

Official Report (Hansard)

Tuesday 16 October 2012
Volume 78, No 4

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Northern Ireland Assembly

Tuesday 16 October 2012

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

Members observed two minutes' silence.

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 thirteenth meeting of the North/South Ministerial Council (NSMC) in transport sectoral format, held in Armagh on Tuesday 16 October at 10.30 am — no; this is Tuesday 16 October. It was held some time in September, and it was really good. *[Laughter.]* I attended the meeting with the Environment Minister, Alex Attwood MLA, who will make a separate statement covering issues that relate to his Department. That will follow directly after my statement, and question and answer session. Minister Leo Varadkar chaired the meeting, with Minister Attwood and me in attendance.

The Council noted the conclusion of the work of the all-island freight forum. I welcome the relationships and co-operation that have been developed through the freight forum and look forward to those continuing.

The Council noted that the necessary orders have been made regarding construction on two sections of the A5. We also noted that, in line with the procedure for payment of the Irish Government contribution agreed at the July 2009 NSMC plenary meeting, an updated project milestone and payment schedule for the period to the end of 2016 will be prepared for agreement at a future NSMC transport meeting. We also noted that construction work has commenced on the A8 project and is expected to be completed by early 2015.

On EU matters, we noted some of the current significant EU proposals with implications for the transport sector affecting both jurisdictions. We also heard the priorities for the Irish presidency of the EU in the first half of 2013 relevant to transport, and Departments will liaise on relevant issues in the coming months,

specifically before the EU transport council meeting in March.

The Council also noted that events are being organised in the Republic of Ireland during the EU presidency that may be of interest to Departments with responsibility for transport safety. Minister Varadkar invited me, Minister Attwood and relevant officials to attend EU presidency events relating to road safety and intelligent transport systems.

The Council agreed to hold its next NSMC transport meeting in spring 2013. I confirm that the meeting on which I am reporting took place on Friday 5 October.

Mr Lynch (The Deputy Chairperson of the Committee for Regional Development): Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas. I thank the Minister for the statement, very short though it was.

I note his comments regarding EU matters, which are timely given that he will host the chair of the EU Committee on Transport later this week. Will the Minister expand on the priorities of the Irish presidency of the EU in respect of transport? Do those tie in with the priorities that he will present to the chair of the EU Committee on Transport this Friday? Is he content that the Department of Transport in the South is on board in representing the needs of the North of Ireland during the negotiations on TEN-T and the connecting European facility?

Mr Kennedy: I am grateful to the Member for his supplementary question. The Member will know that the Irish presidency comes at a most opportune time, as a range of EU proposals, particularly the Trans-European Transport Network or TEN-T regulation, will go some way to determining how we travel throughout the European Union well into the future.

The Member mentioned that Mr Brian Simpson MEP, who is chair of the Transport Committee of the European Parliament, is coming as my guest later this week. We will take the

opportunity to look at a number of projects and have some discussions, including with the Chair and Deputy Chair of the Committee for Regional Development. That is very welcome. Any influence that we can have on European matters, particularly in relation to TEN-T, will be very important. With the presidency being held by the Republic of Ireland early next year, there will obviously be further opportunities.

Mr Easton: Was the proposed bridge from Warrenpoint across Carlingford lough, which was mentioned on the BBC website yesterday, brought up at the meeting? Will that issue have to be raised at the Executive?

Mr Kennedy: I am grateful to the Member for his question. I can confirm that there was no discussion at the transport sectoral meeting of the Narrow Water bridge proposal. That is the factual position in relation to the meeting on which I am reporting this morning.

Mrs McKevitt: Planning approval has been granted for the Narrow Water bridge on both sides of Carlingford lough. Will the Minister join me in welcoming that decision as an improvement of the road strategy on this island? I hope that he is more enthusiastic about this project than his predecessor.

Mr Kennedy: I think we are stretching the report on the North/South Ministerial Council sectoral meeting. However, it is important for me, as the Minister for Regional Development, to say that my Department has not had any direct involvement in the Narrow Water bridge proposal. It is not on any of our future work programmes, nor has the Department made any commitment to contribute to it. The southern relief road would be a better strategic option than the Narrow Water Bridge proposal. Nevertheless, there are a number of significant issues around the Narrow Water Bridge proposal, particularly in relation to the navigation of the channel and the potential for queues to build up on both approaches to Narrow Water roundabout on the A2 Warrenpoint Road. My Department's position on the Narrow Water Bridge proposal thus far has been to offer co-operation to those developing and taking forward the project, but, I repeat, it has not had any direct involvement, nor has it made any commitment to contribute funds to it.

Mr McCarthy: I thank the Minister for his short statement. It is so short that it is very difficult to get a question out of it, but I will try to throw something in his direction. The A5 and A8 schemes are mentioned in this brief statement.

Is the Minister happy that, by proceeding with both schemes, there will be opportunities for our local construction industry to get involved and provide local employment?

Mr Kennedy: I am grateful to the Member for his question. I will avoid the temptation to simply give a one-word answer and reduce even further my contribution. The Member raises an important issue about the potential for both the A5 and A8 schemes to provide employment opportunities and sustained work, particularly in the road construction industry. It is therefore important that I had the great privilege of officially cutting the first sod of the A8 scheme last week. That is a scheme that will provide opportunities. It will open up the road from Belfast to the Port of Larne and will improve the capacity for the movement of people and goods. I do not underestimate the huge benefit that that scheme and sections of the A5, when we are able to proceed with them, will have for local economies and the employment that they will give to people in the construction industry.

Mr Weir: I thank the Minister for his statement, particularly for the large font size that helped stretch it to two pages. The Minister will be pleased to know that I am not going to ask him about the Narrow Water proposal, as another question on that might be a bridge too far. His statement mentioned the events that are being organised during the Republic of Ireland's EU presidency. Will he give us some more detail on that? Are there particular events that are of importance to transport issues in Northern Ireland?

Mr Kennedy: I am grateful to the Member for his question. We were faced with the choice of either making the font size bigger or leaving room for people like him to colour in. We chose a bigger font size this time.

As the Member knows, the Republic of Ireland will hold the presidency of the Council of the European Union from January to June 2013. The presidency's function is to chair meetings of the council, determine its agendas, set a work programme and facilitate dialogue both at council meetings and at meetings of other EU institutions. It can therefore be a very influential position, helping to broker compromise between European institutions so that they reach a consensus on regulations.

Certainly, the presidency period puts Northern Ireland in a strong position to influence policy so that regional variance is taken into account. My Department has well established contacts at

official level with the Republic of Ireland, and I am keen to continue building on those good relationships in the run-up to, and throughout, the Irish presidency. However, although events being organised in the Republic of Ireland during its presidency will be of interest, any request to hold meetings in Northern Ireland or at the Executive's office in Brussels would have to be carefully considered before it was agreed to. However, there will be, of course, cases where it would be mutually beneficial to facilitate some events.

10.45 am

Mr McAleer: Go raibh maith agat, a Cheann Comhairle. As recently as yesterday, I was speaking with representatives of the construction sector about the A5. Obviously, they are very anxious that the project goes ahead as soon as possible, because it is estimated that as many as 800 jobs are on hold pending the legal challenge that is ongoing. Has the Minister had any direct engagements with the successful companies who tendered for the scheme to keep them updated with developments? Does he have any indication of when the legal challenge may commence and, indeed, conclude?

Mr Kennedy: I am grateful to the Member for raising a very important point. I suppose, effectively, the question is this: has the legal action the potential to cost jobs? That may depend on the duration of the legal process. Any delay in starting the scheme will prevent construction for the current programme. If the scheme does not proceed, there will be very significant implications for jobs across the Province. As he said, the construction industry has estimated that the sections that are being taken forward at this time will, at their peak, provide direct employment for over 800 workers. Therefore, that will also help to safeguard existing jobs in the industry. In addition, there will be a significant effect on jobs that are associated with the supply chain, although that is harder to quantify. Obviously, in such a situation, the preservation of jobs overall will be dependent on the reallocation of funds to other construction projects. That is not necessarily guaranteed, but my officials continue to liaise closely with the Department of Finance and Personnel (DFP) on the financial implications of the legal action. Of course, I confirm again that we will defend robustly the legal challenge that has been presented to us.

Mr Beggs: The Minister mentioned the significant EU proposals affecting the transport sector, one of which is switching funding

towards encouraging rail freight. That, of course, would disadvantage Northern Ireland, owing to the short distances that are involved in our freight movements and the economics of that. Has there been any recognition that that proposal will disadvantage Northern Ireland, and have allowances been made for us?

Mr Kennedy: I am grateful to the Member for his supplementary question. That issue has not been discussed at sector level. I am aware of the issue, and I will seek to carry it forward through further discussions with various agencies.

Mr McMullan: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his very informative, albeit short, statement. The Member who spoke previously touched on what I was going to ask. When the Minister spoke about EU matters, he said that there were implications for the transport sector that would affect both jurisdictions. Can you elaborate on that?

How often does the transport sector get feedback from you about what goes on in these sectoral format meetings? There is a worry and a fear in the transport sector. I declare an interest in the transport sector. If that sector goes down, the economy will go down too as it is the biggest provider to the economy.

Mr Kennedy: I am grateful to the Member for his supplementary question. I agree with him about the importance of the transport sector, particularly the freight sector, and its role in the local economy.

The Member will know that, until recently, work was carried out by the all-Ireland freight forum. That forum was established to encourage co-operation on freight issues to help to develop a more sustainable freight sector. Much of that very good work has now been completed, and the freight forum is no longer being continued. I am satisfied, as is my counterpart in the Irish Republic, Minister Varadkar, that sufficient contacts have been made North and South for important issues to be carried forward as necessary. We endeavour, through officials, to keep representatives of the freight sector and transport sector updated on ongoing issues.

Mr Byrne: Like others, I welcome the statement and congratulate the Minister on some of the topics that are included. I welcome the fact that the A8 project has commenced. Can the Minister confirm that the Department for Regional Development project team is still intact and is working in a committed way on the

A5? Secondly, does he have any comment to make about the moneys that had been earmarked for the project each month? Where will they go? Can he give an assurance that there will be no diminution of the project?

Mr Kennedy: I am grateful to the Member for his encouraging remarks about the statement and its content. I am happy to confirm that my departmental officials are in ongoing contact with officials from DFP to manage the financial resources as a consequence of the current legal situation. We hope that we can move quickly. As I have said, it is our intention to robustly defend the legal challenge to us, and we very much hope that we can resolve those issues. That is dependent on work in another place through the courts.

In the meantime, we are using our resources wisely in conjunction with the Department of Finance and Personnel so that we can carry out necessary structural maintenance, which is an ongoing matter, and can then reallocate finances at a later date to the sections that we are carrying forward. It is our intention to continue to carry those sections forward as quickly as possible.

Mr Ó hOisín: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire. Were any of the discussions in the All Ireland Freight Forum about rail freight, particularly the deep water port of Lisahally, through which, as the Minister knows, the railway line runs?

Mr Kennedy: I am grateful to the Member for his supplementary question. He will know that, effectively, little or no freight is moved by rail in either Northern Ireland or the Republic of Ireland, and, frankly, for reasons of economics, that seems likely to continue to be the case.

Ms McGahan: Go raibh maith agat. I understand that £10 million a month will be taken from the A5 budget and is earmarked for other schemes. Can you guarantee that that is the case and that there is no danger that it could return to the British Treasury?

Mr Kennedy: I thank the Member for her supplementary question. I simply laugh at any suggestion that I would give money back to the British Treasury — give money back to my own country. *[Interruption.]* We hope to manage the situation that is before us. It is a challenge, and we very much hope that we can resolve the legal issues surrounding the challenge to us. We are seeking to work with DFP to ensure that no money has to go back or remains unspent.

Mr Allister: Minister, is the statement remarkably short because, in truth, there was remarkably little business, even after a six-month gap, to complete on that occasion? Even with the participants spinning out the event as much as they could — I am sure that Mr Attwood's ability to talk endlessly on any subject was a great assistance — what was the duration of the meeting? How much do the meetings cost? Was anything done at the meeting that could not be done by telephone or video link?

Mr Kennedy: I am grateful for the Member's question, and I do not underestimate my own ability to talk at length on very little. I did not get where I am today by not talking at length about very little. *[Laughter.]* The meeting lasted approximately an hour, and it was a useful discussion. For the Member's interest, and perhaps for the interest and curiosity of others, we arrived early enough to be welcomed with tea, coffee and shortbread. I mention this simply to encourage the Member to attend, if he wants to. Also, we concluded with a very nice brunch, because it was too early for lunch and too late for breakfast.

The Member can be satisfied that there was important dialogue. I do not know what the cost was, but I do not underestimate the importance of the issues that were discussed for our mutual benefit. If the Member wishes to become an observer at such events, we will try to facilitate that.

North/South Ministerial Council: Road Safety

Mr Attwood (The Minister of the Environment): In advance of reading through the statement, given that some of it touches on road safety issues, I record and send the condolences of the House to the family of a further victim of our roads, who was killed in recent hours. Our roads are in the North, on the island and across the island, so the more that we do on an all-island basis to protect people on our streets and roads, and on our highways and byways, the better. People should maybe think about that.

In compliance with section 52 of the Northern Ireland Act 1998, I, too, wish to make a statement on the thirteenth meeting of the North/South Ministerial Council in transport sectoral format, held in Armagh on Friday 5 October 2012. As Members have heard, the meeting was chaired by Minister Varadkar TD, Minister for Transport, Tourism and Sport, and attended by the Regional Development Minister, Danny Kennedy, and me. I will address the agenda items for which my Department has responsibility: mutual recognition of penalty points; road user safety; and vehicle safety.

I advised the Council of the Department for Transport's decision to introduce legislation that would lead to heavy goods vehicle (HGV) road user charging in the UK. It had been understood that the legislation was on the back-burner, but it recently transpired that it has been brought forward and, indeed, accelerated. That will have consequences for HGV traffic on the island, not least because of our particular and unique circumstance of sharing a land border with another jurisdiction. Those matters were discussed at the meeting, are discussed around the meeting and are being raised, through Dublin and through me, with the London Government.

The Council also noted that the European Commission has been asked for clarity on matters relating to bus cabotage. Members will be aware of the situation that arose with cabotage in the north-west and that this was an inter-jurisdictional matter. There is a lack of guidance from the European authorities on what "temporary" might mean when it comes to the conduct of cross-border cabotage, and the European authorities have yet to provide further information. Nonetheless, we have to manage the situation that we face and append any further advice, if there is any further advice, from Europe.

We also discussed the potential implications of the EU roadworthiness package, the scale of which is very significant. Minister Varadkar, Minister Kennedy and I are at one that the scale of roadworthiness proposals is beyond what might be necessary. We are mindful that the need to improve the roadworthiness of vehicles is essential given the scale of deaths in the European Union that arises from vehicles not being roadworthy.

The Council also noted that the terms of reference and membership of the steering and working groups have been agreed to take forward work on the mutual recognition of penalty points. This demonstrates why ministerial involvement is needed, as the advice given to me, at an official level, was that we could not do this. I was advised that it could be done only on an all-islands basis, as with the mutual recognition of driver disqualification that is now in place. However, through the efforts of Minister Varadkar and me, we ascertained that we had the ability to do this on all-island, not on an all-islands, basis.

Given the need for mutual recognition of penalty points as a means to improve driving and to protect road users, we have decided, through the NSMC, to take that forward. We agreed the timetable of key milestones for having necessary primary and secondary legislation in place by 31 December 2014. I welcome the advancement of that very difficult work. There is no place in Europe where two jurisdictions have mutual recognition of penalty points. This is groundbreaking, technical, difficult and logistically demanding work, yet it is being advanced on this island, and, in the fullness of time, it will be a template for other members of the European Union. It was noted that an update on the matter would be reported to the next NSMC transport meeting, scheduled for April next year, but we hope that the respective legislation will go through the Dáil and the Assembly in 2013-14.

11.00 am

We also discussed road user safety. The Council welcomed the continued sharing of knowledge and experience between officials from both jurisdictions on the development and delivery of our respective road safety strategies. That will ensure the best approach to reducing the number and severity of injuries across the island.

We discussed progress on the reduction of drink-drive limits in each jurisdiction, and I shared progress on the drafting of legislation to

improve Northern Ireland's driver training, testing and post-test regime, which I hope to introduce in the Assembly before the end of the year. Those proposals were enthusiastically welcomed and supported by the Executive, including Minister Kennedy, at our meeting in the first week in July. We hope to have that legislation introduced in the Assembly before the end of this year, passed before the summer recess and operational during 2014.

I move now to vehicle safety. The Council welcomed the continued proactive co-operation to target a wide range of illegal activity within the goods haulage and passenger transport industries, including an increasingly targeted approach towards enforcement; continuing liaison on cross-border enforcement operations, of which there will be five in 2012 in both jurisdictions; and co-operation in relation to vehicle standards, including the mutual recognition of vehicle type approval, which will allow for simplification of the registration process. That matter is being taken forward on an all-island basis. There is also continued co-operation on the exchange of data and follow-up on unroadworthy foreign vehicles in either jurisdiction.

The Council also noted the excellent co-operation on the enforcement of EU tachograph and drivers' hours rules and the proposed training exchange for enforcement officers that will take place in 2013.

Given that we have a land border and that we share this island with people in the Republic, those sorts of interventions are very important to ensure that those who are on the road are fit to be on the road.

Mr Hamilton (The Deputy Chairperson of the Committee for the Environment): I thank the Minister for his statement. The Minister mentioned drink-driving levels and said that the Irish were proposing to change their system as well. Can he confirm whether they are proposing to drop their acceptable levels to the same level as the Minister is approving? Is there any contemplation in the Irish Republic of some of the policies that he is suggesting for learner drivers and restrictions immediately after they pass their test?

Mr Attwood: I thank the Member for his question. I can confirm that the Southern authorities have already changed the law in respect of alcohol limits in people's blood giving rise to prosecution. That went into effect on their October bank holiday last year. Therefore, it is almost the first anniversary of that law. We are following their lead in reducing alcohol limits

for novice drivers, professional drivers and, generally, all drivers in the image of what has been done in the Republic. We are doing that in the image of what, increasingly, is the tendency and practice in other European states and around the world. We are, therefore, deploying best practice for all the obvious reasons.

In some ways, the South is ahead of us. For example, they already require a minimum number of lessons for a novice driver to complete in advance of doing their test. I looked at that option here in the North. In my view, given the economic circumstances that we face, that might have imposed an undue financial burden on novice drivers in advance of doing their test. On the other hand, the proposals that the Executive endorsed in July are some of the most advanced and bold driver training regime proposals that have come forward on these islands and, indeed, in Europe. Just as there might be a template for the all-Ireland recognition of penalty points, I would like to think that what we are doing, subject to the endorsement of the Assembly when the Bill comes before the House later this year, will set a template for driver training going forward to improve driver performance, reduce the risk of injury and death and, on the far side of that, ensure that there are opportunities to reduce driver premiums. That is the family of reasons why we are doing this. I would like to think that, in the fullness of time, Minister Varadkar will embrace some of our thinking.

Ms Ruane: Go raibh maith agat, a Cheann Comhairle. Tá a fhios ag an Aire go bhfuil an-suim ag Sinn Féin i ndroichead Chaol Uisce. The Minister knows that Sinn Féin has an interest in the Narrow Water bridge. I welcome the decision made by the Minister and pay tribute to Louth County Council and the Rostrevor, Warrenpoint and Kilkeel Chambers of Commerce. I also welcome the Bord Pleanála decision in the South. Indeed, a couple of months ago, I gave evidence to a Bord Pleanála hearing in Carlingford. This is an important project. In the light of that importance, will the Minister outline the next steps that his Department will take to ensure that we all lobby INTERREG to ensure we get funding for this important project?

Mr Attwood: I hope that we are all already lobbying INTERREG and have been doing so for a very long time. I hope that nobody in the House is coming late to this issue. DRD has had an input into the decision. I say that because it was raised in Minister Kennedy's contribution. Roads Service is a consultee on the decision, just as many other people,

organisations and agencies are consultees. Similarly, in respect of the Bord Pleanála decision, it has to go off and consult a wide range of agencies. No doubt that includes the relevant road authorities in the South. If Roads Service had flagged up fundamental, impossible difficulties with the proposal, that would have been taken into account in the planning decision that I issued. However, that was not what it was saying to us. No issue raised by Roads Service or the relevant Departments in the North of Ireland, of which a number fed into the proposal, was an obstacle to planning permission being issued. Yes, this has to be managed properly, but the management issues on the Northern side are much less than on the Southern side, given that we already have the road between Newry and Warrenpoint and the point at which the bridge would cross the river is at the roundabout on the northern side of Warrenpoint. Therefore, although those are important matters logistically and managerially, the Northern side has, it seems to me, less burden than the Southern side.

I hope that a single message comes out from the Chamber, the Executive and all the representatives in the South that, after the decades of effort by the McGrady's and the McCarts and the Bradleys and all the other political, commercial and business representatives in that area, we are within touching distance of having a bridge by the end of 2015. Last Thursday evening, I spoke to Pat Colgan, chief executive of the SEUPB, to flag up that the decision was about to issue. He could not say one way or the other where the board would be come the end of the month, but he did not give me any indication not to be encouraged. That does not pre-empt any decision that might be made in the next two or three weeks. We all have to put our shoulder to the wheel and get this over the line. The opportunities for trade, tourism and relationships in that part of Ireland can only be enhanced by the project.

Mr Elliott: I thank the Minister for that. I am conscious of the road safety aspect. Are there standard MOT and PSV standards or at least similar standards in Northern Ireland, the remainder of the UK and the Republic of Ireland?

Mr Attwood: I thank the Member for his question. It is a broad question: MOT and road standards can affect motorcycles, cars, minibuses, coaches and other vehicles, including heavy goods vehicles. So, the question is very broad because it covers a vast range of categories. However, as I indicated in

my earlier answer, when it comes to the recognition of motor vehicle type approval, the Department for Transport (DFT) in London, on behalf of the other jurisdictions in Britain and Northern Ireland, is trying to develop the mutual recognition of motor vehicle type through an MOU, which would essentially allow mutual recognition of approvals that issue to vehicles in the Republic and in the other jurisdictions of Britain and Northern Ireland. The principle behind the question was whether there would be a common system. The answer is, unfortunately, no, not at this stage. Will there be recognition of approvals issued to vehicles in the South in respect of our authority, and will they recognise the approvals issued here or in Britain in respect of our authority? That is where we hope to go.

Mr P Ramsey: I welcome the Minister's statement. Can he provide further details on the planned scale of all-Ireland recognition of penalty points? Can he reaffirm that this will be the first time that jurisdictions in Europe will co-operate on this formal recognition?

Mr Attwood: As I said earlier and confirm again, there is no model in Europe for the mutual recognition of penalty points by two jurisdictions. Therefore, this is groundbreaking work. As I indicated in my statement, the terms of reference and the membership of the working group have now been agreed to take forward this difficult work. We will not be able to capture all penalty points on the island in the first phase, so we are trying to capture the penalty points that most impact on people's safety. So, penalty points in respect of the use of mobile phones, the wearing of seat belts, alcohol-related convictions and two other categories will be in the first phase. Those are the critical issues that demonstrate where there is the greatest risk of road death and injury. Logistically, it will be difficult because there are different systems. In the South, penalty points are an administrative process; in the North, it is a judicial process managed through prosecution in our courts. So, it is not a straightforward one-size-fits-all system. It is logistically complex to get mutual recognition and equivalence between offences in terms of the penalty points system that might then be imposed on an all-Ireland basis. However, we were able to do it in respect of the all-island recognition of driving disqualifications. There is huge political commitment behind it, and I am impressed by the work of respective officials in the North and South to get this over the line, and, as I indicated, I would not give a date of 2014 for legislation unless we were minded to get to that point.

Mr McCarthy: I thank the Minister for his short statement. I could not help but notice the Minister's enthusiasm in his response to a question from Cairíona Ruane about the new bridge. I remind the Minister that, since long before his time, we in the Strangford constituency have campaigned for a bridge between Strangford and Portaferry — for 50 or maybe 60 years; long before my time — and it has not arrived.

Mr Speaker: I must insist that the Member comes back to the statement.

Mr McCarthy: OK. The Minister also mentioned road user safety. We very much welcome efforts along those lines, but does the Minister regret the abolition and withdrawal of funding from the road safety committees that performed an excellent service for many years in preventing road accidents in Northern Ireland?

11.15 am

Mr Attwood: I thank the Member for his questions. I note his comment about this being a short statement. There is a rather bizarre convention — the Speaker knows this and is nodding in anticipation of what I am going to say — that what is issued in the communiqué following an NSMC meeting or sectoral meeting has to be reflected in the body of the statement. I would like to have much more elaborate statements, but then we would have to issue communiqués after meetings that would be the scale and length of the Hansard recording of this debate, and that would not help anybody to understand what is happening. So the statements are short because of that convention. That is why I certainly try to add colour and detail by commenting at length. *[Interruption.]* This is a serious point, Mr Speaker. Most of the people from the North who went to the meeting in Leinster House last Friday that you chaired along with the Cheann Comhairle, which was a fortunate event, or went to the unfortunate events at the Aviva Stadium later that night got there by way of a road that was built with a contribution from Dublin and agreed by the North/South Ministerial Council in transport sectoral format and the North/South Ministerial Council itself. Those not here who decry the workings of the North/South bodies, say these statements are short and a puff of smoke and giggle in the back corridors of this Building about what is happening should remember what the Irish Government did in co-operation with the Northern Government to improve relationships and transport on a North/South basis to the

benefit of every person in the Chamber. Whether there are a lot of words or few words, enormous work needs to be taken forward on the far side of the long-awaited review of North/South arrangements, which was commissioned nearly six years ago after St Andrews. To date, not a piece of paper has been issued on that. We and the Dublin Government should challenge ourselves to ensure that, come this December, when the NSMC meets in Farmleigh or in Armagh, there is a new acceleration of North/South opportunities. In my view, such opportunities have been strangled over the past four or five years for political reasons, and they now need to be liberated in this time of difficulty on the island of Ireland, so that all the people of Ireland can go forward with some sort of hope and opportunity.

I note what the Member said about a bridge between Portaferry and Strangford. That is the first time that that issue has been raised with me. I will refer it to the other Minister; maybe he will have more enthusiasm for that bridge than he demonstrated earlier for the one at Narrow Water.

We have to recognise that the road safety committees did great work — I do not deny that, and I appreciate it — but what is the best way of getting the road safety message out to all generations, especially the young? There are other better, newer models. For example, the highway code has been published in Irish, Russian, Lithuanian, Polish and two other languages. There are ways and means of getting the road safety message out, as well the traditional ones.

Mr Weir: I will not ask the Minister about any bridge in Strangford. If that were being dealt with by the North/South Ministerial Council, as a unionist, I would be slightly worried that the border had shifted overnight.

I refer the Minister to an important element of the statement on vehicle safety. He talked about:

"co-operation in relation to vehicle standards, including mutual recognition of vehicle type approval, which will allow simplification of the registration process."

What steps will need to be taken to bring that about? What is the timescale for implementation?

Mr Attwood: I thank the Member for his question. The work on the MOU by DFT in

London in respect of that recognition, which he referred to and which I spoke to earlier, is at an advanced stage. The DVA in the North had some questions about whether the mutual recognition of the approval regime would mean that people could go to the North to get their vehicles approved because the regime here is cheaper. That is a point to be raised, but it is not an impediment to that MoU being deployed. The DVA has accepted that that is an issue that it can keep under review but it should not be any impediment to mutual recognition in the way that I spoke about. The time frame is, I think, short. I am not certain whether it is very short or merely short, but I will confirm that in writing to the Member.

Mr Hazzard: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire. A TV campaign was launched last week in the South highlighting the dangers of driving under the influence of cannabis. Bearing it in mind that, after alcohol, cannabis remains the psychoactive substance most associated with road traffic accidents — indeed, cannabis users are more than three times more likely to be involved in a road traffic accident — does the Minister have plans to replicate such a TV campaign here in the North?

Mr Attwood: I thank the Member for his question. I think that the Member would agree and certainly Stephen Nolan agreed in a recent tweet — not that I would necessarily rely on all of Stephen Nolan's advice, but, in this regard, I think that it was a Saturday night when, presumably, he was not doing some radio programme in Manchester or Birmingham — that the recent ad here in the North that captured a range of road safety issues was very powerful. It is very powerful. We had to decide to put it on the TV after the 9.00 pm threshold because, in our view, the message was so powerful and, I recognise, can be so upsetting that we needed to be careful about the audience that might see that.

I acknowledge the work of Lyle Bailie, the Department and all the families and others who contributed to those ads. The Northern Ireland campaign, whilst it does get noticed very often, gets international awards. It recently got an award for the second ad in history that was in 3D for road safety. That was in cinemas in advance of the recent Spider-Man movie.

There are technical issues about testing people for drugs. That is work we are taking forward with the London Government in order to have the best science and scientific equipment deployed to be more able to deal with the issue of drug-related driving incidents. That is difficult

work, and we hope to get something over the line in that regard.

