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Anderson, Sydney (Upper Bann)
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Northern Ireland Assembly

Monday 7 November 2011

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

Members observed two minutes' silence.

Assembly Business

Deputy First Minister

Mr Speaker: I have received a letter from the deputy First Minister revoking with effect from 31 October 2011 his earlier letter, in which he had designated the Minister of Education to exercise the functions of the office of deputy First Minister.

Ministerial Statements

North/South Ministerial Council: Roads and Transport

Mr Kennedy (The Minister for Regional Development): In compliance with section 52 of the Northern Ireland Act 1998, I wish to make a statement on the eleventh meeting of the North/South Ministerial Council in transport sectoral format, which was held in Armagh on Friday 21 October 2011. I attended the meeting with the Minister of the Environment, Alex Attwood MLA, who will make a separate statement on road safety issues directly after my statement and the question and answer session. The meeting was chaired by Minister Varadkar TD, the Minister for Transport, Tourism and Sport.

The Council discussed progress on the A5 and A8 road projects. Ministers noted that public inquiries into the A5 north-west gateway to Aughnacloy and the A8 Belfast to Larne projects ended on 1 July 2011 and 23 June 2011 respectively. The Council also noted that the cross-border steering group has produced an agreed report and that, subject to final approval at the North/South Ministerial Council plenary sitting, a further request for drawdown of £3 million will be made.

The Council discussed progress made on the five priority areas of the All Island Freight Forum (AIFF), which were meetings with the relevant regional and local authorities, including Dublin City Council and Belfast City Council, about more sustainable freight transport operations in Dublin and Belfast; an event involving 50 delegates — I wish that there had been only 49 — from public bodies and industry, from which key issues relating to a safer, more compliant and eco-efficient road freight industry were identified; a meeting of representatives of ports,

railway companies, shipping lines and exporters to explore further the potential of rail freight and coastal trade and short sea shipping; the establishment of a comprehensive baseline in relation to international connectivity on all regular scheduled roll-on/roll-off (ro-ro) and lift-on/lift-off (lo-lo) services and identification of key industry clusters; and a review of existing freight data for Northern Ireland and Ireland and a related user consultation and stakeholder workshop, which was held in Dublin Castle on 5 October, to identify potential information gaps. Ministers noted that the freight forum will hold a second plenary event on 7 November 2011 — today — in Belfast to address issues that are relevant to the freight sector.

Mr Spratt (The Chairperson of the Committee for Regional Development):

I thank the Minister for his statement. I appreciate that he is, perhaps, restricted in what he can say regarding the A5, as he awaits the inspector's report on the public inquiry. However, he said that the Council discussed the A5 proposal, and he advised when he hopes to receive the inspector's report and when he would expect to make a decision regarding the proposal. Will he also advise what the agreed report referred to in his statement was on and what conclusion it arrived at? Finally, will the Minister advise the House whether the authorities in the Republic of Ireland have confirmed that finances will be available for the proposal, and, if so, will he advise on the timing for drawing down those moneys?

Mr Kennedy: I am grateful to the Chairperson of the Regional Development Committee for his questions and for his ongoing contribution. The Member is right in saying that the A5 and the A8 schemes were discussed at the sectoral meeting in Armagh. As I indicated in my statement, we noted that the cross-border steering group produced an agreed report. A plenary meeting of the North/South Ministerial Council is due later this month, when we will seek approval for a further request for the drawdown of £3 million towards the scheme. As the Member will be aware, the A5 and the A8 schemes are being taken forward as the result of an agreement between both Governments to upgrade the two key transport corridors. Those projects will greatly facilitate economic growth and provide good value for money to the people of Northern Ireland.

I had previously indicated that, when I receive the inspector's report and recommendations, I will consider spending priorities across my Department, including the impact on the strategic roads programme. I am limited in what I can say, particularly in respect of the A5 inspector's report, given that it has not been received by my Department. We expect it to be presented some time before Christmas, and I will take early consideration of it. The A8 report has been received and is being considered by departmental officials. I will attempt to bring forward a view on that as quickly as possible.

The Member will know that there is ongoing speculation as to the overall economic situation in the Republic of Ireland. No firm conclusions have been indicated yet by the Irish Government in respect of their funding.

Mr Lynch: Go raibh maith agat, a Cheann Comhairle. My question regarding the A5 has already been asked by the Member opposite and has been answered by the Minister.

Mr Kennedy: The Member has got two for one, Mr Speaker.

Mr Beggs: The Minister indicated that there was a discussion about rail freight and about the benefits that can flow from it. Is the Minister aware that the port of Larne is one of the few ports within which there is a railhead? Does he believe that, as a result of the discussions, there is potential for growth in that port and in the importance of the Larne-Belfast railway line?

Mr Kennedy: I am grateful to the Member for his question. Given that he represents East Antrim, I would, of course, expect him to be very supportive of Larne port and to encourage its use. Whether anything can be explored with rail freight is worthy of some consideration from a departmental point of view and on a North/South basis. The general view hitherto has been that there is insufficient opportunity for freight to be moved by rail across the island of Ireland, and I am certainly content to explore any possibilities that may exist for improved lines and facilities.

Mr Dickson: I thank the Minister for his statement. As other Members indicated, he answered the question on the A5 project to the best of his ability. I will pursue the matter that Mr Beggs raised about the use of the railways for freight. There are immense opportunities to improve the impact of freight on the

environment by getting it off our roads and on to rail. Will the Minister indicate that he will at least explore discussions with Northern Ireland Railways and CIE to see what advantages could be created between the port of Larne and the port of Dublin?

Mr Kennedy: I am grateful that, even with my limited ability, the Member was able to find an elucidating answer to the previous question. I am happy to explore opportunities for rail and rail freight. At the very early stage, there will, perhaps, be challenging issues in bringing forward proposals, but I am happy and content to explore those opportunities.

Lord Morrow: I too thank the Minister for his statement, albeit that it was a bit woolly and indecisive. I want to ask him about the A5. At the time of the election, the Minister's party made much ado and play about the fact that it was opposed to the A5 project. I do not want to misquote him, but I think that he said today that there was no firm indication from the Irish Republic Government on the £400 million that they intended making available. That seems to be a change: I thought that there was a firm commitment from the Irish Republic Government that they were prepared to put £400 million into the project. I know that that sum was, perhaps, committed before the crisis. However, can the Minister be a wee bit more explicit and tell us whether he is in favour of the scheme and when exactly we can expect the inspector's report on the public inquiry?

Mr Kennedy: I am grateful to the Member for his question, which was, as usual, robust. Of course, the Member has kept his own record in place in that he did not indicate his view or his party's view on the A5 project, yet he would like me to do so. Today's statement obviously relates to the North/South ministerial sectoral meeting, and I have reported accurately the situation on what the discussions on the A5 and the A8 brought forward. It is not a state secret: even Lord Morrow will be aware that there are significant economic pressures in the Irish Republic and that, at this point, we are simply awaiting the outcome of deliberations there.

Mr Ó hOisín: Go raibh míle maith agat, a Cheann Comhairle. Can the Minister elaborate on the establishment of the comprehensive baseline for the international connectivity on all regular ro-ro and lo-lo services and on the identification of key industry clusters?

12.15 pm

Mr Kennedy: It may be the acoustics in the House, but I did not quite catch the question. I apologise to the Member for that.

Mr Speaker: Perhaps the Member will repeat what he was saying.

Mr Ó hOisín: I was looking for elaboration of the:

"comprehensive baseline in relation to international connectivity"

which the Minister referred to in his statement.

Mr Kennedy: The All-Ireland Freight Forum has five priority issues — I referred to this in the statement— including the establishment of that comprehensive baseline in relation to international connectivity. I will attempt to get the Member further information on that to see what the present situation is.

North/South Ministerial Council: Road Safety

Mr Attwood (The Minister of the Environment):

In compliance with section 52 of the Northern Ireland Act 1998, I wish to make the following statement on the eleventh meeting of the North/South Ministerial Council in the transport sector, which was held in Armagh on Friday 21 October.

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

As Minister Kennedy indicated, the meeting was chaired by Minister Varadkar TD, Minister for Transport, Tourism and Sport, and it was attended by me and the Regional Development Minister, who has addressed the areas that fall within his ministerial remit. The Council's agenda also included items for which my Department has responsibility: road safety and the mutual recognition of penalty points.

The Council noted that the Northern Ireland road safety strategy to 2020 was published on 15 March 2011, and we discussed the continuing co-operation and engagement on road safety ideas and initiatives, including the delivery of road safety strategies and developments in harmonising blood:alcohol concentration levels. I outlined to Minister Varadkar my plans for introducing a package of measures to tackle drink-driving and how I see merit in having an all-island approach to drink-drive limits. I welcome in particular — I have issued a statement to this effect — the introduction of new, lower blood:alcohol limits in the South which came into effect on 28 October and which reflect and comply with a lot of European best practice.

Ministers also noted the ongoing work in both jurisdictions to assess the impact of the UK Government's proposed heavy goods vehicle charging scheme and welcomed the continuation of joint intelligence-led targeted operations in border areas for 2011 that focus on vehicle standards, licensing and drivers' hours. During the meeting, it was noted that sharing a border with another jurisdiction on the island of Ireland puts us in a different situation to the jurisdictions in Britain with respect to the heavy goods vehicle charging scheme.

Ministers also noted that officials, learning from the experience of mutual recognition of disqualification, will work together to bring forward proposals for the introduction of

mutual recognition of penalty points between Northern Ireland and Ireland for four lesser but nonetheless very serious road traffic infringements, namely speeding, drink- or drug-driving, the failure to use seat belts and the use of a mobile phone while driving. A timetable for delivery and implementation will be prepared with the aim of having the necessary legislation and supporting administrative arrangements in place by 2014. That is a long lead-in time, but I am satisfied that it is necessary. A progress report will be made at the next NSMC transport meeting, which we agreed would be held in March or April 2012.

Mr Hamilton: I thank the Minister for his statement. The Minister recently announced his intention to lower blood:alcohol limits in Northern Ireland to, in effect, zero. The Republic of Ireland has gone down to that limit, and there will obviously be a disparity and a difference for a short period. How does the Minister intend to communicate that difference more widely to drivers in Northern Ireland, so that they are not operating under the misconception that the old system is still in place in the Irish Republic?

Mr Attwood: I thank Mr Hamilton for his question. To create certainty and for the avoidance of doubt, I will say that my proposal is that there be a de facto zero level for certain categories of driver, namely newly qualified drivers and professional drivers. My proposal for all other categories of driver is to reduce the blood:alcohol limit to 50 ml, compared with the previous standard. In that regard, I will be consistent with what should happen in the Republic. I hope that, subject to Executive approval, consultation, the range of proposals that are forthcoming and the passage of any Bill through the Assembly, that new regime will be put in place during 2013.

The question that Mr Hamilton asks is important. We have had mutual recognition of disqualification on the island of Ireland since January 2010, further to European work and work between Britain, Northern Ireland and the Republic of Ireland. Given that we now have that and that there is now a new regime in the South whereby, depending on the level of alcohol that a person has in their blood, they may be subject to disqualification, people need to be aware that, in the event of a disqualification for more than six months, when they come North that disqualification will apply. They may have a clean licence in the North, but, if they do not have a

clean licence on the island, they will be subject to enforcement in respect of disqualification in the South. It is worthwhile to let that be more widely known. In my work over the next short period, I will make sure that it is widely known.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. Cuirim fáilte roimh ráiteas an Aire. I welcome the Minister's statement and the fact that there are areas of co-operation on mutual recognition. Was there any discussion on incentivising novice drivers, or are there any examples that the Minister might bring up at the next meeting around working with the likes of insurance companies to incentivise novice drivers?

Mr Attwood: I think that the question strays beyond the content of the statement. I am not clear what the Member means by "incentivising novice drivers". There is an issue, and we acknowledge it. Even young councillors in west Belfast are having an adverse experience trying to get motor insurance, having bought their first car. The amounts are excessive. If that is what the Member means by "incentivising", it is an issue that we need to interrogate.

I established a road safety forum to put a spotlight on road safety issues in the Department. It includes representatives of all relevant stakeholders and other interests outside the Department. They meet me and my departmental officials in order to interrogate all issues of road safety, road management and motor insurance. There have been two meetings of that forum. It does not meet monthly; I believe that it should meet when necessary to progress the work that it has undertaken. The forum now has a member from the Republic of Ireland, who is involved to ensure best practice across the island. We will learn from them, and they from us: that is progress. Part of the work of that group has been to identify insurance as an issue. In that respect, I must work with the Minister of Enterprise, Trade and Investment, because it is a matter that crosses departmental boundaries. It is on our radar, and we are looking at the issue. There is a disparity between what novice drivers must pay here compared with what they pay in Britain. It is a hard piece of work to progress, but it is on the radar to progress.

Mr Kinahan: I thank the Minister for his statement and congratulate him on all the work he does to make driving on the roads much

safer. On a different point, will the Minister give more detail on the heavy goods vehicle charging scheme and tell us whether extra costs will come through on the back of it that may affect the industry itself?

Mr Attwood: I thank the Member for his question and his kind comments. The question is opportune because this is a reserved matter for the London Government; it has not been devolved to the three regional Administrations. It is a reserved matter that the Department for Transport in London has flagged up its intent to pursue. Although it is still at a broad brushstroke level, the Department proposes that foreign heavy goods vehicle operators will have to pay a levy in Britain and Northern Ireland, just as operators from Northern Ireland, the Republic or Britain often have to pay tolls on European roads. That point of principle has been established, but the points of practice have yet to be determined. It appears that the Department, through a private organisation, intends to have a record of all vehicles that might enter the jurisdiction from overseas and impose on them, in a way to be determined, a levy.

We have a particular problem in that we do not have any toll roads, toll bridges or toll structures and would not be able to use the toll process to apply any future charge. We have the additional issue of vehicles using multiple points of entry to come from the South into the North. Consequently, managing a scheme, if there is to be one, would be much more difficult and complex in the Northern Ireland jurisdiction than it might be in Britain.

If a scheme is to be managed — I am not prejudging or, necessarily, signing up to that — it will probably be done through the DVA, using its normal enforcement processes of spot-checking vehicles on the road. That would be a way of monitoring and enforcing the new requirements. However, given that our circumstances differ from Britain's, that matter has yet to be determined. I flagged that up to Minister Varadkar. To be fair, he might not have been fully aware that this was coming down the road. However, if it does come down the road — to borrow a phrase — it is likely to be no earlier than 2014.

Mr Dallat: In discussing road safety, it is difficult not to think about the seven people who lost their life and the more than 30 who were injured on a motorway in England at the weekend. I am

sure that the sympathy of the House goes to them and their families.

The Minister is aware that human error is the main reason why people get killed and injured on the road. He will also be aware that, recently, there have been an alarming number of mechanical defects in heavy goods vehicles. What steps have been taken to ensure that good standards apply in the North and the South of our island?

Mr Attwood: I concur with the Member's opening remarks. Statistics prove that the three main causes of serious injury and fatalities on the roads are speeding, drink-driving and the failure to wear seat belts. The Road Safety Authority in the South and my Department in the North have tried to liaise closely to ensure mutual modelling around those issues in an effort to mitigate the risk of fatalities and injury that they cause.

The Member is right to point out the wider issue of heavy goods vehicles and road safety. We have to be upfront about that. Particularly when vehicles move from the North to the South or from the North to Britain, there are issues about the standards in place for good maintenance and repair.

12.30 pm

A lot of our drivers and operators get caught when they move across to Scotland, because particular attention is paid there to road freight that comes from this jurisdiction. That is why I am in conversation with road freight operators. They are very anxious to ensure that there is better discipline and higher standards of road maintenance, that any operator who is on the wrong side of the law is better managed and monitored and that requirements are better enforced. That is the purpose of the road freight forum.

Given the movement of vehicles across the island, North and South, the aims of the forum are to encourage drivers and operators to drive more safely and to bring about better standards of maintenance and repair than has been the case heretofore. It is still early days for the forum and, to some degree, it is still finding its feet. However, road freight operators think that it is a very useful intervention, which I inherited from the previous Minister. In the fullness of time, I trust that we will see it deliver better standards and maintenance on a North/South

basis and that the Government will take that forward where appropriate.

Mr Dickson: I thank the Minister for his statement. There is considerable concern in the community about the influence of drugs on driving. Will you tell us whether that issue was discussed at the Council meeting and what progress, if any, has been made on it in either jurisdiction? Do you plan an all-island approach to drug-driving, similar to the welcome approach to drink-driving?

Mr Attwood: That issue is very much on the radar not just at a ministerial level but at a road safety level generally. It did not, however, come up at the meeting. At the meeting, we interrogated the matters that I referred to in the statement, namely the new levy for road freight operators and the proposals for mutual recognition on a North/South basis.

The Member is right to flag up the issue. Work is ongoing to deliver more rigorous enforcement when it comes to road traffic offences, especially on the drink-driving side. For example, we are trying to identify much more sensitive equipment to test people at the side of the road in order to pick up alcohol in their blood. You are quite right: the effect of drugs on road safety is beginning to be fully explored only now. We are looking at how such offences are monitored, enforced and prosecuted, in the event that there is reason for concern.

Mr Weir: I thank the Minister for his statement. I think that Members across the Chamber would welcome the move to lower blood-alcohol levels. The Minister highlighted the processes that he has to go through before he can achieve that result. Will he give some indication of the timescale in which he believes that it could be achieved and given legislative effect?

Mr Attwood: I welcome the Member's comments. I anticipate that there will be support for what I propose. Some Members may think that what I am proposing does not go far enough. My inclination is to differentiate between professional and novice drivers and other categories of drivers. However, I have heard the argument that there should be de facto zero tolerance across the range of drivers. That is not my inclination at the moment. However, the direction of travel may suggest that that is where we go.

As the Member knows, I flagged up publicly and at Committee the fact that that is my inclination in respect of blood-alcohol levels and other matters. A paper is now being prepared that will be forwarded to the Executive in the very near future. They will need to sign off on the intention of the legislation, which will then be consulted on before going back to the Executive for final approval. The legislation will then go through its various stages in the House.

As I indicated in my opening statement, with a fair wind and other things being equal, we may be in a position to have the new regime in place by early 2013. In advance of that, certain matters can be dealt with by secondary legislation or administrative means to create new discipline in driving and new opportunities for good driving. That is why, in the near future, I will bring forward proposals that do not require primary legislation to modify further what newly qualified drivers are able to do. That will include motorway speed limits.

That is why Mr Dallat's comments are timely. I have certainly indicated — as has Mr Kennedy, I believe — that I am not minded to introduce any increase of the speed limit on motorways to 80 mph. Evidence suggests that an increase of the speed limit to between 70 mph and 80 mph has a significant disproportionate impact on road safety, collisions, deaths and injuries. However, I am still minded, in the fullness of time, to bring forward proposals whereby novice and newly qualified drivers would be allowed to drive on motorways at higher speeds in order to drive in real-time, real-life conditions and not to be stuck in the slow lane with heavy good vehicles coming down on top of them at much higher speeds.

Lord Morrow: On behalf of my party, I agree with and share Mr Dallat's comments that conveyed his thoughts and well wishes to the families of those who were affected by the dreadful traffic accident in England. I have no doubt that all our thoughts go out to those families today.

My question is not dissimilar to that which Mr Weir asked. In his statement, the Minister said that he hopes to introduce legislation that might permit experienced drivers to drink and drive but inhibit inexperienced drivers from doing so. I ask him sincerely whether he believes that that could cause considerable confusion. Is it possible for a zero tolerance level of drink-driving to be enforced?

Mr Attwood: I thank the Member for his comments. There could be confusion. However, I believe that people can overcome it. As of Monday 31 October 2011, the bank holiday at the end of last month, the new regime became live in the Republic of Ireland. The Irish Government believe that different messages can be managed in such a way that they will get through to people eventually. That is what I anticipate will happen here. It will get through to professional drivers and novice drivers that they must comply with a zero tolerance regime. I will come back to that in a second.

Best science suggests that the level of a zero reading of alcohol in a person's blood cannot, realistically, be introduced or enforced. That is because people could be on medicine legitimately. Consequently, depending on the mixture of medicine that is taken, there could be a trace of alcohol in their blood. Therefore, best science suggests a de facto zero level of 20 ml. That legislates for background levels. It also means that anything more than that suggests that someone has taken alcohol.

As I have seen on the Floor of the House, in debates on various stages of various Bills, including licensing legislation last year, there may be a view, which may prevail here, that going further than what I am suggesting in differentiating the two categories of novice and professional drivers from other categories is the right way to go. I understand that argument. However, I am not minded to go in that direction. A proportionate response at this stage is to reduce the current higher level to around half for most categories of drivers and to zero for those categories that might carry most risk. Some 20% of novice drivers have an accident within two years of qualification. They are the people who are most likely to take alcohol, not have their seat belts on or drive at excess speed, all of which contributes to fatalities and injuries. In my view, that is a proportionate response, given that we want to enable people to socialise, have a drink, drive safely and to appreciate the different character that we have in the North of Ireland, given our rural communities, and all the rest of it. In my judgement, at the moment, that is a balanced approach, and we will see in the fullness of time whether the Assembly concurs.

Mr Beggs: In his statement, the Minister indicated that there are joint intelligence-led target operations in the border areas focusing on vehicle standards, licensing and drivers'

hours. He referred to the new legislation that was approved by the Assembly to give our statutory agencies increased powers to deal with illegal operators. Can the Minister advise us whether his opposite number in the Republic of Ireland will be updating their legislation so that they will be able to more easily address rogue operators, improve the standards of vehicles that may be coming into Northern Ireland and allow the agencies to address them?

Mr Attwood: I thank the Member for that question. If you step back for a moment, you will see that the two areas in which, arguably, the most progress is being made in respect of North/South co-operation and implementation have been the environmental and transport sectors. They actually set a template in many instances for how we can move things forward. I welcome the question, because it suggests that whatever the politics may have been around all that stuff previously, there is now an appreciation that, given that we are an island economy, given that we are a small part of the world and given the movements on a cross-border basis, the more we have common approaches and the best standards across the range of public policy on the island, the better we are going to be for it.

In the economic circumstances that we face, I strongly urge the Assembly, the Executive and the parties to have a gear change in respect of all that in order to save money, better spend money and better protect the welfare of people on the island, including on that particular matter. The entire direction of travel around the freight forum, the mutual recognition of penalty points and driver disqualifications, and the other work of the transport sector is to have greater consistency of practice. I will raise that matter with Minister Varadkar. It was not touched on in a dedicated way during the meeting, but, as we move forward, especially given the changes that there have been in road freight, the greater movement on a North/South basis and the issues around the standard of some of our road freight vehicles, it is a matter that he, I and any future Ministers need to address.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. Will he advise us, in regard to the mutual recognition of penalty points, whether there are any statistics or information available to the respective Departments — or, indeed, the respective Departments of Justice — as to how

many people have evaded losing their licence or heavier fines as a consequence of the lack of mutual recognition of penalty points?

Mr Attwood: I have not got the answer to that. I will ask my officials and Dublin to confirm the answer, but I think that it would be a guessing game. It was the case that officials in my Department believed that we could not even advance the issue of mutual recognition of penalty points. It was only when I came into office and asked officials to check out the legal situation that it was confirmed that, even in the absence of the other devolved Administrations and London taking the matter forward, we had the authority to take it forward on an inter-jurisdictional basis with Dublin. Up until then, the matter was not even on the radar. Now not only is it on the radar but dedicated work has been done to ensure that, over the next two years, we will have mutual recognition of speeding, drink-driving and seatbelt and mobile phone offences.

12.45 pm

I do not know the answer to the Member's question about how many people might have got through the system as a consequence of the failure to mutually recognise penalty points. Whatever the number of people or the size of the gap in the system, the purpose of the exercise is to ensure that the gap be closed.

Lissue House Hospital and Forster Green Hospital

Mr Poots (The Minister of Health, Social Services and Public Safety): To abuse a child who is vulnerable through disability is, if it is possible, even more pernicious, as the victim's ability to have that abuse exposed is compromised further. I can think of no more heinous a crime than to abuse a child. For that abuse to be perpetrated by the very people who have been entrusted with the care of that child makes it all the more despicable.

That painful fact should not distract us from the reality that many good people have worked for many years doing the very best that they can to provide care and support for children and vulnerable adults in the most difficult and trying of circumstances. We must not let the despicable actions of a few slur the dedicated service of the many. I bring three things to the Assembly today: an acknowledgement of a very serious situation from the past; an assurance that nothing has been or will be hidden about what has happened; and an assurance of much-improved systems to protect children and vulnerable adults and to minimise the risk in the present day.

