children and young people and for the community.

**Mr Deputy Speaker:** Patsy McGlone appears to have left the Chamber, so I call Mr Stewart Dickson.

**Mr Dickson:** I thank the Minister for his answers. Minister, you said, and I welcome it, that there should be an informed debate about the criminal age of responsibility. It should not just be a single recommendation, but should be linked to the enhancement of parental responsibility, prevention and early intervention. Those methodologies need to be deployed.

**Mr Ford:** I agree. It may be that the Member has read some of the other 30 recommendations, which refer in significant detail to issues such as early intervention and recognise that youth justice is not something to be dealt with at the sharp end when problems arise. We need a joined-up approach across Departments, and I welcome the constructive engagement that my

officials have already had with those in other Departments on the matter.

### Peace Walls: Belfast

8. **Mr A Maginness** asked the Minister of Justice if he has any plans to continue to work, on a systematic basis, to remove the peace walls in Belfast. (AQO 538/11-15)

**Mr Ford:** The process of dealing with interface structures will be a major pillar of the community safety strategy. I want to ensure that we continue to work on a systematic basis with communities and statutory agencies to make communities safer for all. That will create the circumstances in which barriers can be reduced and removed.

It is important that we build on recent successes. Mr Maginness was with me at Alexandra Park to celebrate the opening of the gate there. That was a significant day, and I share the Member's underlying sentiment that we need to keep the momentum going at a strategic level.

A collaborative approach has helped to bring about progress at Alexandra Park and Newington Street. A key aspect of the community safety strategy will be the creation of an inter-agency group to build on the good work that has already been carried out. The group will address safety and security concerns at interfaces and seek to maximise the impact of limited resources with more targeted interventions.

Community engagement and agreement for change at interface barriers is vital to progress. My Department, in conjunction with community representatives and other agencies, is looking at other areas where positive change is possible. I am on the record as saying that I do not wish to see any more security structures being built. Priority must be given to forms of investment in people and places that will provide appropriate levels of safety and security and enable us to create the environment in which structures can be dismantled.

**Mr A Maginness:** I welcome the Minister's answer and agree that the Alexandra Park initiative was very significant. Will the Minister undertake to meet Belfast City Council and work out a systematic programme to address the whole issue of peace walls throughout Belfast? The council has committed itself to that, and I hope that a genuine relationship can be built

between the Minister and the council to address the issue.

**Mr Ford:** I agree entirely with those sentiments. I think there was a question buried in there somewhere; if it was about my willingness and that of the Department of Justice to engage with the city council, then I give an absolute assurance that the work that is under way between my officials and the city council will continue. I have met the chief executive of the city council on a number of occasions, when we have been looking at the north Belfast subgroup of the Executive.

It is clear that there are significant issues to address around interfaces, promoting the general issue of good relations and working to make the community safer by building bridges instead of walls. It is too easy to build walls; after 30 or 40 years of building them, we have to face up to how we can remove them, how we build relationships and how we ensure that the community gains the confidence that has been demonstrated in Alexandra Park and Newington Street. I hope that we will see progress in some other areas in the near future.

Whatever is required to build that partnership, the Department of Justice will be taking part, and I welcome Mr Maginness's support.

### **Alternative Dispute Resolution**

9. **Mr Copeland** asked the Minister of Justice what action he plans to take to increase the use of alternative dispute resolution.  
(AQO 539/11-15)

**Mr Ford:** On 13 September, I published the final report of the access to justice review. The report is a comprehensive analysis containing 159 conclusions and recommendations. The review supported the promotion of alternative dispute resolutions. Many disputes do not necessarily need to be resolved in a court hearing, and the review recommends the promotion of mediation, conciliation, collaborative law and other alternatives to court proceedings in the right cases.

As Members may know, I believe that greater use of mediation and other alternatives in suitable cases can avoid cases' having to be heard in court, which brings benefits to all concerned by providing a less stressful environment for the resolution of disputes and reducing costs. In

some cases, changing our approach could also help prevent abuse of the system.

I have published the final report of the review for public consultation, which will last for three months. Once I have received and considered those comments, I will publish a formal response to the review in the new year, including any proposals for the development of alternative dispute resolutions.

**Mr Deputy Speaker:** That ends Question Time. Members may take their ease for a few moments while we make changes at the top Table.

## Private Members' Business

### United Assembly Against Terrorism

3.00 pm

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

**Mr I McCrea:** I beg to move

*That this Assembly stands united against continued dissident republican attacks on the PSNI; condemns any attempts on the lives of officers; and fully supports the Chief Constable and the PSNI officers in dealing with this growing threat.*

It gives me no great pleasure to bring before the House a motion on continued attacks by dissident republicans on the lives of our police officers and, indeed, society at large. However, it is a topic of major importance and concern, given the significant number of attacks on the police and our wider community in recent years.

I pay tribute to all members of the Royal Ulster Constabulary, the full-time and part-time Reserve, and any other members of the Crown services who paid the supreme sacrifice. I also pay tribute to those who bear the mental and physical scars suffered as a result of defending against terrorists the rights of the people of Northern Ireland and democracy.

I am pleased that we find ourselves in a new era in which democracy rules supreme over the unlawful and criminal actions of terrorists. I am, however, concerned about the ever-growing threat to our officers and the wider community. In April, we witnessed a gruesome attack on the PSNI when a young constable, Ronan Kerr, was brutally murdered by dissident republicans. Prior to the murder of Constable Kerr, we witnessed the murder of Constable Stephen Carroll in Lurgan, which followed the unlawful killings of Sappers Quinsey and Azimkar at Massereene Barracks in Antrim in 2009. Both sappers were to have been deployed to Afghanistan the next day. Those gruesome acts of murder remind us

of the threat that our police officers remain under, despite the fact that the majority of the people of Northern Ireland wish to move forward.

It is also worth mentioning the attacks on police officers and those associated with the security forces in which, thankfully, the bombs and devices did not explode. Nonetheless, such attacks cause people to suffer hurt and to have lifelong memories of them.

Although the number of deaths is at its lowest when compared with 15, 20 or even 30 years ago, murder continues to present a major, unwelcome theme in our society. Sadly, terrorism continues to rock Northern Ireland. It is, therefore, important that we as an Assembly support the police during this immensely difficult time and unite in sending a message to the police and the Chief Constable that we fully support them in their fight against those who intend to destroy our society.

Of the 72 shooting incidents recorded in 2010-11, 61 were attributed to republicans, three were attributed to loyalists, and, unfortunately, the remaining eight attributions could not be determined. There were seven shooting incidents involving shots fired at police, five of which occurred during July 2010 when shots were fired at Crossmaglen and Lurgan police stations, and there were three serious public disorder incidents between 12 and 13 July. Shots were also fired at police during public disorder in Lurgan in August 2010 and in Londonderry in March 2011. All those incidents were attributed to dissident republicans.

Statistics show that bombing incidents have doubled over the past two years, with 50 recorded incidents in 2009-2010 and 99 in 2010-11. As the statistics show, that is the highest number recorded in eight years, although it is significantly lower than the 2001-02 figure of 318 bombing incidents. The 99 bombing incidents recorded in 2010-11 involved 101 devices, of which 52 exploded and 49 were defused by the army. Injuries were reported on six occasions when a device exploded.

We must not forget that many of the incidents inconvenienced hundreds and thousands of people who were refused access to their houses or businesses for their own safety. Pipe bombs were the most frequently used device and were involved in 64 bombing incidents, and there were also four incidents when a viable device was located under a vehicle. Of the 99 bombing

incidents, 59 were attributed to republicans, 28 were attributed to loyalists, and 12 were undetermined. There were 26 bombing incidents involving attacks on the security forces, including 11 attacks on police officers and 12 attacks on police stations. The other three incidents were attacks on army premises and personnel.

Although it does not strictly tie in with the motion, I feel that it is important to mention paramilitary-style attacks, which, in many ways, relate to the strength and threat of dissident republicans who threaten peace. During 2010-11, there were 83 casualties as a result of paramilitary-style attacks, compared with 127 casualties in the previous year. Paramilitary-style shootings accounted for 33 casualties, all of which were attributed to republicans. In comparison with the previous year, the number of casualties from paramilitary-style shootings decreased by 13, while the number of casualties of paramilitary-style assaults decreased by 31. Furthermore, 86 firearms and 2,574 rounds of ammunition were found during 2010. In addition, 2.9 kg of explosives were recovered during that year. I welcome those finds and commend our police force and the security services for their sterling work in removing those weapons from the hands of those who desire to kill and injure our people. Although the figures are not necessarily right up to date, there is no doubt that the perception today is that we will see yet another increase in attacks when the next round of figures is available.

Most of the incidents are attributed to rural areas, although there have been a significant number of security alerts, in addition to attacks on serving personnel, in Belfast and Londonderry. It is only right for any decent and law-abiding person to condemn such acts. I stand before the House today to condemn all such acts of violence, whether in the past or the present. I have repeatedly condemned such incidents in public and privately in the past, and I have done so again recently. I hope that every Member of the House joins with me in the condemnation of any attack.

**Mr Allister:** I endorse and note the Member's condemnation of all these heinous attacks. How far does the Member think that the rewarding of terrorism in the past by delivering a system of terrorists in government in response to those who murdered is, in fact, an encouragement to present-day terrorists? Is it not one of the lessons of the past that, by virtue of what has

been done as that legacy, we encourage new terrorists to think that they too, using Provo-owned Semtex and weapons, will attain the same end?

**Mr I McCrea:** Obviously, the Member has an axe to grind. Although I agree with some of his sentiments, he attended and was part of the St Andrews Agreement talks that set down the basis on which any government that included Sinn Féin could be set up. He is more than aware of the issues. He sits at the back and snipes and has very little that is constructive to bring forward. People know exactly where he stands on that issue, and he is not the saint that he makes himself out to be.