The ads that we display do not differentiate between drug- or drink-related incidents, convictions or events. There may be an argument for doing something in respect of drug-related — cannabis-related, in particular — events. I will certainly take that up with the people in the Department and with Lyle Bailie.

Mr G Robinson: I thank the Minister for his statement. Will the Minister agree that standardisation of legislation and tougher enforcement are key components of integrated vehicle safety schemes?

Mr Attwood: Yes. That is what we are trying to do. If you look across the life of the Department, you see that, although some of these things are difficult because in the short term there may be some expense to be incurred, we are trying to roll out regulation, be it in respect of taxis, heavy goods vehicles, party buses and so on. If you have good regulation, good business prospers, the customer is protected and the illegal, if not the criminal, has more chance of being driven out of the business. If you ask hauliers, taxi people or people involved in the hire of coaches or minibuses, they will tell you that it is the illegal that is one of the big threats to the viability of their business. If you have regulation with enforcement against the worst offenders and an appropriately light touch against lesser offenders and at the same time send out the message about road safety across all categories of road user, you have an integrated approach. However, people need to appreciate that, in order to get to the integrated approach, to have best practice, to drive out illegality and to have greater opportunities for businesses in the North, it may require some regulation at some cost in the first instance. On the far side of that, however, all those who run good business of whatever character can prosper.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an ráiteas sin. I thank the Minister for his statement. Although it was only a short statement, it is all about the content, Minister, so you are fine.

In light of recent accidents and given that we are moving into darker evenings and weather conditions that will lead to more treacherous road conditions, I am sure that the Minister will join me in appealing to road users to be more careful and mindful.

What discussions has the Minister had with the Department for Transport and the Minister in the South on the implications of the EU roadworthiness package? What measures does he propose to introduce here to reduce the impact of the proposals?

Mr Attwood: I thank the Member for his question and agree completely with his comments. As of today and arising from a range of factors, 33 people have been killed on the roads in this calendar year. This time last year, the equivalent figure was 42. However, any number in and around 30 or 35 is still very high, and that does not tell the story of the pain and trauma suffered by the bereaved families. As we speak, however, the figures are better than they were last year and the previous year. They are the best of any year to date. That is a consequence of very good work by the Department and my predecessor. I note that he is in the Chamber. I recognise that the deployment of road safety advertisements, for example, was a very wise intervention. We all know that bad weather and dark nights increase the risk. Therefore, it is timely to send out the message today in advance of the bad weather and darker nights.

As I said in my statement, at the meeting, both Northern Ministers and Minister Varadkar spoke about the EU roadworthiness proposals. It may be that, as is its character, the EU is testing the waters, as the scale of its proposals appears, on the face of it, disproportionate to what it wants to achieve. Therefore, the EU may be aiming high but prepared, in the fullness of time, through conversation and negotiation, to come back to a more moderate place.

More roadworthiness is needed. Over a number of years, the scale of deaths in Europe because of roadworthiness issues has been measured in thousands. Indeed, my information is that, over a number of years, there could have been 15,000 such deaths. So I accept that roadworthiness has to be addressed. However, in my view and in the view of Mr Varadkar, the proposals are extravagant. The cost of installing the equipment for the new road testing in our centres and of having roadside inspection and detection and the cost to the industry of compliance by those with trailers or caravans seems extravagant. Minister Varadkar, Minister Kennedy and I will continue to make representations to Europe through London and directly from Dublin to Brussels to mitigate proposals that seem beyond what is reasonable.

Mr Speaker: Order. That concludes questions. Sorry, I call Mr Joe Byrne.

Mr Byrne: Thank you, Mr Speaker. Further to what the Minister said about HGV user charging in the UK, does he accept that it is important that the Northern Ireland road haulage industry is not disadvantaged when competing with hauliers in the Republic? Secondly, will he give consideration to the fact that the national car test in the Republic is more stringent than the MOT in the North?

Mr Attwood: On the former point, representations have been made to London — I know that Minister Varadkar continues to make the same representations — about the scale of HGV tolling proposals for foreign operators outlined by the London Government, not least because we share a border with a sister jurisdiction on the island of Ireland.

11.30 am

Thus far, the only flexibility that has been flagged up concerns some minor roads that criss-cross the border at certain points, where the regulation of HGV tolling would not be practical. That does not go far enough. Given what I indicated earlier about the Irish Government contributing to the development of roads infrastructure in the North, it seems to me that that should be recognised by the London Government in their management of the tolling proposals. As I understand it, there is huge support for the tolling proposals from the industry generally, and I understand why: vehicles from here and Britain that go to Europe will pay tolling charges, but vehicles that come from Europe to here or Britain will not be charged. There is an issue that needs to be looked at, but more flexibility should come from DFT than has been flagged up to date. The flexibility is of a technical nature, given the course of border roads; it does not deal with the overall strategic issue.

Northern Ireland Fire and Rescue Service

Mr Poots (The Minister of Health, Social Services and Public Safety): With your permission, Mr Speaker, I wish to make a statement about the outcome of recent investigations and reviews into matters relating to the Northern Ireland Fire and Rescue Service (NIFRS).

The Fire and Rescue Service is one of our most crucial public services. It is there to protect and help our community. Every year, many lives are saved and properties protected by professional and dedicated firefighters, who often have to deal with very challenging and dangerous situations. The community owes them all a huge debt of gratitude for the work that they do.

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

In 2011-12, NIFRS handled over 43,000 emergency calls from members of the public who needed help. It responded to over 27,000 emergency incidents and rescued 173 people from major fires. It attended 576 road traffic collisions, and it has contributed to road deaths being approximately halved in Northern Ireland over the past two years. Only last weekend, firefighters rescued a 42-year-old woman from a house fire in Enniskillen. Sadly, she was later pronounced dead. In one recent incident, no fewer than 12 appliances and 60 firefighters were needed at a Newry bar to tackle a fire in which two people were trapped. In Warrenpoint, fire crews rescued a woman and a three-year-old from an apartment fire. We should not forget that firefighters face some very tragic scenes on our roads, like the recent traffic collision on the main A1 Belfast to Dublin road, where there were four casualties and, tragically, a 22-year-old woman lost her life.

Firefighters on the front line need to work in an organisation that commands the respect of all: an organisation that is managed effectively and efficiently with integrity and transparency, and with a clear sense of the need for clear accountability to the public it serves. Unfortunately, however, over recent months, there have been many instances in which the management and governance of the Fire and Rescue Service have been called into question. The media have carried stories about whistle-blowing, and Members have tabled questions on a wide range of concerns.

Over recent years, a number of reviews and investigations have had to be carried out into the affairs and running of the Fire and Rescue Service. On foot of those reviews, Members will know that, earlier this year, I authorised the appointment of an interim chief executive as one of a series of measures to strengthen the management of NIFRS. I took that step because it was clear that robust intervention was needed to address significant issues at NIFRS headquarters that were threatening to drag the whole organisation into disrepute and deflect it from its core and crucial responsibility of ensuring the safety of the community it serves.

I am today publishing a number of reports that deal with investigations into allegations of irregularities at NIFRS, as well as a review of last year's firefighter recruitment exercise. I do not intend to cover the full detail of those reports in my comments, although I shall of course be happy to deal with any points that Members raise. The reports will also be made publicly available on the departmental website.

In general, the reports contain a wide range of recommendations for change, which I will expect NIFRS management, working closely with my officials, to take forward expeditiously over the coming months. The report also points to the need for a radical improvement in the way that complaints and grievances are dealt with, for strengthened corporate governance arrangements, for better team working, for improved recruitment procedures and for a culture of change that is led from the top. The nature of the issues covered and the breadth of the recommendations for action make it crucial that a number of things happen.

First, fundamental change at NIFRS headquarters should be taken forward as a matter of absolute urgency by management there, and I have already indicated my expectations in that regard to senior NIFRS personnel. That process of change needs to be embraced at all levels of management, and my Department will give every assistance to NIFRS to ensure that that takes place.

Secondly, all existing grievances and complaints need to be drawn to a conclusion as soon as possible. It is not acceptable that those matters should remain unresolved after long periods of time. I shall not seek to defend NIFRS on those issues, and I shall look to NIFRS management to expedite outstanding cases, utilising external resources and expertise where necessary.

Thirdly, all NIFRS employees need to get behind their management team and work with them to move the organisation forward. We need to draw a line under what has been done in the past and move on, even though people may have divergent views.

Finally, I want to make it clear that I expect full and open accountability from NIFRS in the future. There have been failings in the past, and I will not tolerate them in the future.

I hope that the reports I am publishing today represent a watershed in the recent history of NIFRS. I have received assurances from senior NIFRS management that the issues and recommendations covered in the various reports will be acted upon with speed and vigour. I give them my full support in that regard, and I am confident that they can deliver.

I also want to acknowledge the whistle-blowers. I recognise that this has been a difficult process, and I am very conscious of the anxiety that the experience is likely to have caused them. I hope that they will recognise my commitment in taking forward a comprehensive investigation. Although not all of the conclusions will meet with their agreement, I thank them for coming forward and wish them well for their futures.

The time for investigating and reporting is over. The time for moving forward has come.

Two of the reports I am publishing today concern whistle-blowing and were carried out by officials from my Department's internal audit group. The first report concerns allegations of irregularities by a member of NIFRS staff. The report largely substantiates the allegations made concerning a range of financial issues. It also identifies serious weaknesses in the way that the whistle-blower was treated. The report recommends that the Fire and Rescue Service reviews its procedures for investigations of any kind under grievance, harassment, disciplinary or other policies.

The report points to the need for improved processes. Securing those improvements will require a determined and transparent programme of change, which is underpinned by strong and consistent leadership with human resource dimensions at its core, in order to effect a step change in culture.

It is disappointing that such issues have had to come to light in the form of whistle-blowing, rather than being picked up through proper controls and governance arrangements. Weaknesses identified in those areas need to

be put right. At the same time, I want not just to defend the right of staff to whistle-blow but to encourage it where they have genuine concerns and do not feel that they can raise an issue with their manager in the normal way. That is clearly what happened in this case. I want a climate of openness in our Fire and Rescue Service and a culture in which it is safe and acceptable for staff to raise concerns at any level and at any time.

The second whistle-blowing report relates to allegations made about a conflict of interest. Those related to the reconciliation of NIFRS stores and, in particular, to a former NIFRS store manager who ran his own company selling personal protection equipment. The internal audit investigation found that there were weaknesses in managing conflicts of interest. It made three recommendations that will enhance the management of NIFRS's stores. Again, those recommendations must be implemented.

The third report relates to a review of a firefighter recruitment exercise last year. Concerns were raised about that recruitment exercise, some by Members of this House. For that reason, I asked Sir Ken Knight, Chief Fire and Rescue Adviser to the UK Government, to assist with an independent review of the whole process. The review was undertaken by officials from the London Fire Brigade under Sir Ken's direction. I am grateful to Sir Ken and to London Fire Brigade for their assistance and expertise.

A separate element of the review was carried out by the Department of Agriculture and Rural Development's central investigation service, and I am grateful to it for its assistance. That element examined the payment arrangements for claims submitted for overtime and expenses by staff assisting in the recruitment exercise.

Although I was encouraged to note from the report that proper and appropriate governance arrangements were adopted for the commencement of the recruitment campaign, I have deep concerns that an appeals process was introduced later and without the endorsement of the Fire and Rescue Service Board, which the report acknowledges should have formed part of the governance arrangements at the outset.

One issue raised in the complaints was that the process was biased towards relatives of senior managers in the service. Based on a review of the documentation available, no direct evidence of nepotism has been found, however, neither is there evidence that there was a clear

separation of personal interest from decision-making.

The review into the payment arrangements and claims for overtime and expenses concluded that there was insufficient evidence to categorise the claims as being actual, attempted or suspected fraud. However, the report is clear that management in the Fire and Rescue Service did not fulfil their responsibilities to ensure the correct handling and use of public funds. As a result, financial control over the whole-time recruitment project was inadequate; payment arrangements were not appropriately approved; there was no written overtime policy and no written guidance on detached duties; and staff were able to claim overtime and subsistence over the hours they actually worked. These are significant weaknesses and will need to be put right at the earliest possible moment.

Too much time and effort have been spent on dealing with and investigating problems associated with the delivery of the corporate functions in the Fire and Rescue Service. That has to change. It is very clear that major mistakes have been made in the past. NIFRS now has an opportunity, with new leadership, to learn from these mistakes and ensure that they are not repeated. Procedures have not been followed correctly, and that must not happen again. Working practices need to be altered and modernised to reflect best practice. Working relationships have been soured and must be renewed.

The Fire and Rescue Service needs strong, visible leadership, with clear direction from the top of the organisation. I want to see the application of best practice in management and a team-based ethos and approach. I want staff to have confidence in the leadership of the Fire and Rescue Service, and that needs to be restored in light of recent events. I expect the highest standards of corporate governance and financial probity, and, at the same time, I expect all those who work for NIFRS to demonstrate loyalty and integrity.

The Northern Ireland Fire and Rescue Service has served and protected our community well through times of conflict and peace. We rely on it not only to fight fires but to cut people out of road traffic accidents, to drain flooded homes and, of course, to remind us to fit and test smoke alarms. The problems at Fire and Rescue Service headquarters should not be allowed to detract from that. I want a modern, dynamic Fire and Rescue Service, one that is the envy of other organisations. Today, NIFRS has an opportunity to take the first steps in that

direction, and it has my full support as it moves ahead.

Ms S Ramsey (The Chairperson of the Committee for Health, Social Services and Public Safety): Go raibh maith agat, a LeasCheann Comhairle. I welcome the Minister's statement.

Over the past few years, we have all heard stories, a number of them through the media, regarding the Fire and Rescue Service. Like the Minister, I take this opportunity to commend the firefighters who are out there on a daily basis, sometimes putting their own lives at risk to save others. I highlight the fact that these reports are in no way a reflection on the work that they do for us in our community, but the reality is that it is a governance issue, and any negative stories that come out about the Fire and Rescue Service have an impact on staff morale.

As Members know, the Fire Service is an arm's-length body, but it is accountable to the Department. What changes has the Department made to its own monitoring arrangements since the issues have come to light? Does the Minister believe that the Department took too much of a hands-off approach in scrutinising the service, and, if so, will he assure the House and the wider public that that is no longer the case?

You also stated in your report, Minister, that you received assurances from senior Fire Service management that the report's recommendations will be fully implemented. However, given that some of the same people there now were in charge when there were irregular payments, when the whistle-blower was suspended, and so on, how can you be confident that the same managers are committed to bringing fundamental changes to the Fire Service? Has the Department learned lessons about how it responds to whistle-blowers? Will those lessons be applied throughout the health and social care sector?

I, like other Members, have just received these reports, and they contain a substantial amount of information. I will raise this tomorrow at the Health Committee meeting to see what it can do on it, but I will also raise it formally with the Public Accounts Committee because there are still assurances that we need to give to people out there, especially to Fire Service personnel who put their life on the line, and we can ensure that staff morale is lifted.

11.45 am

Mr Poots: A number of issues are to be covered there. First, of the 85 recommendations that arose from the reports, 18 are yet to be implemented. We intend to work thoroughly to achieve a better Fire Service than has been the case heretofore.

The Department has been closely involved in supervising the Fire Service for some time, and that has led to some very significant changes. The separation of the role of Chief Fire Officer from that of the accounting officer/chief executive aspect of that role is something that we see as temporary but necessary, so that we can bring in a new broom to resolve a lot of the issues that were cultural in the Fire Service, have existed for over a decade and that have seen come and go quite a number of chairmen of boards and Fire Service chief executives. So, we recognise that there is a substantial need for change. We are very aware of the shortcomings in the senior management of NIFRS. We are also aware that there are vacancies at a senior level. There is a lack of strong central HR functioning, poor team working and weak corporate systems. Those are all issues that we cannot leave as outstanding.

My Department will, for example, conduct quarterly accounting meetings with the Fire and Rescue Service. My officials meet regularly with the chair, the chief executive and the Chief Fire Officer, and those meetings are used to monitor the organisation's corporate effectiveness in addressing areas of concern. They also focus on issues identified today, while ensuring that the Fire and Rescue Service continues to protect our community. It is a similar approach to that being used for the Belfast Trust under special measures.

I have been concerned at the length of time taken to deal with grievances, and my permanent secretary reflected that when he issued a letter of apology to one of the whistle-blowers in July this year. I certainly do not think that the experience of that whistle-blower encourages others, which I regret because I have written to every member of staff to say that they should not just consider whistle-blowing, it is their duty to do so if they are aware of issues that are not being dealt with appropriately and properly and they cannot have such issues dealt with by their line managers. So, I consider it to be a matter of regret how Linda Ford in particular was dealt with, and I trust that that will not affect how other whistle-blowers deal with such issues in the future.

Mr Principal Deputy Speaker: I gave a certain leeway to the Committee Chair in asking her question. I ask all other Members to keep their questions brief and stick to them.

Ms P Bradley: I also welcome the Minister's statement. Will he tell us why the director of human resources post has been allowed to lie vacant for two and a half years?

Mr Poots: The reports published today demonstrate the importance of a strong HR function. The previous director retired in April 2010, and my Department arranged for a secondment of a senior HR manager from May 2010 to July 2011, at which stage the Fire and Rescue Service indicated that it was ready to recruit. The recruitment process, however, has been protracted. I understand that it hopes to appoint a new director of human resources in the near future, but, again, it demonstrates governance weaknesses within the organisation.

Mr Beggs: I thank the Minister for his statement. He referred to financial control over the wholetime recruitment project being inadequate, payment arrangements not being appropriately approved and there being no written overtime policy or guidance on detached duties, etc. Those are fundamental weaknesses in any organisation. They are very basic management procedures that should be in place, even in a community and voluntary group, never mind an organisation of this size. Has any disciplinary action been taken against any of the senior management team for their atrocious management?

Mr Poots: The Member puts his finger on a number of issues related to the recruitment process. The report is quite extensive on inadequacies and failures in that process. Regrettably, quite a number of things happened during it that should not have happened. Quite a number of things should have been cleared with either the chief fire officer as accounting officer or, indeed, the board, but they were not.

The report recommends that they look at discipline. I hear what the Member says, and perhaps that reflects where the House is on the issue. Too often, people are moved sideways and discipline does not take place, but we have a report that clearly identifies deficiencies, and there is also a recommendation that the human resources side should look at what disciplinary steps might be taken. I hear what the Member says very clearly, and I trust that the board will hear what the Member says and what, I suspect, other Members will say clearly as well.

Mr McDevitt: I echo the Minister's support for front line fire officers.

How does the Minister feel able to say that too much time has been spent dealing with these problems, given that the investigations have found a need for fundamental change; given that the investigations have largely substantiated the allegations made concerning financial irregularities; given that the review finds that there were clear gaps in terms of knowing when a conflict of interest was a conflict of interest; and given that, although there was no direct evidence of nepotism, there is clearly a suggestion in the report that there were issues around nepotism? How can the Minister say that, and how can we accept it and move on, when the only person to have been held accountable for anything to date is the whistle-blower? Will he not ensure that individuals are fully held to account for their failures as identified in the report?

Mr Poots: The Member raises a number of valid points. I do not suggest that we should be moving on in a trivial way. I think that it is for the well-being of the organisation and the general public in Northern Ireland that the Fire and Rescue Service needs to focus on moving forward as opposed to investigating the past. A series of investigations have taken place. Do I want my senior fire officers to be concentrating on dealing with investigations or on dealing with how the fire service can best be managed in the future?

I am saying very clearly to the House — I trust that it is of some comfort to the Member — that what went on in the past is unacceptable and cannot happen in the future. We must concentrate our focus on it not happening in the future. I have great sympathy with the whistle-blowers on this issue. I have met two whistle-blowers in a private capacity and heard what they have to say, and I believe them to be genuine people. We need to deal well with those people and to show them due respect and courtesy for the service that they have provided and for their honesty and integrity.

However, we also need to try to ensure that the organisation is in a position to move forward without people constantly seeking to undermine others. I am not referring to whistle-blowers here. Others in the organisation appear to be seeking to undermine people in similar grades, and that is not good for the organisation's well-being. We need it to pull together and work as a team, and it will be a far stronger organisation for doing that.

Mr McCarthy: Surely this is the most damning report ever to come to the Chamber. People will have to be held responsible and accountable for what is contained in the Minister's statement. There can be no cover-up.

I reiterate what other Members said by paying tribute to the work and record of the Fire Service in saving lives. Firefighters put their lives in jeopardy to save others. Given what has been said in the statement, can the Minister assure us that he will not permit investigations or whatever else to deflect from ensuring that the Fire Service has the most modern, up-to-date equipment to carry on its work to help to prevent loss of life and property in Northern Ireland?

Mr Poots: I agree that it is a damning report. I am not sure that it is the most damning report, but it certainly is damning, and I do not want to move back from that position.

A culture has existed in the organisation that is unacceptable, and that culture stretches back a long time. I think that it stretches back more than a decade. Frankly, that is the case. However, we have brought someone in from outside the organisation to take control of the corporate side and to ensure that we can deal with matters honestly and effectively and put the Fire Service on a solid footing to move forward, particularly at headquarters.

I give this assurance not just to the House but to the public: the service that the Fire and Rescue Service provides to the public has not been diminished as a result of what has happened in headquarters nor will it be allowed to diminish the very good work that is carried out on the ground. The Fire and Rescue Service responded to flooding cases, of which there have been a huge number; it responds to fires and saves lives; it responds to road traffic collisions; and, indeed, it was involved in the recent rescue at the Spence farm in my constituency. Firefighters go into very dangerous situations. Nothing in this report should detract from the individual fire officers who put their life on the line to provide a service that saves the life of many people in the country.

Mr Dunne: I thank the Minister for his statement. Will he advise whether geographical discrimination in the recruitment process is dealt with in the various reports?

Mr Poots: The report acknowledged that there were a considerable number of applications for

a low number of vacancies and that consideration should be given to options that could reduce the volume of applications in future. It focused on equality issues, such as gender and community background, rather than on geographical discrimination during the recruitment process. Of the 36 appointments, 15 were from the Protestant community, 18 were from the Roman Catholic community, and three candidates were from other community backgrounds. Those figures, given the number of applicants involved, differ from the proportionality of those applying.

Mr McMullan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Reading the report, Minister, I think that those in the management of the Fire Service who are damned by the report and are listening to this today are getting a slap on the wrist. If we are to restore the public's confidence and that of firefighters at the coalface, we must address the one thing that is missing: disciplinary action. We have an assurance from the Minister, but no disciplinary action is being taken. I refer you to the correspondence —

Mr Principal Deputy Speaker: Question.

Mr McMullan: — that I had with you some time ago on Sir Ken Knight's report. You told me that the report's findings would not result in disciplinary action. I call on you today, Minister, to instigate a full, independent public inquiry into the whole governance of the Fire and Rescue Service.

12.00 noon

Mr Poots: I assure the Member that there will not be a full public inquiry. We have seen enough of tens of millions of pounds being wasted on public inquiries. It is much more effective to carry out investigations and to act on those than to engage in public inquiries that, very often, come many years after something has happened and many years after the issues have been resolved.

What has been reported on today is the result of a long period of transition. Important posts remained vacant, there have been corporate failings to develop and implement appropriate policies and procedures, and there have been very poor internal working relationships in the corporate headquarters. There have already been considerable changes in respect of the board, the chairman and the Chief Fire Officer post in recent years. The organisation needs stability and additional leadership focus. We have approved a new interim chief executive

whose priority is to address the corporate governance failings, working alongside the Chief Fire Officer, who has an equally challenging role. I expect the senior management team to be fully recruited shortly.

With regard to people who have not been disciplined, I heard what Mr Beggs said, I heard what you said, and I trust that the board will hear what the House has to say. Reflective of all parties, there will be a general message that the slap-on-the-wrist approach is not enough and we expect discipline to be applied when people act in a way that is not in the general interest of the service that they work for.

Ms Brown: I thank the Minister for his statement and his answers thus far. How long is the new chief executive expected to be in post, and does the Minister have confidence that he can deliver the change that the Minister requires?

Mr Poots: The chief executive has been recruited for 12 to 18 months, which started in August. I am confident that he will provide a much needed focus on corporate governance and provide additional leadership as he takes the organisation forward. He brings with him a strong track record in these areas, and I trust that he will have the issues resolved over the next 12 to 18 months. If we are required to extend that period, we will look at that at the time, but I trust that that will not be necessary and we will be on top of the issues within that time.

Mr Gardiner: I thank the Minister for his statement and concur with his opening remarks of appreciation for the Northern Ireland Fire and Rescue Service. Will he detail whether the service now has a similar overtime policy for firefighters engaged in non-operational day-to-day duties as it does for operational incidents?

Mr Poots: I will have to clarify that matter for the Member in writing.

Mr Ó hOisín: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I also pay tribute to the firefighters of the NIFRS. In the body of his statement, the Minister said that the time for investigation was over. Given the culture of irregularities, does the Minister think that there were any governance or operational issues in respect of the death of Leading Firefighter Joe McCloskey in 2003?

Mr Poots: The Member knows that I met the McCloskey family and have great sympathy for them. Obviously, Joe McCloskey was one of

the brave firefighters who went to carry out a job and lost his life while doing so. There was considerable investigation of that incident, and there is considerable suspicion about where the truth lies. However, the evidence is not there to substantiate that, and therein lies the problem. Although I very much desire that the McCloskey family will get the full truth of what took place that night, conflicting points of view have been expressed, and, at this point, it has proved impossible to achieve that. I am not abdicating my responsibilities in any way, shape or form; that is just a factual assessment of where we stand, and I regret that that is the case.

Mr Storey: I thank the Minister for his statement. A common theme among all the Members who have put questions to the Minister has been to pay tribute to the work of our firefighters. On that particular point — it has been touched on to some degree — given that the issues were of a governance nature at the very top of the organisation, what further work needs to be done within the Fire Service, with the help of your leadership and the Department, to ensure that the firefighters who protect us and respond daily do not become more demoralised and challenged in carrying out their functions?

Mr Poots: Unfortunately, a lot of firefighters will look with disdain at what went on at headquarters. They have a job to do, and they will meet the challenges as those come forward. The acting chief fire officer, in particular, has a significant task in helping to win the respect of fire officers for the necessary work that goes on at headquarters. Firefighters will want to be assured that the shenanigans that some individuals got up to in the past are not the type of behaviour that is acceptable in the Fire Service, that it will not happen as we move forward and that people who wish to engage in actions and behaviours that are detrimental to the good work that is carried out on the ground will be dealt with.

Mr McCartney: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for both his statement and his answers to date. I refer the Minister to the report as it relates to overtime and expenses claims. It appears from the introduction that the individuals involved were not questioned by the investigators. There is a list, but I will give just one example. On 2 September 2011, there was no afternoon session in Omagh, but staff claimed for a full day in overtime and subsistence. If the staff were not questioned about why that happened, how can we say that there was no actual or suspected fraud?

Mr Poots: The payment arrangements were developed at a senior level in the Fire Service, and they are totally unacceptable. I have no dispute with the Member on that. The staff were allowed to claim overtime and subsistence in excess of hours worked. People went home at 12.00 noon and were able to claim for up until 7.00 pm, which is clearly wrong. The payment agreement had not been approved by the Chief Fire Officer, who is the accounting officer, nor indeed by the corporate management team or the board. The assistant chief fire officer had responsibility for that.

It comes as no surprise to me that the report concludes that the organisation's financial control over the Wholetime recruitment project has been inadequate. We asked DARD to take up the investigation because it has a specialist counterfraud team. It carried out a course of work for the Department. We also have BSO internal audit findings, which say that there is sufficient evidence to suggest that NIFRS managers did not fulfill their responsibilities to ensure the correct handling and use of public funds and that it may be appropriate for the NIFRS accounting officer to consider whether those failings merit the investigation of disciplinary procedures. That is the report in front of us. It suggests that disciplinary procedures and an investigation are merited.

I hear what Members say, and the board will have to hear it too. It cannot ignore what the House is saying.

Mr G Robinson: First and foremost, I commend all the firefighters who do such a tremendous job for us all. Does the Minister expect all the recommendations to be implemented?

Mr Poots: I thank the Member for the question. I fully expect that NIFRS management will take forward the recommendations in the reports. That will be closely monitored by my Department. The organisation is committed to doing so through an overarching change management programme that will address the cultural and governance improvements that are necessary. So, it may not be the case that every recommendation is fulfilled to the last jot and tittle, but I expect that the recommendations will largely be fulfilled and that the spirit of the recommendations will be fulfilled as well.

Mr Elliott: I thank the Minister for his statement and accept that this has been a difficult situation and there have been specific

difficulties in the Fire Service. That is not to take away from front line firefighters and staff.

Another difficulty for the Fire Service was the removal of the photo montage from Enniskillen fire station, which was put up in memory of those murdered by the Enniskillen bomb. Has that been reinstated? If not, are there any plans to reinstate it in the near future?

Mr Poots: I understand that discussions on the montage took place, led by the chairman of the board, and that a new montage was erected. That new montage includes the Fire Service crest, which was not in the previous montage, lists the names of those who lost their life on an appropriate memorial-type stone and has the crest of the British Legion on it. So, the replacement is considered to be largely acceptable. It may not be acceptable to everyone, but it reflects the magnitude of what happened that day. It reflects the fact that 11 innocent people lost their life that day, and it reflects the role of the Fire and Rescue Service and its attempts to save people's lives and deal with the mess, the devastation, the destruction, the pain and the misery caused by an unwarranted terrorist attack.