I want to set in context complaints about historical abuse from patients at Lissue House Hospital and Forster Green Hospital in the 1980s and early 1990s. At the outset, I want to make clear that my Department and its agencies have obligations not only to those who have made complaints but to those who have been accused. Those duties restrict the level of detail that can be released at this time and until all the relevant investigations have been completed. However, I felt it important that I make a statement now and set out the way in which I believe that the Assembly can have the fullest possible assurance that the right steps are being taken.

We will do three things: ensure proper investigation of all allegations of criminal activity and complaints of historical abuse to ensure that children and vulnerable adults are protected from potential abusers; provide support services to patients who may have suffered physically or emotionally from any form of abuse; and ensure that present-day practice conforms to best practice in service management to secure the protection of children and vulnerable adults.

All the relevant statutory agencies have to work within the principles of evidence-based process, but it is often difficult to obtain full and appropriate evidence. Where evidence is absent, incomplete or inconclusive, the right thing to do is to take whatever action is needed to protect the vulnerable, without infringing the rights of anyone who has been accused but is innocent unless proven guilty.

The complaints deal with several kinds of abuse. Some of the complaints raised issues about distress-caused harsh treatment, including physical restraint. What was considered appropriate at that time may not now be accepted, although there are circumstances in which physical restraint is still a necessary part of a humane and patient-centred regime. We will seek to help and to support those who suffered distress through harsh treatment. It is also critical that the appropriate procedures were followed when dealing with complaints, illegality or criminal behaviour. I believe that that has been the case, and where any doubts about that have come to our attention, the Department and the Health and Social Care Board (HSCB) have acted to remove the doubt; for example, by providing additional information to the PSNI. Of particular concern are the complaints of physical, emotional or sexual abuse that may have been perpetrated by members of staff on patients. That is my main focus today.

I also need to say that there is an ongoing police investigation into a number of cases that have come to light through the work done on historical abuse complaints. We will have proper and effective evidence-based processes to ensure the rights of victims and justice for all. It is important that the ongoing investigation is not compromised. Therefore, I may be unable to answer some of the questions that Members wish to raise.

The review of case files from Lissue Hospital, which date back two to three decades, and the conclusions of Mr Stinson's review confirm that the care of children in that period did not provide full and appropriate protection from harm. The review indicates that the regime was harsh and that a small number of staff may have committed acts of abuse. Unfortunately, Lissue is not alone. We know from survivors of childhood abuse and from other historical inquiries that it was a problem in a range of institutions.

Abuse is carried out in secret. It survives and thrives in secret. In many cases, it does not come to light until the person who was abused breaks their silence. We know how hard it is for survivors to disclose their ordeals. Many remain silent for ever, but many tell their story, often later in life. Indeed, one of the most heartbreaking aspects of the accounts of childhood abuse from people well into adulthood or even old age is that, as children, either they tried to tell someone and were not listened to or they kept silent because they felt that they would not be believed. It is positive that people who tell their stories today have the opportunity to do so and be listened to.

Without diminishing in any way the genuine wrongs faced by the victims of the abuse, the report indicates that it seems clear that there was not a systemic pattern of physical or sexual abuse in the hospitals. The report indicates that abuse may have been carried out by a small number of staff. Although we cannot rule out collusion among those individuals, I reaffirm that it was not abuse on an extensive scale and is not in the same league as previous reported cases. However, no scale of abuse against children is acceptable. It was wrong that it happened, and it should never have been allowed to happen. I am glad to say that procedures, checks and balances are now much more thorough in keeping the risk of abuse by staff to a minimum.

Each case of abuse that we hear provokes horror, shock and shame as we learn more about the terrible treatment that children have suffered and the burden that they have carried, often alone, for many years. I assure the Assembly that this issue has never stopped being the focus of attention in my Department, the health and social care system and the PSNI.

The process of acknowledging and addressing historical abuse is at varying stages across the world. Our neighbours in the Republic are further down that road, and we know what a long and difficult journey it has been for all involved. I am determined that, in my Department, it is clear that such behaviour was and remains unacceptable and that all historical abuse complaints will be dealt with seriously. I want to know what happened. I will demand answers about who was involved so that we can ensure that that type of behaviour is identified quickly and addressed urgently. That is why I congratulate the First Minister, Peter

Robinson, and the deputy First Minister on their courageous steps to establish an independent historical abuse inquiry in Northern Ireland, and I offer my total support to them. The scope of the inquiry makes it clear that institutions such as Lissue and Forster Green are, unequivocally, within its remit. My Department will co-operate fully with the inquiry team. All information gathered or recorded by the Health and Social Care Board, the trusts or my Department on the historical abuse of individuals and in institutions will be shared.

I am also committed to working closely with my Executive colleagues to ensure that supports are in place for those who suffered as a result of childhood abuse and who may now come forward to engage with the historical abuse inquiry. There never has been, nor will there ever be, any form of cover-up in the Department or the health and social care service. However, some individuals who may have been involved in abuse will have tried to cover their tracks.

The review of practices at Lissue and Forster Green was set up to shine a light on where there may have been abuse or poor standards of care. The PSNI was involved in the process from the beginning, and all specific allegations contained in the Stinson report have been shared fully with the PSNI. Those in the health and social care sector work in close partnership with colleagues in the PSNI, and together they will seek to secure the evidence that will ensure that the perpetrators of crimes against children are held to account.

I now turn to the various reports in relation to Lissue and Forster Green and to some of the detail of the review and its findings. It is only fair to acknowledge that those working in child protection at departmental, board and trust levels, and in the PSNI and other agencies, identified the need for such a review and began the process that brings us here today.

At the time that the issue of Lissue came to attention, work was already under way to assess the possible scale of abuse in mental health and learning disability hospitals. In 2005-06, there was an investigation in Muckamore Abbey Hospital after a former patient made complaints about sexual abuse in the 1960s. Members will recall that that review was made public in February 2007. At that time, the then Minister, Paul Goggins, said:

“There should not be any confidence issues surrounding Muckamore because the protocols have been reviewed and they are fit for purpose.”

He also said that the PSNI was investigating a number of cases. That review addressed mainly the sexual abuse of patients by other patients at Muckamore. However, the process of investigation also sought to establish whether there was evidence of the physical or sexual abuse of patients by staff. Following completion of the PSNI investigations, the Public Prosecution Service (PPS) confirmed publicly in April 2011 that the investigations at Muckamore did not lead to any criminal prosecutions.

As well as following up thoroughly the complaints and evidence of abuse at Muckamore, the Department initiated a file review of a sample of patient records in each mental health and learning disability hospital, with the objective of establishing whether there was cause for concern about past practice at other institutions. That was called a retrospective sampling.

The Department also asked the Regulation and Quality Improvement Authority (RQIA) to provide evidence on the quality and standard of care in the present day. Those processes were initiated in 2006 following discussion with the PSNI, which has been fully involved in all the key processes and which has consistently affirmed the need to investigate historical evidence of criminal activity. The PSNI has also always been careful to remind all the health and social care bodies that they have a statutory responsibility to report evidence of possible criminal activity. That has been the clearly understood basis of the health and social care system's work on the issue.

While the retrospective sampling review was going on, in February 2008, a former patient of Lissie Hospital made a number of complaints to staff of the Belfast Trust about abuse of young people in Lissie, including herself, some 25 years previously. A joint interview by the PSNI and social services was carried out in March 2008, and the patient named several members of staff, some of whom were alleged to have been involved in abuse. On 2 May 2008, the Belfast Trust reported that information as a serious adverse incident simultaneously to the Department, the Eastern Health and Social Services Board (EHSSB) and the PSNI.

On receipt of the information, departmental officials assessed it and were able to relate it

to two previous complaints from former patients at Lissie, dating back to the early 1990s. Those had been referred to the police and were investigated jointly with social services at the time. At that time, they had appeared to be isolated incidents, but in 1997, the Department wrote to the RUC to draw attention to the possibility of a link between them. In 2008, the Department shared the information relating to those cases with the Belfast Trust and the board, and the then Minister was advised of the matter.

Given the potential links between the new complaints and the older cases, it was judged by the EHSSB that a wider review was needed in addition to the investigation of the specific complaints made by the former patient. The EHSSB commissioned Bob Stinson, an independent consultant, to undertake a retrospective sampling of case files, which included files of children whose names had been mentioned by the former patient and a sample of other files. In total, 34 files were reviewed, covering the period from 1975 to 1995, of children who had been patients in Lissie and/or Forster Green Hospitals. The PSNI was kept informed of that work.

On receipt of the Stinson report in January 2009, EHSSB commissioned a review of the case sample and a commentary on nursing practice. That was carried out by Maura Devlin, the director of nursing and midwifery education from the Beeches Management Centre. Her report was completed in May 2009. The new regional HSCB inherited that work, and it subsequently commissioned a commentary on the quality of child psychiatric services available in the two hospitals at the time and a quality assurance report on the Stinson report.

That was compiled by Dr B W Jacobs of the South London and Maudsley NHS Foundation Trust in February 2010. The Department of Health, Social Services and Public Safety (DHSSPS) was updated by the Belfast Trust and the HSCB throughout that process and received several updates and reports between January 2009 and March 2011.

1.00 pm

The findings of the Stinson report were shared with the PSNI at a strategy meeting in February 2009. The PSNI believed that certain issues warranted further investigation and undertook to provide a written conclusion on whether there

was anything of a criminal nature that needed further investigation. One file was submitted to the PPS, but it directed no prosecution. The PSNI noted that an earlier allegation had resulted in the then RUC submitting a file to the then Director of Public Prosecutions (DPP), but he directed no prosecution. The PSNI completed its specific investigations into Lissie by May 2009 and confirmed to the HSCB that it was not proceeding with any recommendations to the PPS unless further evidence came to light.

However, my officials remained concerned about the total picture that had emerged from the retrospective sampling exercise and about the fact that all the work that had been done, including the Stinson report on Lissie and Forster Green, did not provide sufficient assurance. As I said at the beginning of my statement, the Department needed to be sure that all reasonable steps were being taken to ensure the prevention of abuse, and central to that task was the identification of potential abusers from past evidence. It was also vital that the PSNI was informed of all relevant potential evidence so that any criminal activity could be addressed.

Hence, in July 2011, following correspondence and discussion at the highest level, my officials handed over to the PSNI the reports from the reviews of all the mental health and learning disability hospitals, including Lissie and Forster Green, so that the police could consider the way forward. That process is incomplete. I understand that officials envisage reporting to me when firmer conclusions are reached, possibly within the next few weeks, but I was extremely annoyed that I was not given an interim briefing before the story broke last month.

Throughout this process, all specific allegations against named staff were investigated by the trust and the PSNI. One staff member was provisionally placed on the list barring them from working with children, pending an investigation by the trust, and was subsequently removed from that list. The trusts were also asked to review their practice in relation to any named staff who remain in employment and to report any significant concerns to the HSCB.

In addition to the ongoing police investigation, DHSSPS and the health and social care service are still following through on the retrospective sampling exercise. We need to ensure the systematic and consistent follow-up of all

possible evidence of abuse, even of issues that are not relevant to potential criminal investigation. As before, the PSNI will be kept fully in the picture, and if initial samples of files show anything of significance, the circle of review will be extended. That work will continue until we can be satisfied that we have eliminated any material risk that a perpetrator of abuse is still in the system and that further investigation would be unlikely to uncover any new material evidence of abuse.

The original complaint that triggered the independent review was investigated fully, and a file was forwarded to the Public Prosecution Service. The Assembly will understand that I cannot give any further details of an ongoing investigative process, but I will seek to ensure that no stone is left unturned in the quest for justice.

With total respect for all the victims, we need, with full sensitivity, to respect and protect the rights and dignity of individuals with mental illness or learning disability who may not be able to provide evidence in court. It would, therefore, be wrong to draw a complacent conclusion from a small number of possible prosecutions. Even when evidence is limited, we need to act in a way that places the safety and dignity of children and vulnerable adults first. At the same time, it is important to deal fairly and transparently with staff. We must recognise the patient and faithful care provided by so many dedicated individuals in what have been Cinderella services for far too long.

In the past 20 years, we have come a long way in making services for children more caring, safer and more child-centred. Today, all health and social care services for children and vulnerable adults are regulated. Today, our doctors, nurses and social workers are all trained in child protection, no matter where they work. Today, services are delivered to clear standards. Most importantly, today, we recognise the importance of listening to children and vulnerable adults and of taking seriously what they tell us. That fundamental right for children and vulnerable adults to be heard is the cornerstone of making services as safe as possible.

It is important that we understand and learn from the past and that we acknowledge that there is pain and suffering. It is important that those who inflicted abuse are identified and held to account, and it is also important that we

all work together to ensure that the safeguards to protect children and vulnerable adults today are the best that we can make them.

Mr Wells: I welcome the Minister's statement. He said that he knew nothing about this particular issue until it was revealed in a newspaper. What steps has he taken to establish why he was not told about it, given the seriousness of the allegations made?

Mr Poots: My permanent secretary has advised me that he was waiting for a planned meeting with the PSNI on 14 November 2011 to take place so that he could provide greater clarity as to how the investigation would move forward. It is unfortunate that the story came to the media in advance of that. However, I believe that I should have known about this at an early point. It is a matter of public concern, and it was always going to be a matter of public concern once the issues came to light. I understand that the previous Minister was made aware of it in 2008, and it was somewhat unfortunate that I was not made aware of it. It is a crucially important issue. The abuse of children cannot be ignored. It is absolutely right that we get on top of these issues as quickly as possible in order to ensure that we respond properly and consistently to the issues at hand and that we can deal as effectively as possible with cases that might arise in the future while seeking to eliminate the possibility of their arising.

Ms Gildernew (The Chairperson of the Committee for Health, Social Services and Public Safety): I welcome the Minister's statement this morning, but a very worrying development has come out of all this. The Minister stated that a member of staff was provisionally included on the barring list to prevent that person from working with children or vulnerable adults pending investigation by the trust but was subsequently removed from it. To my mind, that means that that person is now free to work with children and vulnerable adults either in the public sector or the voluntary sector. That is not good enough, Minister.

Only one person was put on the list temporarily but at least six nurses have been linked to the allegations of sexual abuse. Are those people still able to work with children or vulnerable adults? The Minister said that he wants to ensure that this does not happen in the future and that it is historic, but it is still very real. It is real and present to those who suffered at

the hands of those people, some of whom were psychopathic — I accept that that refers to some of them, not all of them. Many people are working to protect children and young people, but the people who were involved in this have escaped prosecution and disciplinary action and could still work with children and young people in any capacity. Is that good enough, Minister?

Mr Poots: First, the initial report that was sent to Minister McGimpsey made an allegation relating to six persons. Those allegations have been investigated, and it does not appear to be clear that there is any evidence against a number of them; in fact, where we have evidence, it relates to two members of staff.

The Member asks whether it is good enough that a person was put on a list and then taken off it. I do not think it is good enough. I do not think that it would be good enough if there were any potential for either of the two individuals — neither of whom are working anywhere with children at this moment in time — to ever work with children again. I make that very clear.

Whilst it may be difficult to prove some things in court given the nature of the young people involved, the capacity issues and all of that, we must always err on the side of caution in these instances to ensure that children are properly and adequately protected. We have a duty of care to children now and in the future to ensure that that is the case. The two individuals involved should never have the opportunity to work with children again. I reassure the House that they are not working anywhere in the system as things stand.

Mr McCallister: I welcome the Minister's statement on this disturbing and worrying matter. The original report, which was hidden, made recommendations that the board and trust should have robust systems for dealing with and managing complaints from children in mental health facilities. Can the Minister give a rock-solid commitment that those robust systems are now in place?

Mr Poots: I am not sure about the original report being hidden. A series of reports have been done and made available to me and, indeed, the PSNI. The purpose of that is to seek to ensure that justice is done. It is more important to pass reports to the PSNI than to newspapers. Newspapers cannot actually bring anyone to book. It is for the authorities — the

PSNI and the Public Prosecution Service — to ensure that true justice is done.

The systems are in place. I am involved in it now, because I am very well aware of the situations that have arisen. I will ensure that the system is robust. As I indicated, where possible, we will make every effort and leave no stone unturned to ensure that we follow the quest for justice.

It is incredibly difficult to bring prosecutions in instances that involve people who have learning disability issues and where there are no medical records to verify that any wrongdoing actually happened. Nonetheless, we must pursue these cases and the individuals involved as far as possible to ensure that justice is carried out and to send a very clear message that abuse of this kind is unacceptable. It is unacceptable in 2011, and it was unacceptable in 2001, 1991 and every year before that. Abuse is wrong, and we need to challenge it wherever it happens.

Mr Principal Deputy Speaker: There may be some problems with the microphones, so I ask Members to speak up.

Mr Durkan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his statement. What guarantees, if any, can be given that there will be no repeat of this kind of incident? To follow Mr McCallister's question: we do not want a repeat of this horrific litany of abuse. However, we also do not want a repeat of the shabby handling of the investigation and the media mismanagement.

Mr Poots: You can never guarantee that something like this can never happen again. The nature of life is that there are evil, wicked people out there who want to prey on vulnerable individuals. They are clever people, and they have plenty of craft and guile in what they do. There are vulnerable people out there who perpetrators will go after. It is our task to ensure that, as far as possible, we separate those evil, wicked and vile people from the vulnerable people.

Considerable steps have been taken to ensure that these things do not happen, but I cannot give a cast-iron guarantee that they will never happen. The systems and safeguards in place in both the health and social care and voluntary sectors today are much more robust than those that were in place in the 1980s and 1990s. Staff vetting, the introduction of best-practice guidance and regular inspections by the RQIA are all in place to provide the level

of safeguards necessary to protect vulnerable adults and children.

We should never be complacent, and we should continually be alert to the possibility of abuse, wherever it might arise and whoever may be the cause. We have a wholly different system and wholly different practices in place today, compared with what might have been acceptable in the 1980s.

1.15 pm

Ms Lewis: I thank the Minister for his statement on this very serious and distressing issue. Can he confirm how many other staff were involved in the abuse and where they are now?

Mr Poots: The number of staff whose names cropped up in the report extended to 19. However, the report covered a range of areas, including mental, physical and sexual abuse. The physical abuse very often involved restraint mechanisms that were acceptable then but that we do not deem acceptable now. A large proportion fell into that category of abuse. I should also say that there was patient-to-patient abuse, and there is an issue about how staff managed that. There was also mental abuse. One of the reports that I read referred to a child who was made to stand against a wall for an hour and a half, because, after soiling the bed three times, the child refused to wear incontinence pads. That is one of the types of abuse that was looked at.

Sexual abuse appears to be associated with two individuals, and that is the issue that causes most concern. The system that was acceptable in the 1980s is not acceptable now. Practices that were acceptable then are not acceptable now. Those practices apply to a wider number of staff, but, when we drill down, acts of gross indecency are linked to two members of staff, as far as we are aware at the moment. We could always hear more reports, and, as the issue is discussed more publicly, more information may come forward, so we cannot exclude the possibility of further cases. As a result of the investigations that have been carried out to date, we are aware of two members of staff who engaged in that type of activity.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. From the publicity over the past week or so, it appears that not all the children involved had learning disabilities. It seems that

some with eating disorders, and so on, may have been affected.

I want to ask the Minister about something that appears slightly contradictory. His published statement reads:

"the report indicates that it does seem clear that there was not a systemic pattern of either physical or sexual abuse in these hospitals. The report indicates abuse may have been carried out by a small number of staff."

Surely even a small number of people can create a systemic pattern of abuse. The statement continues:

"I want to reaffirm that this was not abuse on an extensive scale and is not in the same league as previous cases reported."

I was not aware that there was necessarily a league table of abuse. Abuse is abuse. Surely it can be systemic by a small or large number of individuals.

Mr Poots: I made it very clear in my statement that no scale of abuse is acceptable. If you are going to quote, it would be useful if you quoted the entire context. This is not comparable to Kincora, to the Magdalene laundries or to much of what we heard went on in the Republic of Ireland. Nonetheless, it is wrong, insidious and something that we want to put our foot on. We do not want this country besmirched by that type of activity.

I will do nothing whatsoever to cover up that type of activity. I will seek to ensure, at all times, that we make clear to the public, as we are able to do so, what has been going on and what actions we will take to ensure that it does not happen in future. However, this is not the type of activity that took place in other institutions, where children were repeatedly beaten for no apparent reason, where children were regularly sexually abused by a wide range of people and where those people, when they were discovered, were moved on to other places where they could abuse more children. That is not the context that we are looking at today; it is wholly different. Nonetheless, it is wrong, and I will not stand over the activities of individuals who have been entrusted with the care of vulnerable children, whether those children have learning disabilities or mental health issues, if they did not provide the appropriate care for them.

Ms P Bradley: I thank the Minister for his comprehensive statement, especially given the sensitivities surrounding these findings. Have the Department or the trusts found evidence of abuse in any other mental health or learning disability facility?

Mr Poots: As a result of the initial report that came from the patient from Muckamore Abbey Hospital, there was a 100% file review of Muckamore. As I explained, that went to the Public Prosecution Service but was not pursued. Most of the cases there involved patient-to-patient abuse. We then did a file check on all the other facilities across Northern Ireland. That went after 10% of the files where cases were deemed to be most vulnerable.

I am reporting today what I am aware of and have knowledge of. I believe that, as we move to the historical enquires arena, more cases will emerge and more people will come forward. They will want to set the story straight, give information and, hopefully, achieve some form of justice. I will not be surprised if there are other cases, but we have sought to be up front and identify the potential for cases, as opposed to covering it up. That is the clear and fundamental difference between this situation and what maybe happened in other institutions where abusers were moved from one place to another. We have actually set out to identify whether and where abuse has taken place and to follow it up. That is a wholly different scenario.

Mr Gardiner: I thank the Minister for his statement, although it is disappointing and, I am sure, very upsetting and annoying for him and his predecessor. My understanding is that neither the previous nor the present Health Ministers were informed about these processes until about 10 days ago. Will the Minister tell us whether that was due to a breakdown in communication in his Department, or is there any evidence of a deliberate attempt to keep this matter from the Minister and his predecessor?

Mr Poots: I know that my predecessor received a report on 15 May about allegations in Lissue Hospital. It indicated that there were a number of issues of concern. It indicated that someone, who had been a child 25 years previously, had reported incidents that had taken place and named six members of staff. That kicked off a number of investigations by the Eastern Health and Social Services Board.

Nonetheless, it is important that, at a public level, the Minister responsible for a Department is kept informed of such circumstances. It is certainly something that I will ensure happens over the next number of months and for as long as I am in office to ensure that we know as much about these issues as possible. I assure you that reading the Stinson report and others was not something that I enjoyed doing. However, it was absolutely necessary to do that to identify what is going on. I have said it before and will say it again: if we are to make mistakes, I want those mistakes to be on the side of caution so that children and vulnerable adults are given the maximum available protection.

Ms Boyle: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement.

As a result of this abuse coming to light, organisations such as the Nexus Institute have been inundated, to the point that they have not been able to cope with demand. What type of immediate help will the Minister give to those organisations?

Mr Poots: We greatly appreciate the work of the Nexus Institute, and we will work closely with it to ensure that it is capable of dealing with requests. We are constantly under financial pressure, but we also constantly have to identify where the greatest needs lie. If the Nexus Institute finds, under its existing resource, that it is not capable of dealing with the number of complaints, we need to talk about that to ensure that people are dealt with and counselled properly and that nothing is done that might hinder them coming forward with evidence that may lead to the prosecution of individuals who deserve to be prosecuted.

Mr McDevitt: The Minister has been rightly remorseful this afternoon. In late October, he gave an interview to the BBC in which he suggested that some of the people who had been abused at Lissie House might have forgotten about it, and, therefore, his Department might not need to provide them with support. Will the Minister apologise for that remark and clarify exactly his Department's best practice in that regard?

Mr Poots: Mr Deputy Speaker, I apologise if I take a little longer than usual to answer this question.

The Member may or may not be aware, but I have a brother who was in Muckamore Abbey

Hospital. This issue has caused me great vexation, because we have our own concerns about what went on in that facility. I am sure that I have visited that facility over 1,000 times in my lifetime, and I know many of the young people who were there, and I know about their mental capacity issues. Given those mental capacity issues, many of them would not be capable of remembering what went on. That was the context of my response to the BBC. It makes me very certain and clear about my attitude on the issue, which is that we must ensure maximum protection for the children and the vulnerable adults who are in our care. Those people deserve that, and, as a society, it is the least that we can do. I want to ensure that that is the case.