There is no justification for the sort of behaviour and illegal activity in question, especially when it involves the murder of security personnel. However, I make no apology for saying that, I do not care: the people of Northern Ireland come into that as equally as security personnel.

I turn to the amendment tabled by Sinn Féin. Initially I was not willing to accept the amendment, specifically for the reason that it removes the term "dissident republican". However, I am willing to consider Sinn Féin's comments on and reasoning for the amendment. If I truly feel that members of Sinn Féin have the desire to include dissident republicans — although I do not see why they had the need to take it out — I am willing to consider what they have to say before we make up our minds.

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

**Mr I McCrea:** Mr Deputy Speaker, I thank you for the opportunity to bring the motion before the House. I commend the motion to the House and ask the House to support it. We will consider the amendment during the speeches that Members from the opposite Benches make.

**Mr G Kelly:** I beg to move the following amendment: Leave out all after "continued" and insert

*"attacks on the PSNI and the wider community; condemns any attempts on the lives of officers; and fully supports the Chief Constable and the PSNI officers in dealing with this threat in a way that gives primacy to community policing, is human rights compliant and engenders greater confidence throughout the whole community."*

Go raibh maith agat, a LeasCheann Comhairle. I thank the Member across the Chamber for tabling the motion. I do not think that anyone in the Assembly can disagree with the intent of the motion. I will explain a little about the amendment in a moment. However, the amendment and the motion start by stating:

*“that this Assembly stands united against continued...attacks”.*

That is the important message to be sent out from here today. We do not want to be dragged back into the past. We want to work for and support all those who have been under attack. I add my condemnation of all those who were involved in such attacks, and I know that Ian McCrea went through quite a substantial list of attacks that have happened over the past year or so.

The question is: why the amendment? Some amendments are tabled to change the essence of a motion, and they are opposed. However, I believe that this amendment does not change the essence of the motion. Some amendments are tabled to strengthen and expand the message, and that is our intention in tabling this amendment.

Over the past couple of years, death threats have been made against police officers and there have been threats against political representatives, some of whom are sitting all round the Chamber. There have also been threats against community workers. In fact, there was a blanket threat against all community workers in Ligoniel in my constituency because of their actions. There were threats against people in the voluntary sector and trade unionists, and shop owners and businesspeople were also threatened. Bombs were placed under cars in republican areas as well as in unionist areas, and headlines highlighted a number of bombs placed at businesses where people could have been killed. My constituency office and other Sinn Féin offices have been targeted with pipe bombs. There have also been shootings of young people, kneecappings, and people have been sent into exile.

### 3.15 pm

The essence of the amendment is that this concerns more people than the PSNI, but that is not to exclude officers in the PSNI. The essence is to make sure that everyone hears from the

Assembly the message that all such attacks are being condemned and that we stand united.

**Mr Allister:** Will the Member give way?

**Mr G Kelly:** Not a chance.

People need to hear support from the Assembly and across the Chamber, but I also want to be sure that the response builds on the confidence in policing, because at the core of this is an attempt to undermine the new beginnings of policing. There is an attempt to drag us back into situations we were in previously. I want to make sure that policing does not get undermined, even in the motion and in the actions. The whole community is rejecting the actions of the people who are carrying out all of the attacks, irrespective of whom they are on or whether they are on police officers. We need to show that we reject those attacks on the community and show support for all of those involved in the attacks. When those attacks come to members of the community, they are, clearly, an attack on the whole community. That message also needs to go out from the Chamber today.

**Mr I McCrea:** In my initial comments about Sinn Féin's amendment, my main concern was the effect of the removal of the words “dissident republican”. I accept that there are people on the loyalist side who are involved in some of these activities, but although the Member has mentioned in his comments that everyone is involved, I have yet to hear him refer to dissident republicans. It would be useful if he was willing to at least refer to the fact that they are there and give us a reason to at least consider supporting the amendment.

**Mr G Kelly:** I thank the Member for his intervention. I have no hesitation whatsoever in mentioning dissident republicans. As he pointed out, the bulk of the attacks are coming from that area, but I thought that it was important to table the amendment, because there are people out there who want to know that they are not being left out of the list of people who are being attacked. If you have an attack on a community service, that clearly is an attack on the community as well. I have no hesitation in saying that; we simply wanted to expand the amendment to cover that.

It is important to point out the primacy of community policing, as is done in the amendment. Without that combination and that relationship



between the Police Service and the community, the Police Service can be set apart from the community it serves. It is important that we make sure that that does not happen; it is what those opposed to policing are trying to do. They are trying to drive a wedge between them.

The Assembly wants to send out a united message. For that reason, I ask the proposers of the motion to accept the amendment and the intent in which it was put forward.

**Mr B McCrea:** The motion before us might be considered predictable, given its source, but no less worthy for being predictable. It is not unusual for the DUP or any unionist party to be concerned about attacks on the PSNI and to look to see what it can do about them. What is of real interest is the amendment put forward by Sinn Féin. I realise that some people may be concerned that that is a cynical ploy. However, when you read the amendment, its content is quite astonishing. I mean no offence by that. The amendment states that the Assembly: "condemns any attempts on the lives of officers; and fully supports the Chief Constable and the PSNI officers in dealing with this threat".

I regard that as an entirely positive statement and one that should not be missed. There is a danger that we look for problems, and I understand the point that Mr McCrea made. Nevertheless, the amendment contains a significant statement, and I want to acknowledge that I see it as such.

**Mr Allister:** Will the Member give way?

**Mr B McCrea:** If you just let me develop my point first, I will give way in a moment. One of the other elements of the amendment is the idea of putting community policing at the centre of policing, and I agree with that, too. I am convinced that you cannot impose policing on people and that policing should be done with communities, for communities and, frankly, by communities. However, there are some issues with how you deal with that.

I want to deal with another issue, but I will take the intervention first.

**Mr Allister:** Before the Member gets too effusive about the content of the Sinn Féin amendment, will he reflect on the fact that what it really points to is the total divergence and hypocrisy of that party in being willing to say

that attacks on police officers today are wrong, yet attacks on the RUC and anything else up to 1998 were justified and continue to be so? So long as that is the position, does the Member agree that very little credence can be put on the self-serving stance of the moment?

**Mr B McCrea:** There is much that I admire when the honourable Member speaks, but sometimes I need to challenge what he says. On the basis of the motion in front of me, and given the time and place, I cannot demur from what is being said. I could point out certain inconsistencies, but there are lots of inconsistencies with this issue. For example, I would like people to examine certain issues when talking about community policing. Alex Maskey has spoken to WIMPS.tv. He needs to make it clear that the only form of policing in the community is through law and order and the PSNI. Although Mr Maskey might have supported other methods in the past, that is not where we are now.

I also understand the issue raised about dissident republicans, and I am not one of those who would have forced that particular phraseology out of Sinn Féin. I understand what the amendment was designed to do and why Sinn Féin might want to make that change. I accept that and move on.

I want to deal with the point about human rights. I dealt with that matter when I chaired the human rights and professional standards committee of the Northern Ireland Policing Board. That committee had many interesting debates on stop-and-search powers and how they should be used properly. What was significant about those meetings was that Sinn Féin members of the committee accepted the right of police officers to stop and search individuals, yet they were never given the credit for that. Their counterargument was that using stop-and-search powers in the wrong way or inappropriately can be counterproductive. I accept that argument, and, to my mind, that is realistic and reasonable dialogue.

The problem in this place when we talk about human rights is that people forget about what human rights mean, and the term becomes a stick to beat people with. Everyone, including police officers, has human rights, and they exist because we all agree that they are the basic standards of a civilised country. The most fundamental of all human rights is the right to life — article 2.

We have all been trying to deal with the past for some time, but I do not think that we have dealt with it properly. The past must be examined in such a way that we address what was wrong and make sure that it does not happen again.

I agree with Mr McCrea that we should listen carefully to how the debate develops. However, on the basis of the motion and the current debate, it seems that the House has accepted a counter-terrorism message. That is excellent. I urge people to support the motion, and I am sympathetic to the amendment.

**Mr McDevitt:** The SDLP also supports the motion, and I add my voice to those of colleagues from across the House who appear to be uniting against the threat posed by those on our island who still believe that physical force is a means to a political end. Let me say at the outset that I will happily give way to anyone who wishes to join me and the rest of us in uniting around that simple message.

The pressure under which young police officers live today is entirely at odds with the expressed will of the people of Ireland. It flies absolutely in the face of the more than 90% of people across this island who have endorsed every step of our peace process. It is not an act of patriotism to attack someone who seeks to serve their community. It is not an act of British or Irish patriotism to do that. It is not legitimate to profess a violent mechanism and expect a political outcome. The futility of violence is evident to us all, and the fact that we are able to unite around that now is a great testament to the very many people who made this Chamber possible.

I know that, when he speaks in a few minutes, Joe Byrne will refer to a young man from his home town who joined the PSNI to serve us all, and who was killed for no other reason than because he made that decision. If Dolores Kelly were here today, she would speak similarly of Constable Stephen Carroll, and so on and so forth. That we are able to unite as a Chamber and a political body is a very special thing. Like Mr McCrea before me, as current chairperson of the human rights and professional standards committee of the Policing Board, I know how much it will mean to police officers.

However, uniting around the need to respond to this crisis from a security standpoint is only half of what we really need to do, if we are honest, because the history books tell us that, ultimately, eventually someone will have to

sit down and work through the thwarted logic of whoever it is who thinks that violence is still a legitimate basis for pursuing a political objective. Someone, somewhere, is going to have to show the courage to sit down and start talking. I just hope that, in the years ahead, as we settle down in this Assembly and go from simply debating a peace process and start debating the transformation of our region and of this island, we are able to honestly assert that. I do not expect us to do it today; I can understand why we would not feel able to. However, we must surely accept that, for all of us, it is legitimate to dissent. It is fair enough to disagree — in fact, it is necessary and healthy that we do so — but it is not legitimate, fair or in any way potentially justifiable to do so in any other manner than democratically and through force of argument.