Ms Maeve McLaughlin: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement and his answers so far. I listened to his remarks about the need for a radical overhaul and a cultural change and his statement that the time for investigations is over. However, given the article in today's edition of 'The Irish News', will he give assurances on the procedures that are in place to protect whistle-blowers and give us detail on what procedures are in place to ensure that investigations are processed? Despite the Minister's earlier comments, I appeal to him to have an independent and full review on these serious issues.

Mr Poots: I am content to assure Members that investigations carried out by my Department into both sets of whistle-blowing allegations were conducted to a high standard. The investigations were led by professionally qualified auditors from my Department's internal audit branch. Where necessary, we utilised the services of professional accountants from the Department of Finance's directorate to investigate the allegations relating to financial irregularities.

I am conscious that it has taken considerable time for the investigations to be concluded. I make no apology for that, because, by necessity, they had to be thorough. I want the

matters to be investigated in that thorough way, and I want to ensure that investigations are conducted properly. If that means that it took more time than expected, that is something that we just have to live with.

I am also aware of the amount of work that investigators put into considering the issues and commend them for their professionalism. I want to see these matters brought to a conclusion to allow the organisation to move forward, but I also assure whistle-blowers that I take whistle-blowing very seriously. Where people are not getting satisfaction from their managers on issues of corporate governance that are detrimental to the public being carried out by individuals, I encourage them to bring them to our attention. We can only deal with these matters if they come to our attention. It is therefore a matter of regret that, at one point, one of the whistle-blowers in this instance was suspended. It has been accepted that that was wrong, and, as a result of that recognition, an apology has been sent to the individual by the permanent secretary. I hope that an employee would not be suspended if that were to happen again. I hope that the Department and, indeed, the Fire Service will have learnt how to handle these circumstances better in future.

12.15 pm

Mr Allister: It appears that, for at least a decade, there has been an endemic problem and culture in the management and governance of the Fire Service. Indeed, as long ago as 2003, one member of the Fire Authority, Mrs Craig, was sacked because of her persistent probing of procurement issues. That followed a report by the same Ken Knight who has now reported on this occasion. Can we have confidence that, on this occasion, matters will truly change on governance, including at and within board level, where, in the past, there were obviously failures right up to Fire Authority level and the brushing of matters under the carpet?

Mr Poots: The Member identifies that this is a very old problem. It has gone right back to the early part of 2000. Reports were carried out previously, and one has not seen actions flowing from those reports that would have made a demonstrable difference to the culture that existed in that organisation. I suppose that the test of this will be time. We have taken steps that, I believe, will be of help at this point. There are further steps that we wish to take to ensure that the organisation improves considerably, but the proof of the pudding will be in the eating. I hope that, in 10 years' time,

we are not talking about the management of the Fire Service still being a shambles. I hope that, in a relatively short time, people will be able to talk about the improvements that have been carried out and say that this organisation is one of the leading fire and rescue service organisations in the United Kingdom as a result of the steps that we are taking.

Mr Principal Deputy Speaker: That concludes questions to the Minister on his statement. The Business Committee has arranged to meet immediately upon the lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be Question Time.

The sitting was suspended at 12.17 pm.

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

2.00 pm

Oral Answers to Questions

Culture, Arts and Leisure

Sports Clubs: Volunteers

1. **Mrs McKeivitt** asked the Minister of Culture, Arts and Leisure whether her Department provides assistance to help volunteers working with local sports clubs to acquire relevant skills. (AQO 2672/11-15)

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): I thank the Member for her question. Sport NI, which is an arm's-length body of my Department, is responsible for providing advice and assistance to volunteers in local sports clubs to acquire the relevant skills. Over the past three financial years, Sport NI has invested approximately £2.8 million of funding to assist volunteer development skills in the areas of employment, coaching, club development and child protection. Sport NI assistance is provided through a range of programmes such as the Clubmark NI programme, the Investing in Performance Sport programme and a coach and volunteer development and education programme. In addition, my Department, in conjunction with four other Departments, has supported the recruitment, development, training and management of volunteers delivering Special Olympics programmes across the North.

Mrs McKeivitt: Will the Minister, along with me, acknowledge the significant contribution that local sports clubs make in our community? Can she provide any information that will enable people from lower-income families, particularly in rural areas, to avail themselves of the programmes that she mentioned in her answer?

Ms Ní Chuilín: I support fully what the Member said. In the two big sporting bodies, the GAA and IFA, the work done by Ryan Feeney from the Ulster Council of the GAA and Michael Boyd from the IFA to promote volunteerism, outreach and education is second to none. I will take the Member's comments back, and if we can do anything else to promote those programmes, particularly to people who still do not know what opportunities there are, we all have a responsibility to do that. I am happy to forward that comment to our Department.

Miss M McIlveen: The Minister mentioned child protection in her initial answer. What child

protection measures are in place to ensure the safety of children and young people working with volunteers and others in sport? Can the Minister assure the House that those measures are robust?

Ms Ní Chuilín: I thank the Member for her question. An essential criterion from Sport NI, when giving funding and support to any sporting body or any group regardless of its size, is that it needs to see child protection procedures. Only by walking through the child protection procedures, can it assure everyone of their robustness. Child protection is absolutely imperative and non-negotiable, and the adherence to strict child protection guidelines is an essential criterion for the giving of any support.

Mr Swann: What targets has the Minister's Department set to increase the number of volunteers supporting voluntary sports clubs?

Ms Ní Chuilín: The targets are in the Sport Matters strategy. For example, I have no targets for Sport NI's Clubmark NI programme for upskilling and recruitment, and I will get an update on targets for the Investing in Performance Sport programme, because I have two different figures here and I do not want to give the wrong one out. However, the coach and volunteer development and education programme has to offer at least 19 different workshop themes across each discipline. I am not too sure what the targets are for each workshop, but it is an important question that I will make sure the Member has the answer to.

Mr Allister: How could volunteers in Sandy Row Boxing Club get assistance so long as the Minister insists that that group will not be funded unless it re-affiliates to the group that has been discriminating against it?

Ms Ní Chuilín: First of all, I insist that the Member withdraws his remark. I want that for the record. The Member is wrong in what he said.

Sandy Row has not been refused any funding, and, for the record, when I came into the Department, I asked to meet Sandy Row and was refused. I then invited Sandy Row Boxing Club, when I received the allegations, to meet in the Department along with my officials. Again, it refused. I asked Sport NI to meet Sandy Row Boxing Club, and the club refused to meet it. I asked Sport NI again to try to meet Sandy Row Boxing Club about the allegations, and, again, the club refused. I then met community representatives in the Sandy Row

area to find out what influence they could use to talk to Sandy Row Boxing Club about the allegations, which I am treating very seriously, but they were told where to go.

I invited boxers from Sandy Row Boxing Club, along with other boxers from all over, to Stormont for a boxing reception, but they refused to attend. I invited them up again for an event associated with the Olympics, Paralympics and pre-games training, but they refused.

So I would like the Member, who seems to be making an issue of this on behalf of Sandy Row, to facilitate a meeting with me and my officials to work through the allegations of sectarianism, which no one in the House will tolerate or support. If the Member is serious about getting to the bottom of the issue, he will take that invitation seriously.

Organ Donation through Sport

2. **Mr McCallister** asked the Minister of Culture, Arts and Leisure how she is working with other Departments, agencies and sporting bodies to promote the Organ Donation through Sport campaign. (AQO 2673/11-15)

Ms Ní Chuilín: I have always believed that sport can do much more to help to promote worthy causes such as organ donation. It was for this reason that I asked my officials — in association with Sport NI, the Public Health Agency and the Health Department — to take forward an initiative to promote awareness of organ donation through sport. The aim of that initiative is to encourage more people to register for organ donation and to make their wishes known to their families. I, along with officials from the Health Department, Sport NI and the Public Health Agency, attended the recent launch of the initiative at the Antrim GAA county football and hurling finals in Casement Park.

Mr McCallister: I am grateful to the Minister for her reply. Does she agree that there is much that sport can contribute to the health and well-being — physical and mental — of our population and that there is an onus and pressure on her and the Department to do as much to deliver that as they possibly can?

Ms Ní Chuilín: I absolutely agree with the Member. In fairness to the Minister of Health, we are developing several programmes to do just that, and it is a pleasure to work with someone who is receptive. I am also working with other Ministers — the Minister of

Agriculture and Rural Development, the Minister of Education and the Minister for Social Development — on the whole area of how we link sport with better physical and mental health and well-being.

This is important. I think back to the campaign on the use of seat belts. Sporting organisations, particularly but not exclusively in this instance, were involved. Nuala Vallely, an organ donor who had made her wishes known to her family, suffered an untimely death in March of this year. The GAA — along with her family, the Ulster council and the Antrim board — have tried to encourage as many people as possible to become organ donors. It was a result of that that I registered as an organ donor. It is important that we do all that we can. It would be remiss of me not to use this opportunity to send all our best wishes to Joe Brolly, Shane Finnegan and their families.

Ms McCorley: Go raibh maith agat, a LeasCheann Comhairle Gabhaim buíochas leis an Aire as ucht a freagraí go dtí seo. I wish to commend the Minister on promoting and launching the recent organ donation event at Casement Park. I was there, and it was a very good event. The Minister has just commented on Shane Finnegan and Joe Brolly. The regrettable news is that that organ donation has run into trouble and been unsuccessful. Would the Minister like to comment on Joe Brolly's decision and very generous gesture of donating an organ?

Ms Ní Chuilín: Gabhaim buíochas leis an Chomhalta as ucht a ceiste. Yes, as I said, I would like to commend and pay tribute to Joe Brolly. Like many others who donate organs, he offered the greatest gift, that of life. I encourage everyone, where possible, but particularly through the use of sporting bodies and organisations, to look at how we can get more people on to registers, not just for organ donation but for blood transfusion.

It is fitting that the event in Casement Park was so successful. Nuala Vallely's family and other families are very grateful to the Assembly for lifting up such an important issue. I am happy, as Minister for sport, to do everything that I can to help to promote that cause.

Mr A Maginness: I thank the Minister for her answers. I also acknowledge the great sacrifice that Joe Brolly made in relation to Mr Finnegan. Sadly, it did not work out. Are there any other ways in which the terribly important issue of organ donation can be advanced through aspects of sport?

Ms Ní Chuilín: I thank the Member for his sentiments, and I am sure every Member feels exactly the same way. The launch at Casement Park was the start of an initiative. The Member is correct: we need to use every opportunity and explore every avenue that we have at our disposal in promoting this, because it is very much a gift of life.

For the record, over half a million people have registered for organ donation. That has increased as a result of the case of Nuala Vallely, and I am sure it is increasing as a result of the situation with Shane Finnegan and Joe Brolly. Unfortunately, around 300 people are waiting for transplants. If we can do anything through sport, the arts or any other avenue that we have at our disposal, we should do it. We need to try to reduce as much as possible the figure of 300 people who are waiting for transplants in the North. I commit to do what I can through sport, or any other means for that matter, to achieve that.

Ethnic Minorities: Cultural Identity

3. **Mr McCarthy** asked the Minister of Culture, Arts and Leisure to outline any action she is taking to promote and protect the cultural identities of ethnic minorities. (AQO 2674/11-15)

Ms Ní Chuilín: My Department continues to meet its statutory obligations under section 75 of the Northern Ireland Act 1998. The Department of Culture, Arts and Leisure's (DCAL) arm's-length bodies provide a range of programmes supporting and promoting the cultural identities of ethnic minorities. The Arts Council, for example, launched its intercultural arts strategy on 13 June. It recognises the changing face of society in the North and its increasing cultural diversity. It flags up the need to promote cultural pluralism, develop good relations and tackle racism within and between communities and their cultures.

Mr McCarthy: I thank the Minister for her response. Can the Minister assure us that minority ethnic languages, as well as sign language, will not be overlooked while the Department concentrates on Irish and Ulster Scots? Does the Minister agree that a comprehensive languages Bill would be the best means of ensuring that that does not occur?

Ms Ní Chuilín: The Member should know by this stage, but I will make him aware again, that I have a statutory obligation to look after the Irish language, Ulster-Scots culture and

heritage, and sign language. I have no statutory obligation to look at other minority ethnic languages. The Member's proposition about a single language Bill has been raised before, but I can deal with, promote and secure only the languages for which I have a statutory responsibility.

Mr McGimpsey: In light of evidence given recently to the Committee for Culture, Arts and Leisure, as reported in Hansard, can the Minister confirm that the new Irish language strategy can be delivered without legislation and that the proposed Irish language Act has now been abandoned?

Ms Ní Chuilín: No, the Irish language Act has not been abandoned by me. I am glad that the Member is in the Chamber for this question, and I will repeat this for his benefit: I will do everything I can to bring forward an Irish language Act, and I look forward to the Member's support in that. The strategies under the Programme for Government may need a legislative approach, but we will not know until that consultation finishes. At this stage, the consultations on both are still open, and I encourage every Member to use their influence to help people feed into those consultations.

Mr Eastwood: I thank the Minister for her answers thus far. Does the Minister know offhand how much funding her Department has awarded directly or indirectly via arm's-length bodies to events or festivals that promote cultural diversity?

Ms Ní Chuilín: The intercultural programme that I spoke of has received over £300,000 in lottery funding. I will forward the Member details on what funding it has received until now and what funding there might be in future.

2.15 pm

Minority Sports

4. **Mr Storey** asked the Minister of Culture, Arts and Leisure what financial assistance is available from Sport NI for competitive minority sports such as weightlifting. (AQO 2675/11-15)

Ms Ní Chuilín: Neither myself, my Department nor Sport NI recognises the term "minority sports". However, in respect of weightlifting, Sport NI, which is responsible for the distribution of funding for sport, is currently in discussion with the governing body of the sport, the Northern Ireland Weightlifting Association, over possible financial assistance from Sport NI

in the future. The purpose of those discussions is to help weightlifting meet all the Sport NI criteria necessary to enable it to receive funding in the future. To that end, Sport NI, in conjunction with the Weightlifting Association, is carrying out a recognition review.

Mr Storey: I thank the Minister for her answer. Will she join me in the House in sending congratulations to Mr Sammy Graham from my constituency — in fact, from Ballymoney — who recently won his eighth world title championship in weightlifting? He recently took part in a 55 age bracket, masters 3, 100kg category competition, whatever all that means. It means that he was very successful. Will the Minister ensure that those competitors from Northern Ireland engaged in weightlifting and other sports will be financially assisted through Sport NI in their participation in the 2014 Commonwealth Games in Glasgow?

Ms Ní Chuilín: I thank the Member for his question. I, too, do not know what that means, but I know enough to know that I am impressed. You are claiming Sammy because not only is he in your constituency, he is from Ballymoney. Congratulations to him. Anyone competing at world-stage level is no mean feat. I also congratulate Peter McCallan from Carrickmore, recent winner of the strongest man of Ulster.

Mr McElduff: *[Interruption.]*

Mr Storey: It was not him, anyway. *[Laughter.]*

Ms Ní Chuilín: We will say nothing about that.

What is important is that Sport NI, in conjunction with the Weightlifting Association, helps weightlifting achieve what it needs to get the recognition. It helps people like Sammy, and others, who may want to compete in the 2014 Commonwealth Games. Weightlifting has become increasingly popular and deserves support. But the Member will agree that we need to make sure that it meets all the criteria as a governing body to get that support for the long term.

Ms Maeve McLaughlin: Go raibh maith agat, a LeasCheann Comhairle. For those other sporting bodies that may be considering approaching the Department for the first time, what specifically is involved in a recognition review?

Ms Ní Chuilín: A recognition review looks at the constitution of the group, its governance arrangements and — what the Chair of the Committee raised in the first question — its

child protection procedures, as well as looking at risk and financial management. It is about making sure that those policies are not only in place but are active. Any governing body would be absolutely appreciative of the support from Sport NI to meet that achievement. For any body or group approaching my Department to get recognition, those are at least some of the essential criteria involved.

Mr Kinahan: Following on from the previous question, do Sport NI or the Minister's Department award financial assistance grants to any bodies that are not members of national bodies?

Ms Ní Chuilín: To my knowledge, no; they need to have an affiliation. There needs to be a recognition review for the body to go through the processes I outlined. However, I am not 100% sure, so I will find out and write to the Member.

DCAL: EU Funding

5. **Mr McMullan** asked the Minister of Culture, Arts and Leisure to outline any European funding opportunities that may be available to help in achieving her Department's objectives. (AQO 2676/11-15)

Ms Ní Chuilín: My Department and its arm's-length bodies continue to be successful in securing EU funding opportunities. As an example of that, the Armagh Observatory has been awarded funding from the highly competitive FP7 stream for two innovative projects.

First, the Europlanet project is a new, low-cost meteor detector used by schools and amateur astronomers. Secondly, the Universe Awareness (UNAWA) programme brings awareness to children and young people, and includes specific training for primary-school teachers in STEM subjects and astronomy. The Arts Council is also in receipt of European funding to support a range of arts and culture projects, with a number of applications still in progress. Sport NI has also been successful in securing competitive European funds and is working towards securing further European funds to help build on that success.

Mr McMullan: I thank the Minister for her comprehensive answer. In relation to garnering additional support from Europe, can the Minister comment on the forthcoming Irish presidency of the European Council?

Ms Ní Chuilín: I am aware of the forthcoming Irish presidency, which runs from January 2013 to June 2013. The presidency affords an important opportunity to promote policy ideas and agendas of culture, sport and leisure. As well as that, we all have a very significant year next year, with the European City of Culture and the World Police and Fire Games, and we need to build on the success of the London Olympic and Paralympic Games. The Arts Council and the Arts Council of Ireland are currently collaborating on the scope of arts events, both performance and visual. I believe that we need to use every opportunity to try to maximise additional European funds for here.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a cuid freagraí. Ba mhaith liom a fhiafraí den Aire cad é an cuidiú atá ar fáil óna Roinn do na grúpaí sin ar mhaith leo cur isteach ar mhaoiniú do spórt, cultúr agus ealaíona. What assistance is her Department or its arm's-length bodies providing to sporting, cultural and arts groups that wish to apply for European funding?

Ms Ní Chuilín: Gabhaim buíochas leis an Chomhalta as ucht a cheiste. That is a very important question. This year, as part of the Barroso task force working group, DCAL, along with the junior Ministers from OFMDFM, went to Europe to try to find out how we can best maximise additional opportunities. When those occasions arise, it is important that each Department sends officials with a view to those officials coming back and passing that experience and potential on directly to their Department or its arm's-length bodies. It is about maximising opportunities.

Local government, and Belfast City Council in particular, has been very successful in securing European funds for arts and culture. I am keen to maximise opportunities and to learn not only from Europe but from Belfast City Council and other local authorities.

Mr Cree: Will the Minister detail her Department's objectives to address the under-provision of sports fields in Northern Ireland?

Ms Ní Chuilín: I thank the Member for his question. There is not enough money to deal with the demand across the culture, arts and leisure family, particularly in relation to sports. There are emerging sports that definitely need support. For example, I recently visited Bann Rowing Club in Coleraine, and it is quite obvious that it needs additional support. I also visited the Tyrone centre of excellence project

at Garvaghy, and it is quite obvious that DCAL needs to give it additional support.

Additional support is needed in a whole host of other sports, and I need to look at future monitoring rounds and budget bids to try to meet those needs. Those sports bodies — they are just a few examples; it is not exclusively them — pass on so much to our children and young people. They keep them well, they keep them healthy, they keep them safe, and, in the case of some, they keep them alive. We need to do more to support further bids for those sorts of activities.

Mr McNarry: I was interested to hear the Minister's reply to some of the questions in this section. What plans does she have to use our armed forces to assist in major events, such as we have recently seen in the Olympic and Paralympic Games, when their importance was a great addition to the success of those events?

Mr Deputy Speaker: I think that relates to a previous question. The question we are on is about European funding. If the Minister wishes to answer briefly, I am happy to let her. If not, we will move on.

Ms Ní Chuilín: Just for the record, I do not have any armed forces, but I am happy to write to the Member about how we can secure additional support.

I am assume that the Member fully supports the World Police and Fire Games 2013. I welcome any additional advice that he thinks my Department or, indeed, the services can avail themselves of.

DCAL: Capital and Revenue Funding

6. **Mr McKay** asked the Minister of Culture, Arts and Leisure how she intends to develop and target new capital and revenue funding opportunities. (AQO 2677/11-15)

Ms Ní Chuilín: I am keen to ensure that the funding that DCAL delivers will continue to make an important contribution to the work of the Executive and make a positive difference to people's lives, be that in economic growth, education, health, well-being, suicide prevention, the environment or social inclusion.

I have asked my officials to ensure that new funding opportunities focus on the benefits that the culture, arts and leisure sectors can deliver, particularly in tackling poverty and addressing social inclusion, by providing interventions in

ways that target socio-economic outcomes at sectors of the North that will be assessed on the basis of objective need. For example, my Department, through the stadiums development team, has been developing social clauses for inclusion in procurement and contractual documentation as the various stadia procurements have developed and progressed. Those clauses are aimed at maximising returns from the £110 million public investment in the stadia programme.

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her answer and for her focus on social clauses, which we have looked at in the Finance and Personnel Committee. If additional funding became available to her Department, what would her main priorities be for existing and emerging needs?

Ms Ní Chuilín: I will just stick to the examples that I used before, because I am conscious that, if I mention anything else, I will be met by a stream of Members outside asking about their constituency. I use the examples of Bann Rowing Club, the Tyrone centre of excellence at Garvaghy and the boxing strategy, because they are recent ones that were not in the CSR round. There are emerging needs that we need to support, and that is quite obvious from the work that they deliver on the ground. It is important that we deliver where need is, particularly in areas that have been ignored for whatever reason in the past. It is incumbent on me to try to redress that imbalance.

Mr Humphrey: I declare an interest as a member of Woodvale Cricket Club. Will the Minister provide information to the House, now or in writing, on her commitments to the development of cricket and capital investment in that sport, which has become so popular across Northern Ireland and on the island of Ireland in the past number of years, in order to help develop it at all levels?

Ms Ní Chuilín: The Member did not declare whether he played cricket; we all wait to see whether he does. The question of whether he plays well or badly is obviously the supplementary question.

The Member is right to raise the issue. There has been £3 million invested in cricket. We need to look at small capital investments, particularly in some cricket clubs. I have met representatives of those clubs. Things like, "Good fences make good neighbours": it is about looking at some small capital investment in areas like that. Those are the things that

were not in previous monitoring rounds. If allowed to continue, small problems become bigger not only in relationships with neighbours but for people's physical and mental health and well-being and, indeed, for social and economic benefits. So, I am keen to advance that. I will furnish the Member with the other plans that we have in writing.

Mrs Overend: I wonder whether the Minister would consider revisiting the need to provide for the Olympic legacy capital projects shelved by her predecessor.

Ms Ní Chuilín: It is a bit late; it is almost as if the boat has passed on that one. The legacy projects will be met in terms of the 50-metre swimming pool, but the velodrome — if I am correct in assuming that that is what the Member is referring to — was not in the last CSR and is not in this CSR. Unless I get a huge demand for that, with evidence, I do not think that it will be in the next CSR either.

Education

Mr Deputy Speaker: I advise Members that questions 1, 4, 9 and 12 have been withdrawn, and questions 1, 4 and 9 require a written answer.

DE: Savings

2. **Mr Allister** asked the Minister of Education what savings his Department has made this year which have been or will be reported to the Department of Finance and Personnel. (AQO 2688/11-15)

Mr O'Dowd (The Minister of Education): In setting the Budget allocations across the Budget 2008-2011 period, each Department was required by the Executive to deliver cumulative efficiency savings of 3% a year over the period 2008-09 to 2010-11. However, Budget 2011-15 was conducted on a completely different basis, as the Executive did not define or agree savings targets for each Department across the four-year period. Rather, it was left to each Minister to deliver their priorities from the resources allocated to them. In view of that, I consider it to be my responsibility as Education Minister to take whatever action is necessary to ensure that my Department remains within budget. In that context, I agreed and published a clear and transparent savings delivery plan that sets out the level of savings to be delivered by my Department between 2011-12 and 2014-15. The target for 2012-13 is £147 million.

There was no agreement by the Executive to impose savings targets on Departments. In view of that, I have not participated in any of the savings delivery plan monitoring exercises commissioned by DFP nor do I intend to do so. I recently wrote to the Finance Minister setting out my position.

2.30 pm

Mr Allister: Does that amount to the Education Minister declaring UDI in respect of the Department of Education? Surely, as a member of the Executive, he owes a duty to the oversight Department of Finance and Personnel to co-operate collectively in regard to savings and spending, rather than seeking to operate as an island unto himself.

Mr O'Dowd: I am not an island upon myself, but I do operate within the agreements, legislation, protocols and policies that adhere to my Department, and I am in full compliance with those. My Department faces many challenges. We have a significant work programme in play. My officials are extremely busy delivering services to the public. A number of reviews are ongoing, which I wish to see ended. I do not believe that it is best use of my officials' time to review figures that they and I review monthly.

The proof of the pudding is in the eating, in that sense. The Member may choose to look at my savings delivery plan, which is on the Department website — I am more than happy to send him one — or at the budgets on which we came in last year at under 1% on revenue and capital. We are in line with our savings delivery plan. I will continue to deliver on that and to engage with parties and Executive members on how we minimise the impact of the savings delivery plan on front line services.

Mr Elliott: On the other hand, has the Minister made any bids in the October monitoring round? If so, what were they and what are the consequences for individual schools if they are not met?

Mr O'Dowd: I made bids in the October monitoring round. I am cautious and conscious that I may not be in a position to mention them. I believe that they have been forwarded to the Education Committee, so, if they are public, they are public, but I do not have them in front of me. They are significant bids in their own right, in that I want to make a contribution towards the Arvalee project and to cover a number of maintenance programmes in schools. I would like to see them met, but I

await the outcome of the October monitoring round.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a fhreagra. What are the benefits to the Minister's Department or, more specifically, for the schools estate of not participating in future monitoring exercises on the savings delivery plan?

Mr O'Dowd: Gabhaim buíochas leis an Chomhalta. The question should really be what will be the benefits to schools if I do participate in the monitoring of the savings delivery plan, and there are none. As I said to Mr Allister, I am in compliance with all Executive protocols and policies in regard to this matter. I am in full compliance with all legislation governing my role as Minister. It is my duty as Minister to ensure that my Department comes in on budget and the savings delivery plan is delivered. We have a significant work programme in the Department of Education. My officials are working hard at delivering that programme, and I would much rather that they were focused on delivering services rather than on delivering paperwork.

Donacloney Primary School

3. **Mr Anderson** asked the Minister of Education for an indication of when he will make a decision in relation to the proposed development of Donacloney Primary School from eight classes to nine classes. (AQO 2689/11-15)

Mr O'Dowd: Any significant change to education provision in an area, such as an increase in the size of a school, requires the publication of a statutory development proposal. In the case of Donacloney Primary School, the Southern Education and Library Board is the statutory authority with responsibility for publishing the development proposal. Before doing so, the board is required to consult schools that might be affected by the proposal. The SELB has confirmed that the consultation on Donacloney Primary School started during the week beginning Monday 17 September and is scheduled to last for three weeks. Following that, a proposal will be presented for final board approval. Subject to final board approval being granted, the SELB plans to publish a development proposal requesting an increase in enrolment numbers at Donacloney Primary School. A statutory two-month period will then ensue during which anyone who wishes to express an opinion may do so directly to the Department of Education. All comments

received will be taken into consideration when I make a decision on the proposal.

Mr Anderson: I thank the Minister for his answer. I urge him to move as quickly as possible to allow the school and the parents to plan ahead at Donacloney. Does he agree that it is vital to ensure that class sizes are reduced in primary schools, as it is almost impossible for teachers to implement the activity-based revised curriculum, especially at Foundation Stage, P1 and P2, when class sizes are over 24?

Mr O'Dowd: We aim constantly to improve the teaching environment for teachers and pupils. However, I have to say that the quality of the teacher in the classroom is much more important than the number of pupils in the class. Certainly, we do not want that number to be excessive.

The Member will be aware of the area planning process in which I am currently involved. Part of that is to ensure that there is a sustainable schools estate built to meet the needs of the communities and pupils we serve. Central to that are the needs of pupils, including class sizes, the infrastructure of their schools, availability of resources et cetera.

If a development proposal for Donacloney Primary School comes before me, I will endeavour to reach a decision on it as quickly as possible, ensuring that I take into account all the representations made to me.

Mr Gardiner: The Minister has partly answered my question. I encourage him to come to a quick decision on Donacloney Primary School. The school definitely needs additional class space. If necessary —

Mr Deputy Speaker: May we have a question?

Mr Gardiner: Will he review the situation and get it through as quickly as possible?

Mr O'Dowd: I will, bearing in mind that, when you act in haste, you regret at leisure. I will ensure that, when I can make a quick decision, I do so. That is only fair on schools in general when development proposals come before me. Some development proposals are very complex and bring into play factors that deserve further interpretation and interrogation. However, I assure the Member that I will take on board all the consultation responses and come to a decision as quickly as possible.

