# Official Report
# (Hansard)

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Boylan, Cathal (Newry and Armagh)
Boyle, Ms Michaela (West Tyrone)
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Swann, Robin (North Antrim)
Weir, Peter (North Down)
Wells, Jim (South Down)
Wilson, Sammy (East Antrim)

# Northern Ireland Assembly

Tuesday 20 November 2012

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

*Members observed two minutes' silence.*

## Assembly Business

**Mr Campbell:** On a point of order, Mr Speaker. This relates to the vote that is about to be taken on an Ad Hoc Committee on welfare reform. It is really to seek your guidance, Mr Speaker, on how the Committee will carry out its work in the time that an Ad Hoc Committee carries out its functions. There was some uncertainty about the Social Development Committee's deliberations in the period when an Ad Hoc Committee would meet. The Committee is currently engaged in its clause-by-clause scrutiny of the Bill, and I understand that it can reach no definitive conclusion or outcome in the absence of that Ad Hoc Committee concluding its business.

**Mr Speaker:** I thank the Member for his point of order. There are a number of issues within it. Number one is that, if the Bill is considered by an Ad Hoc Committee for equality, the clock will then stop. The Bill will then go back to the Social Development Committee for its consideration of the Bill. I said to Members yesterday that these are complex issues. That is exactly the procedure if the Bill is referred to an Ad Hoc Committee this morning.

## Committee Business

### Welfare Reform Bill: Ad Hoc Committee on Conformity with Equality Requirements

**Mr Speaker:** The first item of business today is the postponed vote on the motion to refer the Welfare Reform Bill to an Ad Hoc Committee on Conformity with Equality Requirements.

I remind Members that the amendment to the motion was not moved yesterday, so there will be no vote on that amendment. As there is a valid petition of concern, Standing Order 60(4) applies, and the Question will not, therefore, be put on the Committee for Social Development's original motion. Instead, the Question becomes that the Welfare Reform Bill may proceed without reference to an Ad Hoc Committee on Conformity with Equality Requirements.

The vote must be passed with parallel consent. I know that these are complex issues, and I know that when we bring a petition of concern here what it normally does. In fact, the petition of concern being presented actually does the opposite, so it is trying to be as clear as possible to the House and Members.

*Question put.*

*The Assembly divided: Ayes 41; Noes 52.*

**AYES**

*UNIONIST:*

*Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr McCausland, Mr McClarty, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Mr Moutray, Mr Newton, Mr G Robinson, Mr Ross, Mr Storey, Mr Weir, Mr Wells.*

*OTHER:*

*Mrs Cochrane, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lyttle, Mr McCarthy.*

*Tellers for the Ayes: Ms P Bradley and Ms Brown*

**NOES**

*NATIONALIST:*

*Mr Attwood, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Dallat, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McDevitt, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKevitt, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Molloy, Ms Ní Chuilín, Mr Ó hOisín, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.*

*UNIONIST:*

*Mr Copeland, Mr Cree, Mrs Dobson, Mr Elliott, Mr Gardiner, Mr Hussey, Mr Kinahan, Mr McCallister, Mr B McCrea, Mr Nesbitt, Mrs Overend, Mr Swann.*

*OTHER:*

*Mr Agnew.*

*Tellers for the Noes: Mr Durkan and Ms Ruane.*

| | | |
|---|---|---|
| *Total Votes* | *93* | |
| *Total Ayes* | *41* | *[44.1%]* |
| *Nationalist Votes* | *39* | |
| *Nationalist Ayes* | *0* | *[0.0%]* |
| *Unionist Votes* | *46* | |
| *Unionist Ayes* | *34* | *[73.9%]* |
| *Other Votes* | *8* | |
| *Other Ayes* | *7* | *[87.5%]* |

*Question accordingly negatived (cross-community vote).*

**Mr Speaker:** The motion has not achieved parallel consent, so the House has rejected the proposal that the Bill may proceed without being referred to an Ad Hoc Committee. The result, therefore, is that the Bill must be referred to an Ad Hoc Committee.