**Mr Allister:** Will the Member give way?

**Mr McDevitt:** I will not, and I will tell you why. I suspect that the Member wants to agree about the determination to dissent, but what we are about here today is uniting against those who refuse to dissent — to be fair to the Member and to his full credit — in the way he is able to in this Chamber. I want to use my five minutes, if that is OK, to assert the primacy of politics and to celebrate the fact that, with all our imperfections, and we have many —

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

**Mr McDevitt:** This House will silence every gun, if we remain united.

### 3.30 pm

**Mr Lunn:** I support the motion and the amendment, but, before I continue, I wish to associate myself with Ian McCrea's acknowledgement of the sacrifice of those who have gone before in the PSNI, the RUC and other organisations. It is entirely appropriate that that sacrifice always be mentioned.

The DUP motion is clear and unambiguous. It seeks Assembly unanimity in sending a message to dissident republicans that we stand with the PSNI and the Chief Constable in dealing with the threat against them.

The Sinn Féin amendment predictably removes the specific reference to dissident republicans, but Mr Kelly has unequivocally stated in response to a prompt from Mr Ian McCrea

that he is not seeking to avoid that question and that he includes dissident republicans in the overall thrust of his party's amendment. He includes all attacks on the PSNI and the wider community, so, presumably, that includes attacks by dissidents, UVF-orchestrated riots, attacks and killings in paramilitary groups and all other attacks, from whatever source they come. The amendment also offers full support for the Chief Constable and the PSNI as they deal with the threat in a way that gives primacy to community policing, observes human rights and builds community confidence. I join Mr Basil McCrea in saying that I cannot find any fault with that. If that wording had come from the DUP, it would not have surprised me.

I am a member of the Policing Board, and I think that every political member of the Policing Board is here today, as well as some former members. I have listened to the views of the Chief Constable and his senior officers and think they will be very encouraged and would certainly support the wording of the amendment. Community policing and human rights observance are absolutely front and centre in their thinking. The drive to increase community confidence, particularly in disadvantaged areas, also has the highest priority.

Over the past few years, we have heard so many condemnations of terrorist and paramilitary atrocities in this House and beyond. The voices of those who still advocate violence for political or any other ends have been drowned out by the united voices of condemnation from all sides. The motion and the amendment are further evidence of the desire across the community to live in a normalised society.

We want no more Stephen Carrolls, no more Ronan Kerrs and no more Peadar Heffrons. We do not want any more Bobby Moffats, or any other punishment shootings or summary justice from any part of the community. The motion will send a message to the dissidents and to others that they have no support. It is equally important that a very strong message of support will be sent to the PSNI if the House unites today, preferably around the Sinn Féin amendment.

*(Mr Speaker in the Chair)*

I have been very encouraged, because, up until some time ago, I heard that there would be some resistance from the unionist side, but Ian McCrea said at the start of his contribution that

he wanted to hear what Sinn Féin would say on the subject. I think that he and the Ulster Unionists have heard the right message from Sinn Féin. I see absolutely no reason why the motion should not be supported on the basis that, to all intents and purposes, the Sinn Féin amendment encompasses the DUP motion.

I will leave it at that, Mr Speaker. It will be a good day for the Assembly if we can pass a motion jointly without a Division on a subject such as this. Tomorrow morning, we might even hear something constructive from Stephen Nolan about the activities in this House. He may give us some credit instead of picking out particular minor incidents, as he did this morning.

**Mr Newton:** I also wish to be associated with the tributes that have been paid to all the members of the security forces — many of whom gave their lives in the duty of service — who stood between us and the objectives of the terrorists. It is absolutely necessary that the Assembly know exactly what we are up against from dissident terrorists. I will refer to some remarks that were made by a dissident, who, following an interview with 'The Guardian' on 15 July 2011, indicated:

*"mainstream republicans were coming over to organisation's way of thinking."*

He also claimed that members of the group that placed the bomb underneath the car of Catholic policeman Constable Ronan Kerr in Omagh were relatively recent defectors from the Provisional IRA.

He also said that Constable Ronan Kerr and Constable Stephen Carroll, who was murdered in Lurgan, were murdered by dissident terror groups because they were legitimate targets. Indeed, although he left it out, I dare say that he would apply the same words to the two members of the army who were murdered in Antrim. That is what we are up against.

I want to pay tribute not only to the security forces — the PSNI, the RUC and the army — but to the people of Northern Ireland. They have stood against terrorism not only in recent years, but for generations. They have stood against those who wanted to remove their birthright by extreme violence and attack the very things that are dear to them. Throughout the generations, during the dark days of terrorism, the law-abiding people of Northern Ireland did not bend. Terrorists could not break their will. When murder and

mayhem by the Provisional IRA was at its peak, they stood firm against Provo terrorism.

We must pay particular tribute to the business community, which was often terrorism's target. In the clear-up after every bomb that was placed in their premises, a sign went up saying, "Business as usual". It did not really matter whether the business belonged to someone from the Protestant, unionist, nationalist or Catholic community; the owners continued on and stood firm against terrorism. In all the difficulties of life that we witnessed during the most recent terrorist campaign, when there was a ring of steel around Belfast, when every village and town in Northern Ireland had its own security arrangements, and when practically every retail shop had to implement security arrangements, the business community stood firm against terrorists.

I welcome the stand that the Assembly has taken. All indications are that the motion will pass. Over recent years and following attacks on the PSNI and the army, the House has stood united to condemn those attacks in the strongest possible terms. Those cowardly attacks on police officers have been condemned by the First Minister and the deputy First Minister. I have to say that many of us were surprised when the deputy First Minister stood side by side with the Chief Constable and the First Minister on the steps of Stormont Castle and condemned the dissidents as traitors. I welcomed his words. Many of us were surprised when he used those words.

An attack on any member of the security forces is not just an attack on him and his family; it is an attack on the entire community and the aspects of life that we all hold dear, such as the democratic process. Of course, we face an increased threat from dissident terrorists. The implementation of the Patten report saw many very experienced officers lose their jobs and move on to other employment. Is it not interesting that they have been headhunted by Governments around the world because of their experience of the infrastructure to combat terrorism?

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

**Mr Newton:** I support the motion.

**Ms Ruane:** Go raibh maith agat, a Cheann Comhairle. Like many in the House, I support

the motion as, I hope, amended. I hope that Members accept the amendment in the spirit in which it was tabled.

There is a peace process here. There are new institutions that are the envy of many countries and societies throughout the world. That is not to say it is perfect; it is not. At times, many of us would say that it is very imperfect. However, the fact is that many countries look to these new institutions. They look to see what checks and balances and new institutions are being established. They want to learn how the Assembly is doing it. Recently, as part of the Committee for the Office of the First Minister and deputy First Minister, I joined Tom Elliott and other members in discussions with a delegation from Cyprus.

Like many Members, I lived through the difficult times. I also worked in other parts of the world and saw different war-torn places. They look at what we are doing here and want to move on in the way in which we are moving on. Like many Members, I attended Ronan Kerr's funeral and saw poor Mrs Kerr, who was absolutely distraught. She was heartened by the support of people from across the political spectrum.

The amendment is important because, as Gerry Kelly and others said, we need to build safer communities. We need to build new policing structures that are accountable, representative —

**Mr Humphrey:** I am grateful to the Member for giving way. Does she agree with me and my colleagues that, in building policing structures, there can only ever be one police force in Northern Ireland and that community policing on a two-tier level is not acceptable?

**Ms Ruane:** I thank the Member for his intervention. I was going to go on to say that the more we ensure that policing structures are supported by the communities that they represent and serve — serve is the key word — and adhere to international standards and human rights, the more we have a solid foundation on which to continue with our peace process and the new institutions and the bigger the message we send to people who are opposed to change and the agreements that we have reached.

Many sections of our society have suffered attacks. My office, like Gerry's, has suffered an attack. I have been attacked by people who should know better. There have been racist

attacks in our society. We awoke this morning to hear that a child had been wounded by glass after an attack on her house. It is not good enough for that to happen in our communities.

Many of us in the House are on the Policing Board. We spend days and nights trying to build the new structures. I welcome the engagement that I have — *[Interruption.]*

**Mr Speaker:** Order.

**Ms Ruane:** — on that board with members of all the different political parties. We have many different viewpoints, but it is good to hear people such as Basil, Trevor and members of the DUP speaking in this important debate. We will have many more debates. I do not agree with everything that everyone says, and people do not agree with me. However, the point is that we are having those debates. That is what makes today's debate so important.

The best way for us to ensure the continuation of our process and arrangements, and our new justice and policing structures, is to engage on every single issue. We must build the new structures and ensure that no one in our society is attacked.

**Mr D McIlveen:** I also commend the Members who tabled the motion. We have to acknowledge that Northern Ireland has come a long way in recent years. We should all be very proud of the progress that has been made to date. I also take this opportunity to pay tribute to members of the security forces who paid the ultimate sacrifice at the hands of terrorism. We must keep them at the front of our minds in this debate.

I will pick up on one point. A view has been expressed that the existence of the Assembly somehow incentivises terrorism; that is ultimately what was said. When such a view is pontificated from the Benches, I have to say, "Look around." We are in a devolved United Kingdom Assembly. Surely the very fact that people on the Benches opposite are sitting in such an Assembly is proof that terrorism does not work rather than proof that terrorism does work. I struggle to get my head around that argument.

**Mr Allister:** Will the Member give way?

**Mr D McIlveen:** Unfortunately, however, there are still issues to be resolved. Continued attacks on the PSNI constitute a fundamental issue. *[Interruption.]*

**Mr Speaker:** Order.

**Mr D McIlveen:** Sorry, I will give way.

**3.45 pm**

**Mr Allister:** I am much obliged because — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Allister:** — I think that the Member might just have been referring to me.