Mr Hazzard: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire. Will the Minister outline what consultation the Department facilitates prior to setting a school's admission number?

Mr O'Dowd: Gabhaim buíochas leis an Chomalta. Each year, the Department considers what admissions and enrolment numbers should be set for a school. That process takes into account a number of factors, including the school's long-term enrolment number and its available accommodation. The Department consults the school, the education and library board and, where appropriate, the Council for Catholic Maintained Schools before setting the numbers. That is the most appropriate juncture for a school to raise questions and concerns about its numbers. The Department carries out the consultation on numbers during the spring and summer months of the year preceding the year for which they will apply.

Primary Schools: Bangor

5. **Mr Weir** asked the Minister of Education what steps his Department intends to take to ease the pressure on the demand for primary school places in eastern and central Bangor. (AQO 2691/11-15)

Mr O'Dowd: In September 2012, a total of 854 year 1 places were available in primary schools in the Bangor area for the 2012-13 academic year. The South Eastern Education and Library Board has confirmed that, currently, 87 year 1 primary school places are still available. There is no question of there not being enough places, and there are no plans to increase capacity in the area.

Of course, I am aware that, despite the fact that there were more than enough places in the Bangor area for 2012-13, some parents were still disappointed at the outcome of their application. Although an open enrolment policy enables parents to express preferences for the school that they wish their children to attend, admissions to individual schools are necessarily limited by the physical capacity of the accommodation available. When schools are oversubscribed, they apply published admissions criteria to determine which applicants they can admit. No child can be guaranteed a place at any school, and it is not uncommon for children to be admitted to schools other than their first preference. The area planning process will reshape the structure and pattern of education provision and will provide the basis on which popular

oversubscribed schools will be allowed to grow further.

Mr Weir: I thank the Minister for his response, although I am somewhat disappointed by it. Every primary school in eastern and central Bangor has been oversubscribed for the past couple of years. Although the Minister points to the long-term solution of area planning, is he prepared to see some degree of flexibility in the next couple of years in enrolments to try to cope with the fact that, for example, at one school in Towerview, pupils who go to the nursery school cannot even get a place in primary 1 in that school?

Mr Deputy Speaker: Can we have a question?

Mr Weir: I have just asked a question.

Mr O'Dowd: Bangor is a fine and lovely place, but it is not a major metropolis. We are not talking about excessive travel distances, even for primary-school children. The Member has been in correspondence with me about the matter. I will visit Bangor and Holywood in the near future, and no doubt the matter will be raised with me again by schools in the area. I will keep it under review. In the previous answer, I discussed when schools should apply for enrolment number increases. I encourage schools to continue to do that. In the near future, we will publish the primary school area planning process, which will be another opportunity for the schools to make comments and proposals on the way forward. At the moment, I am not minded to change provision in the area, but I will keep it under review.

Mr Agnew: I appreciate that there have to be enrolment numbers and that we have to consider the impact on other schools in the area, but, on the point of Towerview, when it comes down to a matter of two or three children who attend a nursery school going to a primary school, surely there can be some degree of flexibility and common sense.

Mr O'Dowd: Flexibility and common sense are great things, and we should all possess them. However, when you are dealing with entrance to schools, flexibility and common sense for one school means that another school loses out. That school will not see it as flexibility and common sense; it will see its enrolment numbers falling again, and that may continue year after year. Admission to a nursery school is not and should not be a guarantee of admission to the adjoining primary school. Preschool education is an integral part of our education system, but placement at a nursery

school is not a guarantee of placement at the adjoining primary school, if there is one. There are no easy answers. Once the Department makes an adjustment at school A, it has an effect on school B and school C. It has a ripple effect. Sometimes, it has the unintended consequence of putting a school's future sustainability in jeopardy.

Mr Cree: How wedded to the Bain numbers is the Department when reviewing the area planning of primary schools?

Mr O'Dowd: Bain has been superseded by the sustainable schools policy, which is now in place. My area planning process is in line with the sustainable schools policy, which largely draws from Bain. However, it is not a numbers game. Circumstances that perhaps prevail in an area of Belfast will not prevail in an area of Fermanagh, Tyrone or Derry, so you have to take into account the local circumstances that pertain to a school. There are several criteria on which a school will be judged, all of which carry equal weight and importance. I am certainly not involved in a numbers game.

Dr McDonnell: I thank the Minister for his answers so far. Is the Minister aware that there is much pressure on primary school and nursery places in south Belfast? Could he tell us whether he has any plans to ease some of that pressure?

Mr Deputy Speaker: I remind the Member that the question was very specifically about the Bangor area. We will move on.

Special Educational Needs: Classroom Assistants

6. **Miss M McIlveen** asked the Minister of Education how he envisages the role of classroom assistants developing in the context of the special educational needs and inclusion review being undertaken by his Department. (AQO 2692/11-15)

Mr O'Dowd: The proposals set out following the review of special educational needs and inclusion relate to changes to the existing SEN framework to provide a less bureaucratic and more streamlined process to meet the needs of children. The review has not made specific recommendations about the role of classroom assistants in how they support children with SEN. It will be a matter for the education and library boards and, in time, the Education and Skills Authority to ensure that they provide

equitable SEN services that are determined and provided through commonly applied criteria.

2.45 pm

Miss M McIlveen: No doubt the Minister will be aware of the recent research carried out by the children and youth programme in the University of Ulster's UNESCO Centre. That showed that more emphasis should be placed on the specific role and functions of classroom assistants to support the effective inclusion of pupils with SEN. In light of that, will the Minister ensure that, via the education and library boards and, subject to the legislation being passed, ESA, specific steps are taken to maximise the training potential of classroom assistants as informed and valued members of staff?

Mr O'Dowd: I have no difficulty with that whatsoever. Our classroom assistants play a valuable role in the education of our young people, and the SEN proposals do not neuter them in any way. As I have done thus far, I will continue to engage with the Committee on the SEN proposals — I think that that has worked well for the Committee and the Department. The policy memorandum has received Executive approval. When we come to make more detailed proposals, which will include the use of classroom assistants and how best we use them to facilitate the education of our young people, I will come back to the Committee and discuss those.

Mr Kinahan: The Minister knows of my concern that a number of children are not being assessed. Will he put extra resources into the education and library boards, so that more children can be assessed for special needs?

Mr O'Dowd: The Member had a perfect opportunity yesterday to put more resources into the education of our young people by approving the ESA legislation. Instead, he decided to speak about everything other than SEN provision, the educational needs of our young people and the educational needs of our most socially deprived areas and went into a speech about his view of my party. That has nothing to do with SEN.

I can assure the Member that, through the SEN review, I will ensure that resources are targeted on our young people with special needs. As part of my savings delivery plan, I have protected special educational needs from further savings cuts. If more finances become available, I will endeavour to direct more resources towards SEN.

The Member should also be aware that one of the main driving forces behind ESA is to ensure that there is equality of delivery of services across the North, rather than what we have at the moment, where there can be major differences between the services that are received in different board areas. I hope that he reflects on that before making any further contributions to the debate on ESA.

Mr A Maginness: I concur with the Minister on the value that classroom assistants bring to education. In that context, is there proper management and training for classroom assistants in dealing with challenging behaviours by pupils in schools?

Mr O'Dowd: The training and skills of our workforce are increasing all the time, and programmes have been delivered to classroom assistants and others. However, we will keep that under review. Pilot projects are under way in early years etc on how we better use SEN in early years and allow classroom assistants to work better in those sectors.

There is a duty on us to ensure that we facilitate training in our workforce and allow our workforce to progress. In general, the standard among our classroom assistants is excellent, but, of course, where training is required, we should be in a position to deliver that training.

Universities: English Baccalaureate

7. **Mr McClarty** asked the Minister of Education how he plans to work with the Minister for Employment and Learning to ensure that students in Northern Ireland are not disadvantaged when applying to universities in the rest of the UK, following the introduction of the English baccalaureate. (AQO 2693/11-15)

Mr O'Dowd: I am in regular contact with my counterpart in the Department for Employment and Learning on a wide range of education issues. He has already stated that he shares my concerns over Michael Gove's proposed changes, as many students sit GCSE examinations in further education colleges here.

In my statement to the Assembly on 1 October, I stated that, following the review of qualifications, if it is decided to create new qualifications, employers and universities will be involved in the discussions. I will ensure that universities on these islands and employers will recognise those qualifications, and I can assure you that standards will be maintained and our learners will not be disadvantaged by any changes that occur in England or Wales. I will

continue to work with my counterparts locally and with those in England, Wales, Scotland and the South of Ireland to ensure that our learners are not disadvantaged by qualifications policies in any of the local jurisdictions.

Mr McClarty: I thank the Minister for his answer. Will he give me his assessment of the current system in Northern Ireland, which uses GCSEs, as opposed to the proposed baccalaureate system in mainland UK?

Mr O'Dowd: It is difficult to assess our GCSEs against the proposed changes that Michael Gove is introducing because full details have not yet been published. However, I can give the Member my assessment of our current examination system. I believe it to be robust and to be a fair challenge to the individual learner's abilities and skill sets. However, the changes being made in England present us with an opportunity to review that. I have set up a review under CCEA, and I will await the outcome of its report before proposing changes, if any, to our current examination system. I am satisfied that we have a robust examination system. I have said publicly that comments elsewhere may have damaged the brand, and I certainly do not want any of our young people leaving education or going on to further education believing that the examination they have taken is not up to standard. Anyone who has sat GCSEs or is sitting GCSEs should be proud of their achievement.

Mr Storey: I thank the Minister for something of an assurance on the challenging issue of ensuring that our pupils are not put at a disadvantage through changes in any other part of the United Kingdom. I want to widen the issue in relation to a concern back at home. There is a major concern around area plans because of the lack of co-operation and plans that include a working relationship between the post-primary sector and further and higher education colleges. What continuing work has he done with the Minister to ensure that the ultimate goal of improved educational outcomes for our young people is not disadvantaged?

Mr O'Dowd: I have touched on this matter with my counterpart. I have also met senior personnel from the further and higher education colleges who assure me that they are keen to be involved in area planning, that it is of benefit to them and that they want to be involved in the entitlement framework and the delivery of GCSEs and A levels, where appropriate. They want to be involved in the delivery of a broader skill set to our young people. Some of our further and higher education estate is excellent.

The facilities available are world-class, and I want a joined-up approach between our post-primary schools and the further and higher education colleges in the locality. They want it to work, and I want it to work. When reviewing area plans following the consultation, I will be conscious of whether the role of further and higher education colleges in an area has been taken into account for future planning purposes.

Mr B McCrea: The Minister is reviewing GCSEs, but what discussions has he had with his counterpart, Michael Gove? Has he learned any lessons from that?

Mr O'Dowd: Have you not heard? Michael Gove does not want to talk to me. I have learned the lesson that, despite repeated requests to Mr Gove for a meeting, I will always get a refusal. However, I have agreed to a meeting with one of his junior Ministers, who is responsible for examinations. We are waiting for the date to be finalised. I had hoped to hold a joint meeting with my Welsh counterpart, Leighton Andrews. It may not prove possible, but we hope to do that. I will continue to correspond with Michael Gove, and I will meet his officials, despite the fact that I believe I should meet him face to face. However, I think that the outcome is more important.

Mr B McCrea: I will put in a word for you.

Mr O'Dowd: Right. That is good —
[Interruption.]

Mr Deputy Speaker: Order.

Mr O'Dowd: I never thought of using local contacts to set up that arrangement. I will have to keep that in mind for future reference. Local contacts with the Tories would be useful on this occasion.

Communications will continue among Ministers across the islands to ensure that our qualifications system is recognisable and robust.

Mr P Ramsey: Minister, in your discussions with Dr Stephen Farry and possibly Ruairi Quinn, what progress has been made with the Central Applications Office (CAO) to ensure that students from Northern Ireland are not disadvantaged if they go to universities in the South?

Mr O'Dowd: I think I speak for all three Ministers when I say that it is a frustrating process. It is not political intervention that is

required; universities in the South of Ireland need to take this matter more seriously and be more generous when they examine it. Universities in the South are an independent body. It is their representative organisation that has yet to make a definitive decision in regard to recognising a number of our qualifications. I accept that Minister Quinn has made representations on our behalf. I accept that Minister Farry has made his voice heard on the issue, and I have made mine heard on it. However, progress is frustratingly slow, and it is now time for the universities to act, as I often say here, on behalf of the students rather than the institutions.

Magherafelt Learning Partnership

8. **Mrs Overend** asked the Minister of Education whether he has ever visited any of the post-primary schools in Magherafelt to observe the Magherafelt learning partnership in action. (AQO 2694/11-15)

Mr O'Dowd: Although I have not specifically been invited by the Magherafelt learning community to see their partnership working in action, I have visited a number of area learning communities. I have seen for myself the valuable work that they do in the shared delivery of education, the sharing of good practice and expertise, the identification of gaps or duplication in provision and, importantly, how those issues can be addressed. I am keen to ensure that a more strategic role for area learning communities, in the context of area-based planning, is developed, and I have set aside funding of £0.5m in each of the next three years to help them in that objective.

Mrs Overend: The six schools in Magherafelt include the Rainey Endowed School, Magherafelt High School, Kilronan Special School, St Mary's Grammar School and St Pius X College. I think that I have mentioned all six, have I? All those schools have led by example and have been highlighted by many as delivering good practice. Can the Minister provide any assurance that he will not use the post-primary area plan to further entrench the various education sectors in Magherafelt?

Mr O'Dowd: Yes, I can guarantee that: I do not want to see an entrenchment of any sector that leads to people living in a silo mentality and not co-operating or working with their educational partners around them. The ethos of area planning is for greater sharing. We often talk about sharing in education across the communities here, but we have to encourage the sharing of education across sectors, often

within the one community. There is no doubt about it: we have shining examples of area learning communities. I have told the shared education advisory group that I set up to talk to a number of the area learning communities, because they are, in practice, involved in sharing education, and there are things to learn from them. I want to continue to work with area learning communities. I have set funding aside for them, and I think that they are a good way forward for education.

Mr I McCrea: The Minister mentioned the good work of the Magherafelt learning partnership. In light of that great work, will he assure me and the schools involved that he will not use area planning to have a negative impact on those schools, which are working together? Will he ensure that they remain open?

Mr O'Dowd: The area planning process is out for public consultation. I do not see it as a negative exercise; I see it as a positive exercise in which we have the boards and CCMS coming together in conjunction and consultation with the other sectors to discuss the way forward for the sharing of resources, facilities and schools in going ahead with education. I await the outcome of the area planning consultation. I will study the proposals closely, and I will only sign off proposals that are to the educational benefit of young people in the area.

Ms Fearon: Go raibh maith agat, a LeasCheann Comhairle. What resources is the Minister making available to ensure that area learning communities can continue to function effectively?

Mr O'Dowd: In my first year in office, I visited a number of area learning communities, listened to their stories and observed their work. I was very impressed. I set aside £0.5 million — £1.5 million over the next three years — to facilitate the work of area learning communities. Part of that is to focus on raising educational standards in the area. My Department is drawing up a programme for area learning communities to bid for and receive that funding. So, I am committed to the future work of area learning communities.

3.00 pm

Executive Committee Business

Air Passenger Duty (Setting of Rate) Bill: Accelerated Passage

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

That the Air Passenger Duty (Setting of Rate) Bill (NIA 15/11-15) proceed under the accelerated passage procedure.

I welcome the opportunity to address the Assembly on the motion, which will enable speedy progression towards the elimination of air passenger duty (APD) on direct long-haul flights departing Northern Ireland airports.

As far as Bills go, this is relatively straightforward, and the policy context has been the subject of much debate and has been widely consulted on. As well as the Government's wider consultation on air passenger duty, the Executive's commitment to eliminate air passenger duty on direct haul flights has been consulted on as part of our wider consultation on the draft Programme for Government and economic strategy. That is why I do not plan to do a separate consultation on this Bill.

I appeared before the Finance and Personnel Committee on 3 October to explain to members — as I am required to do under Standing Order 42(3) — why it is necessary for this particular Bill to proceed by accelerated passage and the consequences should it not be granted. I had a productive session with the Committee. I would like to thank the Committee members for recognising the need to expedite the process for the Bill and also for their support in seeking Assembly approval for accelerated passage.

The use of accelerated passage is not something that I take lightly. I believe that the best way to take forward legislation is to have a full Committee procedure in which legislation can be scrutinised and any outstanding issues resolved to the satisfaction of the Committee. That is undoubtedly the way that legislation should be brought forward. However, given the commitment in the Programme for Government to eliminate air passenger duty on direct long-haul flights from Northern Ireland, the Government's action on the Belfast to Newark flight and the commitment given to Continental

that the Executive would act quickly to reduce the duty on those flights to zero, the measures contained in the draft Bill need to be in place as soon as possible.

I will now take the opportunity to explain to the Assembly — as required under Standing Order 42(4) — why I am seeking accelerated passage, the consequences of it not being granted and how I will minimise future use of that mechanism.

As many Members will be aware, the core provisions in the Bill arise from a request from the First Minister and deputy First Minister on behalf of the Executive to the Prime Minister that urgent action be taken to ensure that the existing direct flight from Belfast International to New York would continue. In response, the Government announced that APD for direct long-haul flights from Northern Ireland would be reduced to the short-haul rate from 1 November 2011 and that the process of devolving powers to set those rates to the Assembly in line with the EU Azores criteria would commence. The legislative changes required in Westminster to enable that were made in the Finance Act 2012, which received Royal Assent in July. This Assembly Bill represents the next stage in the process. It is therefore vital that it is introduced as soon as possible.

In terms of timing, we are working towards Assembly passage of our Bill to eliminate APD on direct haul flights on 6 November, with Royal Assent as soon as possible after that. That usually takes up to a month. HMRC has indicated that there are no provisions for making the appointed day order retrospective, so a new zero rate could only be affected after the process has been completed. It is our aim to have an effective date of 1 January 2013. That is clearly challenging, but I believe that it is possible.

I wrote to the Speaker on 25 September confirming my view that the APD Bill is within the legislative competence of the Assembly. I am satisfied, as are the Government, that the arrangements to devolve direct long-haul APD rates satisfy the EU Azores criteria. However, having the provision effective from January 2013 can no longer be achieved by normal passage of the Bill. To my mind, it would be wholly unacceptable if the key measures in the Bill were not operational until a much later date, which would be the case if we pursued the normal Bill process in the Assembly. It would also be a bad reflection on the functioning of both the Executive and the Assembly. I am conscious that accelerated passage should not be used lightly or unnecessarily. This is not an attempt to shield the Bill from the proper

scrutiny that should be undertaken. It is a vital measure, and one that has already been subject to Assembly scrutiny as part of the process of obtaining agreement to the legislative consent motion to devolve the powers.

Again owing to my obligations under Standing Order 42(4)(c), I have already indicated that I believe that legislation should be taken through the normal process where possible, as it ensures that due process is followed and the Committee is afforded adequate time to scrutinise the Bill clause by clause. I will take all necessary steps to ensure that the accelerated passage mechanism is not unnecessarily exercised. I will resort to this approach only in exceptional circumstances. Bearing in mind that Members will have an opportunity to raise issues on the detail of the Bill at its Second Stage, I seek the House's support for accelerated passage, and I look forward to hearing Members' comments. I also look forward to the Assembly showing the same all-party support for accelerated passage that was demonstrated by the Committee.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a LeasCheann Comhairle. I apologise for missing the beginning of the Minister's contribution.

On Wednesday 3 October 2012, the Minister briefed the Committee on the reasons for seeking accelerated passage for the Air Passenger Duty (Setting of Rate) Bill. At the meeting, the Minister reminded Committee members of the background to the Bill and explained the need for the changes in the rates of duty for direct long-haul flights, as provided for in the Bill, to take effect by 1 January 2013.

The Committee is mindful that Committee Stage is a key element in the legislative process and an important Committee function, so the decision to support the Department's request for accelerated passage has not been taken lightly. The Minister assured the Committee that he recognised the benefits that scrutiny brought to bear in the formation of Bills, expressing that, if time constraints had allowed, his desire would have been for the Bill to go through Committee Stage as normal. However, the Committee has already examined the issue of air passenger duty in considerable detail.

On 5 March 2012, the Minister wrote to seek the Committee's view on the provisions in the then Finance Bill at Westminster, which would transfer direct long-haul rates of APD to the Assembly. In advance of the necessary

legislative consent motion coming before the Assembly, the Committee undertook a detailed analysis of the policy proposals. It received written submissions from a range of key stakeholders and held oral hearings with the Department, the two Belfast airports, the Association of British Travel Agents (ABTA), the NI Hotels Federation, the Belfast Visitor and Convention Bureau (BVCB), the Consumer Council, the NI Chamber of Commerce and the Federation of Small Businesses (FSB). That exercise established a sound evidence base for the Committee's report, which was published on 16 May 2012. The evidence-gathering and scrutiny that underpinned the report were therefore comparable with the work that would be undertaken if a Committee Stage of the Bill were to take place.

Moreover, having conducted that scrutiny, the Committee is aware from the Minister's evidence on 3 October that the North could lose one of its key international flight routes if the Bill is not in place by 1 January 2013. The Minister also affirmed that setting direct long-haul rates of air passenger duty at zero will not only retain economically productive routes but could promote opportunities to create new routes. Given the time constraint and the current economic climate, the Committee is conscious of the need for prompt action to be taken to boost tourism and encourage inward business investment to the area, and the case for setting a zero rate of duty on direct long-haul flights is particularly compelling in that regard.

In light of the Committee's scrutiny to date, and the explanation and assurances received from the Minister, the Committee agreed that it was content to support the Minister in seeking approval for the Bill to proceed by accelerated passage. On behalf of the Committee, I therefore support the motion that the Air Passenger Duty (Setting of Rate) Bill be granted accelerated passage.

Mr D Bradley (The Deputy Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a LeasCheann Comhairle. The Bill will devolve to the Assembly and the Executive the power to set the rate of air passenger duty to be applied to passengers on direct long-haul flights that take off from Northern Ireland and are designated as band B, C and D flights. This was spurred by the need to ensure that the transatlantic flight from Belfast International Airport to Newark continued.

The Westminster Government and the Executive worked rapidly together to ensure a speedy process of the transfer of powers. The

SDLP will support the use of accelerated passage. We are happy that the Committee for Finance and Personnel has scrutinised the Bill sufficiently in receiving evidence and submissions. The Committee has also published a comprehensive report. We welcome the Minister's reassurances today that he will not resort to the use of accelerated passage in future, except in extreme circumstances.

Mr Wilson: There is not a great deal to be said other than to thank the Chairman and Deputy Chairman for the support that they have expressed, which reflects the Committee's view. I accept the Chairman's apology for coming in late. He missed a treat in the first part of my speech, but that is the penalty he must pay for coming in late to the debate. He pointed out — I do not think that I need to reiterate it — that the Committee has had an opportunity to look at this issue. When we looked at it as part of the legislative consent motion on the Finance Bill, the Committee took considerable evidence on the issue. The Committee produced a report, many of the recommendations of which we are following up positively in the Department.

I thank the Committee for the time that we spent discussing this together the week before last, and for the support that it has given for the use of accelerated passage. I re-emphasise that I do not believe accelerated passage should be used lightly, but there will be occasions when it is unavoidable. I appreciate the Committee's indulgence in this case and ask for the Assembly's support for the position that has been adopted by all the parties on the Committee.

Mr Deputy Speaker: Before we proceed to the Question, I remind Members that the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That the Air Passenger Duty (Setting of Rate) Bill (NIA 15/11-15) proceed under the accelerated passage procedure.

Air Passenger Duty (Setting of Rate) Bill: Second Stage

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

That the Second Stage of the Air Passenger Duty (Setting of Rate) Bill [NIA 15/11-15] be agreed.

I very much welcome the opportunity to open the debate on the Bill, which will allow the elimination of air passenger duty (APD) for direct long-haul flights departing from local airports. Before turning to the detail of the Bill, I would like to take the opportunity to thank the Committee for Finance and Personnel for its work on the issue in recent months and, in particular, for the extensive evidence sessions and research that it has undertaken. The recommendations in its report were very useful in informing our forward thinking on the issue.

As Members will recall, at the end of 2010 and the beginning of 2011, we were faced with significant concerns about the viability of the direct link between Belfast International and Newark. That was a direct result of the difference between the rate of air passenger duty here and that in the Republic of Ireland. It was very clear that, without early action, the route would have been lost to Northern Ireland. It was the Chancellor himself who eventually took the decision to, first, reduce our long-haul APD to the short-haul rate, and then begin the process of devolving the necessary powers to us. I would like to again put on record my thanks to him for that.

The reduction of the short-haul rate prevented the immediate loss of the route, but it was recognised at the time that it still left a rate of duty that was significantly higher than the rate in the Republic of Ireland. So, a commitment was given in the Programme for Government that the Executive would act quickly to reduce the duty on those flights to zero.

3.15 pm

Fundamentally, I am aware that many of you have a general concern about the adverse impact of APD, and I can assure the Assembly that I share that concern. I firmly believe that it is a tax that no longer meets the basic requirements of being fair to everyone, having a simple structure and not unduly impeding consumers and businesses. Unlike the rest of the United Kingdom, our access to other regions is not as easy and is heavily reliant on air transport, as we are without rail or car

alternatives for wider travel within the UK. So, we are clearly the hardest hit by this tax.

I made my position on this duty clear in the strongest possible terms in my Department's response last June to the Government's consultation on APD. Members can rest assured that I will continue to press the Government for the abolition of APD or, failing that, a significant reduction in APD rates.

I am realistic about this, and, with the Government very much in revenue-raising mode, I do not have any immediate expectation of material change. That said, significant pressure is building on this issue, politically from other devolved Administrations and from the aviation and tourism industries. Indeed, APD formed part of the discussion at the recent Joint Ministerial Council plenary meeting, where Ministers debated a range of aviation issues. I will also be working with the Regional Development Minister and other Executive colleagues to include this matter in the Executive's formal response to the Department for Transport's consultation on this.

Work has already begun to examine how we can maximise the opportunities from the devolution of APD powers on direct long-haul flights. The Department of Enterprise, Trade and Investment (DETI) and Tourism Ireland are liaising with Belfast International Airport on that, and the ETI Minister has been in touch with a Canadian airline. Work has already begun with DETI and the Department for Regional Development (DRD) to develop terms of reference for a study to look at further ways in which we can improve our connectivity. That will include an examination of all aspects of APD as well as non-APD options. However, devolving powers to vary the rate of APD across all bands would be relatively expensive: £60 million to £90 million per annum. There may be better ways to spend that amount of money.

So, as the Assembly can see, the Department of Finance and Personnel (DFP), along with other relevant Departments, is looking at a broad range of issues on how we can improve our connectivity. It is an important element of the economic strategy.

I turn to the detail of the legislation. Clause 1 sets the rate of air passenger duty at zero for the purposes of subsections (3)(a) and (b), (4)(a) and (b), (5)(a) and (b) and (5A)(a), (b) and (c) of section 30A of the Finance Act 1994. Essentially, that provides for a zero rate of duty for passengers on direct long-haul flights that take off from Northern Ireland: that is, those in

bands B, C and D. It is the Department's intention that the change will be given effect as soon as possible after Royal Assent is given to the Bill on 1 January 2013. That is the date that we are aiming for.

Clause 2 permits the Department to pay to HMRC:

"such sums as the Department thinks fit towards any expenditure incurred by HMRC in connection with air passenger duty".

That is chargeable at the rate set in the Bill or at a rate that may be set at a future date. The clause will enable payments to be made to HMRC for collecting information on behalf of the Department, for relevant administration costs that are incurred, for functions related to the register of companies for Northern Ireland purposes and any other costs that HMRC may incur in connection with the exercise of the devolved powers.

Clause 3 provides for the commencement of the clauses in the Bill, and clause 4 sets out the title of the Bill. I look forward to the support of the Assembly in taking forward these important measures.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to speak again on behalf of the Committee, this time on the general principles of the Bill.

As has been discussed, the Bill has been brought before the Assembly following extensive scrutiny by the Committee and valuable engagement with key stakeholders on both the principles behind the Bill and the wider considerations around APD. I take this opportunity to thank the Minister and his officials for the constructive way in which the Department engaged with the Committee during this scrutiny and in the development of the proposals that now form the content of this Bill. The Minister recently provided a formal response to the Committee's report on the legislative consent motion on air passenger duty, accepting many of the Committee's recommendations, which I will come to later.

As outlined by the Minister, the primary purpose of the Bill is to set a zero rate of APD on direct long-haul flights from the North, following transfer of the necessary power to the Assembly, as provided for by the Westminster Finance Act 2012. Members are very mindful of the importance of aviation to the local economy in terms of not only reliance on air

travel in the North but increasing tourist numbers and attracting business investment. Although direct long-haul flights represent only around 1.5% of all flights from the North, the policy intentions behind the Bill include the aim of retaining the North's strategically important long-haul flights, especially the United Airlines Belfast to Newark connection, which Members will be aware of and which has been crucial to tourism and business investment in the North's economy.