# Assembly Business

## Welfare Reform Bill: Establishment of Ad Hoc Committee on Conformity with Equality Requirements

**Mr Speaker:** The next item is a business motion to establish an Ad Hoc Committee. Therefore, there will be no debate.

*Resolved:*

*That, as provided for in Standing Orders 53(1) and 60(1), this Assembly establishes an Ad Hoc Committee to consider and report on whether the provisions of the Welfare Reform Bill are in conformity with the requirements for equality and observance of human rights.*

| | | |
|---|---|---|
| *Composition:* | *DUP* | *4* |
| | *Sinn Féin* | *3* |
| | *UUP* | *2* |
| | *SDLP* | *1* |
| | *Alliance* | *1* |

*Quorum:The quorum shall be five members.*

*Procedure:The procedures of the Committee shall be such as the Committee shall determine. — [Ms Ruane.]*

**Mr Speaker:** I ask the House to take its ease as we move to the next business.

# Executive Committee Business

## Inquiry into Historical Institutional Abuse Bill: Consideration Stage

**Mr Speaker:** I call the junior Minister Mr Jonathan Bell to move the Consideration Stage of the Inquiry into Historical Institutional Abuse Bill.

*Moved. — [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

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

There are four groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1 to 5, 7, 8, 71, 73, 75 and 79, which deal with the terms of reference of the inquiry. The second debate will be on the 39 amendments listed, which deal with changing the presiding member's title to "chairperson" and a small number of technical amendments. The third debate will be on amendment Nos 9, 21, 22, 24, 25, 27 to 30 and 50 to 52, which deal with the end of the inquiry and reporting obligations. Group 4 comprises 17 amendments, which deal with the proceedings of the inquiry and its administration.

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

***Clause 1 (The inquiry)***

**Mr Speaker:** We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 5, 7, 8, 71, 73, 75 and 79. Members will note that amendment No 1 is a paving amendment for amendment No 4; amendment No 3 is mutually exclusive with amendment No 2; amendment No 7 is consequential to amendment No 5; amendment Nos 73 and 75 are consequential to amendment No 2; and amendment No 79 is consequential to amendment No 8.

**Mr Eastwood:** I beg to move amendment No 1:

In page 1, line 5, at beginning insert "Subject to this section,".

*The following amendments stood on the Marshalled List:*

No 2: In page 1, line 5, leave out from "as" to the end of line 7 and insert

*"(a) to examine the arrangements in place in institutions in Northern Ireland for the protection of children from abuse during the period between 1922 and 1995;*

*(b) to examine if there were systemic failings by institutions or the state in their duties towards children in their care during the period between 1922 and 1995;*

*(c) to make relevant findings and recommendations, including recommendations to ensure that abuse is prevented effectively in the future." — [Mr Allister.]*

No 3: In page 1, line 7, leave out "31st May" and insert "18th October". *— [Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 4: In page 1, line 7, at end insert

*"(2A) The inquiry may report recommendations on changes to law, practice and procedure to prevent future abuse." — [Mr Eastwood.]*

No 5: In page 1, line 8, leave out

*"amend the terms of reference of the inquiry at any time"*

and insert

*"at any time amend the terms of reference of the inquiry by order".— [Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 7: In page 1, line 10, at end insert

*"if a draft of the order has been laid before, and approved by resolution of, the Assembly". — [Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 8: In page 1, line 12, leave out "1945" and insert "1922". *— [Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 71: In clause 21, page 10, line 10, at end insert

*" 'abuse' includes physical or mental violence, injury, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse;". — [Mr Allister.]*

No 73: In clause 21, page 10, line 11, at end insert

*" 'child' means any person less than 18 years old;". — [Mr Allister.]*

No 75: In clause 21, page 10, line 13, at end insert

*" 'institution' means any body, society or organisation having responsibility for the care, health or welfare of children in Northern Ireland which, during the period between 1922 and 1995, provided residential accommodation and took decisions about and made provision for the day to day care of children;". — [Mr Allister.]*

No 79: In the long title, leave out "1945" and insert "1922".*— [Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

**Mr Eastwood:** I will take this opportunity to say what a significant day I think today is. There have been a number of difficult but good-natured meetings of the Committee. I think that everybody in the Committee and everyone who attended the meetings, including the Department, the victims in particular, and all of the people who contributed to the Committee's discussions, acted in a manner that we can all be proud of. We are here today because people decided to get here as quickly as possible. We also decided to try to do it right and ensure that we had a Bill that we could all be proud of. We need to be mindful of that.