The point, which I would like Members to seriously consider, was that we are in the scenario where we are all condemning the murder of PSNI officers. I was making the point that some of those who are today condemning the murder of PSNI officers are those who have justified, and continue to justify, the murder of RUC officers. Yet, it was in order to accommodate those very people that these artificial political structures were created. Something — before this nonsense is repeated — which I never endorsed and for which I resigned from the DUP. The point — *[Interruption.]*

**Mr Speaker:** Order. The Member has the Floor.

**Mr Allister:** The point is this: one of the products of the Belfast Agreement, which Members on those Benches used to oppose, was the rewarding of terrorism and special accommodation for terrorism. My point is that — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Allister:** — having set that template, are we not inviting the new generation of terrorists to reap the same reward?

**Mr Speaker:** Order. Can I just say this to the House: let us calm down. Let us be reminded of the language that we use in the House. I also say this to all sides of the House: I would like to think that when a Member takes an intervention — the Member quite rightly had the Floor and gave way — out of courtesy, the Member who intervenes will make the intervention short and sharp. I say that to the whole House.

**Mr D McIlveen:** I thank the Member for his intervention. There is one very simple answer to his question: no, I do not agree with him. I think that the vast majority of people do not agree with him. The reality is that —

**Mr Speaker:** The Member will have an extra minute added to his time.

**Mr D McIlveen:** Thank you very much, Mr Speaker.

I think that, if people did agree with the Member, he would not have to contribute to the debate through interventions as he would have the allocated speaking positions and the mandate to put his view across.

**Mr Storey:** Does the Member agree that, if the Member were being consistent with his claimed policies, he would not even be in this House? *[Interruption.]* Of course, the very fact that he is now here is evidence that he has not even got the support in the country. Of course, sitting there as a lone jack in the corner is evidence —

**The Speaker:** Order. Could we please get back to the motion?

**Mr D McIlveen:** I thank the Member for his intervention. I could not agree more.

I feel that issues still have to be resolved. The continuing attacks on the PSNI are an absolutely fundamental issue, and we have to address them today. The reforms of the PSNI over the years and the equality work that has been done by the organisation should be very much commended. Tribute has to be paid in that regard. Public confidence is increasing, with 94% of people saying in 2008 that they felt safe in their communities. However, it is unlikely that a similar poll of police officers and their families would yield the same results.

The threat from dissident republicans made it into a July 2011 Home Office report outlining a UK counterterrorism strategy. Attacks on police officers are becoming far too regular an occurrence. Those people keep our communities safe. It is thanks in no small part to their tireless work that we are now enjoying relative peace and stability in the Province; therefore any attempts on the lives of officers must be wholeheartedly and unreservedly condemned.

Today's motion is vital. What a day it would be if we could unite as one Assembly to condemn the brutal attacks on our police officers by those wishing to derail the peace process. I believe in this passionately, which is why I find it rather unusual that the other side of the House cannot accept the motion as written. For the whole Assembly to unite entirely against terrorism would be a huge step. In fact, it would be a

seismic step, and I believe that we are either moving forward or we are not.

I find the amendment all the more difficult to comprehend given that the deputy First Minister has called those responsible for the murder of Ronan Kerr the enemies of the peace and the enemies of the island of Ireland. Indeed, my colleague Mr Newton mentioned the comments made after the murders at Massereene Barracks. Why, then, will the other side of the House not just accept the motion as tabled so that together we can present a united front against terrorism?

The threat against PSNI officers is almost exclusively from dissident republicans. We have heard facts, figures and statistics proving that that threat is incontestable.

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

**Mr D McIlveen:** We should send out a message today condemning the acts of dissident republicans. I commend the motion to the House.

**Mr Hussey:** When I read the proposed amendment to the motion, one of the first things that hit me between the eyes was the phrase "human rights compliant". That means something to an awful lot of people, but it seems to mean different things to different people. We all know — my colleague Basil McCrea referred to it — that the basic human right is the right to life. Constable Kerr gave his life in the service of the Police Service of Northern Ireland, which incorporates the Royal Ulster Constabulary GC. Similarly, Constable Michael Ferguson of the RUC gave his life in Londonderry when he was shot dead in the street. Both were Roman Catholic officers, and both paid the supreme sacrifice for being police officers. So, where are we today? Have things changed much?

Police officers carry a heavy burden. In Northern Ireland, they carry an exceptionally heavy burden. In fact, throughout Irish history, police officers have carried a heavy burden. They have always been targeted by terrorists. They were targeted in the 20s, 30s, 40s, 50s, 60s, 70s, 80s, 90s, 2000s and beyond. I find it strange that we cannot use the term "dissident republican". I find it strange that some people find the word "terrorist" to be one that they cannot use. At a recent meeting of the Policing Board, we considered the Winsor review, and

one of the paragraphs that was to go back to the review referred to the specific targeting by terrorists of members of the Police Service of Northern Ireland. Who in this House would deny that police officers are being targeted by terrorists? A Member who spoke previously objected to that word. They objected to the words “targeting” and “terrorist”. I find that difficult to swallow.

I fully support the Police Service of Northern Ireland without question, and I fully support the Chief Constable without question. He has a role to undertake, and he undertakes it exceptionally well. If mistakes are made by any police officer in this country, various organisations can investigate those complaints. I do not and cannot accept attacks on any members of this community. I cannot accept attacks on people who have their windows put in. I condemn those who attacked the offices of the Members opposite, because that is wrong. That does not happen in a democracy. In a democracy, a police officer does not have a bomb placed under his car. In a democracy, a police officer is not shot at, and his home is not targeted because he is a police officer. I condemn all attacks, and I condemn the attacks on police officers, but we can and must call a spade a spade.

Dissident republicans are clearly there, and they will not go away. We cannot make them go away by covering our eyes and pretending they are not there. I am sorry, but, until people accept that dissident republicans are here and that they are here to cause havoc and to murder police officers and those who support this state, I have no truck with them. If the words “dissident republicans” cause so much offence to those opposite, I cannot support the amendment.

We have a completely new Police Service. Those new police officers are being specifically targeted because Catholic officers were prepared to join the Police Service of Northern Ireland. Catholic officers were prepared to join the Royal Ulster Constabulary, and many of them paid the supreme sacrifice. The words “dissident republican” will not go away. Like another organisation that once said that it had not gone away, they have not gone away. Until those words are included, I am afraid that I cannot accept the amendment.

**Mr A Maginness:** This has been a very good debate, and there has been considerable agreement right across the Chamber. That is

encouraging, not just for political reasons but, in particular, for the PSNI, which has a very difficult job to do in safeguarding our community, and I mean the whole community. Dissident republicans are out to destroy policing and the PSNI if they can; they are out to destroy the political progress that we have made in recent years.

Of course, the answer to their campaign of destruction and their campaign against the PSNI is not just to condemn their actions but to support and deepen the political progress that we have made, because it is through partnership and working together in the Chamber, in the Executive and in the other architecture of this institution that we will continue to make political progress. By making political progress, we undermine the very point that dissident republicans are trying to make, which is that this cannot work. However, this can and is working, but it can work much better; therefore we should deepen our resolve to create an even better partnership right across the community. In supporting the PSNI and encouraging young people in particular from every part of the community to join it, we are strengthening the police service.

What the PSNI has, which its predecessor did not have, is the fact that it is a representative police service; it has a critical mass in its cross-community make-up. It is a legitimate police service. Right across the community, people respect and support the PSNI, and it is therefore very important —

**Mr Humphrey:** I am sure that the Member will appreciate that that is very difficult for some of us on this side of the House. He seems to imply that the Royal Ulster Constabulary was not legitimate. The Royal Ulster Constabulary was not as representative as he and his community would have wanted it to be because people who sought to join it were targeted — as were their families — and prevented from doing so. That has to be remembered.

**Mr A Maginness:** Of course I accept that the RUC sustained savage attacks, and many members lost their lives in the service of the community. However, it has to be said that the RUC did not command universal political or community support; that was one of its fundamental weaknesses. I believe that, as a result of the reforms in policing, we have built a police service that commands almost universal support across the community. That is a very powerful weapon,

more powerful than any physical weapon that any police service has. Having popular support is so important. Thus the murder of Ronan Kerr shocked the whole community and brought an outpouring of sympathy right across the community. That is a testament to the political progress that we have made and the achievements of the PSNI in a very short period. That is something of great value.

In the final half minute that I have, I appeal to those who are involved in dissident republican activity to desist and to reflect on what they are doing, because they are simply repeating the mistakes of the past.

Physical force will not work to achieve what they are setting out to achieve, which, I believe, is a united Ireland. You cannot unite Ireland by murdering your fellow citizens. You cannot unite Ireland by murdering policemen and policewomen who serve the community.

#### 4.00 pm

Therefore, I appeal to them to desist from violence and to work politically to achieve what they want to achieve, which is the unity of the Irish people. They will not succeed with violence, of that I have no doubt. I believe that the very powerful support in the Chamber today for the PSNI underlines the fact that those people cannot achieve, through violent means, their ultimate political ends. I hope that the House, by uniting today, will demonstrate that to them.

**Mr Ford (The Minister of Justice):** I am responding to the debate on behalf of the Executive as the result of a specific decision at last week's Executive meeting that I should be here to give a response, even though the motion and the amendment do not formally call for action by my Department. I want to make it clear at the outset that I support the motion and the amendment.

I welcome what we have heard today, which is a unified voice in the Assembly. It is absolutely important that the Assembly send out a clear and united message to the community and to the police on this hugely important topic. Of course, the views around the Chamber have not exactly been unanimous. They were never going to be unanimous when dealing with an issue such as this, given the differing backgrounds that are represented here. In fact, it shows something of the strength of unity that it is not unanimity. People have come from different

backgrounds, we have all kinds of different perceptions and we all bring different baggage, yet, around the simple motion and amendment, it seems to me that we are close to achieving the unity that, I believe, our community deserves.