Under the current rates of air passenger duty, airlines were being forced to absorb the costs of the duty to prevent customers from switching to Dublin and the rest of the island. The Committee heard that the long-term viability of such routes was being harmed. For example, air passenger duty is costing United Airlines around £3.2 million for the Belfast to Newark route. The risk of losing these long-haul routes if the Bill is not enacted by 1 January 2013 places an urgency on the consideration and passage of the Bill.

During its scrutiny of the provisions in the Westminster Finance Bill to transfer the power over direct long-haul rates of APD, the Committee identified an anomaly whereby luxury private aircraft would enjoy a zero rate of APD if the direct long-haul rates were set at this price. The Committee welcomed the subsequent amendment to the Finance Bill that gives the Assembly the power to set a different rate for luxury private aircraft should it wish to do so. In picking up on this issue during the Minister's briefing on the Bill on 3 October, the Committee sought information on the availability of figures for the revenue that will be lost to the Executive as a result of a zero air passenger duty rate applying to private jets or direct light aircraft. It was suggested to the Committee during the briefing that, while the amount of this revenue has not been separately calculated, it would be very small. The Minister may, therefore, wish to respond on that issue when closing today's debate.

In welcoming the proposed measures that now form the principles of this Bill, the Committee was concerned to ensure that the Executive should develop a co-ordinated action plan to maximise the economic opportunities arising from the transfer of direct long-haul rates of APD, including the aim of establishing new direct long-haul flight connections to key business and tourism hubs. The Committee welcomes the Minister's assurances that his officials are liaising with counterparts in the Department of Enterprise, Trade and Investment and the Department for Regional Development in the first instance to take this forward. Additionally, the Minister confirmed

that direct long-haul APD rates are part of DETI's major programme of trying to expand exports from the economy by 20%. I therefore look forward to early signs of positive economic outcomes from the measures resulting from the Bill.

It is important that we also consider the principles of the Bill against the wider policy context in which air passenger duty operates. In its report in May of this year, the Committee recognised this duty as a:

"regressive tax which is particularly disadvantageous to businesses, consumers and the wider economy".

The Committee believes that the current rates are a disproportionate burden, primarily due to the peripheral location of the area and its subsequent dependency on air travel. Additionally, the North's airports are at a competitive disadvantage with those in the South due to the proximity of the latter's airports, a much improved infrastructure in recent years and the much lower equivalent air travel tax of €3 on the rest of the island. The Committee also noted that a number of European Governments, including those of Belgium, Denmark and the Netherlands, have reduced, withdrawn or not implemented aviation duties because of the potential damage caused to their air transport industries.

In light of its findings, the Committee called on the Executive, in the first instance, to campaign for the abolition of air passenger duty, and the Committee welcomes the Minister's recent assurance that he will continue to press the British Government on that matter. However, I note that, during his evidence on 3 October, the Minister advised that there has been no sign of a softening in the British Government's commitment to maintaining or increasing APD as a revenue-raising measure.

In my view, there has been a misconception that air passenger duty is a minor issue in comparison with corporation tax, which seems to have been the main focus of public debate on the economy. In a paper on devolving air passenger duty in April this year, PricewaterhouseCoopers concluded that APD needs to be given equal prominence with the potential corporation tax-varying powers, which ultimately seek to help rebalance the North's economy.

From the evidence received by the Committee, it was clear that stakeholders regarded the transfer of power over direct long-haul rates of air passenger duty as a positive move.

However, there was a notable call for the scope of the transferred powers to include short-haul band A flights. Those flights, which are obviously not covered by this legislation, represent 98.5% of all flights from the North. For example, the Consumer Council argued that the planned transfer of only bands B, C and D falls far short of adequately addressing the air passenger duty burden borne by the North's consumers, whilst the chief executive of George Best Belfast City Airport said that the transfer of those rates in their current form has left 98% of that problem untouched.

The Committee's report recommended that the Executive should commission independent expert research into the business case for reducing or abolishing APD on band A flights to inform Executive consideration of whether or how wider transferred powers over the duty should be exercised. They were advised that that research should include an assessment of the opportunity costs of non-action; rigorous economic modelling and forecasting of options; and lessons from EU states that have reduced or abolished air passenger duty, including examples where Governments have attached conditions to APD reductions to ensure resultant benefits for consumers or the wider economy. The Committee also recommended that, as part of the initiative, the Executive should proceed with a strategic decision on whether to press the British Government for the transfer of the wider air passenger duty powers at the earliest opportunity.

The Committee welcomes the Minister's agreement that research should be undertaken to explore how improving the North's connectivity might be achieved, including air passenger duty and non-APD-related actions. Departmental officials are in discussions with counterparts in DETI and DRD to consider how that work can best be commissioned. In that regard, the Committee has requested sight of the terms of reference for the research, and I look forward to examining that in due course.

Arising from its investigations, the Committee also concluded that, given both Treasury's insistence on devolution rather than exemption of APD and the determination of the British Government to retain APD as a revenue-raising measure, any future reduction in APD on band A flights from the North is likely to be achieved only through the further transfer of powers to also cover band A rates. In examining that scenario, the Committee was advised by the Department that transferring the rates for all flights from the North and setting a zero rate across all bands would lead to an anticipated cost to the Executive of around £60 million per

annum in block grant reductions. While concluding that a cost-benefit decision on the transfer of powers over band A should take account of the fact that that maximum cost would apply only if a zero rate was set across all the different duty bands, the Committee pointed out that the Executive could take an evidence-based approach to reducing the rates for particular bands, with decisions taken on the basis of forecast return on investment.

I note that the Minister recognises that option in his formal written response to the Committee's report, and that is to be welcomed.

I return to the principles of the Bill. The Committee has been supportive of the policy objectives that the Minister has set out. It is imperative that the Bill progresses urgently to address, in so far as direct long-haul flights are concerned, the competitive disadvantage faced by airports in the North and to contribute to the Executive's strategy for stimulating economic growth.

The Committee will continue to engage with the Minister and the Department in their ongoing work regarding air passenger duty, particularly in respect of the efforts by the Executive to maximise the economic opportunities arising from the Bill and any work on the devolution of band A flights or the abolition of APD altogether. In the meantime, given the assurances provided by the Department, on behalf of the Committee, I support the motion and the general principles of the Bill.

3.30 pm

Mr Girvan: I thank the Minister for bringing the Bill to the House. I appreciate that quite a bit of work has been done already in Committee on the matter. Reference has been made to the fact that air passenger duty brings in revenue. It was a tax-generating scheme intended, probably, to address carbon offsetting — if that is the proper term. Unfortunately, however, air passenger duty was just used to generate another revenue stream.

Interestingly, most of Europe has set this option aside. They used it for a time and have now abolished it, as has the Republic of Ireland. That puts Northern Ireland in a difficult position, because, within one hour and 40 minutes, you can be at another airport, which can ultimately show some savings. It also allows routes to become more profitable and encourages additional routes into that area. We are looking to do the same for the Northern Ireland economy, and it is vital that we address the

matter and appreciate that this is one of the tools for achieving that.

The granting of Royal Assent to the UK Finance Bill on 17 July this year has allowed us the opportunity to address some of the issues. I appreciate that that was done as a result of representation made by the Executive and the Minister of Finance to Westminster to allow us to move ahead on the matter. It is vital that we grasp the opportunity, use it to its maximum potential and get it in place before January next year. If so, we may be able to encourage additional airlines to come on board and make use of the wonderful resource that Northern Ireland has in Aldergrove. I know that a lot of people make representations on behalf of Belfast airport, but let me tell you that we have one international airport and it is based in south Antrim.

Mr Weir: There is one airport in Belfast, and another based in south Antrim.

Mr Girvan: No. Unfortunately, I am not going to enter into any slanging match over the airport in Belfast. We have Aldergrove international airport, and it is vital that we keep it going and sustainable.

This is as a result of wanting to ensure that we retain the link, through the Continental/United airline, to Newark. That is one of the bands covered under the direct long-haul flight category and that airline could take advantage of the savings that it could make.

I appreciate that there is a cost to our Executive as result of taking on and reducing APD on every measure. We accept it at a minimal cost of £5 million. I know that a lot of people might think that £5 million goes quite a way. However, we believe that we can pull in a lot more value than the £5 million that it will cost the Northern Ireland Executive. As a result, that is what we will focus on.

I appreciate that it is a four-clause Bill and there are other areas to consider. Some Members referred to asking for a reduction in band A, but that was not included in the Finance Bill passed at Westminster. There is a lobby for that, and pressure needs to be brought upon the Exchequer in Westminster to reduce APD across the board. I do not particularly want to be the person who drives it through at a cost to the Northern Ireland Executive when, ultimately, there might be an opportunity for us to put pressure on the British Exchequer to reduce it to zero across all bands. If that were the case, we would be happy to accept it.

We have to compete against what is happening 100 miles down the road. I would prefer people from Northern Ireland to fly from Northern Ireland and that we gained the advantage from that, as opposed to spending money on rail routes to Dublin and improving the road scheme so that people can make the journey to Dublin. I would prefer that people departed from and returned to Northern Ireland. However, I appreciate that we want to focus on the business routes, and it is those that we want to achieve.

There is also an argument about the hub airports in the United Kingdom that we could, ultimately, go to. However, associated with going down that route would be a cost for indirect long-haul flights, and it could be up to £20 million. I appreciate that the figure of £60 million was mentioned by the Chairman of the Committee, but, ultimately, that £60 million could rise as high as £90 million by 2016. I appreciate that the Committee has work to do. There is evidence to come forward, and this allows us to get on with the business. I support the Bill, as presented.

Mr Cree: I welcome the opportunity to speak on this important Bill. As was pointed out, accelerated passage is not an ideal scenario for any legislation. However, in this case, it is necessary to ensure that we get the benefits as soon as possible and certainly before the end of January next year. It is also the case that relevant scrutiny has taken place in Westminster. However, I urge the Finance Minister to ensure that, as far as possible, any legislation that he brings to the House can be afforded the scrutiny of the full legislative process. I think that he has agreed that this afternoon.

Some in the House would like to devolve all fiscal powers to Northern Ireland or, in the SDLP's case, set up yet another quango to consider the issue. That is not the view of my party. The Finance Committee must consider any proposed change to fiscal autonomy on a case-by-case basis, and any support offered by the Ulster Unionist Party is qualified and is not to be taken as an opening of the floodgates for the devolution of fiscal powers. That said, the Ulster Unionist Party has looked carefully at the proposal to devolve the power to set air passenger duty to Northern Ireland and is content that it has the potential to deliver significant benefits.

As Members will know, air passenger duty is a revenue-raising tax. As the Minister said, it started life as an environmental tax, but that is

certainly not the case now that it is a major fundraiser for the Government.

Members have referred to the four bands, A to D, which increase according to distance from the UK, with the rate payable ranging from £13 at band A through to £184 at band D.

By way of background, it is important to note that much work has been undertaken in this area, not least by the Northern Ireland Affairs Committee, which conducted an inquiry. The Finance Committee also took evidence. The Chairman referred to the extensive work carried out by the Committee, and I pay tribute to the staff in that regard.

The legislative provision stems from the UK Finance Bill 2012, which was introduced in Westminster and received Royal Assent on 17 July. As the Minister mentioned, the necessary legislative consent motion, which has already gone through the Assembly, devolved direct long-haul rates of air passenger duty to Northern Ireland and enabled us to set the rate for bands B, C and D. Powers to set the rates for short-haul flights — band A — have not been devolved. As Members have said, that may happen in future.

The Bill sets the rate of APD to be applied to passengers on direct long-haul flights that take off from Northern Ireland at zero, and it is the next step in the process of fulfilling the commitment set out in the Programme for Government. It is important that we set out exactly the benefits of the change. I want to highlight two in particular. First, it addresses the inequality around competition with the Republic of Ireland. That follows a similar argument with regard to corporation tax, in that the Republic has a more favourable rate than here. Given the land border, close proximity and choice of airports, I am glad the House accepts that we are in competition with the Republic of Ireland. We are working, through the Bill, to outperform the Republic in business and economic terms. Secondly, a reduction to zero APD for direct long-haul flights can boost our tourism sector. We know that that is a key driver of the economy. According to the Deloitte report 'The economic case for the Visitor Economy', to which the Chairman referred, around 20% of business units in Northern Ireland are part of the visitor economy. The report states that 30,000 jobs here depend on tourism. Those jobs must be protected and, indeed, built on.

Perhaps the most important element in making the decision is the practicalities around the cost to the block grant. As the process involves the

devolution of tax-setting powers, the Finance Committee has been informed that there will be a resulting cost to the block grant of a maximum of £5 million per annum, if the relevant rate is set to zero. I believe that £5 million is a cost that we can absorb, given the various benefits that I and others have outlined today. Indeed, we do not have a choice: compliance with state aid rules is not optional.

I will now look more specifically at the Bill. Despite the extensive work that has been done, it is a fairly simple Bill, with just four clauses. The third and fourth clauses are consequential, and the first clause simply has the effect of setting the rate of APD at zero for the appropriate bands. Therefore, I will look briefly at clause 2, which concerns payments to Her Majesty's Revenue and Customs. According to the explanatory notes, clause 2:

"permits the Department of Finance and Personnel (DFP) to pay to HMRC such sums as DFP thinks fit towards any expenditure incurred by HMRC in connection with APD".

I would welcome clarification on what potential extra costs the Minister envisages, outside the expected administration cost. It is important that we are fully prepared and that the Executive are not hit with a substantial bill further down the line.

It is important to look at the way forward for the devolution of air passenger duty, assuming that it passes through the legislative process. It has been mooted in Committee that we should look at devolving APD for short-haul flights, which are currently band A. The simple fact is that we need a sufficient business case before there can be any further movement. I said at the outset that my party does not support the full devolution of fiscal powers as put forward by others. Lastly, I impress on the Minister the need for an action plan to maximise opportunities from the devolution of long-haul APD. We must be clear about how we intend to take advantage of the devolved powers and capitalise on the potential benefits, such as tourism and employment, as I outlined.

3.45 pm

Mr D Bradley: Go raibh míle maith agat arís, a LeasCheann Comhairle. Éirím le tacaíocht a thabhairt don Bhille seo. I support the Bill. We in the SDLP do so in the knowledge that, with the devolution of the powers comes an economic driver, partial and all as it is at this stage, that is essential to the future of our

economy. The particular route that has given rise to the Bill is vital in maintaining the link between Northern Ireland and North America, especially in relation to the continued development of business and tourism.

Other powers over APD, specifically band A, will continue to be reserved. As we know, under the Azores judgement, any devolution of revenue-raising power to a region inevitably brings a cost. In this case, as was mentioned, the cost is estimated to be around £5 million. That is against an estimated benefit to the region of £100 million in the space of seven years, with further potential from other routes in the future. During the evidence sessions on the Bill, the Finance and Personnel Committee heard that three new carriers with similar numbers of passengers could create £300 million in extra revenue and generate thousands of jobs. This is a measure that has potential that we should exploit. There is a market out there, obviously, and I hope that DETI is making suitable preparation to exploit the benefits of this measure to the full.

In Committee, we were told that the further someone is from this island, the more irrelevant the point of entry becomes. If we can encourage people to fly to Belfast, the likelihood is that they will remain in this part of the region and we will get the full economic benefit from it in many ways. It is interesting to note, as other Members mentioned, that some of the continental countries, such as the Netherlands, Belgium and Denmark, introduced APD schemes similar to ours but abandoned them or drastically reduced the duty, due to the impact that it was having on inbound visitor numbers. The lesson for tourism from that for us is clear.

Today's debate centres mainly around long-haul flights, but we cannot ignore the impact of passenger duty on short-haul flights as well. As the Chairman of the Committee pointed out, band A flights make up the vast majority of flights — 98.5% — from Northern Ireland. That compares with a figure of 17% in the UK and clearly demonstrates how dependent we are on air travel. We are as dependent on air travel as the Highlands and islands are in Scotland, but we do not have the lower rate of APD that has been afforded to them.

As was said earlier, we are in direct competition with Dublin, which is little more than an hour down the road from both airports. The domestic rate for APD here is £13, compared with €3 in Dublin, so we are not by any means playing on a level pitch there. The representatives of the airports told the Committee that a family of four from, say,

Newry would pay £100 in taxes to fly from Belfast, compared with €12 from Dublin. That says it all. It is clear where the advantage lies. As you move up the bands, the rate increases significantly. It is predicted that rates will eventually double, so it is clear that we may end up at an even greater disadvantage. Our main market for connections is the UK and Europe, and that is by a huge margin. We must remember that they are also our main sources of tourism and business.

We are told that the cost to the block grant of removing APD from the band A flights would be in the region of £50 million to £60 million. That seems to be a huge amount, but we have to remember that an accurate cost-benefit analysis has yet to be done on that issue. I urge the Minister to have such a study done so that we know exactly what we are talking about. We should also try to establish the financial facts about the situation rather than merely dismissing the idea out of hand, as Mr Cree would do. If we are to be as competitive as we can be, we need every tool in the economic tool chest, as has been said earlier. It should be remembered that the transfer of powers would give us the opportunity to vary APD and that the figure of £60 million per annum would apply only if the Executive set the rate at zero across all the bands.

As I said, there is potential in the measure before us in the Bill, as well as further potential right across the bands. However, let us begin with today's measure, which the SDLP is happy to support.

Mrs Cochrane: I, too, welcome the opportunity to speak to the Bill on the devolution of air passenger duty for long-haul flights. Although I do not want to simply restate what has been said by others, I would like to make it clear from the outset that I see this as a welcome development for our Assembly, and I firmly believe that it represents a significant step forward in enhancing our competitive edge. The culmination of the Bill helps to validate all the work that has been done at departmental and Committee level along the way, and I commend the Minister for bringing forward the motion today.

It has been well documented that, due to our unique geographical position, we face stiff competition in aviation from our neighbours in the Republic of Ireland, while, from a United Kingdom perspective, we face a different challenge due to our separation by sea from GB. With the rate of APD in the South already substantially lower than ours, not to mention proposals to abolish it entirely, the intended

mitigation of APD for long-haul routes from Northern Ireland should help somewhat to offset the current shortcomings in our international marketability. This year, we have already seen the importance of air travel to business and tourism in Northern Ireland with the ni2012 celebrations. More than £300 million was invested in our tourism sector in anticipation of those events. However, if we truly wish to develop our long-term prospects and build on our successes, we must continue to enhance regional air travel regulation in order to accommodate our goals.

It is worth noting, as others have done, that the current short-haul APD rates continue to have a detrimental impact on what we pay for regional flights within the UK, and that impacts on our connectivity. Local businesses and consumers are further hampered by the double payment of APD on flights to other short-haul destinations, such as when people have to pass through one of the hub airports when not on a through connection, owing to limited access to direct flights and through-carriers. So I, too, am keen to have further discussions on addressing that issue in the future, and I welcome the Minister's commitment to that.

The devolution of APD rates for direct long-haul flights signifies a progressive step in addressing the disparity in Northern Ireland air travel. As stated, I welcome the motion and support the Bill's passage today.

Mr Weir: I, too, support the Bill. It will lower the cost of long-haul flights and will obviously have some impact on our carbon footprint, which the Minister would be the first to acknowledge. Despite that, any rumours that we have had Steven Agnew and Jim Wells locked up for the day to make sure that this gets through without any concerns being raised are, of course, entirely fictitious.

I support the Bill. First, it is important that we acknowledge the work that this Minister, the Minister of Enterprise, Trade and Investment and other members of the Executive have done with the Westminster Government to bring us to this point. What we have reached in the Bill is very sensible. As others have pointed out, we are in a unique situation in Northern Ireland, in that we have a land border that gives people the opportunity to go down to Dublin to get a long-haul flight. I suspect that most Members — if not every Member in the Chamber — have at times gone to Dublin to get a long-haul flight. *[Interruption.]* What? Sorry?

Mr Humphrey: We have always come back.

Mr Weir: I know. That is right. There may be some folk in Northern Ireland who hoped that some of us were going on a one-way ticket.

We face a situation that is different from most of the rest of the UK. The Highlands and islands issue was mentioned. However, there is a need to do something in connection with this.

Mr McKay: I thank the Member for giving way. I came back onto the Finance Committee only recently, and I thought the Committee's report from earlier in the year was excellent. I commend it to all Members.

The Member referred to how close we are to Dublin. An important piece of evidence that the FSB brought forward as part of that report was that tourists rarely travel more than 100 kilometres beyond their point of arrival. In terms of the rate across all bands, PwC referred to the fact that as many as 40,000 jobs could be at stake. Does the Member agree that, in moving this issue forward, we should take cognisance of that evidence?

Mr Weir: We should always look at all evidence. I will come to the wider issue of APD later. I am sure that the earlier report produced by the Committee was excellent. Obviously, I cannot give it too much praise as I was not on the Committee at that stage, so I do not want to lower expectations for future reports.

The fact that there is within roughly 100 miles of Belfast a large international airport in a different jurisdiction with a different financial regime and access to a larger number of international long-haul flights will, clearly, have an impact. The Bill is about trying to create a certain level of level playing field. To that extent, it is clear that the reduction and removal of APD on long-haul flights can have positive spin-offs for Northern Ireland. It can help to protect existing routes. As Mr Girvan mentioned, we need to ensure that it is very much concentrated on the business routes. Hopefully, it can help to expand horizons for the International and City airports in bringing in additional business and looking at new routes. If this can lead in the long run to any increase in routes, it will be well worth the investment.

As was indicated, the cost of the steps we are taking today is relatively small. It is important that we proceed with a certain level of caution to ensure that any step that we take is to the clear financial advantage of Northern Ireland. That is clearly the case with the Bill. The positive spin-offs from ensuring that those long-haul flights continue and expand will have a strong impact on our tourism potential and the

profitability of our two major airports, and, indeed, a lot of employment is tied in. Aldergrove and the City Airport generate a vast amount for the economy. At times, we do not show enough gratitude or acknowledge the good work that is done there, which is work that can lead to sound financial foundations for the whole of Northern Ireland.

There is a wider issue, which Mr Girvan touched on. There is a challenge for the UK Government in that what was presented as a well-motivated, at least on the face of it, initial decision on APD to try to look at its impact on the broader environment quickly became for the Labour Government and Conservative Government something that is simply seen as a revenue stream. However, the level at which APD was set across the UK is not helping the overall UK economy. The Government need to look again at whether the short-term advantage of a certain amount of revenue is being more than offset by the loss of business to the UK as a whole.

Members opposite mentioned widening the scope of a reduction of APD. In the very short time that I have been on the Committee, when the Minister appeared before us, he gave indications that there was an issue being examined as regards that. Mention was made of a potential cost of anywhere between £60 million and £90 million if we were to move wholesale on APD. I am somewhat sceptical of that wider move.

However, irrespective of whether you are an enthusiast for that or, indeed, someone who is much more sceptical or hostile to it, whatever action we take or do not take should be based upon very clear-cut evidence. Obviously, the views of important organisations such as those that the Chair has mentioned need to be borne in mind. Evidence needs to be examined carefully before any further steps or examination is taken.

4.00 pm

(Mr Speaker in the Chair)

Many of us share the concern that was outlined by the Minister, which is that although there is a very clear advantage on the long-haul side, there is a question mark over whether spending £60 million to £90 million would achieve the same level of advantage from some short-haul flights. It is clear that short flights can be advantageous to businesses. I know businesses in my constituency, for example, that value greatly the use of the George Best

City Airport to get across quickly to London and back to do business.

The problem is disaggregating what would be the business benefit from, shall we say, the more externally driven, short-term tourism benefit that would emanate from Northern Ireland and whether, effectively, the principal beneficiary of cheaper flights would be other parts of the UK because it would actually mean that more money is spent on hotel rooms in London and other parts of the UK and that shopping is simply boosted in those areas. There is undoubtedly an issue that, to some extent, we may simply be taking money out of Northern Ireland and not getting the same level of advantage.

To some extent, any of that is supposition at present. It will be a matter of actually testing the evidence. If, in the future, we will potentially spend anywhere in the region of up to £60 million or £90 million to reduce APD simply down to zero, we need to ensure not only that we get an economic return for that, which benefits the Northern Ireland economy as a whole, but that we get the best bang for our buck. The question is whether, if that money is to be spent, other forms of regional infrastructure would actually prove to be more economically beneficial.

As I said, I suspect that that has got to be evidence-based, one way or the other. I suspect that, to some extent, it is a debate that we will come back to at a later stage.

Mr Mitchel McLaughlin: I thank the Member for giving way. He has mentioned people who might use flights for visits or holidays. In fact, there is also a case, which similarly has to be evidence-based, that we could open up access to export markets for local, indigenous businesses by looking into airports in, for instance, Glasgow, Manchester, Birmingham and London. We should explore that. The decision should be evidence-based. However, let us not deny ourselves opportunities to achieve the objective of rebalancing and expanding the local economy.

Mr Weir: I appreciate that. That is why, ultimately, the evidence base has to be examined closely. With the best will in the world, I would question the benefits of flights that are not long-haul. For example, people who go to Lanzarote or Gran Canaria may not necessarily bring too many exports out with them or, indeed, tourism jobs back in.

One of the problems with this is that we can all see situations in which there is a certain level of

advantage, where, indeed, if you could disaggregate that advantage in some way, there could be benefit. We can also see where a lot of it may be money that is not all that wisely spent. That is where the evidence has to come in.

I am trying to keep a reasoned, open mind. I have to say that I am sceptical at present. We will await the evidence. Whatever the long-term response is with regard to air passenger duty, it is clear that there is a step today that could cost little to Northern Ireland but could be of massive financial benefit. Consequently, I urge the House to support the Bill that is before us today.

Mr D McIlveen: I also rise to support the motion. I think that we probably spend a fair bit of time in the Assembly criticising Ministers for what they do not do — sometimes, justifiably; maybe sometimes not so much. We really have to take the opportunity today to pay tribute to the work that has been done on this issue, particularly by the Finance Minister and the Enterprise Minister. When we were on the cusp of losing that very important flight, they stepped up to the mark. They lobbied heavily the Secretary of State and the Minister in Westminster. I believe that that brings us to a point now where we can look at consolidating that and ensuring that the future of that particular route and, hopefully, other long-haul routes can be secured.

The New York flight, in particular, has been vital. A number of American companies will bear testimony to the fact that the connectivity between Belfast and New York has been one of the major factors in their choice to invest here, along with, obviously, the unique skills of the workforce in Northern Ireland. This is something, like the corporation tax argument, that gives us a unique niche that we can sell to investors who come from further afield when we try to encourage direct inward investment. We should not be ignorant of that.

I am very heartened that we are having a debate — I think that I mentioned this the last time that we spoke on this issue, and I mention it again — around how we now see Dublin as our competitor rather than our partner. I take great heart from that. We sometimes spend too much time talking about the partnerships and synergies rather than looking at the opportunities that competition brings. Those of us who come from a private sector background know that there is nothing like competition to make us step up to the mark and deliver a very good and effective service. I welcome the fact that we are having a conversation about Dublin

being a competitor rather than a partner. Long may that continue.

Mr McKay: I thank the Member for giving way. A contributor from the other side of the House made the point earlier that this is about levelling the playing field. The Member for South Antrim referred to tourists coming into the International Airport in South Antrim. I want to compete with South Antrim; I want those tourists to go to North Antrim. We can all be parochial, but this is about levelling the playing field.

Mr D McIlveen: I welcome the Chairman of the Committee's comments, which are quite different from those he made in the 'Antrim Times' a number of weeks ago. I am glad that there has been a change of heart. I certainly welcome that, and I completely concur with what he is saying.

On a slightly more serious note, there are other advantages. I understand that there are some technicalities involved in visa regulations. If somebody enters Northern Ireland, they can freely travel across to the rest of the United Kingdom or to the Republic of Ireland without a visa, whereas that cannot be done if they enter through the other ports. A whole range of benefits and advantages can come from this.

Most of the issues that I wanted to address have already been raised, so, for the purpose of saving time, I will resume my seat. I support the Bill.

Mr McGlone (The Chairperson of the Committee for Enterprise, Trade and Investment): Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire chomh maith. I thank the Minister.

The Committee for Enterprise, Trade and Investment has closely followed the ongoing debate on the devolution of air passenger duty. The Committee's interests lie primarily in the implications for business and tourism here of the Irish Government reducing the APD rate in the South to zero. Business here is heavily reliant on air links to access markets across the world. The fact that the UK currently levies the highest rate of aviation duty in Europe has not been lost on the Committee, as high APD has had a greater negative impact here than in England, Scotland and Wales. The Committee is in agreement that there is overwhelming evidence that the high level of APD is having a significant negative impact on tourism and the economy.

The retention of the route between Belfast and Newark is essential to support existing investment from the United States and, very importantly, to attract future investment opportunities. We hope that setting the APD to zero in primary legislation will send out a clear and unambiguous signal that we are not only open for business but in this for the long haul — pardon the pun.

The Committee for Finance and Personnel, in its report on the legislative consent motion on the Finance Bill, which included the provision to devolve direct long-haul rates of APD, recommended that the Minister of Finance and Personnel and the Executive develop a co-ordinated action plan to maximise the economic opportunities that arise from the devolution of direct long-haul rates of APD, with the aim of establishing new direct long-haul flight connections to key business and tourism hubs. The Committee will be interested to hear how the Executive respond to that and, in particular, about the role that DETI will have in the development and implementation of the action plan.