We also need to be mindful that some major changes are being proposed to the Bill, as shown by the number of amendments. We welcomed the Bill when it came before the House, but we recognised the fact that there were changes that needed to happen, not least the change from 1945 to 1922. The Department willingly decided to change that because of the evidence that we heard, not least from the victims of abuse.

There are still some outstanding issues — we have talked about them before — that will not be taken into consideration in the Bill. The issue of clerical abuse needs to be dealt with, as does the issue of people from the North being abused in Southern care homes. I think that the Department agrees with us on that, and I hope that it will now begin the process of moving forward in that regard.

I will come to the amendments now, Mr Speaker; I see you looking at me. As you said, amendment No 1 is a paving amendment for amendment No 4. Our view on amendment No 4 is that we believe that it is important that the inquiry and the inquiry chairman should be allowed and encouraged to recommend changes to law, practice and procedure. My view on that is simple. It should be explicit in the Bill. I know that the argument is made that it is implicit, but I do not think there is any harm in making it explicit.

I do not think that anybody here can stand up and say that we have a perfect system as things stand, but there have been major changes and major advances made in the past number of years. We have to recognise the fact that the people who will be involved in the inquiry are already experts in their field and will be even greater experts by the end of the inquiry. So, the intention of amendment No 4 is to encourage, where possible, changes to procedures, law and practice to ensure that we prevent future abuse.

I encourage Members to support that. I do not believe that it is good enough that it is implicit in the Bill. I would like to see it made explicit. For me, the primacy of legislation is very important. We have seen in the South recently how not having legislation in place can have very real consequences. I encourage Members to support amendment Nos 1 and 4.

**Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister):** Before commenting on the group 1 amendments, at this point I will briefly inform the Assembly about the work of the Committee for the Office of the First Minister and deputy First Minister in our Committee Stage consideration.

Before the introduction of the Bill, the Committee received a briefing from departmental officials on the draft Bill on 6 June 2012. The briefing focused on the terms of reference, the appointment of the chair and the draft Bill. During the briefing session, the Committee raised a number of issues with officials, including the scope of the Bill, changes to the terms of reference and the length of the inquiry.

**11.00 am**

On referral of the Bill to the Committee after its Second Stage, the Committee wrote to key stakeholders and certain Statutory Committees on 18 June. A total of 19 submissions were received by the Committee. While the Committee waited for submissions, it took a briefing from officials on 26 June on the Department's consultation undertaken in preparing the Bill. At the same meeting, the Committee was briefed by the Assembly's Research and Information Service and considered a research paper on the Bill.

On 4 July, the Committee took a briefing from the chair of the inquiry panel, Sir Anthony Hart, who was accompanied by Ms Norah Gibbons, a member of the acknowledgment panel, and Mr Andrew Browne, the secretary to the inquiry. Sir Anthony Hart gave the Committee his initial thoughts on how he saw the inquiry progressing and on how it would commence its work.

At its meetings on 5, 12 and 19 September, the Committee took oral evidence from victims and representatives of victims and some of the organisations that the inquiry will investigate. Evidence from victims left Committee members keenly aware that those most impacted by the abuse have waited a long time for this investigation. Now that it is within reach, they fear any delay in progressing the Bill. In seeking a short extension to the Bill's Committee Stage the Committee bore those concerns in mind but was also focused on the need to get it right and ensure that the inquiry met victims' needs. On 17 September, the Assembly agreed the Committee's motion to extend the Committee Stage to 26 October.

On 26 September, the Committee was briefed separately by the Department and by the inquiry chairperson, who responded to the issues that had been raised in submissions and during oral evidence sessions. The Committee was pleased with the way in which OFMDFM Ministers have responded to and accepted Committee requests for changes to the Bill. The Bill is stronger as a result, due particularly to the contribution made by the victims and survivors themselves in their evidence to the Committee. I would also like to thank the inquiry chairperson for his contribution, which the Committee found very helpful.

On 10 October, the Committee undertook informal clause-by-clause deliberations and considered the Department's response to the Committee's request for amendments. It commenced formal clause-by-clause scrutiny on 17 October.