The debate is a valuable opportunity for us all to recognise, as we so rarely do, the service and commitment of those who work on behalf of the Assembly and the entire community to tackle criminality and terrorism in all its forms: the officers and other staff of the Police Service and, of course, their colleagues in a number of other agencies. It is clear that the principal target of the terrorists is police officers, yet, at the same time, the amendment in particular recognises that those who resort to violence are unconcerned about the lives of other civilians. They are unconcerned about civilian injuries and the loss of business, jobs, tourism opportunities, and so on — the losses that are inflicted on us all.

I commend the PSNI and its colleagues in an Garda Síochána for their continued determination, despite the threats that they face, to prevent terrorist attacks and to bring to justice those responsible for them. I welcome the significant successes that there have been in recent weeks and months on both sides of the border in dealing with those who resort to violence.

Nevertheless, there are other important points that need to be made in the debate. The first, which has been highlighted by a number of Members, perhaps more on one side of the House than on the other, is about the police's commitment, supported by the Department of Justice, the Policing Board and many others, to neighbourhood policing, community safety and key priorities to ensure a service that meets the needs of the community as a whole. Those will not be sacrificed. Let us remember the words of the Chief Constable, Matt Baggott, who said:

*"It is the ambition of the Police Service of Northern Ireland to be the finest personal, professional and protective police service in the World"*

and

*"community policing is the means to achieve this."*

In the face of the threats that police officers are under, the determination to continue with that policing for the entire community must be respected by us all. In the aftermath of Constable Ronan Kerr's murder, the chairman of the Police Federation said that the police:



*"will never be deterred by terrorism from doing our duty and serving the whole community."*

Perhaps even more poignantly, a young Catholic officer interviewed by the BBC in the summer said:

*"every person that needs us, needs our help or advice, that's who I work for".*

If that is not a clear statement of what policing in the community means from the perception of a new, young constable, one that is would differ very little.

Let us also remember the public statements that were made by political leaders, Church leaders and leaders in every section of this community in the face of the murder of Ronan Kerr earlier this year. Let us remember the determination that was expressed in particular by the First Minister and deputy First Minister to continue to make the necessary progress for this society. I stood with them and the Chief Constable that day. The symbolism of the Chief Constable, accompanied by three political representatives from very different backgrounds but who were united, in the context of the devolution of justice, to show that the Executive and Assembly could work together, cannot be overstated.

Let us remember the words of Nuala Kerr, who said:

*"We were so proud of Ronan and all that he stood for. Don't let his death be in vain."*

I think that the response that we have seen in the Chamber shows that his death was not in vain. Sometimes, we have produced that unity in the short term in the face of a particular act of violence. The fact that the Assembly is having a measured and sensible debate about the response to violence and, looking at the wider circumstances, the recognition from both sides of the House of something of the perception of the others in the House, has been a very positive statement.

Let us look at something of what normal policing means. Earlier this year, we had the publication by the police of their principles of policing. They stated that the police will put communities and victims first. The policing plan, which was prepared by the Department and the Policing Board in conjunction with the views of district policing partnerships, refers to a clear focus on policing with the community and a focus on delivering an excellent service.

Community policing is and must be the bedrock of policing here. That is why confidence in the Police Service is at such a high level.

Policing is far from the only response to the threat that we face from terrorists. We all need to play our part in the Chamber and the community to assist the police by uniting to demonstrate to terrorists from whatever quarter, and whatever cause they claim, that their actions are out of step with the vast majority of the people of this island, who have rejected violence and wish to see a peaceful solution to our issues.

As Minister, I commit myself to supporting work that will remove the causes of conflict in our community so that we can develop a safer and shared community. I will continue to work on the relevant issues such as the community safety strategy, the reducing offending strategy, the work that we talked about during Question Time on removing or remodelling interfaces in line with community aspirations, and assisting in reducing tension around parades and public order generally. Those are ways in which the Department of Justice and every Member can help to build a positive future in which communities can see the positive impact that the devolution of justice can make and has started to make over the past 18 months.

Of course, it is not enough that justice has been devolved. This is a matter for partnership around the Executive table, in the House, on the Policing Board and in the Assembly Committees, especially the Committee for Justice. I stress that ongoing community support for the Police Service is vital in the work that it does to keep us all safe. I am glad of this opportunity to remind the public of the importance of that support and to encourage them to assist the police in any way they can. In return, we expect the police to serve the community. We expect them to operate professionally and in a manner that is compliant with human rights. That means protecting the public and officers, and pursuing terrorists, within the law. The service is naturally and rightly accountable in a variety of ways for its role and operation.

I assure Members that, as Justice Minister, I will continue to work with all Members, especially Executive colleagues, to help to build a positive future in which all of us, including police officers, members of the wider community and

ordinary citizens, can be free from the fear of terrorist attack.

As I said earlier, too often in the past, we have seen Members united in the short term in the face of specific terrorist acts. I welcome the way in which the debate has been conducted. I welcome the united views that have been expressed. That is unity in an extremely positive sense because it is support for the Police Service, the Chief Constable and all of his officers, and the work that they do in policing with the community.

I trust that all Members will feel able to join together in supporting the motion and the amendment to show such unity in the face of terrorism and in support of the Police Service.

**Mr McCartney:** Go raibh maith agat, a Cheann Comhairle. Beidh mé ag labhairt ar son an leasaithe. Thank you very much, Mr Speaker. I will speak in favour of the amendment. I hope that Members have seen the amendment as strengthening the motion. In particular, I hope that, when Gerry Kelly took an intervention from the mover of the motion, Ian McCrea, he went some way to allaying the fears about labels or designation. The same applies to Ross Hussey's comments. Gerry Kelly said that this is not about labels but about ensuring that we have a united voice against all attacks that are made on our community. I hope that, when Members come to vote, they will see the spirit and intention of the amendment.

Sinn Féin is totally and absolutely opposed to all attacks, be they on persons or on property. Gerry Kelly said that, when you say that you are opposed to all attacks on all persons, including PSNI officers, people sometimes think that you see them as a category that is separate from the rest of the community. I hope that Gerry Kelly addressed that. They are part of the community and do not stand apart from it. In that sense, therefore, we want that point to be realised.

We also stand opposed to all those who attack persons and property, and we do so without reservation or designation. As we go forward, that is important. We hope that our amendment, if accepted, will send a very clear message to the community that the Assembly stands opposed to all attacks on all persons and all property. It is very important that we send that message.

That message cannot stand in isolation, because we have to show political leadership. The message

will be stronger if such leadership runs alongside it. In my opinion, key to that leadership is the creation of a society that is based on mutual co-operation, respect and equality. Underpinning that must be an attempt by all of us to ensure that prosperity is brought to the lives of the people whom we represent. Therefore, these attacks can be seen in that context.

I will dwell on one particular initiative that took place in Derry in my constituency of Foyle, and I know that the Ceann Comhairle — the Speaker — was also involved in it. That initiative is a good example of co-operation, and, in the main, it was a response to the two car bomb attacks in the city. At the end of last year and coming into the new year, political representatives and people from across the city came together and tried to come up with an agreed position on how we would move forward. People came from all shades, and we accepted that there were political differences and different political perspectives. We were able to agree a statement, part of which read:

*"Any attack against any part of the city and region or against any person or people in or of the area is an attack against the interests of everyone and against the future wellbeing of this City and its people."*

That message can be stretched right across the North and across the island of Ireland. It is important that we do that, because people appreciate the strength of the message. There was no need for labels or for designation. When people in our city read the message and saw the work that had gone into the statement, they did not ask whether it referred to attacks by dissident republicans on the PSNI or those by vigilante groups on individuals in our community. They got a very clear message that the city and its political representatives were totally and absolutely opposed to any attack on any person or property in our city.

That is the message that we must send today, and, as I say, it can extend right across the North and across the island. That is the tone of and the sentiment behind our amendment, and that is why we ask that the House not divide on it. I acknowledge that the Minister is here. As he outlined, he did not have to respond on behalf of the Department, but we all welcome his positive tone and his lead in calling for support for the motion.

**4.15 pm**

**Mr Craig:** I want to take this opportunity to thank all who participated in the debate. I believe that the debate is significant, and the reason is quite simple. Given that we have come out of 30 years of violence, during which the Royal Ulster Constabulary successfully defended and protected the rights of our citizens against terrorist attacks, and have moved into a new era of peace, which has been marked by the Assembly, there is an onus on all of us here today to give leadership and to stand up to those who continue to commit acts of terrorism and refuse to accept the will of the people of Northern Ireland.

After the indefensible and sickening murders of Sappers Azimkar and Quinsey, outside Massereene Barracks in Antrim, and the murder of Constable Stephen Carroll, who was responding to a call involving a community policing matter, the deputy First Minister of Northern Ireland, Martin McGuinness, called those involved in the incidents “traitors” — a very strong word indeed. It came from someone who, at the end of the day, confessed to his membership of the IRA. There are Members in the House who refuse to recognise that step forward, but I am not one of them. That was a statement of how far forward we have moved and why we stand here today. We must give our full, wholehearted support to the Chief Constable and the PSNI. There must be no ifs, buts or maybes about whichever group decides to take up arms against the will of the people of Northern Ireland.

I, for one, want to thank the PSNI for all that it has done to cope with the situation in which it finds itself. Many serving officers have been left with physical and mental scars. I speak with some experience because some of those officers are my friends and colleagues, and I know what they have been through. I also want to pay a huge tribute to the 300 members of the RUC who made the supreme sacrifice, and to their families. We are always reminded of them — some of us have very personal reminders — and we will always remember them.