Mr Dunne: I thank the Minister for his comprehensive and genuine statement. Will he advise when the Department became aware of the problems at Lissie House?

Mr Poots: A range of issues regarding Lissie House came to the attention of the Department. It would probably be useful if I gave a chronology of events.

In the early 1990s, a number of reports were passed on to the RUC. Allegations were made in 1990, 1993 and 1994. Investigations were carried out according to the protocols between the police and social services. I understand that the allegations could not be further investigated because the young people involved refused to be interviewed by the police. The matter continued to be pursued by social services. In 1996, the South and East Belfast Trust tried to ascertain information on a recurrent allegation by a young person, but she again refused to be interviewed by the police. In 2005, there was a complaint from a former patient in Muckamore Abbey, alleging sexual abuse from some 30 years earlier.

In May 2006, a senior management group (SMG), chaired by Paula Kilbane, was established to co-ordinate DHSSPS/PSNI action, and 296 case files were reviewed. In September 2006, the permanent secretary wrote to trust chief executives about the safeguarding of children and vulnerable adults in learning disability hospitals and mental health hospitals to seek assurance that procedures and processes are in place and to outline the need for a retrospective sample, given the time period involved. RQIA was also asked to provide

independent assurance on those matters and to complete work by May 2007.

1.30 pm

In May 2007, the deputy secretary wrote to trust chief executives reiterating the need for retrospective sampling and to call a meeting with trusts on 20 June 2007. In June 2008, the RQIA review was completed. In October 2008, the permanent secretary wrote to trust chief executives conveying recommendations arising from work of the SMG and requesting the production of trust action plans in response to the RQIA report. In January 2009, the permanent secretary wrote to RQIA seeking assurance that the trust action plans were appropriate, and RQIA wrote to the permanent secretary in November 2009 confirming that the trust action plans were appropriate. On 18 March 2010, the director of HSCB submitted Lissue Hospital and Forster Green Hospital reports to the Department.

In May 2010, the departmental professional advisers considered retrospective sampling reports from the trusts and provided options on the way forward. In March 2011, the permanent secretary wrote to RQIA requesting a follow-up review of each trust's safeguarding arrangements within the next 12 months. Again in March, the permanent secretary wrote to the HSCB seeking formal assurance that all action in trusts' retrospective sampling exercises is complete and that any allegations of abuse have been appropriately investigated, as well as the details of any further action required. Also in March, the permanent secretary wrote to the trust chief executives seeking formal assurance that current practice on risk management is being adhered to, that all investigations of abuse comply with best practice and that any future allegations of abuse will be promptly managed and referred to the PSNI for investigation.

In March 2011, the permanent secretary wrote to Assistant Chief Constable Will Kerr seeking a meeting to discuss the findings of the retrospective sampling exercise. That meeting took place in May 2011. In June 2011, at a meeting of the retrospective steering group, it was agreed to pass retrospective sample papers to the PSNI, and in August 2011, the departmental medical adviser and policy members met the PSNI to have the views of the retrospective sampling exercise made known. That is the chronology of events, and I trust that

it is helpful for Members to realise the scale of the work that has been going on.

Ms J McCann: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. It is a very sensitive issue, and people need to be sensitive about it.

We need to assess the level of abuse and to ensure that the victims or survivors of that abuse get the help that they need. Could the Minister detail what type of outreach work his Department is doing with families? I am sure that there are families out there who have had relatives in those institutions and who are worried about who to turn to. Is any outreach available for all the people who went through those institutions around that time?

Mr Poots: It is important that people feel that there is somewhere to turn to at these times. For those who feel suicidal, we have Lifeline, which provides terrific support for such people, and Nexus also provides an invaluable service to us. I was asked earlier about the financing, and so forth, of that service. It is providing an invaluable service. We need to encourage people to use its services, and if those need to be enhanced, we will have to look at that. However, if people and families require support, we need to encourage them to use that service as far as possible.

My colleagues in the Office of the First Minister and deputy First Minister (OFMDFM) are developing support for the historical abuse inquiry, and I will work with them on that to ensure that people receive the appropriate counselling and support at this difficult time.

Mr Spratt: I thank the Minister for his statement on this very sensitive issue. In July 2011, it appears that officials handed over to the PSNI only reports of the reviews of mental health, and Lissue and Forster Green were included in those reports. Why does the Minister think that the PSNI was involved only at that late stage and not kept in the loop continually?

Mr Poots: The PSNI has been involved, and the RUC was involved in 1990 when the first cases were identified. In 2006, a meeting took place between the strategic management group, involving the PSNI and health and social services, and it was established at that point. The then head of the Civil Service, Nigel Hamilton — now Sir Nigel Hamilton — and the DHSSPS permanent secretary met the

PSNI in 2006 to discuss the allegations and investigations. That was in addition to the investigations undertaken by the police at the earlier point.

When it became clear from initial findings of the sampling exercise that those could, potentially, result in criminal proceedings, it was necessary to find out from the police what further investigations might be required. The PSNI was also consulted by my Department on receipt of HSCB's final report and action plans arising out of the Lissue and Forster Green reports. With regard to speculation that may have arisen in some newspapers over the past few weeks that there had not been co-operation with the PSNI, I think that the PSNI has made it clear that that is not the case and that it has been receiving the full co-operation of the Department. I trust that the response at this time, showing the level of work that has been going on with the PSNI, indicates that that is the case.

Mr Dallat: I, too, share the same sense of personal hurt as the Minister, as I, too, had a brother in Muckamore Abbey Hospital for five years when, we believe, he received the best care and attention. However, these reports are very disturbing.

Does the Minister agree that without good quality professional journalism, many of those scandals would never have been exposed? Does he accept and recognise that the journalists who put the story into the public domain have done society a great service?

Mr Poots: This matter would have come to my attention, and I would have brought it to the House. That is the appropriate mechanism for doing things. Having been elected by the public to the Assembly, my first call of duty as a Minister is to report to the Assembly. It should be done in a structured and honest way, and it should be non-sensationalist. This is not about selling newspapers and, for me, it is not about votes. For me, it is about doing what is right and ensuring that the children and vulnerable adults who have been entrusted to others for their care actually receive that care and are not abused. We all have a duty to ensure that. If anybody is aware of anything that has been reported to them, they should ensure that it is followed up. Since coming into office, I have had allegations made to me about issues, and I have put those allegations into the hands of others to investigate. That is the mechanism for doing

those things and for seeking to get to the truth. The truth is what is important here.

Mr Easton: Has RQIA been involved the investigation? Any type of sexual abuse is totally unacceptable, and that evil act has to be rooted out of our society.

Mr Poots: At the Department's request, RQIA conducted a review of trust procedures to prevent the abuse of children and vulnerable adults in mental health and learning disability hospitals. The report was completed in 2008. Although the review identified a number of examples of good practice, there were concerns about the work that remained outstanding, especially in relation to staff training and the number of children and young people being treated in adult wards. In October 2008, the permanent secretary wrote to trust chief executives requesting the production of trust action plans in response to that RQIA review. In January 2009, the permanent secretary wrote to RQIA seeking an assurance that the trust's action plans were appropriate. That assurance was received from RQIA. In March 2011, RQIA was asked to conduct a follow-up review of each trust's safeguarding arrangements. That has been scheduled into its plans.

Mr A Maskey: Go raibh maith agat, a LeasCheann Comhairle. I want to be brief. I commend the Minister for his resolute defence of children and his personal categorical assurance that he will leave no stone unturned. I acknowledge the Minister's difficult position in that, in a sense, he had to acknowledge his personal family experience. It was very unfortunate that that was dragged out of the Minister here this morning. It should not have had to have happened, but I commend the Minister for his ability to deal with it.

[Interruption.]

Mr Principal Deputy Speaker: Order.

Mr A Maskey: We do not need the catcalling.

Mr McDevitt: That is out of order.

Mr Principal Deputy Speaker: Order.

Mr A Maskey: I am trying to deal with a serious matter. To be heckled by someone who is looking for a cheap headline — *[Interruption.]*

Mr Principal Deputy Speaker: Order. The Member has the Floor to ask a question. The

Member is asking a question. Other comments can be taken up.

Mr McDevitt: On a point of order, Mr Principal Deputy Speaker. People are making personal statements here today. I have a sister with Down's syndrome. She has been in institutional care for 30 years. I understand the Minister's position, but it does not take away from his personal duty.

Mr Principal Deputy Speaker: I have made a mistake. I have been told that I should not have taken a point of order during questions to the Minister's statement.

Mr A Maskey: It sounds as if it was not a point of order anyway.

Acknowledging what I have just said, and without rehearsing that, my reading of the situation is that, first of all, it is absolutely incomprehensible and unacceptable that the Minister had to find out in a newspaper article about an issue of this magnitude and one that was going on over a number of recent years. I know that the Minister has acknowledged that. That he found out in such a manner is absolutely disgraceful and unacceptable. It leaves a huge question mark over the people who were involved in the issue. The bottom line is, and I would like the Minister to respond to this — *[Interruption.]*

Mr Principal Deputy Speaker: The Member will be heard.

Mr A Maskey: This morning, we heard from the Minister. Certainly, we know that the abuse has been established and, unfortunately, proven, but the bottom line is that we are also being told that not one person has been held to account for the abuse. We have heard that members of staff have been identified.

Mr Principal Deputy Speaker: We need a question.

Mr A Maskey: Why, at this time, has not one person been held to account for the abuse, which has been established and which was going on recently and over a number of years?

Mr Poots: All the evidence that we have gathered to this point has been passed to the PSNI, and some of it went to the Public Prosecution Service. They have decisions to make on their ability to make things stand up in court and to ensure that there is a successful trial. As things come out in the open, I hope

that more information will come forward that will assist the PSNI and the Public Prosecution Service to a point at which they can make prosecutions. If there are things that we believe have happened, but, at this point, cannot substantiate as proven beyond all reasonable doubt, it would be unfortunate if, as a result of the failings of others, individuals got away and were not prosecuted.

I hope that more information will come forward, even as a result of what we are doing today and the historical inquiries that are taking place. I hope that we will get to the point at which prosecutions take place. Obviously, I am not responsible for prosecutions; that is the responsibility of the PSNI in conjunction with the PPS. I am responsible for ensuring that they get all the information that is available. All that I can say to the House today is that I will ensure that all the information that may lead to a prosecution will be passed to the relevant authorities.

Mr McCarthy: I thank the Minister for his statement. In his statement, the Minister said that he was "extremely annoyed" that he had not been given an interim briefing prior to the breaking of the story last week. I was very disappointed to hear the Minister, in a response to a Member's question, say that it was unfortunate that the story broke. I pay tribute to the journalist Seanin Graham and to 'The Irish News' for bringing the story to the public of Northern Ireland. Had it been brought to us five or 10 years ago, a lot of people probably would not have suffered the abuse.

Mr Principal Deputy Speaker: Can we have a question?

Mr McCarthy: Will the Minister assure the Assembly that all those who suffered or witnessed abuse in any of the institutions are offered every assistance with their well-being? Will he also assure us that it will be easy for abused young people to come forward to receive any assistance that his Department can give?

1.45 pm

Mr Poots: It is hugely unfortunate that some Members think that it is better for information to be leaked to the media and to encourage that practice than for Ministers to bring such information to the House to explain things in this forum. I see that some Members are shaking their heads and obviously think that

leaking information is a much better way forward than a Minister informing the House that they have been elected to.

Leaks diminish the role of the Assembly and government. It is incumbent on government to be honest with the people. This is the forum where that should happen, and newspapers should then report on that. Leaks to the media, and so forth, do not achieve anything. Such leaked information can, very often, cause considerable damage in the way that it is handled. It can be used to besmirch individuals undeserving of criticism, and it can stir things up and cause tensions for the victims. The House and the Committee are the mechanisms through which such information should be handled, and I am disgusted that some Members believe that handling it in some other way is better.

I stated that we are working with Nexus and that we are working with junior Ministers Anderson and Bell to devise a scheme through which victims of historical abuse can come forward to receive support. The Executive have made a commitment to doing that. Indeed, before any newspaper or publication had broken anything, the Executive had identified that, if abuse took place in facilities across the country, there needed to be a mechanism for those people to come forward to make their voices heard. That mechanism does not need to be something that is taken over by solicitors, but it does need to be something through which people can get the message out, have their voices heard and see justice done.

Mrs D Kelly: I welcome the fact that the Minister and his party welcome inquiries into past wrongdoings. Will the Minister tell us whether he has had, or intends to have, discussions with OFMDFM on whether any inquiry into what happened at Lissie Hospital and Forster Green Hospital will be included in the OFMDFM investigation into child abuse cases?

Mr Poots: I have made that clear during a number of interviews and in my statement today, but I will reiterate it for the benefit of the Member. That will form part of the historical inquiry established by OFMDFM. We will submit all the information that we have to assist OFMDFM in identifying the issues, and we will fully co-operate with that Department on the issue.

Mr Humphrey: I thank the Minister for his statement to the House, which was very difficult for him to make from a personal point of view.

It was unfortunate that some sought to make political capital out of the statement; indeed, that was reprehensible.

In the Minister's response to Mr Spratt, he talked about the investigation conducted by the Royal Ulster Constabulary and the PSNI. Why has the investigation in the Department dragged on for so long?

Mr Poots: Clearly, a number of issues surround this. Given the vulnerability of the individuals involved, presenting them to a court of law to be cross-examined in the normal way would make it very difficult ever to achieve successful prosecutions. That causes considerable difficulties, and that is why we, as a Department, undertook a file search to identify any corroborating evidence and sought to make things more robust. All those things have taken a painstakingly long time. Going through files to identify where things have happened that maybe should not have happened is almost reading between the lines, as opposed to reading what is in front of you. It is very difficult work and all of it has taken a considerably long time. I do not defend that, but that is the nature of it.

I remind Members that, in all this, we take people, who look after vulnerable children, away from social services to investigate the past. There always has to be some degree of balance between investigating the past and dealing with the present. As we move into historical inquiries, I am concerned that we do not take our eyes off the ball to ensure that, in 20 years' time, people will not ask: what went on in 2011 and how did we get it so wrong then? We need to ensure that we have adequate numbers of staff available to stamp out abuse insofar as that is possible. Unfortunately, the highest levels of abuse take place in homes, not institutions.

Mr Principal Deputy Speaker: That concludes questions to the Minister on the statement.

Private Members' Business

Pat Finucane Case

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

A valid petition of concern was presented today on the motion and the amendment. Under Standing Order 28, the votes cannot be taken until at least one day after the petition has been presented. The votes will, therefore, be taken as the first item of business tomorrow morning, Tuesday 8 November. The motion and the amendment can, however, be debated today. I remind Members that another effect of the petition is that the votes on the motion and the amendment will be taken on a cross-community basis.

Mr A Maginness: I beg to move

That this Assembly notes the British Government's acceptance that there was collusion by the army, the RUC and the Security Service in the murder of Pat Finucane; recognises that accepting collusion is not sufficient in itself and that the public now need to know the extent and nature of that collusion; and calls on the British Government to honour the binding commitment, made by the then British and Irish Governments in the Weston Park agreement, by establishing a judicial inquiry, as recommended by Judge Cory in 2004, with the power to compel witnesses to give evidence under oath.

I will start by saying that the book 'Lost Lives' concludes that 3,720 people were killed during the course of the Troubles. Pat Finucane was murdered on 12 February 1989, and some ask, and rightly ask, why his murder should be seen as any different to the murders of the other 3,719 people.

The egregious nature of Pat Finucane's murder is not because of the wanton cruelty of shooting dead a young man in front of his three children and his wife on a quiet Sunday afternoon. Outrageous though that atrocity was, it does not make his murder significantly different to that of others. What makes his murder exceptional

is that it highlights the extent to which the UDA were encouraged, assisted and directed by elements within the army, the RUC and the security services. What his murder highlights is the verifiable fact that collusion with the UDA, a loyalist paramilitary organisation, was part and parcel of British Government security policy in Northern Ireland.

In the House of Commons on Wednesday 12 October, the Secretary of State, on behalf of the British Government, stated:

"The Government accept the clear conclusions of Lord Stevens and Judge Cory that there was collusion"

in Pat Finucane's murder. He reiterated the Prime Minister's apology to Mrs Finucane and her family on behalf of the British Government. The official apology is to be acknowledged and welcomed, but more needs to be done in exploring and determining the extent and nature of that collusion between the British state and loyalist paramilitaries. Was it purely tactical and, therefore, limited, or was it embedded? Was it strategic? Was it part and parcel of the military security complex, and was it policy? If so, was there political approval and political direction behind such a policy?

In his overview report in 2003, Lord Stevens concluded that there was collusion and, furthermore, that the murder "could have been prevented". The report states that the original investigation of the murder:

"should have resulted in the early arrest and detection of his killers."

In 2004, Judge Cory, a distinguished Canadian jurist, found that there was:

"strong evidence that collusive acts were committed by the Army, the RUC, and the Security Service."

Despite those authoritative conclusions and the long but effective campaigning of the Finucane family and, indeed, by my party and others, nationally and internationally, the current British Government have rejected a public inquiry. They have opted for an independent review to be conducted by the no doubt distinguished lawyer Sir Desmond de Silva QC to produce a full public account of any state involvement in the murder.

I am sure that Sir Desmond is an honourable man and an independent-minded jurist. However, his review will simply be Cory 2. It is no

substitute for a full, independent judicial inquiry into this notorious murder. As Mark Durkan MP said, it is a “twilight-zone review” that will be unable to compel witnesses. To me, the decision by the Prime Minister to order a review is a serious betrayal of trust with the Finucane family, particularly his widow, Geraldine. It was exceptionally cynical and cruel to invite the family over only to offer them this review. They were angry, and I share that anger.

I am perplexed by the Government's actions, as they had engaged in detailed negotiations for at least a year over a form of inquiry similar to that carried out into the death of the Iraqi Baha Mousa. Indeed, it was the British Government who suggested that that form of inquiry might have been acceptable to the Finucane family. The fact is that the British Government reneged on an informal commitment to an inquiry. One must ask: why did they do so at the last minute? Was it, perhaps, because sinister forces that had previously permitted collusion within the security services coerced the Government at the last minute into rejecting or reneging on a full public inquiry? That question remains to be answered, and I think that the Secretary of State was, rightly, embarrassed.

Leaving aside the legitimate concerns of the Finucane family, the British Government's decision is also a breach of Weston Park, where they entered into an international agreement to deal with this issue. The methodology that was established was that a judge, such as Judge Cory, would look into these matters and if there were sufficient evidence to suggest collusion, there would be a public inquiry.

Mr Givan: Will the Member give way?

Mr A Maginness: No, I will not; I have an awful lot to get through.

Thus, arising from that we have the Breen and Buchanan inquiry, and we also had the Hamill, the Wright and the Nelson inquiries.

2.00 pm

Despite the delays, the stated position of the previous Government was that there should be a Finucane inquiry. There was a dispute with the family over the Inquiries Act 2005; nonetheless, the British Government's position was that there should be a public inquiry. The Cameron decision, however, represented the rejection of such an inquiry and a breach of the Weston Park

agreement and the agreement with the Irish Government. The Irish Government have quite rightly criticised the British Government's unilateral decision. What we say to the Assembly is this: it is not the external facts that we need to know, because we already know them. We have the Stevens report, although it has not been published. What we need to discover and judge is the extent of invisible political and security force involvement. Vital to this is the extent of the political involvement of Whitehall and the Ministry of Defence, in particular.

It is interesting to note that, in an article entitled ‘Pat Finucane probe could expose more than gunmen’ in the ‘Belfast Telegraph’ in January, the distinguished security journalist Barney Rowan wrote:

“This is a killing that many believe takes you into that place known as the ‘dirty war’, a story that is not just about the UDA, but that has other hidden hands. It is not just about who shot Pat Finucane, but why he was shot, and who wanted him dead ... What if Owen Paterson decided there shouldn't be an inquiry — how could that be explained? For many that type of decision would simply confirm a cover-up — of a truth too ugly to be told.”

We suspect that the British Government have opted for a cover-up, not truth, and we do not believe that the Assembly should collude in that cover-up. Let the Assembly demand that the Weston Park agreement, the commitment to a public inquiry into the murder of Pat Finucane, be fully implemented. I commend the motion to the House.

Mr G Kelly: I beg to move the following amendment: At end insert

‘; and further calls on the British Government to establish this judicial inquiry within the next three months.’

I welcome the motion. Our amendment adds rather than takes away from it. At the outset, let me say that I am very disappointed that unionists from across the Chamber have decided to put in a petition of concern. I heard reports that, when Belfast City Council was passing a motion in support of an inquiry, unionists, even though they disagreed with the motion, agreed that collusion had taken place. So I hope that there is no disagreement on that point.

Last Thursday night, I was at a conference in west Belfast at which Geraldine Finucane, Pat Finucane's wife, spoke. Anyone who has

watched her on television or listened to her will know that she is very eloquent and has always been very dignified in her grief and throughout the campaign. I pay tribute to the whole family's courage and determination to move the issue forward.

Let us remember that the inquiries were agreed to 10 years ago — quite a substantial period — in Weston Park. There were six separate cases, five of which have been completed or are ongoing, including the deaths of two police officers and the killing of Billy Wright. Like Alban Maginness, I find it hard at this stage to work out how, after 10 years and over a year of negotiations, a family could be lured — that is the only word that describes what happened — over to Downing Street with great expectations and then given the message that the British Prime Minister gave them. They had agreed to a Baha Mousa-type inquiry to deal with the case. I know that their first objection was the Inquiries Act 2005, which, of course, was brought in after there was agreement to hold an inquiry. However, the Baha Mousa inquiry showed them that an inquiry can be held without the interference of government. Why would the Finucane family be brought over to London for David Cameron and the Government to then very publicly renege on an agreement that both the British Government and the Irish Government had given? Why would the family be insulted so publicly and led up the garden path on all this? It cannot be because of money; they were only after having the Baha Mousa inquiry and, of course, the other inquiries that had taken place.

At the meeting the other night, which was very well attended, I was struck by the number of other grieving families of victims who got up, praised the Finucane family and said that the case is symbolic. Of course, people ask why there should be an inquiry into the Finucane case and not other cases and so on. The Finucane case is, probably, more symbolic because the point had been reached where there was agreement that an inquiry should be held. Yet, here we have a reversal of that decision. At that time, other families said that they felt that the case represented them; in other words, a lot of hope was placed in the case, and, if it could bring out the truth, there was hope that there would be truth for others, especially in collusion cases.

The point that I am making and the reason why I mentioned the other cases is that

people, particularly unionists, seem to talk about collusion as though it happened only in republican cases. Of course, it did not. When collusion was used by the British Government and the state forces, it was used across the board. Therefore, I argue they should not be afraid of the truth coming out. In fact, I must say that my party, Sinn Féin, is being approached by people on the unionist side because unionism will not take up their cases of collusion. Frankly, unionists should be ashamed of that. Members on the opposite Benches may laugh. We have been approached about cases on the unionist side because they were rejected by Members on that side of the Chamber.

The Finucane case is a festering sore for the British Government, the Assembly and all victims of collusion, of whom there are, unfortunately, very many. It needs to be lanced. We need to establish the truth and to establish how high up the chain that collusion went, not just to bring relief to the Finucane family and many other families out there who are looking for the truth and closure but, perhaps most importantly, to send a message that it should not happen again. Go raibh míle maith agaibh.

Mr Givan: I made comments about the killing in the Matters of the Day debate on this issue. Those comments are on record, so Members can refer to them.

Pat Finucane was killed in 1989. He, along with more than 3,000 other people, suffered as a consequence of the terrorist campaign that took place during that terrible 30-year period. Members on this side of the House find it difficult to understand why Pat Finucane should be elevated above all other victims of the Troubles. What is so special about Pat Finucane that he and that family need to have that public inquiry? The Finucane family has already had the Stevens inquiry in 2003. That cost £9 million; it took 9,256 witness statements; its archive has over one million papers; and it seized 16,194 exhibits. It was one of the largest police investigations that has taken place in UK history. Then we had Judge Cory's report in 2004. What is it about Pat Finucane that merits a public inquiry, when countless other victims have not had what the Finucane family had from the Prime Minister?