I wish, briefly, to inform the Assembly about a number of issues that were of significant concern to stakeholders in their submissions to the Committee, although they are not directly the subject of amendments under consideration today. On the estimated costs of the inquiry, the Committee sought clarification from the Department of whether the figures in the financial and explanatory memorandum of between £7·5 million and £9 million remained accurate. Officials advised the Committee that the estimated costs had been revised upwards — doubled, in fact — to between £15 million and £19 million to take into account the complexities of the inquiry and the associated legal costs. The departmental officials assured the Committee that the necessary funds would be made available despite the absence of a current budget line for the expenses of the inquiry.

Another issue was the risk of self-incrimination by witnesses in giving evidence to the inquiry. This was raised with the Committee in the context of clause 10, which deals with privileged information. The Committee raised the issue with the inquiry chairperson, who advised that the inquiry would not compel anyone who refused to answer a question on the basis that it might incriminate him or her.

There were other submissions that raised issues in relation to provision for the disclosure of information, specifically access for institutions under investigation to information and records relevant to the case that they would have to meet. The Committee raised this issue with the inquiry chair, who advised us that the inquiry will make available to individuals and institutions under investigation all material relating to them and will allow reasonable time in which to consider all such material and to prepare what they wish to say to the inquiry before moving to a public hearing.

A concern was also raised by institutions in relation to the use in subsequent legal proceedings of documents that come into existence in the course of the inquiry and whether the anticipated inquisitorial nature of the inquiry proceedings created any specific difficulties. Having considered advice on those issues and noted the key role of the inquiry chairperson in ordering the inquiry's proceedings, including his duty to act with fairness, and the privilege afforded to witnesses by clause 10, the Committee was broadly satisfied and was content with clause 10 as drafted.

A number of submissions to the Committee, including that from the Northern Ireland Human

Rights Commission, highlighted a range of powers for OFMDFM that they considered undermined the inquiry's independence. Those powers, some of which I will come to later in the context of related amendments, include the power to amend the terms of reference and to bring the inquiry to an end. Another such power, which I would like to touch on briefly, is the Ministers' power to bring to an end the appointment of inquiry panel members under clause 3. That power, in conjunction with others referred to, led the Human Rights Commission to the view that the proposed Bill did not meet the required level of protection under the European Convention on Human Rights. The Department's response to the Committee on this issue emphasised the reasonable grounds that Ministers require to terminate appointments, including ill health, conflict of interest, failure to comply with his or her duties in relation to the inquiry and misconduct. The Department's view was that intervention on those grounds could not threaten the inquiry's independence. The Department also highlighted the requirement to consult the inquiry chairperson before ending the appointment of other inquiry panel members. The Committee was broadly content on that issue.

The Human Rights Commission and others also raised concerns regarding the reduced time limit for judicial review in clause 16. The advice to the Committee on that issue and the inquiry chairperson's evidence to the Committee were quite emphatic that a 14-day limit would present no difficulty to competent legal practitioners. In light of that, the Committee was content with clause 16 as drafted.

I turn to the specific group one amendments. The Committee received considerable evidence in relation to the 1945-1995 period that the inquiry was to cover. That is set out in the terms of reference and in the Bill at clause 1(4) and the long title and is the subject of amendment Nos 8 and 79. In relation to the 1945 date, a significant number of submissions indicated that the inquiry should be able to investigate abuse that occurred in institutions pre-1945. There were also some responses that made a case for the removal of the 1995 date. The inquiry chairperson informed the Committee that he had no issues with the 1945 date being rolled back but warned of time and resource implications if the 1995 date were moved forward. The Department also advised that Ministers were "very sympathetic" to the removal of the 1945 parameter. At its meeting on 3 October, the Committee agreed to ask the Department to bring forward an amendment to replace the 1945 date with 1922. At the Committee meeting on 10 October, the Department provided the Committee with draft departmental amendments to the Bill that addressed that and an amended terms of reference that would be issued to give effect to the change from 1945 to 1922. That is reflected in amendment No 8 to clause 1(4) and amendment No 79 to the long title. The First Minister and deputy First Minister issued a written ministerial statement on 18 October containing amended terms of reference reflecting that change, which would be brought into the Bill by amendment No 3. The Committee welcomed those amendments.