I do not want to single out any one victim or victims, but given the inquiry south of the border into the IRA murders of RUC officers Harry Breen and Bob Buchanan outside Newry in 1989, I want to point out that those murders are, quite frankly, no different from the murders

of PSNI officers in recent times. We all hope and pray that no one else is killed at the hands of terrorism. However, given the significant increase in violence that we have seen, as my colleague pointed out at the start of the debate, we cannot rule that out. Nevertheless, what we can do today is to send out a clear message to the terrorists about what the House believes: democracy is the only way forward.

Like many in the House, I knew nothing but the way of violence in my youth. That was the way that was imposed on me; I did not have an option. We lived through 30 years of waking up every day to hear a list being read out on the morning news of the people who had been murdered. Ironically, the programme is now called ‘Good Morning Ulster’, but back then there was never a “good morning”. I will not go into the rights and wrongs of who murdered whom. However, that was my youth, and that is what I lived with.

Some of it is quite comical; to this day I have not got used to the fact that when you walk into a shop you do not get searched. I also always found it strange when you went to another country and were not searched. That is the progress that this House and this process have brought. However, there are those who refuse to recognise that process and progress. I just wish that they would open their eyes and, more important, their ears and listen to what was said here today.

The fact that Gerry Kelly mentioned dissidents is a significant point in the history of this House. There is recognition by all Members and parties that the only way forward is through dialogue and democracy. We need to send out a clear message to those who think that they can get their way through violence, whether they label themselves loyalists or dissidents, that that is not the way forward. That way failed my generation for 30 years. We are not going back there; we are not having it.

I could go through the long list of what Members said, because I listed their main points in bullet form. What shines out is quite simple: every one of them paid tribute to serving officers and the stress and pressure that they are under; everyone supported the police and security forces in their efforts; everyone paid tribute to those who made the ultimate sacrifice in securing our safety in this community; and everyone pointed out that the only way forward

is for the police to have the full support of all communities in Northern Ireland.

I have little more to say about that. However, I appeal to the House to send out a clear message to the people of Northern Ireland and to those who still think that there is a way forward through violence: there is no room for violence in Northern Ireland, the Republic of Ireland, the United Kingdom or anywhere else. The way forward is through democracy, which is being exercised in this House tonight.

I support the motion and the amendment.

*Question, That the amendment be made, put and agreed to.*

*Main Question, as amended, put and agreed to.*

*Resolved:*

*That this Assembly stands united against continued attacks on the PSNI and the wider community; condemns any attempts on the lives of officers; and fully supports the Chief Constable and the PSNI officers in dealing with this threat in a way that gives primacy to community policing, is human rights compliant and engenders greater confidence throughout the whole community.*

*Motion made:*

*That the Assembly do now adjourn. — [Mr Speaker.]*

## Adjournment

### Flags and Emblems: East Belfast

**Mr Speaker:** The proposer of the Adjournment topic will have 15 minutes in which to speak. All other Members who are called to speak will have approximately seven minutes.

**Mr Lyttle:** I thank you for the opportunity to discuss the display of flags and emblems in east Belfast, which is not only a local issue but one of regional significance.

I want to make myself clear today, because, unfortunately, some Members in the House have proactively misrepresented the Alliance Party's position on this emotive issue for their own political gain. Alliance upholds the right to freedom of expression that does not infringe on other people's rights or breach the hard-earned peace in this community. We actively encourage positive celebration of culture and identity and recognise the right of an individual to display non-proscribed flags on their own private property on any day of the year.

However, I hope that all Members agree that the display of flags in order to demarcate territory or to intimidate, including flags depicting the names of proscribed organisations, is negative for east Belfast and undermines peace and progress in Northern Ireland. As I stand here, in the middle of October, there are flags of different nationalities displayed on public street furniture across east Belfast in a tattered state. Some of them are even upside down. Is that really the way we want to express our culture and identity?

We have had a difficult summer in east Belfast with an increase in the display of flags, some of which display the names of proscribed organisations, and new wall murals that are alleged to be in contravention of the Public Order (Northern Ireland) Order 1987 and the Terrorism Act 2006.

The Office of the First Minister and deputy First Minister funded Queen's University research which established that the display of flags on public street furniture, flags depicting the names

of proscribed organisations and flags that are left to tatter for months after commemorative dates impacts negatively on areas. I am not sure whether we needed Queen's research to tell us that. Those types of displays are considered intimidatory, bad for good relations and bad for development in areas that need it the most.

In the 2008 Northern Ireland life and times survey, 84% of respondents objected to the display of flags on lamp posts. I have received anonymous correspondence from many constituents, including those from expressed Protestant backgrounds and inner-city areas who were too afraid to give their details, expressing concern about the impact that such displays have on our community. I have heard from businesses in inner-city areas of east Belfast that have experienced losses, have laid off staff and are considering relocating as a direct result of the display of illegal flags and emblems in their area.

Perhaps most importantly for the Assembly, those residents and businesspeople are asking why elected representatives and the PSNI have so far been unable to do anything about the issue. Members of this House, particularly those from East Belfast, including the First Minister of Northern Ireland, need to listen to those anonymous residents who are too afraid to give their details. We need to listen to businesspeople living in our constituency who are too afraid to give their details.

This is not about limiting the expression of identity, unionist or nationalist. It is about saying clearly that the consequences of the problem are serious. I recognise that this is not just an issue for east Belfast, and that if I am to call for change in east Belfast I must also call for change across Northern Ireland. I also have to express serious concern that a mural depicting masked men was unveiled this summer in west Belfast by Members of the House.

I must reference the positive work that also goes on in our communities, particularly in east Belfast, which has led the way on this issue in many respects. Many people in east Belfast, including those with an expressed loyalist background, have worked courageously on Re-imaging Communities projects, supported by the Arts Council of Northern Ireland and Belfast City Council. Those projects have shown how works depicting the Titanic, CS Lewis and shared future murals can display and record the culture and identity of east Belfast in a way that

promotes community spirit, development and good relations in the area.

However, if we are to avoid that work being lost, we need to take further action.

#### 4.30 pm

The Office of the First Minister and deputy First Minister has policy responsibility for good relations and for the public display of flags and emblems. If the First Minister and deputy First Minister's commitment to a shared east Belfast and a shared Northern Ireland is to be taken seriously, it is time for them to deliver a long overdue and inclusive review of the flags protocol and to give their full support to a policy framework that encourages the respectful display of flags and emblems that is consistent with a shared future. That policy must also set out clear responsibilities for the PSNI and other statutory bodies to prevent illegal displays and enforce the legitimate rights of law abiding citizens and communities to live free from fear or intimidation. That policy should, at the very least, deliver a more respectful and time-bound public display of flags and the removal of tattered and paramilitary flags to help us build a shared and better future in east Belfast and Northern Ireland.

**Mr Douglas:** I welcome the chance to contribute to what I believe is a timely debate. On average, over 4,000 flags are put up on lamp posts and houses in town centres and on arterial routes throughout Northern Ireland every July. I read somewhere that the average number of unionist flags erected was approximately 3,500 to 250 nationalist flags.

As the Member who spoke previously said, the Office of the First Minister and deputy First Minister commissioned the report, 'Public Displays of Flags and Emblems in Northern Ireland', which was published in 2010 by the Institute of Irish Studies at Queen's. That report highlighted the fact that the number of paramilitary flags being flown on main roads in Northern Ireland during July had more than halved. Members should take note of that. I remember speaking to Dominic Bryan from Queen's about how he calculated the number of flags that were flying. He told me that he walked the streets and arterial routes and literally counted the flags.

The protocol around flying flags, interestingly enough, dates back to direct rule, and it was

published by the then Labour Secretary of State Paul Murphy in 2005, which was when the Assembly was in suspension. Therefore, the time is right for us to take a fresh look at the protocol as long as we ensure that all stakeholders have input.

The 2005 protocol aimed to work towards the removal of flags from arterial routes and to limit the flying of flags to particular periods. It stated:

*“where flags are displayed for a festive or other occasion, that the display is reasonably time-bounded”.*

I think that we can all sign up to that. It also stated:

*“flags, including plastic ties, tape and poles, should be removed by the community after the agreed period”.*

That has certainly taken place in some areas, and it should be encouraged. Another aim was to:

*“encourage communities to accept that flags displayed which are tattered and torn or discoloured do not enhance the environment and should be removed.”*

We have all seen flags that leave us unable to identify what or whom they belong to, and we cannot even make out the colours.

In response to the report, Duncan Morrow from the Community Relations Council said:

*“It is very disappointing to learn that six years after the introduction of a Protocol on the public display of flags and emblems along arterial routes that there has been little change”.*

I think that the Member who spoke previously mentioned the Terrorism Act 2000. One of the clauses makes it an offence for someone to invite support for a proscribed organisation, and that should or could cover paramilitary flags.

I also looked up the flags protocol for the Republic of Ireland. Again, it is interesting to note that the national flag, or the tricolour:

*“should never be defaced by placing slogans, logos, lettering or pictures of any kind on it, for example at sporting events.”*

I have been at a few sporting events at which that flag was defaced.

In east Belfast, there has been a long history and tradition of flying flags, especially since the outbreak of the Troubles more than 40 years

ago. A number of years ago, a protocol was established by a loyalist commission that all flags should usually be removed by Ulster day in September. Generally speaking, that was adhered to for a number of years.

Last weekend, I spoke to some loyalist leaders who were in the process of removing the last flags in east Belfast. Most of those flags have been removed. It should be noted that, very often, flags are put up by people who are not associated with any loyalist groups, and they end up tattered and torn. For instance, young people might put flags up, and some people in the street might be afraid to remove them because they think that the flags might be related to a loyalist organisation.