Mr A Maskey: Will the Member give way?

Mr Givan: No. If I have time later, I will give way.

They got what other victims' families have not had — an apology directly from the British Prime Minister. There has been no apology to the hundreds and hundreds of other victims. Mr Kelly said that the family were lured to Downing Street. I find it quite ironic to hear that term from Mr Kelly. There are hundreds of other families who wish that they had got to Downing Street and got an apology from the British Prime Minister. Now we have this review by Sir Desmond de Silva, which will have access to all the other files and papers that were created by the Stevens inquiry. He will also be able to invite submissions from others, if he wishes to do so. The investigation into the death of Pat Finucane has got well above and beyond what many other families have had. The Members opposite need to reflect on that.

We have the true agenda coming out from the proposer of the motion and from the amendment. It is all about collusion, what went on in the past and trying to rewrite that history. In his initial comments, Mr Maginness said that it was part and parcel of what went on with the police and the UDA, which I think was the paramilitary that he was referring to. He later said that we needed to make an assessment and judgement, but he did not say that in his initial comments, when he said that it was part and parcel. Really, this is about republicans, in particular, trying to rewrite that history.

Mr A Maginness: Will the Member give way?

Mr Givan: No, I will not. He did not give me that courtesy.

That is what all of this is about — trying to rewrite history. Mr Kelly may want to have the truth especially in “collusion cases” and to say that there were many victims of collusion, but there were hundreds of victims created by the IRA. Those victims will never know the truth, because some people cannot even face up to the reality that they were in the IRA. They will never get the truth. The Members opposite can somehow lecture piously about how this particular case requires a public inquiry and the truth to be heard. The public will know what is really at stake in all of this: it is the rewriting of history.

Let us put on the record our thanks to the Royal Ulster Constabulary, particularly to special branch, for the tremendous work that it did in saving hundreds, if not thousands, of lives throughout the conflict. Members opposite will not like that, because, ultimately, the RUC drove

them to the negotiating table and defeated the IRA. They do not like the fact that they were defeated then, and we are not allowing them to defeat the history of what the RUC achieved during that period. We will not support the motion or the amendment.

Mr B McCrea: I agree with Mr Givan. We will not support the amendment or the motion. I am disappointed that the motion has been tabled. Yesterday, I listened intently to the speech of the new leader of the SDLP. Much of what he said was to be welcomed, particularly what he said about a different way of working with people from a unionist background. I am interested in exploring that. I cannot, therefore, understand why it serves us here to table a motion that is divisive. The point is that, if we are going to deal with the past on an individual basis, we are going to have to deal with all of the past.

2.15 pm

I asked for permission to bring the ‘Lost Lives’ book here. I opened it at random, just to prepare for my speech. I will read some things out. I will not detain you too long, but I want to make the point that there are many victims. I look at random, and I see an entry for David William Bingham:

“His body was found at Institution Place off Divis Street after he had been shot in the head three times by the IRA.”

He was on his way to a hospital appointment. Just a few days later, Mr William Staunton, a magistrate,

“died in hospital 15 weeks after he was shot by the IRA as he dropped two daughters and their friends off to school on the Falls Road.”

One of his daughters was still in the car. I will move randomly through the book. Richard Latimer from Fermanagh

“was shot by an IRA gunman in his hardware store in Main Street, Newtownbutler, early on a Saturday afternoon. His 11-year-old son and several customers witnessed the killing.”

I could go on, but almost every page in that book describes a personal tragedy.

Mr I McCrea: No doubt, as the Member goes through the book, he will see many names from my constituency. He and my colleague referred to the fact that, if we go down the route of an inquiry, all that we do is leave the people

who are also victims in this case without one. I presume that he will agree that, as he has already said, we need the truth to be told for everybody. We need to ensure that every victim of terrorist crime is given that.

Mr Principal Deputy Speaker: The Member will have an extra minute.

Mr B McCrea: That is indeed the point that I was making. When you go through the individual cases, you cannot but be heartbroken. I wonder how we will deal with the issue of the past.

Mrs D Kelly: Will the Member give way?

Mr B McCrea: If you are quick.

Mrs D Kelly: I will be very quick. Will the Member acknowledge that the gift of finding out the truth about the past and of giving each of the victims' families a say in how we deal with the past lies with the DUP and Sinn Féin? The Victims' Commission produced a report in June 2010 and presented it to those parties, but they have done nothing with it since.

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

Mr B McCrea: I will not take any further interventions, because I am running out of time. I will say to the deputy leader of the SDLP that I am really interested in seeing what proposals her party comes forward with on how we deal with those issues. I find it somewhat difficult to hear Sinn Féin Members talking about the matter in the way in which they do, as if one side was whiter than white and the other was blacker than black. I am incredulous, and, to be honest, I feel that it is distasteful. I do not mind if people come forward and say that they have a particular issue, but we must be honest.

I want to tell the Members who tabled the motion why I reject it and the amendment. The truth is that we already know the truth. Mrs Kelly was a member of the Policing Board, so she knows that Stevens 1, Stevens 2 and Stevens 3 have already looked into the matter in some depth. Mr Givan mentioned that there were 9,256 witness statements, one million pages of evidence and 16,194 exhibits and that it was one of the largest police investigations in UK history. The proposer of the motion, Mr Maginness, also said that the person who has been asked to look into the matter is a distinguished QC with the United Nations and a man of absolute integrity. His purpose, as

stated by the Prime Minister, is to bring out the truth. That is the commitment that was given.

Many people have said to me that, in the past, we took too long to reach conclusions. It does not do any of us any good to spend a lot of money to discover what we already know. What is important is that the information comes out. However, this piecemeal attitude to trying to rewrite the past looks as if it is an orchestrated campaign, and, because of that, it will be rejected. Collectively, we must find a way of dealing with the past. If you are going to do it for one person, you should do it for every single person whose name appears in 'Lost Lives'.

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

Mr B McCrea: This is no way to do it. The motion and the amendment are unhelpful, and we will reject them both.

Mr Ford: It is clear that there are many significant and great concerns about what appears to be a partial interest in a small number of victims of the Troubles, yet that, it seems to me, is not what the motion is about. It highlights, on the basis of what was agreed at Weston Park by the two Governments, the particular concerns of the Finucane family. The House must recognise the concerns expressed by that family in the light of promises made, while recognising the points that have already been made by Mr Givan and Mr McCrea and will, doubtless, be made by others on that side of the House as we look at the needs of all victims and this society as a whole.

As Alban Maginness highlighted, the genesis of this issue is the Weston Park agreement of August 2001, paragraph 18 of which states:

"Both Governments will therefore appoint a judge of international standing from outside both jurisdictions to undertake a thorough investigation of allegations of collusion in the cases, of the murders of Chief Superintendent Harry Breen and Superintendent Bob Buchanan, Pat Finucane, Lord Justice and Lady Gibson, Robert Hamill, Rosemary Nelson and Billy Wright."

Paragraph 19 states:

"If the appointed judge considers that in any case this has not provided a sufficient basis on which to establish the facts, he or she can report to this effect with recommendations as to what further action should be taken. In the event that a Public

Inquiry is recommended in any case, the relevant Government will implement that recommendation."

I have considerable sympathy with what has just been said by Basil McCrea about the elevation of a small number of families over others. However, that does not alter the fact that a promise was made by two Governments at Weston Park. If Governments have any credibility, they keep the promises that they make.

Mr A Maginness: Further to the Member's point about Weston Park, the fact that there is a commitment to the Finucane inquiry does not exclude some other mechanism of looking at the thousands of other people who died during the Troubles. It is not mutually exclusive.

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

Mr Ford: I thank the Member for that point, which is what I was getting to. Of the six cases highlighted, it is my understanding that the Gibson family did not want a full judicial inquiry. It seems that their names were selected by the two Governments in some sort of sectarian balancing exercise, which only increases my cynicism of the way in which Tony Blair behaved on occasions such as that. However, that does not alter the fact that a promise was made to the Finucane family. That is fundamentally why they have every right to feel that they were treated shabbily by the current Government.

We need to recognise the needs of all victims. We need to ensure that we have a comprehensive way of dealing with the past. We managed to address that in the Assembly only a couple of weeks ago. As the two Governments made promises about this case and the others in what was described as a solemn international agreement, that can lead only to our supporting the motion. I am not sure entirely what is added to the motion by the amendment. Indeed, I did not actually hear Gerry Kelly make any real reference to the amendment in his speech; it seemed to be more about supporting the motion. It may be that a three-month timescale would be impractical in any circumstances.

It is certainly a significant regret that we are now faced with a petition of concern. Instead of having an all-embracing discussion about dealing with these difficult issues of the past and looking at the needs of victims from every section of this society, we are now down to a simple sectarian headcount, as if nothing

matters but preserving the status quo on one side or attacking it on the other. That is not how I interpreted the motion that was proposed. Unfortunately, however, it is the reaction that we are left with because of the petition of concern. It has simply highlighted the divisions that exist in the Chamber and this society.

A couple of weeks ago, before the recess, the Assembly passed a motion from my colleagues that called on the Secretary of State to convene talks about how we could take a comprehensive look at the past in a coherent way that would recognise the fact that there are victims from every section of society and the need to deal with that adequately and in a proper way to ensure that we can build and move forward together. Naomi Long has recently followed that up with the Secretary of State. Unfortunately, it appears that the Secretary of State, despite a unanimous wish from the Assembly, is not, at this stage, willing to carry forward that process. It is a matter in which the Government have responsibilities, the same as it is a matter in which OFMDFM has responsibilities and this Assembly, as a whole, has responsibilities.

We cannot deal with everything that happened in the past with a few selective inquiries, with the work that is being done by the Historical Enquiries Team, given its limitations, with the work that is being done by the Police Ombudsman and with the legacy inquests in a small number of cases. That becomes a partial process, and that will always be a divisive process. We need to ensure that we find some way of joining up the issues of seeking rational discussions in private meetings so that we can give some leadership from this Chamber to people in this society and not perpetuate divisions. On the basis that the motion refers to the needs of one family, I support it.

Mr Deputy Speaker: As Question Time is due to commence at 2.30 pm, I suggest that Members take their ease for a few minutes. The debate will continue after Question Time, when the next Member to speak will be Edwin Poots.

The debate stood suspended.

2.30 pm

Oral Answers to Questions

Environment

Mr Deputy Speaker: Questions 9 and 12 have been withdrawn and will require written answers.

National Park

1. **Mr McElduff** asked the Minister of the Environment what discussions have taken place with the farming community about the establishment of a national park, and what are that community's main concerns. (AQO 661/11-15)

Mr Attwood (The Minister of the Environment):

I thank Mr McElduff for that question. I make it clear again that I am a very firm believer in national parks for the North of Ireland. We are the only part of these islands that does not have any national parks. A model of a national park dedicated to the particular needs of the North of Ireland — not the model in the South or in Britain — is a good way forward for the better environmental management of any area so designated, which creates jobs and protects all interests.

I know that there are concerns. Even at the party conference at the weekend, farmers in the SDLP were raising — *[Interruption]*. I will come back to that in a second. *[Laughter.]*

The farmers raised issues with me about national park designation and the impact on the farming community. So, my strategy going forward is to lead that debate and to look forward to legislation and the designation of national parks. Also, I will try to create a maximum level of agreement to mitigate some of the fears that are about and to build the argument and support base wherever we have one or more national parks in the North.

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

I thank the Minister for his answer. Does his Department have any indication of the running costs associated with the management of a national park? I think that you spoke about

a particular model for the North. However, I believe that a comparative size of national park in England costs something like £3 million to £4 million to manage annually.

Mr Attwood: Some scoping out has been done on costs but that is still a bit premature. We do not have any national parks legislation in place or an implementation plan for how that would be put into effect or operate. Yes, there will be costs around national park designation because there would be a requirement for one, or more than one, national park management group to take forward the management of one, or more than one, national park in the North.

So, there will be costs, but look at the benefits. There would be better protection of the environment and natural heritage in any area so designated. At a time when people are faced with economic difficulties, a national park would create a model for positive economic growth in those areas in a way that would create jobs and protect local interests. In my view, it would even lead to farmers in a national park area having premium produce simply because it came from a national park. So, yes, there would be costs up-front in creating and managing one, or more than one, national park but there would be many other benefits for the environment, jobs, tourism, tourism spend and premium products coming out of that area. I believe very strongly that the balance sheets of national parks, if that is what this comes down to, are heavily loaded in favour of them.

Mr I McCrea: I hope, in the first instance, that the lights are not too bright for the Minister to see the brief that he has in front of him. Having said that, in respect of the establishment of a national park, will the Minister ensure that he will listen to the concerns of the people who do not agree with his position and ensure that their voices are heard?

Mr Attwood: I can confirm that I will listen but there are some things that I will not listen to. What I will not listen to is an argument put to me by people who are hostile to a national park in the Mourne and who said to me at a meeting 10 or 12 weeks ago that those who favoured a national park in the Mourne did not love the Mourne. That was the argument made by people who live in that area about others in the area who are in favour of a national park for the Mourne: those who farm there and are

devoted to and protective of the quality and character of the Mournes.

I will not tolerate anyone creating worse fears to derail what might otherwise be a good project. I made that clear to them at that time, and I make that clear now. We will work to mitigate fears and to reassure people if those fears are genuine, if they are not exploited for narrow advantage and if there are real concerns about the shape and impact of a national park in any part of the North. I have not predetermined where any national park may or may not be designated.

Conclusions can be drawn from the fact that a number of farmers from the Mournes who were opposed to a national park heretofore are now supportive of it because they have seen, through the Mourne Heritage Trust and other interventions over the past while, how better management of land, pathways and the protection of animals can protect their interests and the environment, and how that can build agreement around the national park proposal.

Mr McCallister: Does the Minister accept that it is absolutely vital to overcome the fears and concerns of the farming community who own much of the land that would be designated, and that engagement with the farming community —

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

Mr McCallister: — is most necessary? What engagement will the Minister have with local councils? I ask because most of them might be expected to have some role in management.

Mr Attwood: In the event that legislation is tabled and endorsed by the Executive, there will be extensive consultation in order to have a parallel path of implementation around the same time that that legislation is passed. I know that this is a highly charged matter, and that there is anxiety and concern in the areas that might benefit from designation, so appropriate and reasonable consultation will take place with all stakeholders, farmers, councils and others besides.

I want to make it clear that I understand the concerns of the farming community. People from north Antrim spoke to me over the weekend about how the management of the neighbourhood at certain times of the year and particularly at weekends, around Glenariff, for

example, was very difficult because of the number of people and cars that were coming into the area. They told me about people who bring scissors with them when they go out walking so as to cut through fences to let their dogs get on to land. A consequence of that is that animals, particularly sheep, become scared. They also told me about people camping in the area who use fence posts for lighting bonfires.

I appreciate that the behaviour of the few in areas of natural beauty in the North has created a sense that to invite more people into those areas would be a threat rather than an opportunity. I understand that. We need to create arguments that reduce those concerns. I believe that it is an argument that we can win, and that the argument for national parks can prevail.

Septic Tanks

2. Ms J McCann asked the Minister of the Environment what consideration has been given to providing grants for the replacement of septic tanks. (AQO 662/11-15)

Mr Attwood: I thank the Member for her question. I confirm that there is no grant scheme in the Department for the replacement of septic tanks. I am not ruling it in or out, but a scheme to replace septic tanks in the North would require a capital budget of around £12 million. We have about 108,000 septic tanks, as well as at least 15,000 to 20,000 that are not yet registered. I am not closing the door on that opportunity, but that is the scale of the finance required were we to introduce a grant scheme.

Ms J McCann: I thank the Minister for his answer. Given that septic tank replacement would improve water quality and that the Minister has said that he is open to looking at it, will he work in partnership with the Minister of Agriculture and Rural Development to introduce a septic tank replacement scheme?

Mr Attwood: As I said, I will look at the proposal. I will consider the proposal with the Minister of Agriculture and Rural Development. However, we also need to recognise that there is very good compliance in the North of Ireland when it comes to septic tanks. The Republic of Ireland has a difficulty at the moment: due to the way in which septic tanks, soakaways and all the rest have been managed over a long period, the Republic is in danger of being on the wrong

side of the European authorities when it comes to infraction.

That is not the situation here. We have a programme of trying to identify where a septic tank is not in place. Given that we have 108,000 septic tanks that have been monitored and found to be in compliance, and given the existing architecture of the planning system and the operation of septic tanks, soakaways and other mechanisms that deal with waste, we actually have a good, healthy position. I have to say that, in the NIEA (Northern Ireland Environment Agency) and the Department, we have staff who are very judicious about how they manage breaches and non-compliance.

I will look at working with other Ministers. We can look at any intervention, especially in advance of a new water directive from Europe in 2016, which will build more rigorous standards into the quality of our water generally. However, I need to point out that only 10% of water course difficulties come from septic tanks. All the rest come from discharges from other sources.

Ms Lo: Last year, an NIEA study found compliance issues with 10% of septic tanks, which is about 12,000 tanks. Has the Department quantified the level of pollution? What is it doing about the problem?

Mr Attwood: I thank the Member. A snapshot study in one part of the North indicated that there were issues of non-compliance with up to 10% of septic tanks in that neighbourhood. I may well get a question in that regard shortly.

Where we identify compliance issues, the Department works very closely with the householder in an effort to rectify the problem. The proof of that is that only two cases have been brought to the point of prosecution and court penalty since the regime came into place nearly 40 years ago. You could argue that that is due to a lack of enforcement, but you could also argue — and I think that this is the right argument — that the Department's attitude to compliance issues is very generous and careful.

Indeed, the Department learnt a bit of a lesson from the Magherafelt pilot study that you referred to after some concerns were raised that it was coming down heavy in respect of compliance issues. I see my colleague nodding in agreement. The Department learnt from that experience and is now working very closely to ensure that we accommodate rather

than enforce; that is the right approach going forward. Indeed, there are some cases in which the Department adopts a particularly sensitive and cautious approach when issues of compliance arise. For example, when there are difficult individual circumstances involving mortgage debt or elderly people.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Councillor Kate Lagan and I drew attention to those practices. They had been painted with a very broad brush, which was the totally wrong approach for NIEA to take on that occasion. However, lessons were learnt, and, hopefully, we have moved on from that situation.

Will the Minister give us an update on the wider issue of the provision of housing in the countryside, how Planning Policy Statement (PPS) 21 on development in the countryside appears to be working in practice, and when the review that has been initiated will take shape to deliver for our rural communities?

2.45 pm

Mr Attwood: I acknowledge what the Member said. Based on the Magherafelt experience, the Department has adopted a more proportionate, even delicate, response in managing this issue. I had, by now, intended to have outlined to the Committee and others the conclusions of the review of PPS 21. However, three Mondays ago, a meeting with Tom Elliott and colleagues of his from Fermanagh identified two or three further opportunities for consistency or some flexibility beyond what I had already identified in the review of PPS 21. I have papers on the review, and there may be some tweaking, given the very useful exchange that I had with Mr Elliott and his colleagues. Certainly, within a very short space of time — two or three weeks — I will be in a position to confirm how we are going to ensure consistency of interpretation of PPS 21. Good practice that is applied in some planning offices could be applied in others on issues such as access to properties, properties that cross laneways, properties that are close to farm buildings, and other related matters, in a way that realises the legitimate opportunities intended under PPS 21.

Mr Deputy Speaker: Question 3 has been withdrawn.

Planning Applications

4. **Mr D McIlveen** asked the Minister of the Environment whether he has any plans to suspend consideration of a planning application where the applicant is under investigation by the planning enforcement office. (AQO 664/11-15)

Mr Attwood: I thank the Member for his question. I have no plans to suspend consideration of a planning application in the circumstances stated in the question. However, I understand the sentiment behind the question because, within the Department, the application of good enforcement policy is lacking. That is my overall view. It is lacking for a number of reasons, sometimes related to staffing. The environmental crime unit (ECU) is 14 members of staff below complement. We are going to correct that by appointing 11 new staff in the near future.

There is a wider issue about applying the enforcement powers of the Department, be it on the environment side, the planning side, or through the ECU. That might be, to some degree, the sentiment behind the question, and I agree with that. That is why, within the Department, I have adopted a position when matters come to my attention where the Department has not, in my view, demonstrated a robust enough approach, be it on the planning side or the environment side, that that matter is turned around in such a way that I think you will see a wider lesson beginning to be learned around the North. Those who are in breach of planning or environmental requirements are going to be addressed more robustly in the period ahead.

Mr Deputy Speaker: I remind Members that there is some difficulty with the sound system. I am trying hard to understand what is happening. I ask Members to remain quiet when they are not called. I do not want to be able to listen to others' conversations that should not be listened to if they are picked up by the system.

Mr D McIlveen: I thank the Minister for his answer. Does he agree that there seems to be a slightly bizarre set of circumstances in the Department in this regard? For example, if someone were being investigated for a drink-driving offence, they could not be considered for the job of a school bus driver. If someone were being investigated for some sort of sexual offence, they could not be considered for work with adults with learning disabilities or with children or young people. Therefore, to have —

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

Mr D McIlveen: Thank you very much. I am just getting to the question, although I felt that context was important. In the context that I set out, is it fair that a resident who has been the victim of a planning application that has not been adhered to and is going through an enforcement process should then receive another proposed application from the same applicant while he or she is being investigated? That surely seems a very surreal —

Mr Deputy Speaker: The Member has had sufficient time. I call the Minister.

Mr Attwood: I thank the Member for his question. In essence, he is right. In my view, there are parts of the North where, and I say this very cautiously, individuals or developers have had the run of the planning system and the Environment Agency. They have been able to manage applications or licence issues in a way that enables them to skirt between continuing what they were doing and frustrating, slowing down or otherwise impeding what should be the right outcome, be it on the environmental or planning side.

If that is the sentiment that you are expressing, I agree with you. By putting more people into the environmental crime unit and instructing officials to be more robust on the environment and planning requirements for various developments, a lesson might be learned by those who manage the planning system to suit their own needs and to frustrate the wider intention of planning or environmental law. That will not happen as long as I am in this office.

I have sent out a particular instruction on what should happen when what is, essentially, a duplicate application is made after a decision to refuse an earlier one. The Department has the power to determine, very early in the planning process, that such applications are the same, similar or duplicate and are being used to enable business to continue without planning permission, even when a planning application has been refused.

I agree with the sentiment behind the question, but, ultimately, having a fixed rule of suspending a planning application while there is an enforcement issue —

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

Mr Attwood: — sounds healthy, but ends up being —

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

Mr D Bradley: Gabhaim buíochas leis an Aire. Ba mhaith liom a fhiafraí den Aire cén céatadán de na hiarratais atá i gceist agus cad iad na catagóirí ina bhfuil siad.

What percentage of applications falls into the enforcement category, and will the Minister give us more detail on them?

Mr Attwood: I thank the Member for his question. We must have some sympathy with our planning staff. Across the divisional planning offices in the North, only 37 members of staff are responsible for planning enforcement. Of those, only 29 are full-time staff. Given that, in any year, up to 8,000 or 8,500 complaints are made about planning issues, the scale of complaints compared with the available resource is disproportionate and can lead to the frustrations that Mr McIlveen and others identified.

It is my understanding that, in the past two years, 741 enforcement notices have been served on those in breach of planning applications. I do not have the figure, but I have asked officials to provide information on the number of cases that have gone before the courts. As I indicated previously, however, as well as planning side enforcing regulations where there has been a breach, there is an obligation for the courts to enforce and to do so robustly. That is why, as I have said before, I welcome the work undertaken by the Lord Chief Justice with the Judicial Studies Board to fully and better train members of the judiciary in the North. The aim is to ensure that when breaches occur or no applications have been granted, the courts' enforcement regime, including penalties, is more consistent, robust and rigorous so that, ultimately, those in breach of the law will learn lessons.

Mr W Clarke: In light of the Minister's comments in the Chamber today, is he minded to carry out a review of planning enforcement? I do not want to prejudge tomorrow's debate.

Mr Attwood: I do not want to anticipate tomorrow's debate either, but thank you for the question. I suggest that, since I became Minister, that is precisely what I have been doing by acknowledging the good work of the environmental crime unit and insisting that its staff complement is upgraded. That is part of

the review of the planning system to ensure more robust enforcement. A new human resources plan dealing with the deployment of planning staff across the divisions, including enforcement, will be published shortly. That is testament to my understanding that the planning system required a new human resource plan to ensure that staff were deployed in the right way to get the best outcomes. As Mr McGlone asked, I undertook a review of PPS 21 to ensure consistency and flexibility in local, rural applications, when that is justified. If there were an examination of the spread of my work in the Department and my review of the way in which it did its business in the past, be that on the environmental, taxi, planning or any other side, there is evidence that not only have issues been reviewed but interrogated to make it more fit for purpose.