In supporting the Bill, the Committee urges the Executive to use the opportunity to redouble their efforts to attract flights to Belfast from other long-haul destinations in the United States and Canada, and destinations in the fast-developing Asian economies where — in the words of Tony O'Neill, the chair of the Agri-Food Strategy Board, who presented evidence to the Committee two weeks ago — "natural demand is unbelievable."

I now move to wear my party's hat, and it falls to me to respond to Mr Cree's comments about the SDLP setting up another quango to look at rates of taxation in the North. We could go down the route of his Tory buddies and try cuts, cuts and maybe even more cuts, but we all know what happens with those. There is a fall in disposable income, more unemployment, fewer flights and less money to go around. However, then again, if you are a true blue, you stand by your colours and you implement those cuts. Anyway, I will leave Mr Cree to pursue that option.

The SDLP is content to allow the Air Passenger Duty (Setting of Rate) Bill to proceed under the accelerated passage procedure. We welcome the devolution to the Assembly of the setting of the rate of air passenger duty for all direct long-haul flights from Northern Ireland and the decision to set the APD rate at zero for flights in bands B, C and D. That will help to secure our only direct transatlantic service and, with it, opportunities for growth in tourism from North

America and greater ease of access to current and prospective industrial and business investors.

However, we have some concerns. Our first concern — it has been mentioned — relates to the cost to the block grant of the zero rating on long-haul flights, which is expected to be in the region of £5 million per annum. The SDLP is fully aware of the need to recover any cuts to the block grant through improved economic activity. In this case, that is the economic activity that will result from the zero rating of long-haul flights.

Maximising the impact of the new zero rating will require imaginative strategies to be put in place to increase tourism in particular. Unfortunately, we feel that the Minister for tourism has missed a number of tricks in that regard, even before zero rating will come into play. "The Gathering" 2013 provided a golden opportunity to promote the entire island of Ireland as a tourism destination in the global market. The zero rating on long-haul flights would be an added incentive for new visitors to come to the North when visiting the island. But, to date, the Minister has failed to properly engage with her counterparts in Dublin to take advantage of the work that they have been doing.

The development of a common travel area visa could also assist in promoting Northern Ireland as a tourism destination: one that could become the arrival point for many visitors to these islands. Instead, the emphasis from the Minister's Department, and from her party, has been on the different requirements for visas, North and South. While that may be a factual difference, we need to see more progress on a common visa and more involvement by the Minister in those discussions.

A further concern is the exclusion from the Bill of band A: short-haul flights. In July 2011, the Northern Ireland Affairs Committee was:

"not convinced of the viability of pursuing the option of devolving the power to set Air Passenger Duty".

However, it did:

"recommend that for flights departing from Northern Ireland airports, Bands A and B should be merged, with the resulting merger being zero-rated all for flights departing from Northern Ireland airports, and for those direct flights to Northern Ireland from Great Britain."

It is possible, if unlikely, that zero rating on short-haul flights might yet emerge as a result of the current discussion elsewhere of an air transport strategy. However, the Bill misses that opportunity and falls short of addressing the very real impact of air passenger duty on local businesses and society here.

We believe that the Assembly should be able to set the rate of air passenger duty on short-haul flights, as well as long-haul flights. We agree with the Consumer Council, which recognised that:

"for many people in Northern Ireland travelling by air is not a luxury, but is an essential element of family and economic life."

The current air passenger duty rate on short-haul flights is an unfair taxation on consumers here.

4.15 pm

With responsibility for the short-haul duty rate devolved to the Assembly, we could fully coordinate our policy on air passenger duty with our counterparts in Dublin to remove the disparity, not treat it as competition, as, frankly, we are too small to compete. Consider the opportunities that it opens up from Donegal to Derry. They are huge; we should take advantage of them. We actually should move with businesses; they are already taking advantage of those opportunities. We could remove those disparities for the benefit of the economy across this island and, in the process, we could remove the unfair taxation faced by consumers here when travelling to UK destinations when compared with consumers in Britain. That would not need to result in an uncontrolled expansion of both air travel and local airports. Regulation exists to manage such pressures in a sustainable manner to mitigate any adverse impact on the environment.

The Bill represents a step forward in taking more responsibility for shaping our own economic recovery, but it lacks a comprehensive approach. Once again, I point out that such an approach requires the maximum possible devolution of economic levers into the hands of locally accountable representatives. That increased responsibility for economic policy would help make this Assembly more relevant to the real concerns of the people we represent.

The starting point for further discussions on this issue with the British Government should be the establishment of a commission — Mr Cree is still here — to present an evidence-based argument on how further devolved powers would provide the Executive with additional tools to boost our economy; to encourage job creation and progressive taxation; and to ensure protection of the most vulnerable and the provision of first-class, front line public services.

Mr Allister: I have two or three points to make on the Bill, the first of which I am almost reluctant to make. Often, in Bills such as this, we see provision for subsequent regulations. We debated a Bill yesterday that was pregnant with that opportunity of multiple regulations being made down the line to change things that are in it. We have set the rate on duty as zero in this primary legislation, and there is no clause that affords the Department the opportunity to subsequently revisit it. I am not criticising that, because obviously zero is the best option for consumers, but it struck me as unusual in terms of how these Bills are drafted. Maybe there is a particular explanation for that. I am not recommending that it be altered; I am merely drawing attention to the fact that, if the rate was to be changed in an upward direction, it would have to be done by amending legislation. Perhaps the Minister can explain why that is so. Maybe it is to send a very clear signal that Northern Ireland is open for business on a zero rate. I do not know, but the point occurred to me immediately on reading the Bill.

The second point I want to explore concerns who has been benefiting from the already implemented reduction in passenger duty. Since last November, as I understand it, the British Government has been picking up the tab. The operator — I think it is now called United Airlines — has been benefiting from a situation whereby there is no extra surcharge. I ask who has been benefiting because it does not appear to have resulted in any reduction in the cost of air fares.

I took the opportunity this morning to check flights: in case some get too excited, I might say that I checked return trips and not single trips. I discovered that, for example, if you pick a date in mid-January to fly to New York with United Airlines, or Continental as it used to be, from Belfast, a return flight will cost £472. However, out of Dublin, with the same airline going to the same destination, it will cost you £386; a difference of something like £86.

If the airline is already benefiting from the set-aside of this duty, why is it that there has been

no resulting benefit to the consumer? Surely, one of the desirable objectives of this legislation is that we make Northern Ireland and Belfast International Airport a more attractive destination and a more attractive place from which to fly. However, if, in consequence, the same airline is charging substantially more — something like 20% more — to fly out of Belfast rather than Dublin, why is that? Is it simply exploiting the lack of competition or is it pocketing, so to speak, the benefits that flow from the removal of the airport duty, or is there some other explanation? What monitoring will there be to make sure that it is, indeed, the consumer and not the airline companies that derive all the benefit from this? I will be interested to hear what the Minister might have to say about that.

I thought that the explanatory document was a little sparse on the question of the £5 million potential cost to the block grant, in that it states:

"This block grant adjustment would be increased over time to reflect general growth in the economy but the precise mechanism for this has not yet been finalised."

There are two points arising from that. First, we are told that it is likely to be:

"in the region of £5 million per annum".

I do not quite get how the resulting Exchequer loss is £5 million, given what seems to be the number of seats that are available out of Belfast International on an annual basis — if they are all taken up — and the rate of airport duty. Maybe the Minister will explain that. Indeed, he may already have; I apologise for not being here for all of his introductory speech. How do we get to that £5 million? Is it satisfactory that, as we move forward, the explanatory memorandum is couched in terms of:

"the precise mechanism for this has not yet been finalised"?

Five million pounds is a modest amount that, my goodness, the Executive could make up with a few less photographs, a bit less hospitality and by dropping a spin doctor or two. Making a saving of £5 million would not be a great demand on the Executive. However, whereas it is a relatively modest amount, my deeper concern is whether it will shape the template if we have corporation tax devolved. Surely, there is read-over from how you calculate the impact of devolving airport duty to Stormont and the impact on the block grant of what would happen if you devolved corporation

tax. Are there issues there that read across? If there are, is it satisfactory that they are left in this equivocal state of saying that matters have yet to be finalised? One suspects that, were we to be too generous on this particular Treasury reduction in the block grant on a certain basis, it would not be too long until the same argument would be used if we get to the point, which I, of course, hope that we do not get to, of transferring corporation tax. So, the template, I think, is important. And what is the detail of the template, and does it have a read-over to the corporation tax debate? Those are my observations; thank you very much.

Mr G Robinson: I am hopeful that such a move will be of great benefit to the people of Northern Ireland and its economy. Therefore, I support the motion and the accelerated passage of the Bill.

Air passenger duty is not payable on flights departing from airports in the Scottish Highlands and Islands, which means a 50% reduction for passengers in those isolated locations. Why can the same not apply to Northern Ireland? Here, we have only air or ferry connections to the rest of the UK and the rest of the world, so it is paramount that we minimise the costs involved in travelling to and from Northern Ireland. We are all aware of the Continental service from Belfast International Airport, which was threatened in recent months. Those links with the USA are a vital strand of our business and tourist future, and must be protected.

I am aware that the reduction in long-haul APD will come with a price tag for the Executive. However, I feel that a reduction in APD will be beneficial to our economy, especially as there are now airlines prepared to trial new services, as the Minister of Enterprise, Trade and Investment informed me recently. I believe that Lauda Air is to operate a service from April to June 2013 from Belfast International Airport. Such steps are welcome and progressive, and demonstrate the ongoing battle for jobs and passenger services that the Minister of Enterprise, Trade and Investment constantly pursues. The reduction of APD would surely only benefit that. I urge all Members to support the motion, as it can only bring positive results for Northern Ireland.

Mr Wilson: I thank all Members who took part in the debate, and also — as pointed out by the Member for North Down — the Members who absented themselves from the debate. I welcome the fact that all parties have welcomed the Bill. I am sure that there is one party that probably laments the Second Stage and will

lament the passage of the Bill, because it will see it as contributing to the destruction of the world as carbon emissions are increased because we have done away with one of the vital environmental taxes that it believes should be imposed on the populace of not only Northern Ireland but the whole of the United Kingdom in the effort to ensure that we do not heat the world up through going on our holidays or flying in an aeroplane. But enough about Mr Agnew. He has kept himself out of the debate. Maybe I will provoke him to come to the debate on Consideration Stage so that we can debate the issue face to face, but at least it has had widespread support from —

Mr Mitchel McLaughlin: Will the Minister give way?

Mr Wilson: I will be more than happy to give way. I hope that this is not a proxy for Mr Agnew.

Mr Mitchel McLaughlin: No, but perhaps you could clarify something. I am not sure whether you said "Consideration" or "incineration".
[Laughter.]

Mr Wilson: It was Consideration Stage. I hope that the Bill is not incinerated because I want to see it passed, and passed as quickly as possible; hence, the accelerated passage.

Members quite rightly pointed out the benefits of the Bill. We lobbied so hard because we believed that there were great benefits from having direct connections between Northern Ireland and New York. It was not primarily for the tourist trade but for the links that that gave for direct investment, for investors who were already here, investors who we are hoping to attract here and investors who were looking to expand here and needed to have direct flights for their senior management to come in and out of Northern Ireland.

4.30 pm

I believe that the cost of the measure will, as Mr Bradley pointed out, give us a great return. Of course, as with any of those economic models, it is difficult to put an exact figure on the benefits of additional tourism, additional investment opportunities, etc, but I think it is a measure that will more than pay for itself, and which, of course, is a very important part — if the Enterprise Minister was here she would explain why — of the economic strategy that we have for the future in Northern Ireland.

The Chairman and a number of other Members — Mr Bradley, Mrs Cochrane and Mr McGlone — spoke about the Committee's report and its desire to see the legislation be built on as part of a wider strategy to include a large number of other flights. That is something that we are currently looking at with DETI and DRD to see how we can commission work and what work can be done.

As I pointed out in my opening remarks, the Minister of Enterprise, Trade and Investment is already in contact with airlines, and I think that she has made it plain that she is in contact with one Canadian airline. Given that, at one stage, 50,000 people every year flew to and from Canada from Northern Ireland, there is great potential for re-establishing such links, whether they be for families or for investment purposes.

There are immense benefits to be derived from having such links. If we are to grow our economy's export potential, the more links that we have, especially with those parts of the world in which there is economic expansion, the better. All the evidence shows that you dramatically increase your business with the part of the world with which you have direct transport links. That is why it will be important to pursue any advantage that the devolution of the tax gives the Assembly. We can then try to get additional flights as a result.

The Chairman mentioned private flights and their exemption. The main difficulty there is that private flights are registered by the Civil Aviation Authority (CAA). There were 2,708 private flights from Belfast International Airport in 2011. Their destination was not registered. The cost of collecting the information on where those flights were going to would have been quite high, because the measurement would have had to be a manual one. The reason that those flights were excluded was because of the high administration costs as a result of our not having a computerised system.

A number of Members spoke about increasing the scope of the legislation to include all flights. The arguments have been well rehearsed, and I do not want to go into them. The cost would be around £60 million, rising to £90 million. First, had we attempted to get full devolution, we would still be talking about APD, because I do not believe that the Government would have fast-tracked the changes. Had we sought full devolution, we would probably have lost the opportunity that we were most looking for, which was to keep Continental in Northern Ireland.

Secondly, I am not convinced that the costs incurred would have been less than the resultant benefits. Although we will of course undertake studies, the arguments have been put forward by a number of Members already, first to do with short-haul flights. Once you include short-haul flights, you are including all kinds of business and many people who may just be going on their holidays outside Northern Ireland. There would be no direct benefit to the Northern Ireland economy, yet we would be picking up the bill.

Most Members were measured in their remarks. They recognised that this is a balancing act and something that can be done — if we are going to do it — only if there is a very strong evidence base for doing so. The only Member who seems to think that we should do it and, indeed, who is unhappy that we did not include it in the Bill even without the evidence, is Mr McGlone. I was interested in his exchange with Mr Cree. I was disappointed that Mr Cree did not rise to the bait. He sat and took on the chin a lecture in financial prudence and the proper approach to economic strategy from a member of the SDLP. Mr McGlone blithely waived aside the consideration of up to £90 million of expenditure, asked why it is not included in the Bill and said that he is disappointed that it is not included in the Bill without giving any indication of where the money will come from. That follows on from the SDLP's position last week, when it was quite happy to vote down the Welfare Reform Bill at a cost of £250 million in this session of the Assembly and with the potential loss of 1,300 jobs and the abandonment of the social fund next year.

Mr D Bradley: Will the Member give way?

Mr Wilson: I will in a wee minute.

I do not think that we should take any lectures from the SDLP about the adequacy or inadequacy of this Bill on the basis that that party has a sound understanding of the economics behind what it is proposing. Quite clearly, it does not.

Mr D Bradley: I thank the Minister for giving way. I got rather nervous when the Minister was praising me at the beginning of the speech, as there is usually a sting in the tail on those occasions.

If the Minister had listened closely to what Mr McGlone was saying, he would have heard that he was proposing that there is potential in the Bill for the powers to be included but that that does not necessarily mean that they have to be

used or used immediately. I pointed out in my speech — and Mr McGlone reiterated what I said — that there is a need for an evidence-based examination of the costs associated with the extension of this measure.

Mr Wilson: He was much stronger than that. He was much clearer that we should be doing the same for band A flights as we are doing for the other flights. In fact, he actually used the example of not being in competition with the Republic but removing the disparity that exists between Northern Ireland and the Republic.

If we are looking for evidence of the true intent of that inclusion in the Bill, then getting down to the same level as the Republic would mean that we would have a uniform rate across all flights of €3 or next to no tax. The Republic, unfortunately, was able to do it as a result of a £7,500 million bail out from the UK Government. When it got that money, it immediately used it to reduce the rate. Therefore, the Republic is using our money to do it. It is a case of us providing the Republic with the means to compete with us. Nevertheless, we have said — and, in fact, we said it in response to the Committee — that we will study what alternatives there might be.

Mr Cree asked about the extra cost involved. Most of the costs will be administrative, but there may well be some legal costs and costs for research if changes are made in the future. The important thing, which also brings in Mr Allister's point, is that any costs will have to be agreed between us and the HMRC. It is not a case of the HMRC saying, "Here are the costs that we are imposing on you." The agreement is that the costs have to be agreed between the two parties.

Mr Allister raised a number of issues, the first of which is that there is no clause or regulations varying the rate, and that what the rate will be reduced to is simply stated on the face of the Bill. There are two simple reasons for that.

First, the clear intention of this power, and the only reason we took it, was not to allow us to vary the rate but to bring the rate down to zero and use that, as a number of Members have said, to try to entice other carriers to fly long-haul flights from Northern Ireland. So, it is not unusual for us to put the rate in the Bill. If, at some stage in the future, we are awash with flights flying in and out and Mr Agnew is tearing his hair out because of the number of aircraft flying in and out of Northern Ireland and the environmental impact of that, there may well be some case for trying to raise additional revenue. That would be a case of taking

legislation through the Assembly in the same way as we have done today.

He also talked about who will benefit from the reduction and who has benefited from the rate reduction that is in place already. That issue has been raised before. Of course, as Mr Allister rightly pointed out, the rate has been reduced, and we have to pay for that. That was the concession that the Government made: to reduce the band-A rate and leave it to us, once the power was devolved, to reduce the rate to whatever level we wished.

He quoted two prices. I would be very cautious about looking at the cost of airline tickets at any one time. I am not one for ploughing through computers to find out flight rates — that is a bit beyond me — but I am well aware that at different times of the day you can get different prices because people tell me that. For example, at one time in the day you might get an airline ticket for half the price that you would get it at another time of the day. Even looking ahead, sometimes you can do that. So, the actual price and the price differential could vary, maybe even from the time that Mr Allister looked this morning to when he looks tonight.

However, and this might sound very harsh, this reduction was never intended or designed to bring down fares for passengers. It was a response to the airline indicating that it was losing money on the flight and that, if it did not find a way of reducing the costs, the flight would go. One way to reduce the costs was to take away the tax burden on the flights. If the company still decided that, given what it knew about passenger behaviour, it could impose the value of the tax but not have to pay the tax, and so increase its revenue or, if you want, reduce its costs, to keep the route viable, that is what would happen. Clearly, from the information that has been given today, and I understand that the flights are very well used, the commercial decision has been to, even with the tax reduction, keep the price at a certain level. That gives more revenue to the business, which keeps the route viable and operating in Northern Ireland.

That is a commercial decision — I will give way to Mr Allister on that in a moment or two — and no one would suggest that we should start regulating the fares that are set in a market and saying to airlines that their prices here must be commensurate with the prices that they charge from other airports. The whole point is that the airline had to have commercial freedom, and it has exercised its commercial freedom in the way in which he has suggested.

4.45 pm

Mr Allister: I follow what the Minister is saying, and I understand that the short-term purpose was to protect that particular route. However, surely, behind this legislation, there is also a long-term objective of increasing the passenger base, growing that base and making it more attractive and desirable for people to fly to and from Northern Ireland. Consumers also make commercial decisions, and, if the consumer is faced with the fact that he can fly to the United States for £80 cheaper by going 80 miles down the road, he is more likely to do it. Surely, we have to get to the point where pressure is applied through this legislation and otherwise to make the fares more attractive. It is the same operator flying to the same place but flying from two different locations: one in Dublin and one in Belfast, and charging 20% more out of Belfast. Surely that has to, ultimately, be addressed.

Mr Wilson: I do not think that that issue can be addressed by this Assembly through some form of price control. That has to be a decision that the airline then makes on the basis of the information that it has about passenger behaviour and consumer choices. It may well be that there are other things that the airline has to decide to do to promote those flights. I suspect that, if numbers were to start to fall, the airline would have to adjust the prices that it charges to customers to maximise the revenue that it retains from the flight. Those remain to be commercial decisions. All that we have done is to aid the viability of the route by removing one of the big costs that the airline was experiencing on a year-to-year basis and which was contributing to the losses that it was making.

The Member is quite right that the whole point of this reduction is to find ways not only of growing the existing business but of attracting other business. I believe that one of the spin-off effects of this will be that it will make us more able to attract businesses to fly in and out of Northern Ireland. That competition in itself may well then bring about the kind of scenario that the Member has referred to. Knowing his economic philosophy, I suspect that he knows full well that that is the way to ensure that consumers get the best possible bargain, and that is through increasing the amount of competition on a particular route or from a particular airport so that people then have a choice.

He and a number of other Members raised the issue of the £5 million cost of devolving the power and the fact that it is open-ended. He asked what the implications were because, as

the explanatory notes say, some issues need to be resolved.

There are two points on that. First, as I said to Mr Cree, the final cost and any additional costs have to be agreed between us and the Treasury. There is a crossover between this debate and the debate on corporation tax in that the mechanism by which the change in costs over the years are measured has not yet been decided. We have a number of options with corporation tax, and that is one of the things that we will want to talk to Treasury Ministers about on Thursday. Equally, of course, there will be some crossover between that and the issue of air passenger duty. However, we understand that the £5 million figure is likely to be the upper limit of that.

Any final decision, of course, will have to be agreed between us and HMRC, and any increase in the figure over the years as a result of changes and escalators will, again, be agreed. I do not want to go into now the various models and mechanisms that have been talked about in relation to corporation tax, but there will be some implications. If and when we agree the mechanism for the escalation or the change of costs over time with corporation tax, a read-across will be brought to air passenger duty.

I hope that I have dealt with most of the points that Members have raised. I thank Members for their contribution to the debate and ask them to support to the Second Stage of this important Bill.

Question put and agreed to.

Resolved:

That the Second Stage of the Air Passenger Duty (Setting of Rate) Bill [NIA 15/11-15] be agreed.

Committee Business

Standing Order 59

Mr Speaker: The House will know that such debates are not time-limited.

Mr Clarke (The Deputy Chairperson of the Committee on Procedures): I beg to move

Leave out Standing Order 59 and insert

"59. Assembly and Executive Review Committee

(1) There shall be a standing committee of the Assembly to be known as the Assembly and Executive Review Committee.

(2) The committee may -

(a) exercise the power in section 44(1) of the Northern Ireland Act 1998;

(b) report from time to time to the Assembly and the Executive Committee.

(3) The committee shall consider -

(a) such matters relating to the operation of the provisions of Parts 3 and 4 of the Northern Ireland Act 1998 as enable it to make the report referred to in section 29A(3) of that Act; and

(b) such other matters relating to the functioning of the Assembly or the Executive Committee as may be referred to it by the Assembly."

On behalf of the Committee on Procedures, I am pleased to bring the motion to amend Standing Orders to the House today.

Standing Order 59 relates to the powers and functions of the Assembly and Executive Review Committee (AERC), and paragraphs (3) and (5) specifically relate to the Committee's consideration of sections 16A to 16C of the Northern Ireland Act 1998. Last year, the AERC completed its review of the operation of sections 16A to 16C of the Northern Ireland Act 1998, and the Committee report was subsequently debated by the Assembly. As the duties placed upon the AERC by Standing Order 59(3) and 59(5) have been discharged, those paragraphs are spent and can be deleted. This is a very straightforward amendment to Standing Orders, and I commend the motion to the House.

Mr Speaker: Before we proceed to the Question, I remind Members that the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

Leave out Standing Order 59 and insert

"59. Assembly and Executive Review Committee

(1) There shall be a standing committee of the Assembly to be known as the Assembly and Executive Review Committee.

(2) The committee may -

(a) exercise the power in section 44(1) of the Northern Ireland Act 1998;

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(a) such matters relating to the operation of the provisions of Parts 3 and 4 of the Northern Ireland Act 1998 as enable it to make the report referred to in section 29A(3) of that Act; and

(b) such other matters relating to the functioning of the Assembly or the Executive Committee as may be referred to it by the Assembly."

Mr Speaker: As there are Ayes from all sides of the House and no dissenting voices, I am satisfied that cross-community support has been demonstrated.

Private Members' Business

The Disappeared

Mr 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 in which to make a winding-up speech. All other Members who wish to speak will have five minutes. Before we begin, I remind Members that they have a general duty to behave responsibly and to ensure that nothing they say may prejudice any future proceedings that may be taken on these matters.

Mr Humphrey: I beg to move

That this Assembly notes that it is 40 years since the first abduction of what would become known as "the disappeared" occurred; acknowledges that, to date, seven families have been denied the right to bury loved ones because of the actions of republican paramilitaries who abducted, murdered and hid the victims' remains; commends the dignified perseverance of the families and the work of the Independent Commission for the Location of Victims' Remains (ICLVR); pledges its support to those families in their ongoing fight for justice; and calls on all those with information to co-operate fully with the ICLVR so that this harrowing chapter of our history can be closed.

I move the motion on behalf of my colleague and I and my party. The issue of the disappeared was discussed during the previous Assembly session in October 2010 and, indeed, earlier in that mandate. It could be said that there is a distinct feeling of déjà vu about today's debate. However, that is not to say that it is a waste of time; far from it. The issue is a fundamental one, but words are simply not enough, and actions are now needed. Yesterday, a journalist asked me what is the point in raising the issue again. The answer is very simple: the issue needs to be continually raised until it is resolved and the remains of those abducted, murdered and dumped are returned to their loving families.

The motion in 2010, like the one that we are now debating, called on those who had knowledge of the location of the victims' remains to bring that information in confidence to the Independent Commission for the Location of Victims' Remains without further delay. Immediate action and not words is the key. It is absolutely vital that those who have

any information — and I stress, any information — should come forward without any further delay. Surely, anyone with a shred of compassion who knows something about any of the missing victims, would want to provide information which will identify the locations of their remains and bring some long overdue comfort and closure to the long-suffering and grieving families.

Just a short time after the debate in this Chamber in October 2010, the remains of Peter Wilson were found at Waterfoot in County Antrim. He was 21 when he was murdered, and he had learning difficulties and the intellect of a child of 13 or 14 years of age. Since then, progress, which was always painfully slow, seems to have come to a complete halt. Although 12 bodies have been found, and some closure given to those grieving families, seven victims remain to be found. That represents seven families still waiting to give their loved ones a proper funeral, still living a nightmare that has gone on for decades, in some cases for 40 years. Some of the members of these families have passed away without ever knowing or finding out what happened to their loved ones.

The 19 disappeared were all very different people, with different backgrounds, outlooks and lifestyles. Jean McConville was a mother whose crime, it seems, was simply to offer comfort to a dying soldier. Charlie Armstrong was an innocent man who was simply in the wrong place at the wrong time. Columba McVeigh, whose body is yet to be found, was 17 when he died, or, I should say, was murdered. His mother worked tirelessly for the recovery of his remains until her death in 2007. She went to her own grave without knowing what had happened to her son and without having been given that peace of mind.

I note that, only last month, the digging to try to find that body started. That work could continue for 10 to 12 weeks and I hope that they are successful in locating his remains. Captain Robert Nirac, whose body has never been found, was a soldier in the army doing his job in the battle against terrorism.

I could go on, for each victim's story is unique to them and all of them are tragic. No matter who they were, or what they were, there is absolutely no justification for whatever happened to them, for the illegal abduction and the murder of any of them. Such a situation is not acceptable, particularly in a democracy.

I strongly suspect that there are some Members of this House who might have a fair idea about

some of these outstanding cases and know where the bodies are buried. Or, if they do not know personally, I believe that some of them will know people who will know and who can provide vital information to the authorities on this side of the border or in the Irish Republic.

We hear much talk of moving on, but how can the families of the disappeared move on? If we are to move forward in Northern Ireland, it is crucial that everyone, and I mean everyone, is honest and open about the past. I do not believe that we need a truth commission. I believe that we simply need people to tell the truth. Sadly, it seems to me that the Members opposite are only interested in highlighting the perceived crimes of our national Government. They are not so keen to have the spotlight shone on their past or on that of their friends. Indeed, I often wonder just to what extent Sinn Féin has really moved forward.

Mr A Maginness: Will the Member give way?

Mr Humphrey: Yes.

Mr A Maginness: The Member referred to people telling the truth and that, in his opinion, one does not need a truth commission. However, surely, one needs some body that can receive the truth that the Member seeks to establish. Whether you call it a "truth commission" or not, some body should be set up to receive it.

Mr Humphrey: I hear what the Member says and I absolutely understand that he says it with some authority and dignity. However, if people have information, it should be passed on immediately, without having to set up a commission to do so.

If I may continue, I often wonder whether Sinn Féin has really moved forward. Take for example the treatment of my party colleague Councillor Sammy Brush on Monday of last week in Dungannon and South Tyrone Council. Councillor Brush survived an IRA assassination attempt, for which Mr Gerry McGeough was found guilty and imprisoned.

Last week, Councillor Brush had to endure a motion proposed in the council chamber by Sinn Féin and, very sadly, supported by the SDLP calling for that same Mr McGeough — the man who tried to murder him — and fellow terrorists, including Marian Price, to be released from prison. Such actions are an affront to decency and a studied insult to the victims of republican terrorism, including the disappeared. I quote that example simply as a reminder that

we have a long way to go in Northern Ireland. Many of the people I represent are very sceptical about Sinn Féin and about its sincerity about resolving the past. Information that will identify the location of victims remains vital but so too is information that might cast light on the decisions that led to each person being abducted, murdered and dumped.