I will move on to murals and symbols. In 2003, after months of vicious rioting at the Cluan Place/Clandeboye Gardens interface, sectarian graffiti appeared across east Belfast. After months of discussion between community leaders and paramilitary groups, every piece of graffiti was removed, and, importantly, senior loyalists in the area offered to remove images of hooded gunmen from along the main arterial routes. They did so mainly as a gesture of goodwill but also to encourage businesses to stay and bring jobs to the area. As the Member said, people have made very positive contributions.

A community project called The Writing is not on the Wall was set up. It was a local project that entailed removing dozens of paramilitary murals and replacing them with new community-friendly images celebrating local culture and human achievement. Those murals included C.S. Lewis, The Lion, the Witch and the Wardrobe, George Best and the Titanic. In the Tullycarnet estate, the grisly UFF grim reaper mural was replaced by an image of a Catholic World War II hero. James Magennis, from the nationalist Falls Road in west Belfast, is the only Northern Ireland man awarded the Victoria Cross for bravery during World War II.

Fast forward to this summer, when two freshly painted loyalist murals depicting balaclava-clad UVF men clutching machine guns and poised for action appeared in east Belfast. The media reported at the time that the murals were understood to have been erected in frustration over a new republican mural in west Belfast that commemorates the 30th anniversary of Bobby Sands's death and depicts shots being fired

over the coffin. I decided to speak to loyalists in east Belfast about the murals, and they conveyed to me their frustration at alleged double standards on the issue of paramilitary murals. They referred to the Whiterock republican mural that was erected earlier this year and shows an IRA firing party at the 1981 funeral of hunger striker Bobby Sands. I also spoke to Jim "Bimbo" Wilson, a local community worker and former internee who has worked tirelessly to reduce tensions at the interface. He told me that there was no difference between the east Belfast murals and the west Belfast mural of IRA men standing in combat uniforms, firing guns and wearing berets. Certainly, there is a window of opportunity to remove the recent east Belfast murals if there is a positive reciprocal response from republicans in west Belfast.

Over the years, a huge amount of positive work has been done in east Belfast, so let us not focus too much on some of the recent developments, albeit that some were steps backwards. There is now an opportunity, at a devolved Administration level, to shape a new flags and emblems protocol. However, if we are to have a Northern Ireland in which we are at peace with ourselves, we need to engage with all stakeholders on all those contentious issues.

**Mr A Maskey:** Go raibh maith agat, a Cheann Comhairle. I thank the Member for securing the debate and allowing us to address the issue to some extent. However, I am not entirely confident as to what the most positive outcome can be. Although we probably need protocols and legislation to tackle those issues, I still firmly believe in the need to ensure that we do so in a way that engages with communities. We must assure people that it is not about removing their version of history, their culture or their heritage. Rather, it is about trying to make sure that we have a society here in which people respect one another, whether through equality legislation at all levels of our lives or in the display of flags and emblems.

Any future protocol has to deal with the fundamental inequality between the British Union flag and the Irish national flag, to which all nationalists give their political allegiance. We need to address that elephant in the room. It is unfortunate that people driving up and down pass what are supposed to be illegal flags, as do we on coming to the Building every day. However, not one single person is addressing the fact that those illegal flags are still on display.

However, I suggest that if someone were to replace one of those flags with an Irish tricolour, you can be sure that it would be removed immediately and described as an illegal flag. It is a difficult issue that has to be addressed if we are to treat with respect people in the community as a whole when it comes to how they view their inheritance, their allegiance and their cultural heritage.

The debate deals specifically with east Belfast, and, following on from Sammy Douglas, the Member who spoke previously, I want to put it on record that there are a number of people from what would be called the loyalist community in east Belfast who have worked very hard over many years. Their work is not always very popular. The great and the good do not often give credit to some of those individuals, and quite a lot of the great and the good would look down their nose at some of those individuals, and have done so publicly. Sammy referred to a gentleman who has been involved in tackling problems at interface areas, who has been involved in cultural and political exchanges and who attended and organised many debates on a very open-ended and inclusive agenda, and I commend that work.

Unfortunately, this year, we had an outbreak of flag mania. We all know that there was a shift in power, or whatever it may have been, and it is not up to me to give an analysis of that. However, everybody knows that there was a specific problem in east Belfast earlier this year that manifested itself in a number of ways, one of which was a massive increase in the number of flags on public display. Unfortunately, most of them would be described as illegal paramilitary flags. That caused tremendous annoyance and upset this past year in particular because, as I said, it was a complete departure from what clearly had been an ongoing reduction in the number of flags on public display. Members have already said that we have a mixed community, and that should be welcomed. More and more people are trying to share on an equal basis in this community, but it is difficult if you have to move in and out of an area that is completely and utterly emblazoned with flags, particularly if they represent paramilitary organisations.

I do not want to second-guess people in those communities who have allegiances, sympathy or empathy with any of those organisations or that part of our history. This is not about an attack on that. Surely at this time in our lives and our

history it is important that we can agree some type of protocol that would allow flags from a particular tradition or heritage to be flown respectfully but that would also respect others who may not come from that particular tradition. A call has to go out for clear political and civic leadership. It is not just down to politicians or to the First and deputy First Ministers, because whatever they agree may not be deliverable as a result of others not putting their shoulder to the wheel. The issue goes much deeper than party politics. If people think that it is down to the First Minister and the deputy First Minister, they are being very foolish. It is matter of political and civic responsibility, and it requires leadership. It also requires discussion and debate with those who are involved in those activities.

I support the idea that we renew our flags protocol. However, that will not be delivered unless it is backed up with legislation, and it will certainly not be delivered if it is not backed up with civic and political leadership at local level in those communities, with people being prepared to discuss how best we reflect our own particular heritage, culture and history.

**Mr Speaker:** I call Mr Michael Copeland.

**Mr Copeland:** Thank you very much, Mr Deputy Speaker: I thank the Member for bringing this debate — unfurling it to a degree.

**Dr McDonnell:** It is Mr Speaker.

**Mr Copeland:** Mr Speaker. Did I not say that, sir? That is Mr Speaker.

**Mr Speaker:** I was not listening to the Member.

**Mr Copeland:** Sorry, did I refer to the Speaker as Deputy Speaker? Sir, you have my most profound apologies. The hour is late, but the mistake is unforgivable. Perhaps I should have kept my glasses on. I do apologise.

I thank Member for unfurling — if that is the right word — the debate and giving it an airing in the Chamber. It is important to establish and differentiate immediately what we are talking about. In some circumstances, a flag is just a piece of cloth, printed or woven. However, in some circumstances, it can take on an almost mythical meaning: regimental colours; Old Glory; the flag that flew at the Alamo; the flag that flew over the General Post Office in Dublin in 1916; and perhaps even the standard, allegedly, of the 14th Battalion, Royal Irish Rifles (Young Citizens

Volunteer Corps) that fluttered momentarily in the third German line on 1 July 1916.

#### 4.45 pm

However, that is not what we are talking about here. We are talking about flags that hang, in some circumstances, until they decay, rip or tear. They do not look loved, and they do not look respected. However, they cause difficulties, which I fully understand, for people who do not subscribe to what those flags represent. We are in danger of viewing flags as the problem, when the truth may be that they are a symptom of a much deeper problem, and treating the symptom will not always cure the underlying difficulty. Indeed, interfering with the symptom, if it is a rash or a lesion, can lead to infection, which can create greater difficulties.

I am very proud of the district of the city of Belfast from which I come; I always have been. I am not always proud of everything that it does; no one could be. A number of years ago, a group of individuals decided to launch the Dressing the City initiative, which Mr Lyttle may be aware of. They decided to do so for no particular reason other than they felt that, in some cases, Union flags and the device of the Government of Northern Ireland, which is often erroneously called the Ulster flag, were flying year in, year out and deteriorating into rags. Under that initiative, banners were sponsored and erected on lamp posts on Templemore Avenue, a section of the Albertbridge Road, a section of My Ladys Road and a section of the Ravenhill Road. Made from PVC, they were put up on a specific date, taken down on a specific date and designed to commemorate particular events appropriately, without seeking to give offence to anyone.

I will support and listen to any notion that makes east Belfast in particular and the city of Belfast or the Province in general a more acceptable place for us all to live. However, as was said by Mr Maskey and echoed by Mr Douglas, what is not arrived at with the agreement, acquiescence and understanding of the communities affected will not work; it is simply words aimed at an audience. The same applies to walls. I know as well as anyone else in the Chamber what those walls are, and I know that, in many cases, the people who live on either side of them suffer in equal measure. They suffer economic exclusion, educational underachievement and the ravages of recession and depression. In many ways, they are identical, yet,



for some ancient reason, an animosity exists almost as an act of nature. Talk of bringing walls down without seeking the acquiescence of those who live in their shadow and who look to them for protection does not help. However, I noted the remarks that were made earlier about Newington and the fence in the park.

These issues are terribly complex, and one solution does not fit all. We should not blunder in; we should go quietly and diligently, like the communities who live in the vicinity of flags. Hopefully, by agreement, the passage of time and the forgetting of ancient enmities, the celebration of one section of our community will no longer come at the expense of another.

**Dr McDonnell:** I welcome the opportunity to take part in this debate, because I have long felt that illegal flags and insensitive flag-waving and flag-flying can poison community relations and undermine trust. Flags flown to be provocative usually serve their purpose. They are perceived to be aggressive and threatening to many people to whom they are directed and, indeed, many to whom they are not supposed to be directed. Ultimately, people are intimidated to a greater or lesser degree.

Inappropriate displays of flags and emblems can lead to economic damage. Although we are looking at east Belfast specifically, there is a town centre aspect to much of the Newtownards Road and the Hollywood Road. Those areas need to be safe and welcoming spaces for everyone. Beyond that, improved relationships around interfaces will, I hope, reduce the number of flags that are flown and murals and all the rest.