Septic Tanks

5. **Mr Hussey** asked the Minister of the Environment how many septic tanks have a valid permit. (AQO 665/11-15)

Mr Attwood: Approximately — I use that word cautiously — 108,000 septic tanks serving single domestic dwellings in the North possess a Water (Northern Ireland) Order 1999 discharge consent.

Mr Hussey: I thank the Minister for his response. He will be aware that, before October 2001, there was an unknown quantity of unconsented septic tanks. I think that I heard him say that there were between 15,000 and 20,000, but I may have misheard that. If that is the case, will the Minister provide an update on his Department's efforts to identify and regularise all such tanks?

Mr Attwood: I thank the Member for his question. Our cautious assessment of the number of domestic properties in Northern Ireland that do not have a discharge consent is that there are up to 20,000. As the Member indicated, ongoing work continues to identify all possible domestic properties at which there are discharges. In my previous answer, I indicated that when such discharges are identified, the Department works diligently and co-operatively with those who are in breach to regularise the situation. Damage to water quality in the North caused by septic tanks represents only 10% of the overall phosphorus and other nitrates that

could enter the water system to undermine the quality of our water.

Mrs D Kelly: What is the Minister's assessment of the scope for the greater use of technology to deal with foul waste in rural areas?

Mr Attwood: I thank the Member for her question. The replacement of a septic tank would cost £5,000, and the creation of an operational soakaway would cost approximately £2,000. I would like other models of discharging waste to be deployed. There are good examples, such as the use of reed beds and other effluent treatment mechanisms that are environmentally friendly, but the numbers and opportunities are marginal. If we are to continue to display the green and clean credentials of this part of the island of Ireland, another touchstone against which we could judge progress is for discharges to fulfil more rigorous environmental standards, including being green in nature.

3.00 pm

Enterprise, Trade and Investment

Mr Deputy Speaker: I advise Members that question 7 has been withdrawn and requires a written response.

Unemployment

1. **Ms Ruane** asked the Minister of Enterprise, Trade and Investment for her assessment of the continuing rise in unemployment figures. (AQO 676/11-15)

Mrs Foster (The Minister of Enterprise, Trade and Investment): In common with many other advanced economies, unemployment in Northern Ireland continues to rise, with 60,900 persons now claiming unemployment benefits. Although that is clearly disappointing, recent increases have not been of the magnitude experienced at the height of the downturn, and the annual increase in Northern Ireland's claimant count — 5.2% — was the lowest increase among the UK regions. The UK increase was 8.8%. In addition, Northern Ireland's unemployment rate, which was 7.6% from June 2011 to August 2011, remains below the UK average of 8.1% and was also lower than the EU average of 9.5% and the Republic of Ireland rate of 14.5% for July 2011. Given

the prevailing global economic uncertainty, economic conditions continue to be challenging.

Ms Ruane: Could the Minister let us know what concrete plans she has put in place to tackle the soaring numbers of unemployed young people here? Everywhere I go I hear family members talk about their young people who do not have jobs, and they ask what your Department is doing. There is mass emigration from this island. Could the Minister update me on her plans?

Mrs Foster: I thank the Member for her question. Indeed, all regions of the UK have seen their youth unemployment rates rise during the recession, and research has shown that youth unemployment is, unfortunately, more sensitive to economic shocks than other types of unemployment. Statistics show that 8.5% of those aged under 25 in Northern Ireland are claiming unemployment benefits, and we have taken actions to try to help those young unemployed. We are also concerned about the long-term unemployed, because the evidence shows that the longer a person stays unemployed, the more difficult it becomes for that person to come back into the workforce.

The jobs fund, which is the short-term employment scheme that was launched some time ago, contains, I think, 40 projects that have the potential to create over 1,000 new jobs, many of which will benefit young people. The jobs fund announcements that have been made to date, including 336 jobs in Capita in north Belfast and jobs in AXA, 1 Stop Data, Fresh Food Kitchen and Creative Composites, will particularly benefit young people and graduates. I know that they are not interchangeable and that many young people do not have the skills that some of our other young people have. As I have often said to Invest Northern Ireland, although we must have more and better jobs for our graduates, it is very important to look at young people who do not have the skills available to them. We have been doing some work on that with the Department for Employment and Learning (DEL), and we will continue to work with DEL to try to deal with youth unemployment.

Mr Campbell: The Minister has outlined some of the progress that has been made in a relatively short period through the jobs fund. What prospect might there be for people on the north coast? At my invitation, she visited the

north coast some time ago. How will people in the Causeway Coast area be able to avail themselves of and benefit from the jobs fund?

Mrs Foster: As I say, a number of announcements have already been made through the jobs fund, although to hear some in the Assembly, you would think that that is not the case. The first big announcement was in north Belfast, where Capita will provide 336 jobs. There were three announcements in Londonderry: AXA with 13 jobs; 1 Stop Data with 24 jobs; and Fresh Food Kitchen with five jobs. The jobs fund is capable of going right down to the very smallest companies, and I have often said to Invest Northern Ireland that if we can create one or two jobs in a lot of small companies, that will have a huge proportional impact on those companies and on the local economy. More and more companies are coming forward to us to try to avail themselves of that.

We will go out with a focus on finance seminar very soon. We will go to, I think, six towns around Northern Ireland to try to encourage a lot of those smaller firms to come forward to tell us about their difficulties with finance. We are very aware that financial difficulties and access to finance remains a huge issue for a lot of those small firms. Unfortunately, having spoken to some of the banks recently, I think that the prospects for some of those smaller firms are not good because a lot of smaller companies and, indeed, medium-sized companies got involved in the property market at the height of the market and, as a result, a lot of them will face great difficulties over the next couple of years. It is something that we should be concerned about, and it is something that I am talking to officials about at present.

Mr Byrne: I thank the Minister for her answer so far. Does she accept that the local enterprise companies provide a valuable service in promoting small and medium-sized enterprises and in creating employment? Does the Department have any plans to enhance the status and the abilities of the enterprise centres to tackle youth unemployment in particular? Furthermore, does the Minister recognise that, in the past, community employment was greatly catered for by Enterprise Ulster and that it provided a worthwhile jobs effort?

Mrs Foster: I thank the Member for his question. Enterprise Ulster provided a good service to the community, and, as the Member

knows, Enterprise Northern Ireland has been working with Invest Northern Ireland for some time now. Unfortunately, under procurement rules, we have to go out from time to time to tender for the programmes that are delivered by the different agencies, and that happened recently. There is little that I can say, because, as the Member is aware, there is a legal challenge ongoing on those matters. However, Invest Northern Ireland has put in place appropriate arrangements to respond to any enquiries that come forward under the Go For It programme that would have gone through Enterprise Northern Ireland. Unfortunately, the tender has been challenged and, therefore, we have to try to deal with those enquiries through another means. However, they will be dealt with through another means, because I recognise that we need to be there at this time to give advice and assistance to any small company that needs it, and we are providing that through Invest Northern Ireland.

Mr Deputy Speaker: I remind Members to try to be succinct with their questions so that more of them can be answered.

Tourism: Ulster Scots

2. **Mr Swann** asked the Minister of Enterprise, Trade and Investment for her assessment of the tourism potential of the Ulster-Scots heritage. (AQO 677/11-15)

Mrs Foster: Ulster-Scots culture is part of the visitor experience in Northern Ireland and should be integrated into the development of Northern Ireland's broader tourism products, such as food, music and festivals, genealogy and literature. The Northern Ireland Tourist Board is working with product providers in local councils to identify opportunities to develop specific Ulster-Scots visitor experiences. A study was funded with North Down and Ards borough councils that led to the development of a number of tourism products based on Ulster-Scots stories, including three driving trail maps. Tourism Ireland is targeting that segment with extensive marketing programmes as part of its ongoing marketing activity to promote Northern Ireland in North America.

Mr Swann: I thank the Minister for her answer. Last night's MTV European Music Awards (EMAs) were a success, and we had many American tourists here, many of whom were carrying the image of Andrew Jackson on the \$20 bills

in their purses and wallets. However, it was disappointing that when they went to visit the Andrew Jackson ancestral home in Boneybefore outside Larne, it was closed. Arthur Cottage in Ballymena, the ancestral home of Chester Arthur, was burned down. I welcome what the Minister said about doing more with councils. However, can she give me information to ensure that we capture the potential that is there and not allow it to pass us by?

Mr Deputy Speaker: The Member has asked his question. Thank you.

Mrs Foster: I do not think that any of the many visitors who came to Northern Ireland for the MTV awards were disappointed with their experience. Quite the contrary. Last night was a tremendous opportunity for Belfast and the whole of Northern Ireland to sell ourselves to the world, and we did it very well. I take this opportunity to thank everybody involved, including the Northern Ireland Tourist Board, Belfast City Council and, in particular, the Police Service of Northern Ireland, which did a tremendous job to ensure the safety and security of all our visitors.

A number of councils are doing very good work with the Northern Ireland Tourist Board. I have mentioned North Down Borough Council and Ards Borough Council, which have been developing trails in and around their areas so that when they come to visit, people can identify all the different areas where people can go, such as churches, graveyards, towns and villages, to look at their genealogy and to get the story behind their ancestry. I also want to mention a number of festivals that take place from the Ulster-Scots perspective throughout the year, such as the Broadisland Gathering in east Antrim and the Cairncastle festival. Those are annual events, and I understand that their organisers are working more proactively with the Northern Ireland Tourist Board.

If local councils, organisations, etc, have events, they need to make the Northern Ireland Tourist Board aware of them so that they can be marketed in the package. If there are problems with various places not being open at appropriate times, let us hear about them and let us try to address those issues, because 2012 is our year of opportunity. We must take advantage of it.

Mr Humphrey: I thank the Minister for her answer so far. I declare an interest as a member

of Belfast City Council. Does the Minister agree that, over the years, Northern Ireland has had a problem with its reputation and perception internationally? I pay tribute to Gerry Copeland and his team in Belfast City Council for securing the MTV EMAs. What benefit will the weekend's events have for Northern Ireland, particularly Belfast, in the months and years to come?

Mrs Foster: I thank the Member for his question. It is forecast that hosting the EMAs over the weekend and the events throughout last week will generate around £10 million to the local economy immediately. I would not be surprised if that figure were higher. It is estimated that worldwide media coverage of the EMAs will generate around £10 million worth of PR. However, it goes far beyond that for me, because last night and over the past number of days, we were saying that Belfast is a welcoming place for visitors from across the world.

We know what Belfast is like in 2011 and what it will be like in 2012, but there are people across the world who do not know what Belfast is like now. It is a modern and welcoming city; a city full of culture; a city full of things to do and see. Therefore, it is difficult to quantify the value of last night. It was a fabulous event, and when things go well, we need to say that they have gone well and celebrate the fact that they have done so. I am very proud of the fact that Belfast held such a fabulous party last night and that all the visitors came and had a marvellous time.

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

What steps is the Minister's Department taking to exploit the potential of traditional music, song and dance, be it of Scots or Irish origin, to attract tourists here. Will she support efforts to hold Fleadh Cheoil na hÉireann, the all-Ireland music festival, here?

Mrs Foster: The Member has very clearly pointed out the overlap between ourselves and the Department of Culture, Arts and Leisure (DCAL) in relation to music and, in fact, sport. The primary reason for many activities that take place may not be tourism, but they do, in fact, add to the tourism offering. We are very happy to work with DCAL on any events that may add to the cultural offering that we have here in Northern Ireland. Recently, we have looked at a lot of studies from Visit Britain, which carries out such studies, some of which

we commissioned. They have told us clearly that when people come to places such as Northern Ireland, they certainly do not come for the weather — although the weather played its part over the weekend — they come for an experience, and culture often plays a primary role in that experience. Therefore the richer the culture, the better it is for Northern Ireland.

Invest NI: East Londonderry

3. **Mr McQuillan** asked the Minister of Enterprise, Trade and Investment, how much funding Invest NI has provided to small and medium-sized businesses in the East Londonderry constituency since April 2011. (AQO 678/11-15)

Mrs Foster: Between 1 April and 30 September 2011, Invest NI offered assistance of almost £350,000 to small and medium-sized businesses in the East Londonderry constituency. As the Member for East Londonderry has pointed out, I have had the opportunity to see at first hand the vibrancy of the constituency's indigenous small and medium-sized enterprise (SME) base, having recently visited Farlow Engineering, which should be commended for its commitment to growth and development through a keen focus on innovation and export markets.

Mr McQuillan: I thank the Minister for her answer. What arrangements has Invest NI put in place to ensure that those individuals with an interest in starting their own businesses can have access to the relevant advice during the ongoing legal challenge for the award of the contract for the new business start programme?

Mrs Foster: As I indicated earlier in this Question Time session, we have put in place appropriate arrangements to respond to inquiries and to ensure that individuals with an interest in establishing their own businesses are able to access relevant advice and guidance during the period of delay resulting from the ongoing legal challenge. We have contacted directly, by e-mail or by letter, all the individuals on our database, and have followed that up with telephone calls giving them the relevant individual contacts in each of Invest Northern Ireland's regional offices.

Those people will also be able to provide advice and support. As I have already said, we will hold a series of business clinics and one-to-one

meetings. We know that we are filling a gap at the moment, but that gap is being filled, and it wrong to say that it is not. It is, perhaps, not the best way to deliver the service, but it is the way that we must deal with it during the current impasse.

3.15 pm

Mr Dallat: I thank the Minister for her very positive answer and for the support that she gives to small businesses. Indeed, she pointed out earlier how important that is. She will, of course, be aware that a worrying number of small businesses are closing in East Derry, both in Coleraine and in Limavady. How does she propose to make surplus money in Invest Northern Ireland available to assist those small businesses that she said are important in creating jobs?

Mrs Foster: There are two issues there. The first is how we support the SME sector in what is becoming a more and more challenging situation. I talked about the difficulties that some in the sector are having in accessing finance. It is those companies that are the target of our Boosting Business initiative and the focus of our finance seminars. I think that one of those seminars is taking place in Coleraine, although I stand to be corrected. However, it is important that we get right down to those SMEs and get alongside them, so that they feel that we are there to give advice and assistance. That has always been my vision of Invest Northern Ireland; for it to allow us to really get down to those companies and to give them the assistance that they need.

The other issue addressed by the Member was the surplus finance in Invest Northern Ireland. The House was given the detail of that in the October monitoring round. Over £6 million of unforeseen receipts came into Invest Northern Ireland. The general downturn meant that some offers were not taken up, and we were unable to proceed with other offers that should have been given to companies because of difficulties with finance. I wish that I could have kept that money and rolled it into next year, and I wish that that money could have been kept in Invest Northern Ireland. Unfortunately, under what I think are Treasury rules, the money must be given back to the centre, and we wanted to give it back as quickly as possible so that other sectors and Departments could access it. I wish that we could have more flexibility

and that the money could be rolled into next year, and I am discussing that with the Finance Minister. An upturn in the economy or change in circumstances might mean that I would be bidding for money for Invest Northern Ireland, and it would be better if that money was already sitting there. I will need to have that technical discussion with the Finance Minister, but I wish that it was the case.

Mr Ó hOisín: Go raibh maith agat, a LeasCheann Comhairle Gabhaim buíochas leis an Aire.

What targets are in place for job creation in the East Derry constituency over the next four years?

Mrs Foster: There are no specific constituency targets. There are overall targets, which will be contained in the Programme for Government and in the economic strategy, on which we are making great strides. I hope that the strategy will be delivered at the same time as the Programme for Government, so that people can see the way in which we are addressing all the issues that have been mentioned in the House today.

Shale Gas Fracturing

4. **Mr McCarthy** asked the Minister of Enterprise, Trade and Investment to outline her Department's policy on the granting of licences for shale gas fracturing. (AQO 679/11-15)

Mrs Foster: Rising energy prices and the uncertain security of supply are grave threats to our economy. Our policy is to facilitate the assessment of all energy supply options, including indigenous gas resources. We have licensed areas for exploration. However, that does not include any permission for deep drilling or associated engineering functions, including hydraulic fracturing, and any such application will be subject to consents from the relevant authorities. The consideration of applications, which are not expected for at least two years, will be informed by the relevant scientific studies in progress in the United Kingdom, Europe and elsewhere.

Mr McCarthy: I thank the Minister for her answer. Will the Minister confirm to the House that if shale gas production is a success here, the revenue will be ploughed back into Northern Ireland and not have to be handed over to the British Exchequer? In view of recent happenings across the water, where there was a mini earthquake, is there any fear in the Minister's

heart that that could also happen in Northern Ireland?

Mrs Foster: The mini-earthquake was felt, as I understand it, by one person. Very few people felt it. I want to say to the Member that the Select Committee in Westminster held an investigation into the extraction of shale gas through fracking, and it very clearly concluded that a moratorium on fracking was not justified. Some Members of this House have been calling for such a moratorium, which surprises me. Having said that, the same people are asking me to look for solutions to the problems of security of supply and rising electricity and gas prices, yet they call for a moratorium on fracking. The two do not sit together. It is time that people realised that they have to join the dots on energy policy. Sometimes, Members do not do that, and I have to say that it is hugely frustrating.

As I understand it, any royalties that come from fracking go back into the Westminster Exchequer. However, any jobs that are created will obviously benefit the local area. That is something that we would very much welcome. More jobs in the energy sector would be a very good thing for Northern Ireland. We should think of the security of supply that we would have if we had shale gas in Northern Ireland.

However, we are at a very tentative stage. Desk studies and what have you are being done at the moment. As I have always said, before any drilling or fracturing is done, a consent application has to be made to my Department and a planning application has to be made to the Department of the Environment (DOE). I would have thought that, obviously, an environmental impact assessment would also have to be done.

Mr Kinahan: I thank the Minister for her answer. Looking at the problems of Nimbyism where the use of shale gas is concerned, what actions will the Minister take to educate the public about fracking and to ensure that it is safe?

Mrs Foster: I am certainly not getting at the Member who asked the question, but I hope that Members who look at one side of the story will acquaint themselves with the other side as well. I have often been asked for facts and evidence about fracking. The fact is that it has been happening across the United States now for some considerable time, and great benefits to areas have come from shale gas extraction. I

would welcome having our own supply of energy, albeit that we are still at a very early stage.

We in Northern Ireland certainly do not want a reputation of being Luddites who are afraid to move ahead or to look for new solutions. That is certainly something that I think that no one in this House will want to be associated with. *[Interruption.]* However, I hear that some Members want to be called Luddites, but that, of course, is a matter for them.

Mr Dunne: Can I ask the Minister what the potential is for shale gas fracturing throughout Northern Ireland?

Mrs Foster: Different shale gas resources have been found in Northern Ireland. I think that different ways of extracting the shale gas will be looked at. In County Antrim, the more traditional method of extracting gas is being looked at. If it would be of any use to him, I am happy to provide the Member with a map that would show him where it is thought that shale gas is available to the people of Northern Ireland.

Mr Agnew: I find it odd that the Minister might suggest that a fossil fuel is somehow modern. I am sure that she agrees with me that Fermanagh is a tremendous tourism destination. What does she perceive as the effect on the tourist industry should hydraulic fracturing be allowed to go ahead in Fermanagh?

Mrs Foster: Obviously, that would be addressed in any environmental impact assessment that the DOE carries out. However, I am sure that the Member would not suggest that we do not look for alternative supplies. Is it seriously the Green Party's suggestion that we do not look for alternative supplies? *[Interruption.]*

It is? Right, OK. So we will just sit in a dark room with a blanket over our heads and hope that it all goes away.

A Member: Turn the lights off.

Mrs Foster: Turn the lights off; yes, indeed.

It is absolutely amazing that people come to the Chamber and do not take the time to look at the security of supply that is there and available to the people of Northern Ireland. That is unbelievable. I spend ages looking for security of supply solutions for Northern Ireland and looking at ways to bring gas to the west and at ways to bring an alternative energy supply to the Northern Ireland people. Instead of doing that,

the alternative from the Green Party is that we should sit in a dark room with a blanket over our heads and not worry about the situation.

Invest NI: Performance

5. **Mr G Kelly** asked the Minister of Enterprise, Trade and Investment for her assessment of the performance of Invest NI, given that her Department had to surrender £17.5 million to the Department of Finance and Personnel in the October monitoring round. (AQO 680/11-15)

Mrs Foster: I am entirely satisfied with Invest Northern Ireland's performance. The circumstances that gave rise to its reduced requirements in the recent October monitoring round were largely outside its control and were the result of business being unable to proceed according to plan. That was due to a number of factors, including project delay or abandonment and increased receipt generation. In the main, those are a consequence of the continued significant decline in business confidence arising from current market circumstances, the slower than expected economic recovery and a continued deterioration in market conditions.

Invest Northern Ireland has, in my view, acted responsibly on two accounts. First, it offered up the surplus budget early enough to allow the Executive to reallocate it across other pressing priorities. Secondly, it reacted quickly in response to the economic challenges by launching its Boosting Business initiative, which is focused on boosting employment, exports, R&D and skills.

Mr G Kelly: I thank the Minister for her answer, which I listened to carefully. If Invest NI had functioned to the proper standards, surely it would have foreseen that £17.5 million underspend and been able to move it. A number of Members spoke to you earlier about small and medium-sized enterprises, which are clearly greatly needed because they are the absolute backbone of business in the North.

Mrs Foster: The Member is right. SMEs are the "absolute backbone" of businesses in Northern Ireland. However, if I had reallocated that money, government procurement rules meant that it could not have been used in the Budget period. Therefore, the point that I made about having more flexibility about the Budget comes to the fore again. If I had been able to keep that money in an Invest NI account for longer, we

could have come up with ways of dealing with it more proactively. The reality is that, under the rules, money has to go back if it is not going to be used within a certain time.

I should also point out that Invest NI raised additional receipts, which generated an extra £6.25 million for the Executive. So, there is actually more money coming in than Invest NI received from the Executive. That is to the tune of £6.25 million, which is a not insignificant amount.

I think that it is wrong of the Member to say that we should have foreseen what is happening. Ask any economist out there whether they foresaw what is going on, given the position that we are in with the euro zone and what is happening in America. It is a very difficult time for us all. It is all very well after the event to say that we should have seen what was coming. Actually, nobody saw this coming in the first place back in 2008, so we are doing our best to forecast in what are very difficult circumstances. All that I will say to Invest NI is that it should be as proactive as possible in using the money that it has and it should try to use all the economic indicators that it has to forecast into the future. We are very much monitoring what is going on there at present.

Mr Deputy Speaker: That concludes Question Time. I ask Members to take their ease for a few moments.

Private Members' Business

Pat Finucane Case

Debate resumed on amendment to motion:

That this Assembly notes the British Government's acceptance that there was collusion by the army, the RUC and the Security Service in the murder of Pat Finucane; recognises that accepting collusion is not sufficient in itself and that the public now need to know the extent and nature of that collusion; and calls on the British Government to honour the binding commitment, made by the then British and Irish Governments in the Weston Park agreement, by establishing a judicial inquiry, as recommended by Judge Cory in 2004, with the power to compel witnesses to give evidence under oath. — [Mr A Maginness.]

Which amendment was:

At end insert

“; and further calls on the British Government to establish this judicial inquiry within the next three months.” — [Mr G Kelly.]

Mr Poots: When we look back on the Troubles and at almost 4,000 deaths, it is very important that everyone in the House condemns every single one of those murders and indicates that every one of those deaths was wrong.

The murder of Pat Finucane was certainly wrong. It should not have happened, but it did, and his name has been added to the long list of people who lost their life as a consequence of the Troubles in Northern Ireland. I trust that we never go back to that situation. Many of the families of the almost 4,000 people who lost their life would look at today's debate with some bemusement because of the level of activity around and interest in this one murder. Why Pat Finucane but not the thousands of others who lost their life in Northern Ireland?