There is an old Scottish saying that confession is good for the soul, but the full saying is, "Open confession is good for the soul". It is time for open, honest and forthright confessions from some key people. Justice demands it; common decency demands it; grieving families demand it; and the blood of the 19 murdered people known as "the disappeared" demands it. It is time for people to do the decent thing. It is time for people to do the right thing. It is time to be humane. It is time to be Christian. It is time to allow those families to end what has been a nightmare, to bury their loved ones and to bring some closure to a seemingly unending chapter of evil in their lives.

5.00 pm

Mr Mitchel McLaughlin: Go raibh maith agat, a Cheann Comhairle. In supporting the motion, I thank our colleagues for tabling it for discussion. We have, of course, debated the issue before, as the Member said. What characterises the issue is not the obvious differences in perspective, understanding or history, although I was struck by the irony that many of the issues that were addressed to my side apply equally to others. We all have to deal with issues arising from the past. The moot point is around truth recovery, and if, this far removed from the Good Friday Agreement, we have made no progress on that issue, that in itself is the strongest possible argument for taking initiatives and coming up with suggestions for how we address that. My party has made concrete and specific proposals about an international and independent truth recovery commission. Other parties who think that they have better ideas should at least attempt to bring them forward for consideration.

The issue that characterises this discussion, when we have it and when we revisit it, is that there is agreement across all the party ranks. That is not to ignore the fact that we will repeat many of the points already made each time we discuss it. There is agreement that there is a requirement on those who have information, no matter how little, to make it available to the families or to the commission, so that the continued agony of the families of the disappeared can be alleviated.

It may be helpful to remind ourselves of the stated IRA position on this tragic matter, and I do this simply to help the discussion. In April 1999, the IRA issued a statement accepting responsibility for the death of a number of people it had killed and secretly buried. At that time, it outlined its position and its commitment to co-operation with the Independent Commission for the Location of Victims' Remains. The IRA stated:

"Our intention has been to do all within our power to rectify the injustice, for which we accept full responsibility, and to alleviate the suffering of the families. We are sorry that this has taken so long to resolve and for the prolonged anguish caused to the families."

Since then, republicans have worked closely with the commission for the recovery of the disappeared in attempting to locate the remains so as to make it possible to arrange family burials.

Mr Anderson: Will the Member give way?

Mr Mitchel McLaughlin: No, if you do not mind.

I commend and support all the families, who have suffered a grievous injustice and have campaigned with dignity for many years to locate the remains of their loved ones. I thank everyone who has helped the families and worked with them, including the Independent Commission for the Location of Victims' Remains, the PSNI, an Garda Síochána and the experts and staff who have been brought in to assist that work. They deserve our full support.

For its part, the IRA apologised for the grief it caused. It acknowledged that its intention in working closely with the special forensic investigating team has been to rectify this injustice. It has accepted full responsibility for its actions. I know that that will not cut much ice on the Benches opposite, but I also know that, despite the fact that it will not be any great consolation to the families of those involved, it addresses their very sincere desire to arrange a Christian burial for their loved ones. Clearly, opinions in the House matter. Differences matter. I firmly believe that the IRA has provided full disclosure of all the information available to it and that republicans —

Mr Allister: Will the Member give way?

Mr Mitchel McLaughlin: No, if you do not mind.

Republicans will continue to work diligently on this important issue. That was recognised some time ago by the forensic science investigative consultant, Geoff Knupfer, who worked for the independent commission. He said:

"in a spirit of cooperation and reconciliation they are trying to help in every way they can."

He went on to say:

"I am absolutely convinced that they are doing everything they can to assist. The support we have had from them has been absolutely 100% from day one."

Let me make it clear that none of this minimises the IRA's responsibility for the suffering endured with great dignity by the families. However, we have to acknowledge that, as the person who is directly involved —

Mr A Maginness: Will the Member give way?

Mr Mitchel McLaughlin: I am sorry, but I think I have made it clear that I am not giving way.

Mr Speaker: The Member's time is almost gone.

Mr Mitchel McLaughlin: When reviewing the issues, all of us should work together rather than attempt to score points off each other. The key issue here is the families and what we can all do, using all our influence, to help them in their suffering.

Mr Hussey: Between 1972 and 1985, the IRA had a policy, sanctioned by its army council, of keeping the bodies of some of its victims. I say that the policy was sanctioned by the IRA army council because there is no way that the IRA, which was such a ruthless machine, would have acted without the authority of its army council. The fact that it went on for so long is also an indication that it had the approval of the army council. The fact that the IRA hid human remains from families over the period clearly indicates that that was part of the policy of the IRA. Why was it the policy of the IRA? What was to be gained by the retention of human remains?

For families, there was always the hope that their loved one would come home. Many mothers and fathers went to their grave waiting for their son to return home. I am sure that the McConville family held the hope in their hearts that their mother might one day come home,

even though they knew deep down that that day would never come. Someone, at some stage, decided that those families had to suffer not only the loss of their loved one but the day to day thought that their loved one may return. We remember all those victims and their families today. It is appropriate, as we approach remembrance week, that I quote from the ode, 'For the Fallen':

"At the going down of the sun and in the morning We will remember them."

That is what the families had to endure. From sunset to dawn, thoughts of their loved one were constantly in their hearts, and, from dawn to sunset, the hope was always that there would be a knock at the door.

The IRA army council consisted — some would contend still consists — of political and military representatives: members of the Provisional IRA and their political masters. So, some politicians, some of whom may be sitting on these Benches and some of whom have sat on these Benches, played a part in allowing this ghoulis scenario to develop. Those who murdered those citizens, those who helped detain them and those who buried them all have a heavy burden on their soul. I hope that every one of those individuals is still alive today and that the souls of the departed haunt them for every day they have left on this earth because of the callousness of their actions.

If this was an act of the security forces, we would have squeals from the far side of the House for an inquiry and demands for justice and for apologies from Her Majesty the Queen and the Prime Minister. Rightly so. We cannot have an inquiry into these acts, because those who did them are in the shadows. They do not want the world to see them in the sunshine of day.

The families of the disappeared would like to see the mortal remains of their loved ones given a Christian burial. They would like to see their brothers buried beside mothers who cried lakes of tears for their lost sons. Columba McVeigh's mother Vera, who died in 2007 aged 82 and was refused the right to see her son laid to rest before she herself passed away, is a case in point. Fathers lost sons, but they could not give them the burial rites their church would demand to allow their sons to rest in peace. The families would like a place they can visit to remember their loved ones as if they were still here. For many of those families, the world stopped turning the day their loved ones were taken. Nothing — absolutely nothing — justified the retention of those bodies.

Throughout the Troubles, we saw bodies shattered by acts of terror. In some cases, remains were almost so badly mutilated that they could not be identified. However, remains were given a Christian burial. Why did the IRA not want those bodies to be seen? What act of barbarity did they carry out that they wanted it hidden from public view? To many mothers who have lost a son, the final kiss on the forehead is enough to let them know that their child is resting in peace. What right do these cowards have to take that away from a loving mother?

The motion states that seven families have been denied the right to bury a loved one because of the actions of republican paramilitaries, who abducted and murdered the victims and hid their remains. The seven families are those of Kevin McKee, who has been missing since 1972; Columba McVeigh, a 17-year-old missing since 1975; Brendan Megraw, missing since 1978; Seamus Wright, missing since 1972; Seamus Ruddy, missing since 1985; Joe Lynskey, missing since 1972; and Captain Robert Nairac, who has been missing since 1977.

"They shall grow not old, as we that are left grow old: Age shall not weary them, nor the years condemn. At the going down of the sun and in the morning We will remember them."

We must remember them, and we must, as the motion proposes, commend the dignified perseverance of the families. Those who have allowed this to go on for up to 40 years must look into their own heart and see the hurt and pain they have caused the families to endure.

Mr Speaker: The Member's time is almost gone.

Mr Hussey: No one has the right to play God, least of all republican terrorists. What cause can justify those actions? If, to be a nation once again, this is the type of sanctioned behaviour Sinn Féin can support, their nation is not one fit for decent people to inhabit.

Mr Speaker: The Member's time is gone.

Mr Hussey: I support the motion.

Mr Eastwood: I will begin by acknowledging the tremendous loss suffered by the families of the people who were brutally murdered and whose bodies were disappeared. I offer my sympathies to them and to all those still suffering today as a result of our tragic past.

When I think of the 16 disappeared and the denial of their families' right to a Christian burial, I always think of a quote from Patrick Pearse. Giving the oration at O'Donovan Rossa's funeral, he said:

"The fools, the fools ... while Ireland holds these graves".

He was one of the fathers of Irish republicanism signifying the importance of the place of rest in Irish culture and Irish republicanism. It is a demonstration of just how much contempt the Provisional IRA demonstrated towards the Irish people that they strayed from the basic dignity of a grave. They carried out a deliberate policy of disappearing people, people whom they had taken it upon themselves to murder and, in many cases, torture.

Mr Clarke: Will the Member give way?

Mr Eastwood: I will.

Mr Clarke: I wonder will the Member draw a parallel between that and the person whose coffin he carried, who was also a terrorist and a murderer. The people that individual may have murdered may have got a Christian burial, but is it still acceptable for him to have murdered people in cold blood?

Mr Speaker: The Member will have a minute added to his time.

Mr Eastwood: First of all, the Member used very colourful language such as "murder". I do not think that there was ever any charge or conviction around that, but the point that I want to make is that each and every one of us has a duty to try to move forward. Each and every one of us has a duty, just like the members of your party who sit in the Executive with former paramilitaries, as representatives of our communities to reach across and try to build friendships and relationships across any political divide. I do not have to apologise one bit for any friendship I have or for any hard and difficult conversations I had with somebody who had put their past long behind them and had given as much — *[Interruption.]*

Mr Speaker: Order, order. Members should not debate across the Chamber.

Mr Eastwood: — and given as much to the peace process in terms of moving forward as many other famous people who now sit in the Executive of this House and in other Parliaments. I do not need to explain my

actions or those of my party, which has supported the peace process from the very beginning. My party is not only non-violent but has been against violence from its inception. I have stood at the forefront against dissident republicans in the city of Derry every time they have attacked our city and people. I do not have anything to apologise to you for.

5.15 pm

I will move on. I do not want to continue down the road of using the past as a stick to beat political opponents; we are all much too fond of that in here. I want to follow the lead of the families of the disappeared and call for information on the whereabouts of their loved ones. That is what they seek. They seek not revenge but information. It is essential that anyone who has any information comes forward to the relevant authorities or to the commission set up to try to find the remaining seven victims. There is no reason in the world why that information cannot come forward. The people who have refused to give information need to come forward, and the people who have given some information need to give more. I make a direct appeal to them to please come forward to allow the remaining families to give their loved one the dignity of a Christian burial. All those families ask for is information. They are entitled to ask for much more, but all they want is to give their loved one a proper Christian burial, which is so important in our culture and community.

Mr A Maginness: I thank the Member for giving way. Mr McLaughlin talked about the injustice visited on the families. He said that the IRA had apologised and that his party accepted that apology. Is that apology sufficient, in so far as he did not identify what that injustice was, whether it was the murder of these people or the disappearance and hiding away of their bodies?

Mr Eastwood: I thank the Member for his intervention. I cannot speak for Mr McLaughlin, but, what I will say is that I hope that he was talking about the murder and the disappearance.

Mr Mitchel McLaughlin: Will the Member give way?

Mr Eastwood: I will, surely.

Mr Mitchel McLaughlin: I make it clear that I was quoting directly from the IRA statement. I quoted the IRA statement to the House, and I made it clear that, in that statement, the IRA

apologised for the injustice done to the families. I do not have the authority to take that any further.

I would not have minded the opportunity to mention another victim, Lisa Dorrian, whose remains have never been discovered but whose name seems to have dropped off the list. I hope that you will take the opportunity that I did not have to mention that.

Mr Eastwood: I will gladly take that opportunity. Many people were murdered, and quite a few were disappeared. Whether it was a murder or a disappearance —

Mr Speaker: The Member's time is almost gone.

Mr Eastwood: — in my view, they are all crimes and all injustices. I wanted to talk a little more about the need for the Assembly to get to grips with our past —

Mr Speaker: Time is gone.

Mr Eastwood: — and to deal with the difficult issues that surround it. We will continue to have such debates in the House unless we properly grasp the issues of our past.

Mr Lyttle: On behalf of the Alliance Party, I support the motion and, most importantly, the families of all the disappeared. It is genuinely very difficult to comprehend the scale of the heartbreak and trauma that the families of the disappeared have been forced to endure over what, for some, has been a lifetime.

I can only pay tribute, as the motion does, to the dignified and courageous perseverance of the victims' families in locating the remains of their loved ones, and the Alliance Party and I fully support their campaign. The families have been denied the most basic human dignity of being able to bury their loved one. They have had no opportunity to choose a final resting place at which they can mourn and remember. Some families have even had to endure malicious and false accounts of their loved one's activities. The story of each individual disappeared person highlights the sheer inhumanity and brutality of the violence in Northern Ireland. The forcible removal of people from their family and their murder and burial in an unknown location must be among the worst human rights abuses imaginable and an indelible evil in the history of this community. Therefore, I acknowledge the work done by organisations to support victims and survivors — the WAVE Trauma Centre, for example, is a

pillar of support for many families — and I recognise the contribution that support groups and organisations have made to help families to deal with such devastating trauma and loss.

I echo the recognition of the work of the Independent Commission for the Location of Victims' Remains. It has worked tirelessly and sensitively with families in the most difficult of circumstances. Its work has been complex and requires the highest quality of technology and expertise. The dedication required from the engineers, archaeologists, surveyors and other professionals who deal with each case is not to be underestimated. Most importantly, as stated in the motion, there is an obligation on anyone with any information that will help the work of that body to make it available without delay. There is absolutely no impediment to people providing information to the commission. The legislation that created the commission ensured that any information found by the commission is not admissible. There are no excuses, and there is nothing to be gained by withholding vital information that will afford families a dignified burial of their loved ones. I support the renewed call of the Assembly for anyone who may have been reluctant to provide such information to do so, before it is too late.

I also appeal to anyone with information about the disappearance of Lisa Dorrian to come forward. Although her disappearance is not covered by the terms of the legislation relating to the disappeared, the Dorrian family has endured the same torment. They have been unable to give Lisa a dignified burial and have many unanswered questions about what happened to their daughter and sister. There are people who know what happened to Lisa, and I appeal to them to come forward with any information on her disappearance.

This is a very personal issue for the families of the disappeared, but it is part of the wider issue of how we deal with the legacy of our past in Northern Ireland. The approach to date has, regrettably, been painfully piecemeal. The Alliance Party has consistently held that the legacy of our recent past is too important and affects too many people to be dealt with in that way. My party has called on numerous occasions for the British and Irish Governments to convene talks with all parties on how to deal with the legacy of the past in a comprehensive manner. To date, they have failed to respond to that duty.

As the motion states, the families of the disappeared and all the victims and survivors in this community deserve much better. I hope

that we start taking action that delivers what they deserve.

Mr G Robinson: All of us have lost relatives and friends and have had the opportunity to attend a dignified funeral as a mark of respect to the deceased. It is now 40 years since the first of the disappeared was abducted and, doubtless, killed by cowards. The grieving families have been denied the right of laying their loved one to rest with dignity, which every family deserves. It is only right that the families that have suffered for so long have that situation reversed and are able to bid a dignified farewell to their relative. The hiding of remains in peat bogs or sand dunes shows the utter contempt for the human beings who were killed by the person or persons guilty of the barbaric and cruel murder of a loved family member.

I ask the perpetrators to do the honourable thing and give the families their relatives back so that the torture can be ended and a dignified closure given to the currently disappeared. I do not care how information about the location of the bodies is passed on, but it must be given to the relevant authorities so that that part of Northern Ireland's violent past can be eradicated and the culprits made to face the full rigours of the law.

Many people talk of human rights these days, but what about the human rights of the families of the disappeared? They have suffered immeasurable distress and anguish since losing their relatives, but that, seemingly, is overlooked. I want to see the suffering of those families ended, and I call on the terrorists who carried out these vile deeds to pass on the information on the location of the victims' remains.

Perhaps, the party opposite, past or present, could encourage those who are responsible, if they are known, to give the vital information that is needed to locate the remaining seven bodies that are still to be located. I hope that the Boston College tapes may reveal clues to end that sorry situation. Hopefully, the Members opposite will not block any moves to obtain that information. I support the motion.

Mr Nesbitt: We have been here before, as some Members have noted. I have no difficulty revisiting the issue. The difficulty is that we have to revisit the issue because seven families still await the right to bury their loved ones. Today, that is 40 years on — 40 long years.

To give that some context, I would like to turn to another incident from just 23 years ago, which made headlines recently in another part of the kingdom — the Hillsborough disaster, when 96 football fans died in a crush at the Hillsborough football stadium in Sheffield. It took their families 23 years to get the truth. That seems like a long time to me, but it is nothing compared with the 40 years for the families of the disappeared.

At the weekend, a former Lord Chancellor made some interesting comments about Hillsborough. Charlie Falconer said that:

"96 people died in a disaster to which the police very substantially contributed. For 23 years, the police told lies about what had happened and the families... felt utterly obliged to protect the reputations of those whom they loved who had died ... Those 23 years of pain and suffering should not lead to the situation where people say it's too late and the families don't get justice."

He went on to talk about family members:

"one ... whose son died in the disaster, said 'My other children were very young at the time my son died. They grew up during those 23 years and I never noticed them growing up. I do not know what happened.' Another person, who is a mother, said that she was 42 when her loved ones died. She is now 65, and she still feels like she's 42. Those 23 years have been lost. And the idea that they should not get justice after 23 years is an utter affront to our society."

I can do no better than to echo the words of the former Lord Chancellor when summing up the positions of the families who still seek the truth about their loved ones: it is an utter affront to our society.

I am sure that the families of the disappeared feel that their lives have whizzed past in the same way as the families who lost loved ones at Hillsborough do. How can the Members opposite therefore seek to persuade me that my future is best served by adopting Irish republican values?

In an important sense, Hillsborough bears no relation to the disappeared. What happened on 15 April 1989 was a mistake. The police made a mistake. On the day, it caused death on a scale well beyond that of any single incident in the sorry history of our Troubles. Ninety-six people died; treble our worst single incident. However, it was a mistake. They did not set out with that intent. They did not wake up in the

morning having decided that, later in the day, innocent people should die. It was not a policy; it was a mistake, albeit of mammoth proportions. The evil was in how they reacted to what happened; the cover-up, the briefings to the media, the blackening of reputations and the justification of the unjustifiable. Does that ring a bell with the Members opposite? The blackening of names like Jean McConville's?

The last time that the Assembly debated this, Mr McLaughlin made interesting comments about how the disappeared came about. On 16 April, in this Chamber, he said:

"I support the right of the families to have redress after so many years of injustice piled on injustice. The policy was wrong then and it is wrong now. ... Anyone who studies the history of conflict in this country will know that it was a practice or policy that emerged... very early in the previous century... It was a practice or policy that was carried forward." — [Official Report, Bound Volume 74, p16, col 1]

A policy, Mr Speaker; not random acts by madmen or psychopaths, but policy. Some republicans sat down to discuss what to do about people whom they considered to be a problem. They came up with a policy — to abduct the individuals in question; maybe torture them; then kill them and bury their bodies and pretend that nothing happened — deny friends and family, through a policy.

5.30 pm

Mr D Bradley: Will the Member give way?

Mr Nesbitt: Yes.

Mr D Bradley: Does the Member agree that the same policy was used by fascist military dictatorships in Latin America? That is, in fact, where the term "disappeared" came from. People were taken away from their families and murdered, and their remains were buried and, in many cases, were never to be recovered.

Mr Speaker: The Member has a minute added to his time.

Mr Nesbitt: Thank you, Mr Speaker. I thank the Member for the intervention. I could not agree more that the provenance of the policy is South America. It shows absolutely no regard for our shared humanity, which I hear preached to us — "their unionist brothers" — by republicans on a daily basis, yet, with their own nationalist brothers and sisters, they were

prepared to sit down to devise a policy of abduction, torture and murder and the denial of the Christian right to a burial. And yet those same people think that they know best for me; they think that they have my best interests at heart and the best interests of my family. When I think of people who can formulate a policy to abduct, torture and murder —

Mr Speaker: The Member's time has almost gone.

Mr Nesbitt: — I feel physically sick. I support the motion.

Lord Morrow: It will not come as a surprise to anyone that I support the motion. We have discussed this issue on several occasions, and rightly so. I suspect that we will debate it again in the not-too-distant future. It is right that we should do that, because this is a very emotive issue. It is an issue that has to be dealt with. It is an issue that is not going to go away, and it is an issue that, to date, Sinn Féin, in particular, and the IRA have failed to grapple with.

When we look at some of the victims and the circumstances that prevail around them, we can see that it is quite horrendous. Some of them have been mentioned in name this evening, not least Jean McConville, a mother of a very large family. She was abducted from those children, young and all as they were. She was murdered and taken into another country, where her family did not have access to her.

I want to deal for a moment or two with some of the things that Mitchel McLaughlin and the SDLP said. Quite frankly, some of the stuff that we have heard today is nothing short of hypocritical. Mitchel McLaughlin said that the IRA is quite prepared to deal with this subject. I want to ask him this, then: who is holding it back? It has had umpteen opportunities to put its best foot forward on this one, but, to date, it has failed to do so. So, why have we not heard from it?

As was referred to by my colleague William Humphrey in his contribution, a challenge was made that Lisa Dorrian has been forgotten about. If you take a look at what Mr Humphrey said, you will, I think, see that he said that there are 17 victims for whom we are still waiting for a resolution and whose bodies have still to be found.

One of those 17 is Lisa Dorrian. She has not fallen off our list; she is not one of the forgotten victims. Let me say this quite categorically: we in the DUP unreservedly — with no ifs, ands or

but — condemn outright what happened to Lisa Dorrian. I want to make it quite clear that, if the day should come when the perpetrators are brought before the courts of this land and are convicted and put behind prison bars, this party will not line up with any other party to demand their release, as happened in Dungannon and South Tyrone Borough Council just a week ago, when the SDLP and Sinn Féin came together to demand the release of someone by the name of McGeough who has been convicted by due process of the attempted murder of a colleague of mine and many of us here, Sammy Brush.

The SDLP needs to stand up tall on these things. It is great at condemnation; it can talk the talk, but it will not walk the walk. It is time for the SDLP to stand up and be counted. We know where Sinn Féin is. That party is in denial, in perpetuity. It is not going to come clean on this issue; not now, not next year and not 10 years down the road. What is the SDLP going to do? Is it going to continue to row in behind Sinn Féin, as it did in Dungannon and South Tyrone Borough Council just a week ago and say, "Yes; on this one, Sinn Féin is right"? Is it going to say that those who attempted to murder Sammy Brush should be released back on to our streets? Such hypocrites. Such hypocrisy is unbelievable.

In an intervention when Mr Nesbitt was speaking, Mr Bradley made the point that what was happening was nothing short of fascism. How right he is. I ask Mr Bradley directly: are you going to stand up on this issue or are you just going to hide behind rhetoric all the time, condemn it and say that it should not happen? When it comes to being counted on this important issue, you are not prepared to lead your party forward. This is a real challenge for the SDLP and its leadership. That party has to stop hiding behind the backs of Sinn Féin. If Sinn Féin, in this great debate —

Mr D Bradley: I thank the Member for giving way. The SDLP is not going to take any lectures from Lord Morrow. Since its foundation, the SDLP has a proud record of standing against violence and murder, and many of its members were murdered and subjected to violence. We have never hung on to the coat-tails of any other party —

Mr Speaker: Order.

Mr D Bradley: — or any paramilitary group or pseudo-paramilitary group.

Mr Speaker: Order. Let us have short interventions. The Member has a minute added to his time.

Lord Morrow: Thank you, Mr Speaker. I heard what Mr Bradley said, and I can understand why he gets annoyed. I can understand why, when we challenge SDLP Members directly on those issues, we get under their skin. You know, if you want us to get out from under your skin, you have to, as I said earlier, stand tall on those issues. Unfortunately, you are perceived to be in the pockets of Sinn Féin on issues like that.

Mr Speaker: The Member's time is almost gone.

Lord Morrow: Thank you, Mr Speaker. How can unionists or anybody else who looks at that say that what happened to Sammy Brush was acceptable, as —

Mr Speaker: The Member's time is gone.

Lord Morrow: — the SDLP and Sinn Féin did at that recent council meeting?

Mr D Bradley: Go raibh míle maith agat, a Cheann Comhairle. Tá áthas orm tacaíocht a thabhairt don rún seo faoi na daoine a sciobadh ar shiúl óna dteaghlaigh, a dúnmharaíodh agus ar fágadh a gcoirp gan tásca ná tuairisc — cuid acu, fiú, go dtí an lá inniu. I am happy to support the motion on the disappeared, who were taken away from their families, murdered and buried, and whose families, in many cases, have been waiting decades for the return of their remains.

I do not want to turn this into a political wrangle, as Lord Morrow has attempted to do. With the support of my party, I tabled two previous motions in the Assembly on this issue, and I was minded to do so again. So, I am grateful to Mr Humphrey and Ms Bradley for having tabled the motion.

What happened to the disappeared and their families is something that, if I were one of those family members, I would be extremely angry about. I would probably seek revenge, and I would seek prosecution.

I have worked with the families of the disappeared in my constituency over a number of years, and I have got to know them. I only have the greatest admiration for those families for the way in which they have approached the issue, and for their forbearance, understanding and willingness to wait. The families do not ask

for revenge or prosecution, and they do not ask why or how. They do not even ask for the truth, which is something that they are richly entitled to. All they ask for is information to help to locate the remains of their loved ones. That, at least, is something they are entitled to, and it is something that I hope they will get.

Some of them have had that information, but others still await it. Information is all important in these circumstances, as other Members have said. It is time to lift the omertà; it is time to stop thinking, "whatever you say, say nothing". It is time for those who have said nothing and those who have not said enough to come forward with that vital information.

Sixteen people were disappeared during the Troubles — 17 if we count Lisa Dorrian. To date, the remains of nine victims have been recovered: Jean McConville; Peter Wilson; Eamon Molloy; John McClory; Brian McKinney; Gerry Evans; Danny McIlhone; Charlie Armstrong; and Eugene Simons. There are seven others whose remains have yet to be recovered: Joe Lynskey; Seamus Wright; Kevin McKee; Columba McVeigh; Robert Nairac; Seamus Ruddy; and Brendan Megraw.

There are strong indications that the remains of Brendan Megraw may be buried in Oristown bog in County Meath. More accurate information may help to locate his remains. Kevin McKee and Seamus Wright may be buried near Wilkinstown in County Meath; likewise, more information is needed to help to locate the remains. Seamus Ruddy's disappearance is different in so far as his remains are believed to be outside the city of Paris in France. Once again, it would help if the two Governments, along with the French Government, intensified an information campaign in France to help to jog the memories of local people who may have seen or heard something.

Every piece of information, no matter how small, is of value. People from this part of the country and from the Republic were involved in all the disappearances; they are the people who have vital information in most cases.

Mr Speaker: The Member's time is almost gone.

Mr D Bradley: They are the people who can bring the suffering of the families to an end. The key word, as I said, is information, and I appeal to all those who have information, or who can help to get information, to do so without delay.

Mr Elliott: This is an emotive issue, and it has come before the House on a number of occasions. I cannot think of a more traumatic situation for any family to be in than to have their loved one murdered and have no resting place to visit. I suggest that all of us here today, as far as reasonably possible and without diminishing any of the families involved, should try to put ourselves in the position of those families. Just think what it would be like not to be able to visit the place where your loved one should be resting, whether on their birthday or Christmas or at any time you feel you should be there. Not only is that the situation those families are in, but we must also think what those people have gone through for years; not just at the time of the disappearance, not just at the time that it was recognised and accepted that that family member had been murdered and disappeared and that their remains were buried somewhere that they do not know.

I hope that you are still trying to put yourselves in the position of those families. I know that it is not a position that I would like to be in. Nothing I could suggest is more degrading. I can think of nothing more brutal, more lacking in compassion and more unchristian than having to think of that or to be in those families' position.

5.45 pm

Today, I have listened to the blame game and to people trying to defend themselves, but two groups of people are key to the situation and to the debate. The first is the families, about whom I have talked. We must pay tribute to those families for the dignity with which they have endured a process that has lasted up to 40 years. I sometimes question how they have kept their cool and their dignity. I think that it would be very difficult for me and many in the House to do the same.

The second group of people who are key to the debate are those responsible for the murders and disappearances. In the previous debate on this subject, I said that I often wondered whether there was a better title for those people than "the disappeared". I do not think that anyone has come up with one. I think that to call them the disappeared is almost degrading in itself. However, whether or not they are in this Chamber, those who created those families' heartache and hardship should hang their heads in shame. They have opportunities to make some redress, to come forward and give information. Only those individuals and the group that was intent on carrying out those murders, taking away those people and burying

their remains know why they will not produce evidence and information that would reduce the heartache and suffering and, perhaps, bring a degree of closure for the families.