However, all those things are hopes. I go back to this: the fact is that flags poison community relations and undermine the trust that people need to have in each other. Flags are perceived as aggressive and threatening. They are not seen as positive statements of identity, nor do they reflect the new disposition that we have managed to achieve here in the past 10 or 12 years. I believe that that is a disposition that the vast majority of people want to sustain.

We in the SDLP accept that everyone has the right to celebrate their culture and heritage, but we do not agree that flags always make a positive contribution to community relations or to the regeneration of our neighbourhoods. There is a degree of regret that the Executive have failed to progress the establishment of a meaningful flags protocol that would control

the flying of flags, particularly in contentious situations. We urgently need a protocol that deals with how DRD, the PSNI or both will remove illegally hung flags or, frankly and from my perspective, any Union flag, tricolour or paramilitary flag that is flown in a manner that is designed to intimidate and annoy. Such a protocol would also deal with the prosecution of anyone who tries to replace those flags. Quite frankly, any Union flag or tricolour that is hung out to cause annoyance or provocation does no favours and pays no compliment to the flag or to what it represents.

I have had serious trouble with flags for years in parts of neighbouring south Belfast. The issue is not confined to east Belfast or to the wider Belfast area; it is an issue right across Northern Ireland. In parts of south Belfast, we have been tortured with illegal loyalist flags that are systemically used to intimidate Catholics and moderate unionists who do not want their neighbourhoods turned into ghettos. Time and time again, I have seen elderly and frail people threatened, bullied and intimidated if they object to loyalist flags being flown — from their property, in some cases, or from lamp posts at their gates.

This is a divisive issue which we, as an Assembly and an Executive, have totally failed to address. A shared future policy was created some time ago, and a joint protocol on the flying of flags in public areas was developed and published as long ago as 2005. That was six long years ago, and little has happened since then. That protocol was not followed up, pursued or implemented.

The Northern Ireland life and times survey of 2008 showed that 84% of people did not support the flying of flags from lamp posts in their neighbourhoods. Additionally, 38% were unwilling to shop in neighbourhoods where there were displays of loyalist flags, and that figure rose to 46% for displays in what were perceived to be republican areas.

The Queen's survey, which my colleague from East Belfast referred to, was conducted between 2006 and 2009 and was published last year. As my colleague from East Belfast said, its findings show that there has to some extent been a reduction in the number of paramilitary flags displayed, with their numbers dropping from 161 to 73, which is a more than 50% reduction. However, although paramilitary flags

are the most offensive, they are less likely to be removed than other flags because of the threat that is contained therein and the threat to anybody who tries to remove them. I have had lengthy negotiations with the police and DRD officials, who pass the parcel to each other because nobody quite accepts responsibility. They both feel threatened and believe that to tackle the problem would sometimes cause more disruption than it is worth. That is not much consolation to the people who feel threatened and who have to sell their homes and move out of areas.

The Queen's University survey concluded that, although the flags protocol, which was established some time ago, worked well in some areas:

*"evidence suggests that, in overall terms, it has been largely ineffective ... there remains a lack of 'joined-up' working by agencies in many places."*

That independent report recommended:

*"that the Flags Protocol be restructured to include District Councils".*

It also stated that displays of flags should be time-bound to no more than two weeks. The emphasis was placed on reducing the numbers of paramilitary flags, and it was suggested that a voluntary code of conduct be developed for local groups.

Many other issues are involved: road safety, tourism, intimidation and the need for a revised protocol that statutory agencies and local groups could sign up to. I could go into a lot of those, but the bottom line is that the flying of illegal flags is damaging to the economy, tourism and community well-being. We must do all that we can to tackle this issue, not just in east Belfast but right across Northern Ireland.

**Mr Newton:** I welcome the opportunity to speak in the debate. I also welcome the acknowledgement by the Member who secured the debate that this is not exclusively an east Belfast issue but a feature of life in Northern Ireland, and that it is not exclusively a unionist issue but has connections with the nationalist community, predominantly the flying of the flag of the Republic of Ireland in parts of Northern Ireland.

I, like Dr McDonnell and my colleague Sammy Douglas, want to pay tribute to the work done by Queen's University in its report on the display of

flags and emblems in Northern Ireland. Without that piece of work, we would have been unable to quantify the situation or determine what progress has been made. I believe that we have made progress.

We can make all sorts of broad assumptions or conclusions about the display and regulation of flags as political symbols. In east Belfast, the vast bulk of the political symbols displayed are on arterial routes, and they are flags, although mention has been made of murals. I am not sure whether the debate is about the flying of illegal flags or the flying of flags illegally, but the issue needs to be addressed. The total number of flags that are on display peaks during the marching season; we all know that. In many cases, flags are put up, certainly in the east of the city, to mark out marching routes. That is a fact, and it has been going on for generations. The flags predominantly stay up throughout the summer months. The vast majority of them are the national flag, or the Ulster flag, also referred to as the flag of the Government of Northern Ireland.

As I said earlier, progress has been made. Dr McDonnell referred to the figures on the reduction in the numbers of paramilitary flags. The decisions to reduce the numbers of flags have been made by those who have an affiliation to one paramilitary group or another. That is to be welcomed.

Michael Copeland referred to other initiatives taken by locally based community groups to try to remove what was a controversial issue. For example, bannerettes were erected in a non-offensive way along marching routes as a symbol of the cultural and historical aspects of life in Northern Ireland from the unionist perspective. I happen to be quite proud that I sponsored one of those bannerettes, which has a photograph of Her Majesty the Queen on it. Two local groups embarked on that welcome initiative. They did so for their own reasons, which were very positive.

#### 5.00 pm

Dr McDonnell referred to the life and times survey and indicated that although a joint protocol in relation to flags in public areas has been utilised well in some areas, evidence suggests that, in overall terms, it has been largely ineffective. I have indicated that I believe that progress has been made, and the figures sustain that. Police officers, and workers from

many key agencies such as the Roads Service, the Housing Executive, and so on, have been involved in local issues, and they have been effective. Surely, the situation, at least in part, is that we need to encourage more of that PSNI statutory involvement from the Housing Executive, Roads Service and so on, to see if further progress can be made.

I will finish by saying that we need to acknowledge that progress has been made. It is not all negative. I understand where Members are coming from, be it at a local level by those statutory agencies, and encourage more of that. However, I agree with my colleague Sammy Douglas that we need to look again at the protocol for the flying of flags. Hopefully, we can arrive at a much more positive situation than many people see at this moment in time.

**Mrs Cochrane:** As others have already said, the issue of flags and emblems not only affects our constituents in East Belfast but has a much wider grip right across the region. Flags and emblems have a long history of commemorating and celebrating a variety of occasions and are seemingly part of the fabric of the streetscape in east Belfast and beyond. Indeed, the joint protocol in relation to flags flown in public areas asserts that the use of flags in instances such as celebration or festivity is not normally an issue. However, we cannot overlook the growing problem of flags flying from lamp posts for indeterminate periods and the demarcation of public space that that inevitably creates. That is not constructive to social understanding or to economic development, at a time when it is most needed.

Although we appreciate that some people consider that those symbols represent their traditional and cultural values, we must not ignore the feelings of the silent majority who fail to share the same sentiments. Distinctions must be made on flags, in particular, and reticent inaction must be substituted with greater regulation and enhanced enforcement.

Members will be aware of the strict time constraints that exist for election posters throughout the election period. However, the flags protocol is seemingly disregarded when it comes to flags attached to lamp posts. Furthermore, any display of paramilitary emblems is illegal on a number of grounds, primarily in accordance with article 19 of the Public Order (NI) Order 1987, and, additionally, under the Terrorism Act

2000, which prohibits the display of articles that may arouse suspicion of membership of or support for a proscribed organisation.

The launch of two corresponding reports in 2005 — ‘A Shared Future’ and the ‘Joint Protocol in Relation to the Display of Flags in Public Areas’ — identified main roads and town centres as significant front lines in the symbolic demarcation of public spaces here in Northern Ireland.

Others have already referred to the OFMDFM-commissioned report back in 2006. That research has been undertaken annually in subsequent years and has examined the number of displays in key areas, the nature of the displayed emblems, and, ultimately, the removal rates following key cultural events around Easter and July. The findings from the 2010 report tell us that, over the five years, flags have accounted for the overwhelming majority of emblems displayed, with around three quarters of those displayed in July 2010 being attached to lamp posts. Furthermore, the removal rate after the summer of 2010 was only 67%. In other words, of the 3,239 flags that were flying from lamp posts in July 2010, more than 1,000 were still there in September.

Not only does that indeterminate time for the display of flags impose an unseasonable clannish camouflage on our constituency, but the elements of our infamous weather also take their toll on those flags and, as time progresses, leave them in a state that would instil pride in few people. Members need only take a short drive through east Belfast to see for themselves the torn and discoloured flags that still hang from countless lamp posts. Those flags are an ongoing source of contention for many of my constituents in East Belfast. I firmly believe that a new flags protocol with sufficient enforcement procedures would go a long way to addressing the failings in existing provision. As it stands, the current protocol sets out a framework for the regulation of flags and priorities for action. However, it is unclear as to how those can best be taken forward.

There is a fearful reluctance on the part of Roads Service and the Housing Executive to remove flags from their properties without consent from local community representatives. Although the PSNI has previously removed flags in some areas without first seeking local permission, that willingness has not yet been evidenced across the board.

The reports that were brought forward by Queen's University raised other interesting points for consideration, specifically the suggestion of district councils' involvement in co-ordinating a response; the need to focus on a reduction of the timescale of flags as opposed to outright removal; and a call for enhanced public access to information and consultation on the part of OFMDFM. The Alliance Party believes that the onus is on this Administration to build on the work that has been done previously on the issue and to use to their advantage the wealth of gainful information that has already been gathered. In the light of all that we have touched on, we must take those factors into consideration going forward and work together to establish and enforce an expressive and suitable new flags protocol.

*Adjourned at 5.08 pm.*





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