3.30 pm

The Finucane family and others have certainly driven a strong campaign to find all of the truth behind his death. Many others would love to find out the truth behind the death of their loved ones. Those families are working through the HET process and other processes, but they are having great difficulty in actually identifying everything that went on. I therefore believe that the demand that we go down a particular route for one particular individual and one particular murder is wrong, given where we are with the

situation that pertains to everyone in Northern Ireland. I think that that is particularly wrong given all that happened during the Troubles and, indeed, the role that Mr Finucane himself played. When we look at the Finucane family, we see a family that was not shy of controversy. The name Finucane was very well known in the period of the Troubles. In fact, during that period, there was a very famous Finucane who was to be extradited from the Republic of Ireland. That was a famous case. Of course, that Finucane transpired to be the brother of Pat Finucane.

Mr G Kelly: On a point of order, Mr Deputy Speaker. In talking about the death of Pat Finucane, which the Member condemned, is it in order for that Member to now try to attach some other excuse for the death by referring to other members of the Finucane family?

Mr Deputy Speaker: I ask Members to keep on the point of debate when speaking.

Mr Poots: It is not surprising that Members do not like it when things do not go their way. Nonetheless, let us stick to the issues.

Mr A Maginness: This is a very important point. I accept the genuineness of the Member in condemning the death of Pat Finucane. On the other hand, he is suggesting that Mr Finucane was perhaps engaged in something else. It was very clear at the inquest into Pat Finucane's death that the RUC officer in charge of the investigation at the time said that there was absolutely no evidence to suggest that he was involved in any paramilitary organisation, in particular the IRA. It is accepted by almost every objective observer that he was simply a lawyer carrying out his work on behalf of clients, albeit that many of them were connected to the IRA or, indeed, other republican organisations.

Mr Deputy Speaker: The Member has an extra minute.

Mr Poots: I accept that the Member makes the case for Pat Finucane and his family and that he is very genuine about doing so. Nonetheless, if he accepts that information, does that mean that he accepts all of the information? Quite clearly he does not, given the fact that he brought the issue to the Floor today. Other information has certainly come to light since that time. Indeed, former members of the IRA have made statements about it and about their interaction with Pat Finucane while they were being cross-examined

and while they were being questioned. The very clear premise of what is being said is that Pat Finucane was not acting purely as a solicitor representing individuals but as a solicitor acting for an organisation. That is something that makes it somewhat different in this particular case.

Ms J McCann: On a point of order, Mr Deputy Speaker. Is it within Members' rights in the Chamber to use certain language and to make statements such as those that the Member has just come off with? It is outrageous to make those statements in the House. He has no evidence to back up what he says. My party objects strongly to what the Member is saying here today.

Mr Deputy Speaker: I remind Members that they should be temperate and take care in everything that they say as best they can.

Mr McDevitt: Further to that point of order, Mr Deputy Speaker, can you define with absolute clarity the extent to which Members enjoy privilege in the House? Can you remind the House of the duty that we all have to uphold the good name of all citizens of these islands, whether they are still with us today or not?

Mr Deputy Speaker: I remind Members that there is limited privilege in the House. If Members wish to explore that area further, I am happy to meet them or, indeed, to discuss the matter with the staff of the Speaker's Office.

Mr Poots: Members want to get real about the issue. What I am saying is already in the public domain. It has already been published in national newspapers. I am quoting a former member of the IRA who met and engaged with Pat Finucane. He engaged with him at IRA meetings. If Members do not like that, they should challenge the individual who actually said that it happened. A former member of the IRA stated that, not me. I was not at IRA meetings. He was, along with other members of the IRA.

People will be bemused as to why such a concerted effort is being made for that one individual when thousands of people in Northern Ireland did not receive justice; nor will they, given the current situation. We hear a lot about truth commissions. Perhaps, Members on the opposite Benches would like to tell the truth now. Perhaps, they would like to tell the House who was actually in the IRA and who engaged in which activities and pass that information to the police as is appropriate. If Mr Finucane

was involved, why do they not tell us what his involvement was? Others are happy to make that case. Others are clear about what actions and activities took place. Others are clear that, when they had Pat Finucane as their defence lawyer, it was not just about their case but about what information had been passed to the police.

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

Mr Poots: Many issues need to be brought out into the air today.

Mr McLaughlin: Go raibh maith agat, a LeasCheann Comhairle. The previous contribution has brought a new low to discussions such as this. It seems to me to be a fairly obvious position that, if our unionist colleagues on the Benches opposite believe the outrageous allegations that have just been made, they would welcome an inquiry. It does not explain why they would use a petition of concern to prevent a ventilation of the facts — the facts, rather than scurrilous allegations that, it is clear, you are in no position to substantiate.

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

Mr McLaughlin: OK. I am directing my remarks at the author of the calumny that we were forced to listen to a short moment ago.

I want to make it clear that I speak in favour of the motion. It is a fine motion. My party's amendment is intended to strengthen it, given the amount of deliberate and strategic prevarication that there has been on the part of the British Government. The Assembly should set a timeline. Unionist colleagues who were at Weston Park should revisit the record. I can tell you this much: you did not object, either publicly or privately, to the inclusion of inquiries into the death of two RUC officers, the investigation into the death of Justice Gibson and his wife or the inquiry into the death of Billy Wright. Therefore, when you attempt to present a counterargument about elevating the case of Pat Finucane, you need to look a bit closer to home, folks. You were the people who introduced those elements. We did not object. My party's position all along is that there should be a universal right —

Mr Deputy Speaker: All remarks must be made through the Chair.

Mr McLaughlin: I am addressing my remarks through the Chair.

I make the point, because it is important, that we are, now, some considerable distance from the Good Friday Agreement. We are some considerable distance from the various negotiations and reviews that have happened. All of them emphasised the centrality of truth recovery to the process of reconciliation. If there is a sincere commitment to the recovery of the truth, we must deal with all of the truth. You cannot find all of the truth by asking some of the questions of some of the protagonists. You have to seek all the pieces of what can best be described as a mosaic of truth. We all have a contribution to make. My party has made that clear, and we have made a contribution by putting forward a proposition, but we are perfectly prepared to examine, with others, any other models that are presented to us.

What stands out in the Pat Finucane case is that the organisation of his murder, the procurement of the weapon that was used to kill him, the procurement of the getaway car, the planning and the intelligence that was used all involved agents of the Crown, the British army and the RUC special branch. That is a particular issue. I can understand why the British Government are ducking and weaving, but, if people in this House are interested in getting to the truth, we cannot go after some of the questions, be selective or say that, in particular, we do not want to look at the role of the British Government in the dirty war.

Mr Campbell: The first thing that should be said when discussing the murder of Pat Finucane is that it was a murder. Whatever his background or the views that he may or may not have held, whatever he may have said, whomsoever he may or may not have met, it was a murder. It was totally and utterly without justification, and, even this long after the event, if there is any information that can be turned into evidence, people should be brought before the courts for it. That is unequivocal and unambiguous, and it has been stated repeatedly down through the decades that have elapsed since his murder, unlike other murders and other instances, when people have been silent in their ambiguity. There will be no such ambiguity on this side of the House.

Unambiguous statements cut both ways. If people like one form of unambiguity, they should at least be prepared to tolerate it when we move into other territory. The proposer of the motion, Mr Alban Maginness from North Belfast, and the proposer of the amendment, Mr Gerry Kelly

from North Belfast, referred to matters that raise other issues. For example, Mr Maginness wanted to know whether collusion was strategic. That question almost begs an answer, a bit like other inquiries. People want a particular outcome, and they want the pieces of the jigsaw to fit the outcome that they have brought into play. The motion refers to “the murder of Pat Finucane”, and Mr Kelly referred to other murders, but he then referred to the “killing” of Billy Wright. I took careful note of that. So Pat Finucane was murdered, but Billy Wright was just killed. I think we see the double standards.

We then move on in clear condemnation of the murder of Pat Finucane, but we need to ask serious questions, and my colleague asked some of them. The answers from across the Chamber appeared to bring us to the conclusion that some people do not like facing up to reality. Was Pat Finucane either in the IRA or consorting with the IRA?

Mr Beggs: I ask that all remarks be made through the Chair.

Mr Campbell: I will make them through the Chair. Just as we ask questions about other people in the Chamber today who were in the IRA. Some people are prepared to stand up and say that they are proud of the part they played. Others, of course — former and not-so-former Members of this place — are not sure whether they were in the IRA. One former exalted Member denies ever being in the IRA, but, of course, those Members want to be ambiguous when it suits them.

3.45 pm

The invitation of the Finucane family to Downing Street was also raised as an issue. The double standard goes beyond reason. If the Prime Minister had made up his mind that he was not going to proceed with an inquiry, a previous inquiry having already been offered to and rejected by the Finucane family, what would the reaction have been, had the family been told by telephone that there would not be an inquiry as they had requested? The howls of anguish would have been that the Prime Minister could not even tell them in person. When he brings them over to tell them in person, however, he is insulting them by doing so.

Mr A Maginness: Will the Member give way?

Mr Campbell: I will, if I get an extra minute.

Mr A Maginness: I thank the Member for allowing the intervention. The point has been made that the family were in negotiation with the NIO over a protracted period of, perhaps, a year. The model that was produced and discussed by the Government and the Finucane family, was the Baha Mousa model. That was introduced by the British Government. It was presented to the Finucane family as a means of resolving the deadlock. That shows that the Government were intent on some form of public inquiry. Why was the inquiry pulled at the last moment? That is the question to ask.

Mr Deputy Speaker: The Member will have an extra minute.

Mr Campbell: The Member asks a question, but he does not seem to deal with the issue of the previous offer of an inquiry, which was rejected by the Finucane family. An inquiry was offered; it was on the table and was rejected. The current Government had been in place for over a year, and the Secretary of State has made it repeatedly clear that he had been in discussions but they were going nowhere.

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

Mr Campbell: I will. The point that we have to come to is whether an inquiry is merited, and, if so, whether it will get to the truth. We did not get to the truth through the £200 million Saville inquiry, which lasted over a decade. Would we get to the truth of the Pat Finucane case? I really do not think so.

Mr Nesbitt: It is an inconvenient truth that the Finucane family had been offered and had rejected an inquiry and that the Government have produced an alternative. Sir Desmond de Silva will conduct a time-bound and budgeted inquiry. Many families who have lost loved ones look enviously at that offer. We should remember also that public inquiries, the Historical Enquiries Team and the Office of the Police Ombudsman are all means to an end, not an end in themselves. We have still not resolved for whose benefit we deploy those means. Is it for individuals, like the Finucane family, who are affected by Troubles-related incidents, or is it for society moving forward? Those are not always the same thing.

Mr Deputy Speaker, let me take you metaphorically on a visit to a widow who lives some 20 to 30 miles from the House. She

takes a phone call from an officer representing an organisation called the Historical Enquiries Team, of whom she has never heard before. She is aghast when the officer says that he is reviewing the murder of her first husband. She explains why she does not want that to happen: it was some 25 years ago, she has remarried, she has children by her second husband, she is now a grandmother, and she has moved on. She says that he cannot bring her first husband back and asks him to leave it. She is further aghast to be told that she has no right to stop the officer because it is his legal obligation to review the murder. He wonders whether she has any questions that she would like addressed; she says no and asks to be left out of the matter.

Sadly, human nature being what it is, when she realises some months later that the report has been completed she decides that she will read it after all. She reads that, as she thought, her husband went to work and a car pulled up. As she thought, a gunman got out of the back. As she thought, he fired several shots from point-blank range and her husband died. However, what she read was that what she had believed for 25 years — that her husband died falling to the ground — was not the truth. He lay on the ground for over 20 minutes, in agony, calling her name. Sometimes, the inquiries do not serve the interests of the individuals who have been most impacted by the past 40 years.

What we have is incomplete, imperfect and imbalanced. We are rewriting history, and we are doing so often in a way that portrays only the state and its agents as the villains. If we are to replace it with a complete process, it must be based on a trust that not only establishes the truth of what happened but does so in such a manner that individuals can accept that it is indeed the truth. It is not helpful when a man like Martin McGuinness claims to have left the IRA in 1974. Nobody believes him. It is not helpful when Gerry Adams says that he was never in the IRA. I cannot speak for Gerry Adams, but, had I found myself on an aeroplane in June of 1972, seen around me Martin McGuinness, Seán Mac Stíofáin, Dáithí Ó Conaill, Seamus Twomey and Ivor Bell and been told that I was going to talks with William Whitelaw, I might have put up my hand and said, "Excuse me, I'm not with these people".

Mr Deputy Speaker: Will the Member return to the motion, please?

Mr Nesbitt: The point is that the motion is about one individual. It is important for the sake of all the other victims of the conflict that their opinions are aired in this and in all debates that the House conducts on these issues.

I shall finish where Mr Alban Maginness began this debate. He referred to 'Lost Lives' and the fact that the authors have identified 3,720 people who lost their life in a manner that was attributable to our conflict. You will not find the name of the father of Peter Heathwood in that book. Peter Heathwood was shot and seriously injured in a house in north Belfast in, I think, 1979. Somebody phoned his father, who, of course, rushed to the scene. Meanwhile, the Ambulance Service staff determined that they could not get Peter down the stairs on a stretcher because the house was too small. He was in urgent need of medical assistance, and they decided that the only way to get him to the ambulance was to put him in a body bag. That was how they carried him out of the upstairs of the house and into the ambulance. Unfortunately, his father arrived at the moment at which the body bag was carried out of the house. I cannot tell you whether that was the cause of his father's death, but I can tell you that he dropped dead of a heart attack at that point. I would like the House to acknowledge that Peter Heathwood's father is as much a victim as Pat Finucane. We should stop dealing —

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

Mr Nesbitt: — with Troubles-related deaths in isolation.

Mr McDevitt: Before I deal with the substantive issue of the motion, it would be useful to acknowledge that, as far as I am aware, the people of Derry believe that the Saville inquiry got to the truth of what happened on Bloody Sunday. Mr Nesbitt made a very honourable contribution about a woman who found herself unwillingly brought into a process of truth, but that is not the case in this situation. This is about a widow who has campaigned tirelessly for 23 years for the truth. She has successfully secured commitments from British and Irish Governments and all the political parties that are represented in the House for her right to uphold that truth.

The motion is before the House because I do not want to have to read words again from any widow who has campaigned for so long and

so honourably, words like those that Geraldine Finucane uttered on 12 October:

"My family will not be allowed to participate in this review. We will not be permitted to question witnesses. We will not be given copies of documents. In short, we are being asked to accept the result of a process from which we are completely excluded."

We are debating this motion because several people in very powerful positions on behalf of two sovereign states made a commitment. That commitment is not being honoured.

It is not about who was in what organisation or about the bizarre relationship that dominates this House between the gentlemen — this afternoon, it is all gentlemen — sitting directly opposite and the ladies and gentlemen sitting to my right. It is about upholding the commitment of sovereign states and using the House to remind us all that that is something that we should all seek to do.

On 12 October, in response to Ms Ritchie, the Secretary of State said:

"Accepting collusion is not sufficient in itself. The public now need to know the extent and nature of that collusion."

I am willing to give way, right here and right now, to anyone in the House who disagrees with that statement. Given Members' silence, nobody in the House questions the fact that there was collusion.

Ms Ritchie: In another place, the Prime Minister and the Secretary of State accepted the fact that there was collusion. I am sure that Mr McDevitt will agree that, in accepting that fact, the British Government should have gone to the ultimate conclusion and brought about a public inquiry into the murder of Pat Finucane.

Mr Deputy Speaker: The Member has an extra minute.

Mr McDevitt: I thank Ms Ritchie for her intervention. Nobody can disagree with the fact that there was collusion in the case of Pat Finucane. If they can, let them speak up, because I will give way to them at any time during my few minutes.

Mr Campbell: I am not asking to intervene to disagree, but will the Member agree that that was one of a number of cases of collusion? If we were to have a public inquiry into every case

of every allegation of collusion or where there is evidence of it, where would we be? Of course, that collusion was only brought about by the armed campaign in the first place. How many dozens, scores or hundreds of inquiries would we need to have to accommodate the demand for inquiries on the basis of collusion?

Mr McDevitt: I think that we all appreciate Mr Campbell's remarks, and I think that Mr Campbell acknowledges the fact that there was collusion. To be fair to colleagues, as far as I have heard on all sides, they have pointed to the fact that everyone acknowledges that collusion did not take place only in the context of dead people from the Catholic or nationalist community. There was collusion on all sides, and collusion was a dirty, dirty game that was at the heart of a very dirty war. That reinforces the fact that such matters are deserving of inquiry. This case stands out not because it is more important than any others but because a family campaigned tirelessly and got two Governments to answer their campaign. Two Governments made promises, and those promises need and deserve to be met.

There is the broader question of the past, and I have only a tiny bit of time left. We must never allow the House to fall into the trap of doing nothing because we cannot do everything.

Mr Deputy Speaker: Bring your remarks to a close.

Mr McDevitt: We must never allow ourselves to be the do-nothing brigade just because we cannot do everything.

Mr S Anderson: I speak in opposition to the motion, because it displays all of the blinkered characteristics that have so long marked the SDLP on such matters. I oppose the amendment because it merely confirms Sinn Féin's warped attitude to justice.

Recently, we debated a motion that called on the Secretary of State to convene talks on the past. The SDLP could not let it pass off in that way, so it tabled an amendment that sought to introduce the Dublin Government as some benign onlooker able to act as an honest broker in such matters. However, Dublin is far from squeaky clean. There is a trail of blood and death that leads to its door over its role in the formation of the Provisional IRA. The SDLP is not interested in that; its sole obsession seems to be the wrongs, real or perceived, of the United Kingdom.

Mr McDevitt: Will Mr Anderson give way?

Mr S Anderson: I have too much to get through.

Today, the SDLP is showing its inability to look closely or see clearly.

For when it came to the motion, the SDLP could turn its attention only to the United Kingdom. The SDLP, out of loyalty or duty, restricted its comments on Dublin to ones that cast it in a positive role.

4.00 pm

Murder is murder, including that of Pat Finucane, whatever his politics or background, and whatever suggestions have been made about him by those who were once involved with the Provos. Sadly, however, it seems that in the eyes of the SDLP and other nationalists and republicans, some murders are more serious than others and more worthy of high-level investigation.

Pat Finucane was not the only solicitor killed during the Troubles. I am a member of the DUP, but I have not forgotten the many good people who were my colleagues in the UUP. I think of Edgar Graham, who was murdered in cold blood and in broad daylight in the precincts of Queen's University on 7 December 1983, when he was only 29 years of age. No one has been brought to book for that. I still recall Gerry Adams's insult to Edgar's colleagues and friends when he accused them of crocodile tears. Edgar's name is never mentioned by those on the Benches opposite. Edgar Graham was a young and very able academic lawyer. He was murdered by the IRA, the very organisation that elements of the Irish Government helped to form, finance, train, arm and shield. Dublin's bloodstained fingerprints are all over that brutal murder. I refer to Edgar as an example of a member of the legal profession. There are many other unsolved murders but we want justice for all, not just the select few.

I was greatly moved by the fifth annual silent walk to the steps of this Building by the families of those who were carted away by republican thugs. Some families still do not know where their loved ones are buried or what happened to them in their final hours. Surely the families of the disappeared, especially those whose bodies have yet to be found, deserve to know the truth and to have justice.

Let us also not forget Captain Robert Nairac. Let us have some justice for his family, or is

that the preserve only of high-profile republican lawyers? When it came to this motion, the SDLP could have done the right thing and not differentiated between murders, but it could not bring itself to do so, and it has failed.

Sinn Féin, of course, is going to use this debate to justify itself, but it will not succeed. It throws dirt at others but will not answer legitimate and reasonable questions about its members' own pasts. Its candidate for President of the Irish Republic just proved that recently. He did not like being asked about his past. He was even reluctant to admit that people such as Jean McConville were murdered. His evasion turned to anger as he was questioned, and his mask of reason and politeness, which he likes to wear in public, slipped badly on quite a few occasions during the election campaign. Congratulations to those in the media and the people of the Irish Republic who saw through him and his party.

Mr Deputy Speaker: Can we return to the motion, please?

Mr S Anderson: This is Sinn Féin, inextricably linked to an organisation that was behind a brutal sectarian murder campaign and an organisation that continues to deny truth and justice for hundreds of families, including those of the disappeared, who were, as I said, at Stormont a few days ago. Sinn Féin has no grounds to lecture anyone here today.

Let us not forget all the innocent victims who were brutally slaughtered and maimed by the killing machines of the various terrorist organisations during the long years of the Troubles. Their families continue to suffer, often quietly and out of the limelight —

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

Mr S Anderson: They, too, deserve justice. I oppose the motion and the amendment.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. Beidh mé ag labhairt ar son an leasaithe agus ar son an rúin.

I will be speaking on behalf of the Sinn Féin amendment and in support of the motion tabled by Alban Maginness and his party colleagues.

We put in the amendment calling on the British Government to initiate this inquiry within three months because we do not want this to become what it has been — a long-finger issue.

This is an issue that should be addressed, and addressed immediately. I concur with the remarks made by Alban Maginness leading and by Gerry Kelly in tabling the amendment.

I want to place on record my absolute disgust. I notice now that Edwin Poots has left the Chamber — and, indeed, the comments made by Gregory Campbell —

Mr S Anderson: I haven't.

Mr McCartney: I know you haven't.

Those remarks are very much in line with those once made in the British Parliament by Douglas Hogg. Many people attributed those words, similar to those that we have heard here this afternoon, as laying the grounds for the death of Pat Finucane.

A number of facts have emerged that seem to be growing in currency. However, the fact remains that the British Prime Minister has accepted, on behalf of the British Government, that that Government, through their agents and agencies, were responsible for the death of Pat Finucane. That stands without question. Those agents were members of the RUC Special Branch, paid informers, members of the Ministry of Defence and the Military Reconnaissance Force, and included Members of the British Cabinet.

Any person would think that once a British Prime Minister had been forced into accepting that point, those who talk about the British Government and their upholding of democracy would take the lead in ensuring that there was an inquiry. Anyone would think that they would try to discover the extent of the British Prime Minister's acceptance that his Government, his agents and his agencies were responsible in the death of Pat Finucane, which has been described here today by everyone as "murder". Why would the British Government not want to initiate an inquiry into who was responsible, who covered up what and why? It is important that we could find out the reasons why, bearing in mind that the British Government have not and will not do so.

The British Government have insulted the Finucane family over this. Mitchel McLaughlin pointed out what happened at Weston Park. Over the past days, I have looked over press releases that were issued in the aftermath of the discussions at Weston Park and found no dissenting unionist voice. Neither the Ulster

Unionists nor the Democratic Unionists said that there should not be an inquiry, because the test was laid out by the two Governments. It was agreed that a judge of international repute would decide.

David Ford read out two paragraphs of the report, one of which stated clearly:

"In the event that a Public Inquiry is recommended in any case, the relevant Government will implement that recommendation."

That is what the people signed up to after Weston Park; there were no dissenting voices, yet the British Government are reneging.

Mr Campbell: Will the Member give way?

Mr McCartney: No; I am not giving way.

Mr Campbell: I thought not.

Mr McCartney: I want to make this point to those who say that inquiries are a waste of time: when the Minister of Justice in the Dublin Government tried to circumvent the process around the inquiry into the deaths of Buchanan and Breen, the unionists were the first to say, quite rightly, that, in the interests of justice, he should not do that. We agreed, because if it is agreed that a public inquiry should take place, it should take place. The unionists did not queue up to say that inquiries should be stopped, they were a waste of money, they were not needed, or that the process was elevating one death above another. They quite rightly said that the interests of justice needed to be served, and the inquiry had to run its full course.

The Finucane family has been asking for that since day one; that is what the British Government and the Irish Government asked for when they put the test in front of Cory. Both Governments said that if Cory said that there should be an inquiry, there should be an inquiry. That is not an elevation. That is fulfilling the solemn promise of two sovereign Governments. The British Government were forced into a position where the British Prime Minister, and I will say it again —

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

Mr McCartney: I say it to all those unionists who see the British Government as their Government: they were forced into accepting that the British Government, their agents and

their agencies were responsible for the death of Pat Finucane.

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

Mr McCartney: People such as Douglas Hogg, Gregory Campbell and Edwin Poots will not stop — *[Interruption.]*

Mr Deputy Speaker: Time is up. Order.

Mr McCartney: They will not stop the Finucane family getting — *[Interruption.]*

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

Mr Eastwood: In proposing the motion, Alban Maginness referenced 'Lost Lives'; he mentioned the 3,720 people killed — murdered — in this part of the world, from every section of our community. He did not say that one murder was more important than another. However, he made the point that this particular murder is exceptional in that it highlights the fact of collusion in this society.