I appeal to those who carried out the murders: whether it is you or your representatives sitting in this Chamber, you have got to this point in government, and it is time to act like you are people who have some compassion and respect for the wider community, and most of those are people who you would call your fellow citizens and countrymen. Whether they are Irish or —

Mr Speaker: The Member's time is almost at an end.

Mr Elliott: — Ulstermen and women, now is the time, folks, to come forward, give that information and help those families.

Mr Attwood: To pick up on Mr Elliott's last comment; he said that now is the time to come forward to speak up and give information. In my view, as this phase of politics continues — the phase defined by devolution, stability and a united stand against terror — the next phase must be defined by truth and accountability about the past. I make that point because, if we have achieved stability, devolution and a united stand against terror, it came at a high price and after too long.

To borrow Mr Elliott's phrase; is now not the time and the place to ensure that truth and accountability around the past define the next phase of politics? I make that point because, frankly, I am anxious that the next phase of politics will be about anything but truth and accountability. It will actually be about mechanisms defined by others to avoid truth and accountability, under the guise of saying more about the past than has previously been the case.

Looking at the narrative at the moment and suggestions about to how to deal with the truth and the issues of the past, including truth and accountability, many contributions to date have been defined as mechanisms to avoid answering the hard questions, facing up to the truth and accepting full accountability for what happened during the years of terror. As a consequence, we are in a very vulnerable and risky place, where, if further efforts are not taken forward at senior political level — and Mr Lyttle and Mr Nesbitt touched on it — this emerging phase of politics will not be materially different from the past when it comes to truth and accountability.

For that reason, I want to put down some markers on behalf of the SDLP about how we should take forward the debate. First, it must be defined by a comprehensive truth and accountability process. The various mechanisms and interventions around truth and accountability, including proposals for dealing with the issue of the disappeared, travel part of the path, but do not travel it totally.

We now have to define a comprehensive truth and accountability process that measures up to the three standards of being comprehensive, truthful and accountable. In my view, that responsibility at this time falls to all those who have leadership consistent with those themes. In my view, the Irish Government have a particular urgent responsibility to embrace that approach, to shape that approach, to work with others in leadership on the island in defining that approach and to go to others on the island who fight and resist that approach, including the British Government, and say that this is how we want the future to be dealt with in terms of dealing with the past.

The second principle that I want to put down as a marker today is that amnesty is not part of a comprehensive truth and accountability process. We are in the rundown to others announcing that they believe that you need amnesty in order to bring about truth and accountability. I want to put down the marker today that, whether it is for state agents or for terror organisations, we will not stand for amnesty. It offends the European Convention on Human Rights; it offends the Good Friday Agreement, which only went as far as commutation of prison sentences, and it offends any standard in which those who now, by their own language, refer to their actions as being wrong and indefensible should somehow, on the far side of those words, end up getting amnesty.

I will be asking the Irish Government today to take a lead, with others who are so inclined and who do want to have a comprehensive truth and accountability process, to shape it, configure it and lead it and to work with victims and families in bringing that about. In doing so, let it be clearly understood from our Benches that we will have no truck with amnesty in any shape or form.

Mr Speaker: The Member's time is almost gone.

Mr Allister: Simultaneously this afternoon, in the two jurisdictions on this island, examination is being extended to two of the most horrendous aspects of the IRA's cruel

campaign. The Dublin Administration are, quite properly, being faced with the effects and the conduct of the IRA's genocide campaign in the Fermanagh border area against the Protestant community and, in this Assembly, we are debating the horrendous campaign of the IRA, in the main against its own community, in respect of the disappeared.

In this debate it is significant that, whereas there has been one token contribution from the party that knows the most about this matter, it has been but one token contribution, and that, of course, was a contribution full of weasel words. It focused on reading to the House the utterly disingenuous statement of the IRA in 1999, indeed, almost as a eulogy to what they had to say, with the protestation that it involved apology, that it was full and that it was ample. Go tell that to the family of Charlie Armstrong, who, to this day, the IRA deny disappearing.

Go tell that to the family of Gerry Evans, whom to this day it denies disappearing. Go tell that to the family of Jean McConville.

Members will remember that, when they last debated the issue, Mr McLaughlin gave us the benefit of his contribution. He ran away from this testing challenge: would he withdraw the assertion that he made back in 2005 that the murder — the "killing", as he called it — of Jean McConville was not a criminal act? He failed then to withdraw that, and he fails now. That tells us all that we need to know about the true heart of Sinn Féin and what it really thinks of those whom its IRA butchered and murdered. It cannot even bring itself to acknowledge something as elementary as the fact that Jean McConville was murdered and it was a criminal act, rather than the corollary that inescapably is that it was the lawful act of the IRA. It is that seminal issue that it utterly fails to address that tells us all that there is to be told about the politics and the soul of Sinn Féin.

Others can speak to that far more eloquently than I can. The relatives of some of the victims can do it far better. Recently, we had Oliver McVeigh — brother of Mr McVeigh, one of the disappeared — challenging Adams and McGuinness to use their influence directly to get the information from the IRA people involved. He said:

"They've got to take the lead on this. They've got to start knocking on the doors of those who know precisely what happened."

Mr Adams has done the easy bit: he has issued a statement. He needs to do the hardest bit. Seamus McKendry, the son-in-law

of Jean McConville, said of Adams's attempts to wriggle on the matter:

"The man lives in a fantasy world. As far as I'm concerned, he's the world's greatest fabricator. He's trying to con all the people, now he's conned himself."

And so the con goes on —

Mr Speaker: The Member's time is almost gone.

Mr Allister: — that the IRA did not murder Jean McConville. In the words of Mr McLaughlin, it was not a criminal act. What hypocrisy. What cant.

Mr Speaker: The Member's time is gone.

Mr Allister: What weasel words that speak so ill of those who utter them.

Ms P Bradley: Throughout the history of the Troubles in Northern Ireland, many individuals have been killed, and many families and communities have struggled with the aftermath. One area that has been particularly difficult is that of the disappeared — people who were abducted, murdered and secretly buried. Their families have struggled with the pain and trauma of bereavement, in addition to the agony of not knowing where their loved one is buried and why and how they were taken.

Northern Ireland has been emerging from a period of conflict for 14 years. In doing so, we as a society have had to face a number of actions that were conducted during the 30 years of violence. Actions that cannot be justified were committed during that time, and I believe that the issue of the disappeared and the continuation of the agony that seven families live with cannot be justified in our society. It does not matter whether a person is religious or not: the grieving process is the same. Seven families to this day have an element of doubt about what happened to their loved one. They still walk down the street, scanning every face in the hope that their loved one will come back to them. Like many families emerging from our turbulent history, they have an empty place at the Christmas table, and yet, unlike with the majority of people who sadly were killed, they have no graveside to visit. The first stage of grief is the knowledge that the person is dead. For seven families, that has been denied to them. The burial ritual is vital to finding closure, but it has also been denied to the families, as has the knowledge of how their loved one died. For many years, the families of

the disappeared have been tormented by a lack of knowledge, the cruelty of the misrepresentation of their loved one and the almost certain knowledge that their loved one's death was not peaceful but was likely to have been most violent.

6.00 pm

We cannot undo the hurt that all families of the disappeared have suffered over the years. Sadly, we cannot bring their loved ones home to them safe and well. The only thing that Northern Ireland society can do is help to bring this shameful — that is what it is — chapter of our history to a close. I urge society to give its full support to the independent commission. People should be secure in the knowledge that revenge or prosecution are nowhere near the agenda and that the information that they give will be used only to locate remains.

It is notable that many of those abducted and murdered were young. A mother of 10 is also included. These people had their life taken away from them by a terrorist gang. Even after all these years, those responsible still have a responsibility to finally step forward and ensure that this harrowing chapter of our history can be closed. Whatever the rights and wrongs of the abduction and murder of these individuals and the impact on their families, the only right and moral action is to come forward now with information about what happened to the individuals who are still missing to this day. Only by locating the remains of Joseph Lynskey, Seamus Wright, Kevin McKee, Columba McVeigh, Robert Nairac, Brendan Megraw and Seamus Ruddy can we hope to ensure that the families have some chance of finding peace and closure.

I will now talk about what other Members said. I want to thank Mr Humphrey for bringing this to my attention and proposing the motion on the Floor today. He started by saying that words were not enough and action was now needed. He talked of compassion, comfort and closure for the long-suffering families. He spoke of Columba McVeigh's mother, who went to her grave not knowing what happened to her son. As a mother, I cannot even begin to imagine the turmoil that that mother faced throughout her life and into her death. Mr Humphrey also gave the example of my party colleague Mr Brush and said that people in our community still have doubts about whether Sinn Féin has moved on. He also said that it is time to be open, honest and forthright and for people to do the decent and right thing.

Mr McLaughlin, who supported the motion, advised that we all have to deal with the issues of the past. He went on to state that the Irish Republican Army had made a statement in which it made a commitment to do everything within its power. He also said that that will be of little consequence to the families.

Mr Mitchel McLaughlin: Will the Member give way?

Ms P Bradley: I certainly will.

Mr Mitchel McLaughlin: I did acknowledge that there is no comfort for the families in the IRA statement. However, it is a simple statement of reality that the majority of the remains recovered were recovered because the process of asking for information worked and that information was passed on to the commission. Therefore, while there is definitely work for republicans to do, we all have to agree to go on asking for the information so that we can address the remaining cases. The remains that have been returned to their family were found on the basis of information being recovered and passed to the appropriate authorities. We should acknowledge that.

Ms P Bradley: I agree with Mr McLaughlin that we should acknowledge that, but I also agree that there is still work for republicans to do.

Mr Ross Hussey talked about the policy of the IRA during the years in which the incidents took place. He also said something really quite poignant: if these had been acts of the security forces, we would hear shouts from the rooftops that the issue needed to be addressed now. We are not hearing that. He asked why the burials were hidden, which is a question still to receive an answer. He also spoke of the hurt and pain of the families.

Mr Colum Eastwood said — I am finding my writing rather hard to read, so please excuse me — that each of us had a duty to move forward. He said that we needed to follow the lead of the families and call for any information to be passed on. He also said that we needed to deal with the difficult issues of our past. Chris Lyttle paid tribute to the relatives of the disappeared, who have campaigned to find their loved ones. He also paid tribute to the WAVE Trauma Centre, which has worked closely with those families and will continue to do so. He said there was an obligation on anyone with information to come forward and to do so before it was too late. He highlighted the fact that the legislation did not cover Lisa Dorrian as one of the disappeared. He also

said that the families deserved much better and that what they deserve should be delivered as soon as possible.

Mr George Robinson asked that the perpetrators do the honourable thing and give closure to the families. A vein that seemed to run through all the contributions was that the families need closure. He also spoke about the human rights of the families who were suffering.

Mr Mike Nesbitt said that we should revisit the issue. He spoke about the Hillsborough disaster and how it had taken 23 years for the truth to come out. He said that some of the families of the disappeared have been waiting for 40 years and still have not heard the truth.

Lord Morrow said that this is a very emotive issue that would not go away. He also highlighted the circumstances surrounding the disappearance of mother of 10 Jean McConville. He stated that the IRA was hypocritical. He, too, brought up the disappearance of Lisa Dorrian and said that she was not to be forgotten. He condemned outright what happened to her and stated that our party would not be demanding that the perpetrators of that crime be released.

Mr Dominic Bradley said that he did not want to turn this into a political wrangle and was grateful that the motion had been brought here today. He said he had the greatest of admiration for the families and for their forbearance and willingness to wait for the information to locate their loved ones. He also said it was time for those who have said nothing or not enough to come forward.

Mr Tom Elliott asked that we try to put ourselves in the position of the families and imagine how they must feel. Again, I cannot possibly begin to put myself in that position. Mr Attwood said that the issue must be defined by the truth and accountability process and that the Irish Government also had a responsibility to deal with the past. Mr Jim Allister spoke of the relatives and the disappeared and challenged the IRA. He said that we are yet to receive answers.

It is painful at times for anyone to emerge from a conflict situation, but I firmly believe that, for us to be successful and build a new future for our Northern Ireland, we have to ensure that no victim is left behind. In supporting the motion, I hope that information will be received to ensure that the families of the disappeared are not forgotten or left behind as we continue to build a peaceful and sustainable Northern Ireland.

Question put and agreed to.

Resolved:

That this Assembly notes that it is 40 years since the first abduction of what would become known as "the disappeared" occurred; acknowledges that, to date, seven families have been denied the right to bury loved ones because of the actions of republican paramilitaries who abducted, murdered and hid the victims' remains; commends the dignified perseverance of the families and the work of the Independent Commission for the Location of Victims' Remains (ICLVR); pledges its support to those families in their ongoing fight for justice; and calls on all those with information to co-operate fully with the ICLVR so that this harrowing chapter of our history can be closed.

Motion made:

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

Adjournment

St John's Primary School, Middletown: Nursery Provision

Mr Speaker: The proposer of the topic will have 15 minutes in which to speak, the Minister will have 10 minutes to respond, and all other Members who want to speak will have approximately 10 minutes.

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

Mr D Bradley: Go raibh míle maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Choiste Gnó as cead a thabhairt dom an díospóireacht seo a chur faoi bhráid an Tionóil. Thank you very much, Mr Speaker. Sorry, it is now Mr Principal Deputy Speaker — things change quickly around here. I thank the Business Committee for affording me the opportunity to debate this issue, and I thank the Minister for taking the time to attend the debate.

The SDLP has stated that all children should have a statutory right to a preschool place in their immediate preschool year in their local area, as is the case with primary-age children. That is the broad context in which I approach the topic. In particular, the topic of the Adjournment debate is a case in Middletown in County Armagh, which, like many other villages across the North and across this island, is a small, close-knit community. As in many other communities, the local primary school and the local nursery are central to village life. Today's debate is about nursery school provision at St John's Primary School in Middletown. It was raised with me by parents locally, who were stunned to learn that their sons and daughters were unable to get a place at the local nursery at the beginning of September 2012. Although I raise the issue today in relation to Middletown in particular, it could be any other village or any other town across the North come September of next year. So, as well as being a particular problem, it is a general problem to a large extent.

St John's nursery and, indeed, the primary school are obviously very popular places of education for families in that area, so much so that the nursery school had 38 applications for 26 places in September. All 38 applicants were

local; this was their nearest school. They all lived within three miles of the school, so it is not a case of grannyng or of pupils travelling to get to the school. It is purely and simply that the local nursery school is not in a position to meet the demand of local parents and of a growing population. St John's has no reception class. In fact, it is the only school in the locality that has no reception class, and there is no other nursery provision or reception provision within five miles of the school. Many local parents, when selecting their nursery of choice, selected only Middletown and gave no number two choice. It was their sure belief that there was no problem in getting their son or daughter into the nursery. Parents who put second and third options included in them Little Acorns in Derrynoose, which is five miles from Middletown, and a playgroup in Caledon as the next nearest options. They too were filled to capacity. Other options offered by the board included some in Armagh city, 10 miles away, or Killylea, almost seven miles away.

I have visited the school and seen the hustle and bustle of busy school life. The school offers an excellent education for local children. As well as the normal curriculum, it has extra-curricular activities in football, hurling, basketball, cooking and music, to name but a few. It is famous for its school drama and musical productions.

This village is expanding. A new social housing development is almost complete, so where are the children of the new families to go? The problem may arise again in September, and then it may not for another couple of years. It could be Dungannon, Mr Principal Deputy Speaker, Derry or Dunloy next year. The principal of the school and the board of governors have pleaded with the Department to allow a variance this year. He asked for permission to admit boys and girls from the village to the school. The Department refused, as it did not want to set a precedent. However, what precedent is it to give every child a good start in life in their local school? That is in accordance with departmental policy, and this is a precedent that should be not only set but followed in all cases.

We are well aware of the argument that there are enough nursery places in nursery education in Northern Ireland. The only problem is that they are not in the right places. It is a perennial problem. We have seen it crop up year after year, yet we do not seem to be able to solve it. It is frustrating for parents and frustrating for principals to be in a position where they cannot offer local children who live but a step or two from the school door a place in their local

school. The board of governors, in this case, applied the admissions criteria correctly. The parents and the principal wrote directly to the Department on numerous occasions, but, apparently, nothing could be done.

I will share with the Members who are here and you, Mr Deputy Speaker, one story. At the time of applying to the school, one mother — a single mother who worked and lived close to the school — applied for a place. By the time September came, she had lost her job and sold her car, as she could not afford to keep it, and she was offered a place for her child in a nursery school 10 miles away in Armagh. I know that the Minister will have empathy with the school and with that case, and I know that he has communicated that to the principal and the board of governors. The school site is only 10 years old. It can accommodate 200 pupils and has 164 on site. Asking for a variance would not have put the school over its numbers. So, I ask the Minister to consider that case and to take real action, not for Middletown alone but for other areas that might be confronted with the same problem.

6.15 pm

As I said, the SDLP's policy is that each child should have a statutory right to a preschool place in their immediate preschool year. All I ask the Minister to do is to afford nursery schools the same variance of 10% as is afforded to primary schools. That could be a first step in the Minister's response to the issue and may go quite a long way towards resolving it. I raise the issue on behalf of the parents of Middletown. It is a growing, popular school in a rural village on the border with County Monaghan. The population in the village continues to grow, and all I ask is for the Department to allow local children to have a place in their local school.

I should mention that Mr Kennedy, our colleague from Newry and Armagh, has extended his apologies for not being present at the debate. Sin a bhfuil le rá agam, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leatsa, leis na Comhaltaí eile agus leis an Aire. I thank the other Members who have remained late for the debate, and I thank the Minister for his attendance.

Mr Boylan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Tá mé an-bhuíoch den Chomhalta as an díospóireacht a chur ar an tábla inniu. I thank Mr Bradley for securing the debate, and I also thank the Minister for his attendance. Middletown is in my constituency,

and I am glad that the speaker in the House today is a member of our constituency and is well aware of the problems in it.

I want to outline some key elements of the debate, which I welcome. Over 10 years ago, Middletown and Tynan primary schools amalgamated to address the issue of falling school numbers and, more importantly, the issue of sustainable education provision in the area. Whilst that was a difficult decision for the people of Middletown and Tynan, they accepted it and moved on. I mention that because I agree that it is about the child and the provision of education and that the child comes foremost.

I received a copy of a letter sent to the Minister by the principal in February on the number of applications to the nursery unit in St John's Primary School in Middletown. I then received copies of further correspondence in April with information outlining some facts and figures about the area, including figures on the deprivation rating and lone parent households, which number 13.9% in the Middletown area, compared with the average across the North of 8.1%. School meals entitlement has doubled in two years, which suggests an unemployment impact. Access to services in the Middletown area ranks at 38 of 582, demonstrating remoteness. I know that the Minister is well aware of that, because he has received that information from the principal of St John's.

In his letter, the principal requested a variation in nursery enrolment numbers to accommodate the demand in the area for one year only. He assured the Minister that the school could facilitate the extra target-age pupils and stated that it would be a more cost-effective option. I know that he asked in the letter for a reception class, but clearly that practice no longer exists.

The school has a 26-unit nursery provision, but this year there were 37 applications, leaving an extra 11 children looking for places. The Minister is well aware of the number of times I called into his office to discuss this matter. I leave it at that.

I will refer to and comment on some of the e-mails that I received from anxious parents who had applied for a place for their child in the school. One parent wrote:

"The school is at the heart of our parish in the centre of our rural village. Six generations of my family have attended the school and my child has eight cousins attending the school."

Another parent, unable to gain a place for her child in her preferred choice, which was in Middletown itself, found that she was closer to a preschool in County Monaghan; and though there are arrangements to access such places, unfortunately there is no funding available.

Another parent said:

"I am very concerned that my child, if not accepted, will be at a disadvantage when attending the primary school as she will not have been able to develop her social and academic skills to the extent that other children will have. We are also a one-car family, which my husband takes to work each day, making it impossible for me to take the child to another preschool."

Those comments are indicative of the difficulties that parents face when their child cannot be placed in the school of their choice. They face isolation from other children in the wider family, and, worse still, the possibility of the child not receiving a preschool place at all.

The decision was ultimately taken not to award any extra places. I know that three or four of the children who applied have secured positions but, to my knowledge, seven or eight others have not. I have to say now, as I did then, that I was very disappointed at the outcome of that request, as I had been liaising with the principals and the parents throughout the process.

I recognise and understand that today is about Middletown, but it is difficult to deal with that issue in isolation. I will try, with your indulgence, to outline a number of requests that I have been lobbied on about nursery and preschool provision in the area. I know that the Minister, during Question Time, referred to the area, as opposed to individual schools.

I want to talk about some of the issues. I know that St Mary's Primary School in Granemore has received full-time nursery status during the past two years, after many years of applying and hard work on behalf of the school. However, St Mochua's of Derrynoose and Carnagh, which went down the same route as Tynan and Middletown, amalgamated a number of years ago. I have had experience of speaking to young parents in the area who were unable to access preschool places after that amalgamation. Certainly, I think that is something that we should be looking at. The Minister is well aware that St Francis of Assisi Primary School in Keady has made an application for nursery provision. Unfortunately, it has not received it.

I ask the Minister for his support in relation to ward boundaries. I will give an example from my own town. It is a small town, and there are three wards. Some of the pupils in that area cannot secure Sure Start places or anything else. I would like the Minister to comment on that, and maybe suggest some way in which I could bring that forward in relation to boundaries. Clea Primary School is also in the area and it is also looking for preschool places. There is also talk of preschool provision for Irish-medium schools. Thank you for your indulgence, Mr Deputy Speaker.

In conclusion, I ask the Minister to give consideration to a review, or look at how, in the circumstances that have led to this debate on preschool and nursery places, that can be addressed. Will he consider flexibility to allow for fluctuating numbers in nurseries and preschools in rural areas such as mine? That would go some way to allaying parents' fears and to providing important learning for our young people at a vital stage in their life. Go raibh míle maith agat.

Mr O'Dowd (The Minister of Education): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Ar dtús, ba mhaith liom buíochas a ghabháil leis an Chomhalta Dominic Bradley as an tsaincheist seo a ardú inniu. Leagann sé béim ar cheist nach bhfuil uathúil do Bhunscoil Naomh Eoin, ach is ceist í ar dóchúil go dtiocfaidh sí aníos sa chomhthéacs réamhscolaíochta nuair nach féidir freastal ar éileamh. .

I thank Mr Bradley for raising the matter today. It highlights an issue that, as has been said, is not unique to St John's Primary School, but which is likely to arise in a number of preschool settings where demand exceeds supply.

Members will be aware of the commitment in the Programme for Government to ensure that at least one year of preschool education is available to every family that wants it. As is the case with primary and post-primary admissions, the system used to determine preschool admissions is open enrolment, with parents indicating a preference for the setting that they wish their child to go to. However, that does not mean that every family will be able to receive an offer of a place at their first-choice preschool provider.

Educational evidence supports the view that the preschool experience that a child receives at a non-statutory setting will be of equal value, and there is no educational benefit derived from a full-time place. It is important, therefore, that parents express more than one preference. I

note that Mr Bradley said that at least two parents had not expressed more than one preference. I hope to send out the message clearly here that parents should put more than one preference on their application form to assist in ensuring that their child receives a place.

The balancing of supply and demand in an area is a matter for the local preschool education advisory groups (PEAGs) established in each education and library board area. They take decisions on preschool provision on an area-based basis and not with reference to an individual setting in isolation.

Where demand exceeds supply in any given area, the PEAG will seek to address that by securing additional places, using funding made available to it by my Department under the preschool programme. For the 2012-13 school year, more than 97% of target-age children who engaged with the process received the offer of a preschool place. The issue of oversubscription at St John's occurred during the 2012-13 admissions process, and there has been no history of oversubscription at the nursery unit or the primary school. It is unfortunate that all applicants for admissions to a particular setting could not be accommodated.

In the case of St John's, the school sought Department of Education approval for a temporary variation to increase the nursery unit by an additional 11 places so that target-age applicants could be admitted to nursery. A temporary variation of 11 is unheard of, whether in preschool, post-primary school or primary school. The temporary variation measure is for a small number — one or two, at most.

As required under the 1998 Education Order, my Department has determined a full-time and part-time enrolment number of 26 in nursery schools. However, I advise Members that that is something that I am reviewing as part of the early years strategy. It is a figure that is not set in legislation, and it can be adapted to meet local needs. I will make Members further aware of the outcome of that when I make my statement on preschool settings to the House later in the autumn.

St John's requested that it admit children to reception class. I intend to deal with that in the early years strategy as well. Reception classes are not suitable places for preschool education; they do not teach the relevant curriculum to children at preschool settings, and I do not favour them.

Some young people failed to get into St John's. I understand that, in addition to nursery provision at the school, there are a number of voluntary and private providers offering funded preschool places within a five-mile radius of the school. I will give Members an example of some of the dilemmas that are faced when you make decisions on these issues.

In the recent past, I was presented with a development proposal for a nursery setting in a school in a rural community. The figures were very finely balanced within the three-mile radius and the five-mile radius. I considered the case very carefully. I decided that, on balance, I would approve a nursery unit in the school. I have been lobbied by local representatives, as they were right to do; I have received letters of support and representations from them all. I approved the nursery setting.

Lo and behold, within a week, I was lobbied by some of the same representatives because my decision to put the nursery unit in the school had, as they saw it, put in jeopardy the voluntary and community settings in the area. That is the fine balance we have to get. I am sure Members would agree that, if I was to approve a setting in any area, they would not want to put in jeopardy any of the preschool settings. They want the community and voluntary settings and nursery school settings to be viable going into the future.

6.30 pm

That was the dilemma we faced at St John's. A variation of 11 would require a development proposal to move forward. Under the current proposals, the school would be required set up two classes rather than simply envelop the additional 11 into the class of 26. So, there would have been a significant change to the school. As I said, I am going to take the example of what has happened at St John's into account when finalising the early years strategy, which I will bring to the House in a number of weeks.

I have no quick fix solutions to the issue at St John's. On balance, I believe that the right decisions were made with regard to how we deal with preschool provision in the Middletown and wider geographical area. However, I appreciate the disappointment of parents.

I note Mr Boylan's comment that, as he understands it, several of the children were not placed. I am willing to be corrected by the Member, either now or at a later date, but, as I understand it, all the children did eventually achieve a place in a preschool setting. I believe

that at least one of those places may have been in Monaghan, but all the children did receive a place in a preschool setting. Clearly, that place was not at St John's, but it was at a setting in the area. The important thing for me is that they have been placed in a preschool setting, because that is beneficial —

Mr D Bradley: Will the Minister give way?

Mr O'Dowd: I will certainly.

Mr D Bradley: Yes, all the children may have achieved a place in a preschool setting, but not all of them took it up. My information is that two children did not take up places. The reason for that was the distance from their home to the setting.

Mr O'Dowd: I accept the validity of that information. Local information is often more accurate than what I receive in the Department.

We have, over the past number of years, tightened up how we plan our preschool environment. The allocation of places and the information going out to parents is much improved. I repeat that parents should put more than one preference on their form when planning that. We have brought new providers on board for preschool settings. I will be mindful, as we plan, of the debate around provision at St John's and in that area. I am going to make changes to preschool arrangements under the early years strategy. I have no doubt that Members will continue to engage with me about preschool provision in the Middletown area.

Mr Boylan raised the issue of how boundary measurements for schools take place. I understand, but I am willing to be corrected, that we deal with a radius rather than a constituency boundary; for example, a three- or five-mile radius. I particularly focus on the wider radius when I am dealing with rural communities, because of transport issues and accessibility, etc. If the Member wishes further information as to how we plan our preschool settings, I am more than happy to share that with him.

Mr D Bradley: Will the Minister give way?

Mr O'Dowd: Yes.

Mr D Bradley: I appreciate the Minister's consideration of the situation at St John's as he looks at the issue of preschool provision in general. Will he clarify whether he will consider the 10% variance in his deliberations?

Mr O'Dowd: I noted the Member making that comment during the debate. I certainly will take that into account. Lessons have to be learned as to how we use temporary variations in primary and post-primary schools. I would like to interrogate the 10% variation further, but a significant number of nursery settings in this case have told us that they can take more children. They have the physical capacity to do it, they have the staff trained to do it, and I think that we should facilitate that. I am not suggesting that that will rise as far as 11%. When I say that I will consider the St John's issue, I mean in the context that the experiences of St John's will weigh on my mind when I make final decisions.

In my view, if St John's rises to 11%, and that were to continue into the future, they would need a development proposal. I understand that they do not expect such a significant number in the next number of years, but things can change and there are other providers in the area.

Unfortunately, I have no good news in the sense that I am not going to make a change to St John's provision at this stage, but lessons can be learned from it, and I will inform Members later in the autumn about plans for preschool provision under the early years strategy.

Adjourned at 6.36 pm.



Published by Authority of the Northern Ireland Assembly,
Belfast: The Stationery Office

and available from:

Online
www.tsoshop.co.uk

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ISSN 1463-7162

Daily Editions: Single copies £5, Annual subscriptions £325
Bound Volumes of Debates are issued periodically during the session: Single copies: £90

Printed in Northern Ireland by The Stationery Office Limited
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ISBN 978-0-339-50575-9



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