More needs to be done to discover the full truth behind Pat Finucane's murder. Was it strategic? Was it policy? As Mr Maginness said, Lord Stevens stated in 2003 that it was collusion, that the murder could have been prevented and that the killers could have been caught. Peter Cory said that it was collusion. The British Government have now appointed Sir Desmond de Silva. As Mr Maginness pointed out, he is very probably an honourable man. However, the fact is that it is just Cory II and unable to compel witnesses.

As Mr Maginness said in his opening remarks, Mr Cameron was completely cynical and cruel to the Finucane family in bringing them to London to deny them what they had already been promised by Members of this House, the British Government and the Irish Government.

Mr Gerry Kelly paid tribute to the Finucane family's courage and determination and talked about them being lured to Downing Street. He said that it is not about money but that it is a symbolic case. He said that he hopes that there will be truth for all families, which is a commendable standpoint. Collusion was used across the board, as Mr Kelly said. Unionists should not be afraid of the truth. In fact, no one in the House should be afraid of the truth.

Mr Girvan asked what was so special about Pat Finucane. He said that we are rewriting history. We are not rewriting history. All that we are trying to do is to get to the full facts of history. I do not know what anyone in the House has to fear from the truth. Certainly, no one on these Benches has anything to fear from that.

Mr McCrea said that it is a divisive motion. In our view, it does not have to be divisive. No one on these Benches from my party will argue against the fact that murder was wrong in every single case, no matter who carried it out or who the victim was. I agree with Mr McCrea that we need to find a mechanism to get to the truth. We have called for that constantly and continually in the House and elsewhere, but the fact of the matter is that we cannot let that stand in the way of getting to the truth in this particular case.

Like others, Minister Ford made the point that, at Weston Park, the two Governments made a solemn promise to the Finucane family. They have let that family down.

Mr Poots asked why Pat Finucane? We make the point that everyone deserves truth, but this is an opportunity for the Finucane family. A promise was made but not fulfilled. He moved on to use very dangerous language, and I make this point very deliberately. Many people in this society were killed as a result of that kind of language in places such as this. I hope that, in future, Mr Poots will approach such matters with a greater sense of respect and maturity.

Mr McLaughlin was right when he said that Mr Poots had reached a new low. He said that unionists should welcome an inquiry to discover the full truth behind this murder. If he has any issues with Mr Finucane, surely those will come out in the inquiry.

Thankfully, Mr Campbell accepts that Mr Finucane's death was murder. He talked about double standards. There are no double standards on this side of the House; I am not so sure about the other. He moved on to talk about the Saville report, which he has talked about many times. Once again, Mr Campbell finds himself out of step not only with the people of Derry, the First Minister, a British law lord and Protestant Church leaders in Derry but with the British Prime Minister. It is time for Mr Campbell to catch up on the issue. Some day he will.

Mr Nesbitt gave a moving account of a widow's story. As I said, we agree that a mechanism for truth recovery needs to be found. However, as Mr McDevitt said, that should not be a reason to stop now. We are the party that calls for a truth recovery process and processes. As Mr Nesbitt knows very well, there is no one-size-fits-all process. The bottom line is that this is an opportunity to find not just some of the truth but the whole truth behind this murder. I do not know why anyone would not support that.

Mr McDevitt paid tribute to Geraldine Finucane, who has campaigned tirelessly for the truth of her husband's murder. The promise made by the two Governments needs to be fulfilled.

Mr Anderson talked about the hurt felt by others during the Troubles. Nobody from my party has said any different: we agree that all victims of the Troubles must have their needs met. I do not see the problem in meeting the needs of the Finucane family.

4.15 pm

The bottom line, folks, as Mr McCartney agreed, is that the British Government should agree to an inquiry. Why would they not agree to an inquiry? What are they afraid of? The bottom line is that there was collusion in this murder, and the full truth needs to be found. A solemn promise was made to a grieving widow and her family. That promise should be delivered upon.

Mr Deputy Speaker: I remind Members that a valid petition of concern regarding the motion and the amendment was presented today. According to Standing Orders, there can be no vote on the same day, so the votes on the motion and the amendment will occur first thing tomorrow.

Aggregates Levy

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

Mr Frew: I beg to move

That this Assembly recognises the imminent danger to the quarrying industry if the EU Commission decides to require a recovery of the aggregates levy rebate from 2004; and calls on the First Minister and deputy First Minister to make urgent representations to the EU president and the Chancellor of the Exchequer requesting that no recovery order is made.

I take great pleasure in proposing this cross-party motion. The aggregates and quarrying industry faces a future that is far from certain. Not only is it facing the cold reality of the recession and what that has meant for the wider construction industry, and not only is it facing the brutal reality of the coalition Government-imposed cuts to the capital budgets of our Departments, but it has had to factor in the suspension of the aggregates levy credit scheme on 1 December 2010. That suspension saw an immediate increase in the aggregates levy in Northern Ireland from 40p per ton to £2 per ton. There has been a 500% increase in tax and a 40% increase in the price of stone. That increase in the aggregates levy has further damaged the industry and increased construction costs across the Province at a time when our economy needs a revitalised construction industry to help to generate economic growth.

The credit scheme was put in place because of Northern Ireland's unique position and the fact that the aggregates levy of 2002 had put firms in Northern Ireland in a more difficult than expected competitive position. That resulted in the April 2004 introduction of the credit scheme, which granted an 80% relief to producers who entered into environmental agreements with the Northern Ireland Department of the Environment. We have debated this matter on several occasions over the years. Let me remind Members that this was not money for nothing; it was not a savings plan or a relief just for the sake of it. The credit scheme was very much needed in Northern

Ireland at that time, and I would argue that it is still needed today.

In the period when the aggregates levy credit scheme operated, environmental compliance in the quarry industry improved significantly. Indeed, the Northern Ireland Environment Agency water management unit recently published data for 1 August 2010 to 31 July 2011, which showed compliance at 96·4%.

That was, of course, excellent news for the industry and Northern Ireland, and it demonstrated the commitment to continuous improvements in environmental management that our quarrying industry took upon itself, through this scheme, to implement. That was not easy for our industry to do. It cost a lot of money.

The European Court decision of 9 September 2010 that the European Commission had not carried out a proper state assessment of the Northern Ireland credit scheme forced Her Majesty's Treasury to suspend the scheme on 1 December 2010. The aggregates industry in Northern Ireland had a legitimate expectation that the aid was lawful and acted accordingly. Our industry went into the scheme in good faith. It did nothing wrong. It implemented changes in its routines and practices, and that cost a lot of money. I argue that the money saved through the relief scheme was pumped back into the industry in order to qualify for the grant scheme itself. If you look at what the industry in Northern Ireland had to pay, compared with other places in the UK, just to apply for that grant, you can see how important it was to our industry at that time.

Now, with the extra burden of the full levy — remember that the credit scheme took away 80% of that levy — our industry has to pay it all. I quoted the figures: duty rose from 40p a ton to £2 a ton. That was a 500% increase in tax, and it gave rise to a 40% increase in the price of stone. Now, with all that having taken place and with guarantees that Her Majesty's Government will look at a replacement scheme for our industry, Europe is contemplating forcing Her Majesty's Government to recoup that money from our industry. That would be an absolute disaster for our quarrying and aggregates industry.

Of course, I am ever the optimist, and I hope that it does not get to that point. We bring the motion before the House today so that we can apply pressure now on the people responsible for this: Europe and Her Majesty's Government.

If we make sure that we apply that pressure now, hopefully, we will not have to debate this matter should a decision be made that falls on the wrong side of our industries.

Of course, this is all about a challenge made by the industry that imports aggregates into Northern Ireland, but that has always been minimal anyway. This is where we have to be careful. There is a risk that the European Commission will ask for the money to be given back. The estimated sum is £250 million to £300 million. Name one industry in this Province that could take a hit like that. I can tell you now that our quarrying industry could not.

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

If Her Majesty's Government were to impose that order and reclaim the money that was paid out through a scheme that was set up in good faith and implemented by our quarrying industry in good faith — money that was not saved but put back into the industry — that would completely change the face of the industry as we know it. It would destroy family-run, independent quarrying companies in Northern Ireland. Indeed, it is doubtful even that the larger companies could withstand such a recovery order.

That is why it is so important that the House, and the First Minister and deputy First Minister, speak to the people who are responsible for this so that we can alleviate the problem before it is upon us and convince them that reclaiming that money is not the way to go. In fact, the Assembly and the Executive should push to have a new credit scheme put in place as soon as possible to give relief to our quarrying industry, which has implemented environmental improvements to the best of its ability and better than any other region of the UK.

I believe that the recovery of state aid would be in breach of the legitimate expectations of quarry operators in Northern Ireland. If a recovery order were made, it may distort trade and competition and, therefore, be contrary to EU laws. The issue has to be thoroughly thought out so that our industry is not left with the uncertain future that is hanging over its head. It will affect not only our quarrying industry but the wider construction industry, which will affect our economy. If a rebate recovery is imposed, we will be unable to recover at the speed at which we want. It will totally destroy the quarrying industry, which in turn could destroy what is left of a construction

industry that is already on its knees and looking for recovery in any way that it can.

I appeal to the House to support the motion. I have no reason to believe that Members will not support it or that the people whom we are tasking to speak and lobby on our behalf will not do that. The motion is in the interests of all parties, of Northern Ireland as a whole and of our economy. I commend the motion to the House.

Mr Kinahan: I congratulate all those who tabled the motion and members of the quarry industry in Northern Ireland, who have maintained a high level of publicity on the issue of a rebate recovery. We all need to pull together to make sure that what we are asking for in today's motion actually happens.

Members have already heard that the danger of the rebate is £250 million-plus and that it would completely kill the industry. We need to keep that in mind. The motion calls for pressure to be put on the EU president and the Chancellor of the Exchequer to make sure that no rebate is required, and we must all make sure that that does not happen. It is never right to go back two, three, four or five years to claw back money from an industry or a business that has been following the law. We cannot change the rules and go backwards.

Members have heard a little about the aggregates levy, why it was raised and the sums of money involved. The aggregates levy was established to make sure that the quarry industry helped the environment, whether that concerned noise, dust, living next door to a quarry, helping to recycle or habitats. It was all done with the best intentions. However, it was also done because the quarry industry south of the border had no tax levy and so could charge much less. It was established to give ourselves a fairer chance to trade across the water. We must keep that in mind at all times.

I praise the people in the quarry industry who, in my case, helped the quarry at Parkgate with peregrine falcons and newts and turned it into a better rural landscape for the public. In other quarries, they have created fishing and other rural habitats. We must bear in mind that the levy and the entire system worked.

I want to raise one query today. The issue was taken to the EU General Court, which found that the exemption from the aggregates levy

was unfair. At the back of my mind, I recall that two Irish companies that worked with English companies stated that it was unfair. There is no levy in Ireland, so surely quarry operators can charge even less for their aggregates as they move them across the water. I want their links with English companies to be examined. The issue needs to go back to Europe to be thoroughly checked so that there is fairness for both sides.

4.30 pm

Today's motion calls for putting pressure on the Chancellor of the Exchequer and the president of the EU. We should expand that slightly; it should be pressure on all the MPs, because all the MPs in that other place should understand this issue. We should put particular pressure on the MEPs, particularly those from across the water on the mainland, and there should also be pressure on the Irish Government. We should put pressure on our North/South bodies so that we get a system that works and so that we do not have a difference on either side of the border. Maybe there could be a tax there and something that benefits their environment. We need to put pressure on the industry itself so that the whole industry, not just here in Northern Ireland, is singing off the same hymn sheet.

Today's motion asks for urgent action, by which we mean action in the next week or month and not what seems to be the habit in many places of government, where things are slowed up, take ages and nothing actually happens. The industry and jobs are at risk today, and numbers have gone down from 5,000 to some 3,700. Those jobs, the aggregates industry, the quarry industry and the construction industry will build our schools, hospitals and roads. If we make it too expensive, that building work will not happen, and other companies will come here to build our schools. That may not mean that we get the best of the employment. So, I fully support the motion. We need urgent action and pressure on the Chancellor of the Exchequer, the President of the EU and all the others I mentioned.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. As I speak, I also do so as chair of the all-party working group on construction. Two of the Members who spoke previously are on that group, and Mr McElduff will speak later to wind up on this. The issue has been drawn to our attention time and

again by people involved in the quarrying sector in particular. I share the concerns of other Members in the Chamber. In our constituency, Mr Deputy Speaker, unemployment levels have crept up and, in fact, the number of people claiming jobseeker's allowance has almost trebled. That means hard times in the construction sector, and I have no doubt that many of those people are associated with and dependent upon the quarrying sector, which, as Mr Frew quite rightly said, has been dealt a body blow by the aggregates levy issue.

One important point must be made: the partial exemption of 80% was not available to all those aggregates producers. There seems to be a perception that that was the case. It was available only to those companies that entered into and, indeed, were in compliance with environmental agreements. The objective of that was to obtain significant environmental improvements and sustainability, and that should not go unread and unnoticed here. It is not simply a case of ticking a few boxes to up the profits at the end of the year. There was an environmental consequence and direct benefit of this, and some of us have been out to see those direct benefits around quarry pits. We saw them for what they were: genuine efforts where government worked very closely — indeed, the Department of the Environment saw that, too — and derived the direct benefits of it.

In Northern Ireland, the effect of the suspension of the aggregates levy credit scheme on the quarrying industry, the construction industry and the wider economy is drastic, particularly in rural areas and especially in some of those border areas. The impact on construction budgets is significant, and I have the briefing notes in front of me. On average, we produce around 24 million tons of aggregates in Northern Ireland every year. Allowing for the exemptions, the total taxable tonnage is approximately 21 million. Levy payments to HMRC at the reduced level were in the region of £8.4 million per annum. Now that Northern Ireland has failed to gain EU Commission approval for the continued use of the derogation, we will pay £44 million per annum to the Treasury based on our stone usage. Government — that is, Ministers and Departments in our Executive — procure 60% of construction work in Northern Ireland. Therefore, the actual cost to the public purse as a consequence of the removal of the levy credit scheme will be £26 million per annum.

Many of us have been here to debate budgets, capital works schemes, new schools, hospitals or roads, or whatever it might be. However, that is an awful lot of construction work that has been withdrawn at the stroke of a pen. It is a big dent in the budget just to pay tax.

There is also the other implication, which is that it is a further £26 million that is not being spent in the economy on employing people. I am sure that there are people more than adequately qualified in the Chamber to say that that £26 million and its employment of people means that less money will be paid in tax. My initial point was that many of those people in our constituencies — our family, our friends and our neighbours — are now claiming jobseeker's allowance at an additional cost to the Exchequer. I am sure that there are statisticians and accountants who can work that out. It is not a good decision either for the economy or the Exchequer. Someone needs to get a grip on it and to start presenting figures that can be readily understood for the benefit of the community.

Yes, we share a land border, and maybe some of us do not agree that that land border should be there. However, we share a land border with another EU state where a similar aggregates tax does not exist. The price of stone was £4.29 a ton in 2009. The aggregates levy at its full rate represents 49% of that. Can we endure a construction material cost increase of up to 49%? We certainly can not.

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

Mr McGlone: The Assembly is duty-bound to send the clear message that we must do this in the interests of the quarry industry, the construction industry and the wider community.

Ms Lo (The Chairperson of the Committee for the Environment): The previous Committee took a great interest in the aggregates levy scheme. The Committee supported the approach of the levy scheme and recognised that the proactive measures conducted as a result of the scheme delivered more on the ground than might have been achieved from a tax alone. Members were in favour of retaining the scheme and wrote to the Department of Finance and Personnel on several occasions to emphasise that support.

The representative industry group, the Quarry Products Association Northern Ireland (QPANI),

has stated that since the introduction of the levy scheme, there has been a significant improvement in the environmental performance of the industry. Operators also feel that the scheme is creating a level playing field, and they welcome the fact that others, who they felt were not up to standard, had to improve and maintain their performance. QPANI states that the reasons why state aid was approved for the scheme in 2004 have not changed. QPANI, like the Committee, was, and continues to be, a strong advocate of the scheme.

The Committee is, therefore, concerned about the loss of the scheme. However, members are even more concerned about the possibility of the EU's requiring aggregates suppliers in Northern Ireland to pay back money lost by the EU through the scheme. QPANI estimates the potential cost of that at between £250 million and £300 million. As I am sure you appreciate, Mr Principal Deputy Speaker, that would have a detrimental effect on the quarries in Northern Ireland, and it could put their businesses at risk.

Mr Wells: The Member said that it would have a detrimental effect. Many of us believe that it could close the industry. There is not £200 million to £300 million in the quarrying industry. There might be that level of debt, but there is certainly not £200 million to £300 million lying in bank accounts to pay it. Therefore, what does the industry do?

Mr Principal Deputy Speaker: The Member has an extra minute.

Ms Lo: Thank you. I was about to say that it might even put some operators out of business altogether. That is something that we can ill afford in the current financial climate. The House should unite to do all that it can to support the quarry industry on the issue. On behalf of the Committee for the Environment, I support the motion.

Mr Wells: I support the motion, and I am pleased to see that it seems to have the unanimous support of the House. I wish to declare several interests. I sat on a QPANI committee, albeit briefly. It looked at the very issue of biodiversity and environmental protection in quarries. I have also done some limited consultancy work in quarries over the past 30 years as a result of my chairmanship of the Northern Ireland Raptor Study Group.

I see the industry facing three major attacks at the moment. First, there has been a huge reduction in demand for its products. Even if the aggregates levy issue had not arisen, the quarry industry would be having a dreadful time. Many of the quarries that I visit are on 50% of the output that they had five years ago. Some of them are closed, some are mothballed, and almost all of them have made significant redundancies. So, there is that problem.

Secondly, as Mr Frew outlined, the industry has had the burden of the recent implementation of an increase in the aggregates levy from 40p to £2.00 a ton. The problem that arose when that was originally suggested was the impact that it would have on the quarry industry in border areas, because if quarry producers in the Irish Republic do not have the levy, they can, obviously, import product into Northern Ireland and undercut the market here. It was, therefore, assessed that industry producers within a 30-mile radius of the border could not survive the implementation of the levy. I remember a time when Mr Durkan, I think, was the Finance Minister — that is going back quite a long time — and there was an all-party battle to achieve the reduction in the levy to 40p. There was full, all-party support for that. At that time, it was one of the victories of the Assembly that we were able to achieve that major benefit for our industry.

Thirdly, on top of all that, we now find that there is a hint that there may be an attempt to recoup the entire £250 million to £300 million from the industry in Northern Ireland. I accept that it is only a suggestion, but suggestions of doom and gloom ahead have an awful habit of coming up to bite you later. I believe in heading off such problems at the pass, before they start to grow legs. We need to put down a firm marker that the industry simply cannot afford that. As I said in my intervention to Mrs Lo, there is absolutely no doubt that if that bill arrived at the door of most of the quarries and sandpits in Northern Ireland, it would close them down. The only £250 million to £300 million that is in the industry at the moment is debt owed to the banks. There is not the money, because life has been so difficult. Maybe in the boom times, when things were going well, we might have had the money to pay it off, albeit in instalments, but we do not have it now. It is an absolute disaster.

What aggrieves me about this, as someone who has an interest in the environment — in fact,

one of the very few people in the Chamber who have an interest in the environment — is that going round the quarries —

Mr Wilson: I think that is a bit harsh.

Mr Wells: I certainly do not think that Mr Wilson has any interest in the environment.

I have noticed a dramatic improvement in the environmental quality of our quarrying industry in Northern Ireland. It has spent an absolute fortune in implementing its part of the deal. The deal was this: we will reduce your aggregates levy to 40p if you come up to the highest environmental standards. The quarries have delivered. QPANI appointed an environmental officer. Her job was to advise the quarry industry on how to improve on issues such as water quality, screening, dust, noise and biodiversity. The industry has spent hundreds of thousands of pounds delivering that, to the extent that very few complaints are received now from local neighbourhoods about the environmental impact of their local quarry. Things were moving in the right direction; the industry has delivered. In fact, the difference is very stark: simply by visiting a quarry, you can tell the difference between those who are signed up to environmental improvements in conjunction with QPANI and those who do not bother. It is like night and day.

Having spent all that money and delivered, surely it is a real kick in the teeth for the industry to be told, first, we are not going to continue the lower levy at 40p, and, secondly, we are going to come back after you for the £250 million that we agreed not to charge you. That is absolutely crazy.

The other issue that needs to be highlighted by Members who represent rural constituencies is that the quarrying industry is often the only alternative source of employment for many rural communities. In South Down, the sand industry, in particular, around Kilkeel and quarrying companies in areas such as Castlewellan and Warrenpoint are very important employers, particularly for manual labour. To be honest, if those industries closed because of this sleight of hand by the EU, we will lose a large number of people who are gainfully employed and working hard for their communities. What sort of crazy system do we have in place that allows that to happen?

4.45 pm

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

Mr Wells: I support the motion entirely, and I hope that we can do something to help the industry.

Mr Byrne: I also support the motion. I remember being involved in a debate like this about 12 years ago. It is fair to say that as an MLA for West Tyrone, I know that the constituency is highly dependent on the quarrying and sand industry. I am also acutely aware of the number of people whom the industry employs. Towns such as Strabane, Dunnamanagh, Newtown Stewart, Drumquin, Ederney, Carrickmore, Greencastle, Gortin, Plumbridge and Derrylin all depend on quarrying. The quarrying industry in Tyrone also gave rise to a substantial engineering industry, and the production of quarrying equipment originated because we have a quarrying industry. So, it is crucial for our part of the world.

I agree that the £250 million reclaim would be a disaster. It would mean that most of the aggregates and, indeed, the sand and gravel quarries, would close. We have a collective duty to make sure that a strong case is made against the reclaim. Tyrone and Fermanagh are beside the border, and we would be at an immediate competitive disadvantage if the reclaim were enacted.

I agree that the full implementation of the quarries tax as it is would make it virtually impossible to run a quarry. Quarry owners feel hammered by government. Look at the price of red diesel. Those who drive diggers or have diggers or other machinery in quarries are being hammered by the high costs of red diesel. Lorries are another example: the 25-ton lorries that deliver aggregates run at seven miles to the gallon at a cost of £6.40 a gallon. Those prices are crucifying the industry. Indeed, I raised in the House recently how the road haulage industry is being severely handicapped in Northern Ireland. The quarry owners feel that they are being severely handicapped by government taxes and by customs and excise duties. That is another reason why we must lobby strongly to ensure that the reclaim does not happen.

I congratulate the Quarry Products Association and its regional director, Gordon Best. It has

done a tremendous job in the past 10 years of lobbying on the issue and has reflected the concerns of everyone involved in that industry and in the construction industry.

As my colleague Patsy McGlone said, unemployment has risen a lot in rural areas. Jim Wells referred to the same issue. If the quarries were to close, many more people would be doing manual jobs. That is because the jobs of those who drive the lorries, diggers and shovels in quarries would all go, and that would put us in the border areas at a severe economic disadvantage.

I support the motion, and I think that if we keep at it collectively, a strong case can be made. The quarry owners and the Quarry Products Association feel severely hammered by government because of the amount of tax that they must pay.

Mr Irwin: I thank the Members for tabling the motion on what is a very important issue for the construction sector in Northern Ireland. I also note and welcome the cross-party support that is evident in the list of sponsors of the motion.

In Newry and Armagh, the quarrying industry employs a lot of people, and it is a valuable part of our local economy. I can think of a number of companies in my constituency alone that are involved in quarrying directly and of many more that are involved in retailing aggregates for building, gardening and tarmac laying, etc. They, in turn, provide vital employment that sustains the local economy in the area.

With the current dip in the construction industry, those involved in the sector, including those involved in the supply of materials to the sector, are already having a very tough time. The economic environment that the industry is working in could not be tougher, particularly when you consider the relentless rise in the cost of energy, on which the quarrying industry is heavily reliant from the start of the process to the finished product. Operators are spending huge amounts on fuel and electricity to extract, process and deliver products.

In this tough economic environment, the key message for the Government, both locally and at Westminster, has been about the need to stimulate the economy. The suspension of the aggregates levy credit scheme earlier this year was a significant blow to the aggregates industry, and the possible recovery of the rebate

would have the reverse effect to stimulating the sector. It would be disastrous.

Quarries in my constituency have invested heavily in their operations. A lot of money has been spent on environmental improvements to sites, which were part of the terms and conditions of the aggregates levy credit scheme.

I fully understand the industry's concerns. If a recovery request were to be made, firms would effectively be paying twice. That is a situation that must not be allowed to happen. As the Quarry Products Association rightly pointed out, the industry in Northern Ireland entered into the scheme in good faith and in the knowledge that the Commission had granted approval of it. Based on that, operators invested significantly, as I said. It is, therefore, incumbent on the Treasury to ensure that no recovery order is made, and the Chancellor must do all in his power to resist an order from the EU for recovery. As was said, that recovery is estimated to be in the region of £250 million to £300 million. It is obvious that such a recovery would be absolutely crippling to the industry. It would be simply too much to bear.

I support the motion and urge our First Minister and deputy First Minister to make strong representations to the Chancellor and to the EU President and to impress upon them the severe ramifications that the recovery order would have on the quarry industry in Northern Ireland, and also the detrimental effect that such a recovery would have on the construction sector, which is already under strain.

To quote the Quarry Products Association director, Gordon Best:

"we need to see crucial decisions taken quickly that put businesses first and action that facilitates real economic growth and job creation."

Those are timely comments, and I believe that a decision not to proceed with a recovery order would be very welcome to quarries across Northern Ireland. That is the immediate goal that we must now work towards. I fully support the motion.

Mrs Overend: I welcome the opportunity to speak on this issue. It is significant that this is a cross-party motion, because the suspension of the aggregates levy credit scheme and the threat of the rebate that could follow from it, is not, and never should become, a party political

issue. I hope that the Assembly's opinion will be noted by the European Commission.

I have to say that I am disappointed that we are now in November and there is still no sign of the review that the Commission ordered following the ruling of the EU's General Court. The threat of a recovery order has only exacerbated the situation, and I urge the Commission to think carefully about the knock-on effects if it were to ask for a rebate. The Commission must realise that people's jobs are at risk, not only from the threat of a recovery order but from the fact that it has prolonged the outcome of the report. That only adds a greater sense of uncertainty in the quarrying industry.

Having represented the Mid Ulster constituency for the past six months, and for many years before that behind the scenes, I know the effect that the overall economic downturn has had on my constituency. However, few workers have faced the brunt of it to the same extent as those working in the construction and quarrying industries. With the slump in the number of new houses being built locally, the collapse of cross-border employment and the 40% reduction to the capital budget, the local quarries are up against the wall at present. Now, for almost a year after the levy credit scheme was suspended, local quarries have been facing the competitive disadvantages of sharing a land border with a state where no such levy exists. That point, I hope, features prominently in the ongoing review.

Of course, as others have noted, the suspension of the scheme has not only affected our local quarries but impacted on Northern Ireland's already reduced capital spending abilities. Given that the Government accounts for 60% of local construction work, it is inevitable that the public purse is hit. Based on a replication of last year's figures, Roads Service is seeing an average price increase of 2.5% for all resurfacing and reconstruction activities. Bearing in mind this year's already reduced spending, that is 2.5% that the Department for Regional Development could desperately do with.

Northern Ireland's Members of the European Parliament also have a crucial role in making representations to the Commission on the threat of a rebate and the ongoing review. On that, I am glad to say my party's MEP, Jim Nicholson, has met the EU's Commissioner for Competition, Mr Almunia, several times on

this issue alone. My party has also invited the commissioner to Northern Ireland to see for himself the effect that the suspension of the levy credit scheme is having on the livelihoods of those employed in the quarrying industry.

Without wanting to pre-empt the outcome of the review, the Ulster Unionist Party is committed to finding an equitable solution to the problem. The construction industry is too important for us to abandon and to let face this battle alone. Can you imagine any other industry that has no choice but to increase the cost of its materials by 49% when, only a few miles away across the border, the same materials are available at a fraction of the price?

It is some comfort to note that the coalition Government remain absolutely committed to reinstating the previous scheme or something equivalent to it in Northern Ireland. The aggregates levy credit scheme was not a perfect solution for Northern Ireland, but it at least provided a level of support and its environmental credentials were widely acclaimed. However, with the EU court's ruling against it, and now the real issue of a recovery order being made, I fear for the future. That is why it is so important that the Assembly, the Executive and everyone else who has a stake in Northern Ireland send the clear and unambiguous message to the European Commission that we support our quarries and will never regret wanting to see them do well. I support the motion.

Ms Ritchie: In supporting the motion, I am conscious that the Quarry Products Association must be commended for the hard work that it has done in difficult circumstances to protect the rights and considerations of all its members. The quarry products industry in Northern Ireland is central and fundamental to our construction industry, which was already, prior to the withdrawal of the rebate, in the grip of one of the worst recessions that we have seen in these islands for many years.

When the rebate scheme was introduced in 2004, our construction industry was in a boom. The scheme was withdrawn in October last year following an approach by the British Aggregates Association to the European Commission about a breach in state aid rules. The European Commission took the easy option by deciding to withdraw the rebate, subject to an investigation. I recall going to see the then Economic Secretary

to the Treasury, Justine Greening, about this issue. The Finance Minister met her independently from me. She said that Treasury fully agreed with us that the rebate needed to be reinstated but that we needed to have the arsenal at our disposal to make a reasonable case.

I understood that, following the UK Budget, provisions had to be made in the Finance Bill to show that there was a strong case for reinstatement. I further understand that all that information was submitted to the Treasury in September this year and that it has taken considerable time for the European Commission to go through it. I wrote to the EU commissioner in July, asking him to expedite enquiries into this matter. At that time, one of his officials said that he would like to emphasise that he was:

“aware of the importance of the aggregates levy relief for the quarrying sector in Northern Ireland”.

Being aware of the importance of it, they should go to the ultimate conclusion and ensure that it is reinstated, notwithstanding the fact that the Commission is probably concerned about any breach that may occur.

It is also important that there is no recovery back to 2004, because that would further imperil an already beleaguered quarry products industry. Mr Wells stated it, and I know from my South Down constituency, that there is a considerable reliance on the construction industry and on quarry products and quarrying for employment and the building supplies industry. To pump-prime our economy, it is essential and fundamental that the rebate scheme is reinstated with no recovery order. In fact, the Minister of Finance will recall from last week that he and I raised this issue at the Northern Ireland Grand Committee at Westminster. Although we got support on that occasion from the Minister of State, I did not sense any urgency on the Grand Committee's part.

5.00 pm

Therefore, what I am asking for today, supplementary to what is in the motion, is that the Minister of Finance, along with the all-party construction group, the Chair of the Environment Committee and, of course, the Quarry Products Association go directly to Brussels to make a strong case for the reinstatement of the scheme, with nothing recoverable from 2004. That is what we require to ensure that we have sound quarry and construction industries and

sound recovery for the local economy in rural areas in particular, as they have been imperilled as a result of last year's decision, the downturn and the economic recession.

Mr Wilson (The Minister of Finance and Personnel): I thank all the Members who took part. I am not so sure that this has been a debate, insofar as no different points of view have been expressed other than Mr Wells querying my environmental credentials, which I am deeply hurt by. However, it has shown that there is widespread concern across the whole of Northern Ireland about the impact of the European decision.

The Executive fully recognise all the difficulties that Members expressed about this important part of the supply chain in the construction industry. Indeed, in the September monitoring round, we provided additional money for schools and roads maintenance and house building. I must say that, when the Executive have responded to the construction industry and the points it has made, the Quarry Products Association is one group that has always been prepared to at least acknowledge that something has been done. Other people, however, feel that they have to find fault with what the Assembly and Executive have done. Indeed, I note the statement that the association put out recognising the positive impact that the decisions in the September monitoring round will have on the industry and, in particular, on its members. I thank it for that statement and for the way in which it has co-operated with us in dealing with this case.

Of course, it was not just a case of saying to the Government at Westminster, “Will you do something about this?”. To make the case, information had to be provided and a case had to be made by the Assembly, members of the Quarry Products Association and the industry itself. Of course, one of the reasons why it has taken some time to prepare the case for Europe is that all of that information had to be gathered. Indeed, there was a difficulty at one stage, and I want to thank Gordon Best for his effort in going round his members and getting them to supply information that we were then able to build into the case.

Members made a number of points, which I will try to deal with as quickly as possible. The first point raised — I will not mention individuals because I think that all Members raised the

same kinds of points really — was that the credit scheme has provided real benefits. Indeed, that is what it was designed to do. It has provided real benefits in cleaning up the industry in Northern Ireland. Many Members mentioned the considerable investment that has gone into quarries in order for firms to qualify for the credit scheme and into improving the environment. When the first environmental audit of ALCS members was carried out, it was found that a total of 3,787 environmental improvements were required to meet the criteria for the scheme. By the date of suspension on 1 December 2010, 95 issues had not yet been declared compliant at 20 of the 168 sites. Therefore, it has had a huge impact in reducing illegal quarrying and improving the environmental quality of quarries throughout Northern Ireland, which I know is dear to the Member for South Down's heart.

The second thing that I want to say is on the issue of urgency and support. I have been in contact with Justine Greening on a number of occasions, and my officials are in touch with Treasury officials regularly. One thing that I cannot say is that the Government at Westminster and Treasury officials have been lukewarm or are dragging their feet; they are at one with us. There are times when we have differences with central government at Westminster; there are times when their emphasis is different from ours. It is right that, on those occasions, we criticise them, query them and ask what they are doing. However, in that case, it would be churlish not to accept the support that there has been from Treasury Ministers and officials in preparing the case.

As I said, it was complicated. Evidence had to be gathered. To make a case, we have to show that, first, it is necessary. The terms of necessity for the scheme must show whether it is possible for the increase in production costs to be passed on without a reduction in sales. That means that information has to be gathered from across the industry. That took time. We also have to show that it is compliant with article 110 of the treaty of the European Union, which prevents discriminatory taxation between member states.

Information had to be gathered on those issues. Just last week, Justine Greening confirmed that the case will be submitted to the Commission by the end of November 2011. Therefore, we are at the end of a process whereby the

Commission will have to investigate the case as it has been submitted.

Ms Ritchie: Has the Minister any idea how long it will take the European Commission to assimilate, assess and evaluate that information? I am sure that he would agree that local industry is imperilled the longer we have to wait for that information and the Commission's assessment and outcome.

Mr Wilson: I do not have an answer to that question. Members have been helpful in their suggestions in the debate. MEPs have a role to play. The Treasury has a role to play to ensure that, if there are queries about the case, they are answered quickly and we express the urgency of the case. I believe that it will be my job to impress it upon the Treasury that, if there is still work to be done or queries to be answered, we keep the pressure on. We will not make a separate case of our own; that will go from the Treasury. When it goes from the Treasury, I will write to the president to ensure that some urgency is attached to it. Those are things that we can do.

(Mr Speaker in the Chair)

The recovery issue was raised in the debate. I do not think that we can be complacent on any of those matters. However, there is one thing that I do not want to happen: alarm when there is no need for it. That can have implications for the industry. If a quarry owner finds that there are opportunities, as some are doing now, asks whether he should invest and there is all that talk about the recovery of all that money, that could affect his investment decision. Therefore, I want to put the whole issue of recovery in context. First of all, the scheme itself would have to be deemed unlawful. Two conditions would have to be met for recovery to even be contemplated. The first condition relates to whether the scheme was ever notified to the European Commission and the second to whether it was in violation of state rules. There appears to be no case in which the European courts have decided that recovery must be ordered where there was proper notification and the scheme was implemented properly.

As far as the aggregates levy credit scheme is concerned, it was notified to the Commission on 5 January 2004, and it was not put into effect until the Commission had made its final decision on 7 May 2004. So, as far as the notification and the implementation were

concerned, the UK Government abided by the rules. That in itself reduces the possibility of any recovery order being made. Indeed, as I said, there are at present no cases in which, when those conditions have been met, the European court has ordered recovery.

Secondly, even if it was found to be incompatible with the internal market, that does not mean that the aid is also unlawful. Even if it was unlawful, the regulations state that recovery may be sought. If we add all those things together — the fact that there was proper notification, that there was proper implementation and that it was not implemented until the Commission had made a decision — the fact that the court has now ruled against it does not necessarily mean that we are in a position where recovery can even be justified. Even if it was found to be unlawful, there is still discretion about whether recovery is sought.

Mr Wells: I think that the reason why this debate is being held and there are so many Members here is that we all received a briefing from the QPA, which is normally a very reliable source of information, saying that it believes that there is a possibility — nothing more than that — that that could happen. It is coming from the official voice of the industry that that is a dark cloud on the horizon. Can the Minister understand why some of us are quite alarmed to read that? Does he believe that that is maybe overstating the case?

Mr Wilson: Recovery has been mentioned, but those are the conditions needed for recovery, and I think that you have to put all those qualifications around it. Even if that was the case, all the arguments that Members have given here today — the fact that there have been environmental improvements; that, as a result of the credit, money was invested in the industry to effect those environmental improvements; and that the money is not even there to be recovered anyway, as the Member from South Down and others have said — are the kinds of points that would be made, apart from all the other legal points, by the Government in fighting any case.

I have sought to find out whether, if a recovery order was made, the UK Government would be prepared to take a court case and litigation. They have quite rightly pointed out that, at this stage — until it actually happens, until you see the terms of it etc — it will be a Cabinet Office

decision, and no decision has been made on it. It could be fought by either the UK Government or by the Assembly here.

I want to try to put it in context. I see it in the kind of context that I have described here today. It is a very remote possibility. Of course, it is right that the Quarry Products Association and others have raised the issue. We are aware of it as well, and we have raised it on a number of occasions with Treasury Ministers, but it is important that the issue is placed in that kind of context.

5.15 pm

In conclusion, I believe that there is a case for a new scheme. Members have talked about the differential that exists between here and the Irish Republic. I believe that there is a case for a new scheme because of the improvements afforded to us through having a quarry industry in Northern Ireland that does not do unnecessary damage to the environment. Therefore, a robust case can be mounted in support of a new scheme. I also believe that there is evidence that as a result of the increased costs there has been an impact on the output and sales of the industry. That is the kind of thing that the European Commission will look at.

Mr Speaker: The Minister's time is almost up.

Mr Wilson: We will continue to work with the Government at Westminster, and we will continue to press the European Commission, once the information goes to it at the end of the month. Members should rest assured that this is not something to which we will give only light attention.

Mr McElduff: Go raibh maith agat, a Cheann Comhairle. You have eased into the seat previously occupied by the Príomh-Leas Cheann Comhairle, and I thank you for joining us. On behalf of the Members who jointly tabled the motion — effectively, the members of the all-party group on the construction industry — I thank all those who contributed to the debate. Seldom is the House so united than has been witnessed this afternoon. Members obviously appreciate the importance of the quarry industry to the overall economy. It was good to hear that Jim Wells and Sammy Wilson could agree on an environmental issue. That was a welcome development. On occasions, the Minister referred to the Member for South Down, but

there are four Members for South Down here, so he should be more specific and refer to the Member for South Down by name.

I have been speaking to quarry operators in recent days, one of whom told me that his practical daily experience is, effectively, that of acting as a tax collector. There are people who are not willing to pay or who do not pay, and he does not want his working life to be that of a tax collector. One thing that we could do, as an Assembly, is to advise the Executive to accelerate progress towards the commencement and completion of the A5, A6 and A8 schemes. It is my understanding that those projects are worth over £1 billion collectively and would make a very valuable contribution to the economy and to the quarrying and construction industries at this time.

Paul Frew proposed the motion. He retraced the history of the suspension of the credit scheme in 2010, and he stated that the quarrying industry faces a very uncertain future. He reminded us that this was not money for nothing, because it led to major environmental improvements in many quarries, and that money saved was reinvested in the industry. Like many Members, he made the point that the recovery order would effectively put family-owned concerns out of business.

Danny Kinahan spoke next and urged us to pull together on the issue. He said that any such clawback of £250 million-plus would kill the quarrying industry and that the levy was aimed at helping the environment. Many Members, including Mr Kinahan, referred to the “no levy” situation in the Twenty-six Counties, as I shall describe it, and the disadvantage that is suffered by people in the North. He talked about fairness in the matter and about widening out the lobby to include MPs and MEPs and using mechanisms such as the North/South Ministerial Council to make progress on the issue, and he emphasised the urgency.

Patsy McGlone reminded us of the rising unemployment in the construction industry, including in his constituency. He provided a valuable reminder that the partial exemption of 80% was not available to all because it required entering into major environmental commitments. He talked about those claiming jobseeker's allowance and how that is not good for people or the Exchequer. He also referred to the more

favourable circumstances for quarry operators in the South.

It was particularly welcome that Anna Lo, in her capacity as Chairperson of the Committee for the Environment, supported Members in tabling the motion. Anna referred to the significant improvement in environmental performance. She and Mr Wells were involved in a discussion about whether recovery would be detrimental or devastating, and I think that they agreed that it would be both.

Then, Mr Wells made his submission and reminded us of a series of challenges that the quarrying industry faces, including the levy, the rising cost of product and some quarry operators' proximity to the border. He said that closure would be at the end of the line should there be an attempt to recoup the £250 million. Sometimes, that figure grows to £300 million. He claimed that he is one of a few Members who have an interest in the environment, so I give credit to Mr Wells.

Joe Byrne said that he had participated in a similar debate as far back as 12 years ago. I was very emotional, Joe, as you were naming the many rural places that I also like. It was wonderful to hear all those places being named — I will go home some day. Joe also talked about the crucifying diesel costs that we hear about regularly. Indeed, this morning, on the forecourt of Connolly's filling station in Pomeroy, people came up to me and talked about those. Mr Byrne said that the border area was at a disadvantage — perhaps that was a call for all-Ireland harmonisation — and mentioned that jobs will go.

A good number of Members paid tribute to the Quarry Products Association, led by Mr Best, for the manner in which it lobbies. Sometimes, I think that it would be charitable of us to give Mr Best an office in the Building. The Assembly Commission should maybe talk about providing an office for the Quarry Products Association because he is here regularly.

Mr Wilson: More often than Members. *[Laughter.]*

Mr McElduff: I think that everybody agrees that he is a good attendee and is very proactive.

William Irwin used the phrase “severe ramifications” when describing the consequences for the quarrying and

construction industries. He talked about the need to act quickly and be decisive.

Sandra Overend reminded us about the jobs at risk. She said that there was no levy in the South and emphasised the crucial partnership role of MEPs in helping us, citing the example of her party colleague Jim Nicholson, who has done considerable work on the issue.

Margaret Ritchie, the Member for South Down, commended the Quarry Products Association and reminded us that the industry is in the grip of one of the worst recessions of modern times. As an MP and MLA, she has engaged the European Commissioner, and she wants the commissioners and their officials to expand on being aware of the importance of the issue. She said that the South Down constituency was heavily reliant on the construction industry. Ms Ritchie asked the Minister of Finance and Personnel to head for Brussels on this one, and she wanted there to be no recovery and the reinstatement of the scheme.

The Minister said that “debate” was perhaps a misnomer because we are all singing from one hymn sheet, with no divergence of opinion. He reminded us that the Executive are a listening Executive, and, in monitoring rounds, they like to hear and respond appropriately to reasonable and well-made cases from the quarrying and construction industries. Similarly, he paid tribute to the QPA, which provides substantive information to help make that case. He suggested that, judging by his dealings with the British Treasury, we are pushing at an open door. In an interesting way, he perhaps suggested that there is less need for alarm than some Members think. He feels reassured by the statement that a recovery order would be made only if this were unlawful, and he said that that was notified properly to the Commission in January 2004. Although he supported the motion, he wondered whether the alarm was warranted.

I will leave it at that, a Cheann Comhairle. I thank all Members who participated in the debate, and I thank the Minister of Finance and Personnel for being in attendance.

Question put and agreed to.

Resolved:

That this Assembly recognises the imminent danger to the quarrying industry if the EU Commission decides to require a recovery of the aggregates levy rebate from 2004; and calls on the First

Minister and deputy First Minister to make urgent representations to the EU president and the Chancellor of the Exchequer requesting that no recovery order is made.

Adjourned at 5.26 pm.

Written Ministerial Statement

The content of this written ministerial statement is as received at the time from the Minister. It has not been subject to the official reporting (Hansard) process.

Environment

Extreme Rainfall: Help for Householders

*Published at 4:00pm
on Wednesday 26 October 2011*

Mr Attwood (The Minister of the Environment):

Members will be aware that the exceptionally heavy rainfall since last Sunday has led to many homes being flooded in different parts of Northern Ireland and presented major challenges for not only the local people who have been affected but also the numerous agencies that have come to their rescue.

We are still, to some extent, in a response and recovery phase and trying to collate information, as a result of the significant adverse weather and rainfall. However, I wish to update Members and draw their attention to the action taken by DOE and District Councils to date.

I was in Beragh, near Omagh, yesterday where the river burst its banks and left people trapped in their homes. Eighteen people, including children, had to be rescued by boat from flooded houses and brought to safety by the Fire and Rescue Service. Their homes have been badly damaged by flood water. This was a terrible scene to witness and it is likely to take many months to repair these houses, leaving residents struggling and having to live in temporary alternative accommodation.

I also visited the local gaelic club 'Red Knights' to inspect the severely damaged club premises which are some of the best in the land and have been flood damaged for the second time in four years. The damage to homes and community facilities is severe not least in a town which needs homes and community facilities. Following my visit to Beragh, I spoke to Minister Kennedy and Minister O'Neill. I gave them an assessment of the situation and my judgement beyond

immediate support for individual householders and local councils. There is an urgent need for short term mitigation of the risk and an immediate term solution to the flooding threat.

As a result of this case and many other flooded homes, I have taken the decision, along with the Department of Finance and Personnel, to make emergency funds available to local councils to help those affected by the recent floods. Councils can offer a range of practical help and guidance, including collection, retention and disposal of damaged household contents, assistance in making arrangements to clean up homes and gardens and by providing dehumidifiers to dry out homes.

It is also important that the Executive demonstrates that it wants to help those most severely affected to get them back on their feet again and to assist them in ensuring their homes are habitable. Therefore, in addition to receiving practical help from councils, individual householders who suffer severe inconvenience as a direct result of the floods will be eligible for a £1,000 payment. This is intended to help alleviate immediate hardship; it is not a compensation payment.

The Department will be writing to Local Government Chief Executives to confirm that I have activated the "Scheme of Emergency Financial Assistance to District Councils". Working with and through Councils, the aim of this scheme is to ensure that practical and financial help is delivered where most needed as quickly as possible.

The Department will reimburse Councils for expenditure incurred as a result of taking immediate action following this emergency situation. Expenditure deemed eligible will be categorised under one or more of the following headings:

- i Payments to Individual Householders;

- ii Direct Costs Incurred by Councils; and
- iii Services Contracted out (indirect costs).

Individual householders can apply for payments where there is evidence of significant flooding of homes, damage to septic tanks caused by flooding, damage to oil tanks, resulting in non operation of heating systems, flooding of garages/utility areas where household utilities are installed and for apartments where there is evidence of flooding of basements containing storage rooms and also the flooding of caravans where these are the main place of residence.

Householders eligible for payment must produce evidence that the property for which assistance is being claimed is their main place of residence. They must notify District Councils within 21 calendar days of the last recorded date of the flooding incident and allow for their home to be inspected by a senior official such as an Environmental Health Officer who can obtain evidence that complies with the Scheme.

As I have mentioned, Councils will be entitled to financial assistance where it has incurred direct or indirect costs helping people make their homes habitable. Councils have knowledge of the processes, having unfortunately been in this situation before, and I have every confidence that they will expedite the Scheme to ensure payments are provided to those in hardship soon.

It is appropriate that I acknowledge the work of the councils in regard to the flooding, particularly their emergency planning officers and direct labour force who have been working around the clock since last Sunday when it became apparent that local people were in difficulty from the extreme rainfall.

Key to the ongoing successful management of the emergency response and recovery has been the co-ordination protocols led by the Local Government Emergency Management Group supported by Belfast City Council's Emergency Planning Staff.

In addition, I commend the work of all the responding agencies that have played a significant role in providing emergency assistance to the Northern Ireland public affected by this exceptional weather.

Whilst the weather situation is improving over the next few days, the effects will be around for weeks and months to come and it was only right, as a locally elected administration, we

moved in a way to help local people when they needed it most.

Once again I am grateful for all those agencies involved. I will continue to monitor the situation with my officials and work through the local government structures to ensure people and communities are effectively assisted during this weather emergency.



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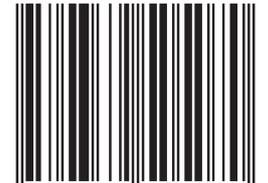
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