The Committee received a number of submissions recommending that the terms of reference be placed in the Bill to address concerns, including concerns about OFMDFM's power to amend the terms of reference in clause 1(3). However, there was no consensus in the Committee about bringing the terms of reference within the Bill, as amendment No 2 would do. At the meeting on 26 September, the Department advised that it would bring forward an amendment to provide for changes to the terms of reference to be made by way of order subject to a draft affirmative resolution of the Assembly. The Committee welcomed that decision and, at its meeting on 10 October, considered and was satisfied with the proposed departmental amendments to give effect to that change, which is reflected in the Ministers' amendment Nos 5 and 7. The Human Rights Commission raised the lack of any provision for consultation with victims in relation to any amendment of the terms of reference. The Committee was broadly content with the Department's assurances that the normal principles governing consultation provided adequate guarantees of consultation with victims regarding changes.

Clause 1(5) prevents the inquiry making any findings of civil or criminal liability, and concerns were raised with the Committee about the relationship between the work of the inquiry and possible civil or criminal proceedings. The Department provided clarification to the Committee, saying that the:

> *"statutory framework requires that, where allegations of child abuse come to light, these must be reported immediately to PSNI and social services for investigation."*

It continued by saying that the inquiry panel:

> *"is not intended to replace the PSNI or the courts in investigating criminal activity."*

The inquiry chairperson advised that he is working with the PSNI to establish protocols to address these issues.

Amendment Nos 1 and 4 and amendment No 2 touch on a key issue raised during evidence to the Committee, namely whether the inquiry would be able to make recommendations about changes to law, practice and procedure to prevent future abuse. Many of those who made submissions believed that the terms of reference did not provide for such recommendations. The Department indicated that it felt that the terms of reference were broad enough to include such recommendations. The inquiry chairperson believed that the power to make such recommendations was implicit in the terms of reference but considered that it would be helpful, by way of allaying concerns, for this to be made explicit.

The Committee agreed to request that Ministers consider an appropriate amendment to make the inquiry's power in this regard explicit. On 10 October, officials provided the Committee with proposed revised terms of reference for the inquiry, including the insertion into the terms of reference of the words:

> *"Bearing in mind the need to prevent future abuse".*

These words would be inserted into the terms of reference in the paragraph preceding the listed matters on which the inquiry is to make findings and recommendations. That is set out in paragraph 99 of the Committee's report, if Members have it to hand.

The Committee considered this proposed change to the terms of reference and agreed to write to the Department to request that Ministers consider the addition of a specific fifth bullet point to that list of recommendations and findings to be made. That bullet point would provide for recommendations on changes to law, practice and procedure to prevent future abuse. The Department's response of 16 October stated that Ministers considered that the Committee's suggestion would take the inquiry well beyond the scope of what it was set up to do and that they would not accept it. Most Members were satisfied with the Department's proposed amendment to the terms of reference in conjunction with the inquiry chairperson's evidence of 4 July, in which he stated that he was satisfied that he could address the issue.

During the Committee's final clause-by-clause consideration of the Bill, Mr Eastwood proposed Committee amendments, now amendment No 1 and amendment No 4. Those were rejected by the Committee by eight votes to two.

Amendment No 75 would bring the definition of "institution" into the Bill. The Committee also received a number of submissions highlighting the limitations of the scope of the inquiry by way of the definition of "institution" in the terms of reference and indicating a need for the scope of the inquiry to be expanded to cover abuse outside institutions. Other witnesses supported the scope of the present inquiry but emphasised that other action was required to acknowledge and meet the needs of victims who suffered abuse that is outside the scope of this inquiry. The Department indicated that:

> *"the categories to be covered by the inquiry and investigation were selected because of the very particular vulnerable nature of this type of residential care."*

The inquiry chairperson indicated that widening the scope would require a complete restructuring of the inquiry and significantly affect the resources and time needed to produce its report.

The Committee's report on the Bill acknowledges that there are victims and survivors of abuse who fall outside the scope of the inquiry into historical institutional abuse, and the Committee will engage further with OFMDFM on this issue.

Another issue raised in a number of submissions was whether "abuse" should be a defined term in the legislation or terms of reference, particularly in light of other inquiries, such as the Ryan inquiry, and relevant international conventions and guidance. Amendment No 71 proposes such a definition. The Department considered that the meaning of "abuse" was already clear from the terms of reference:

> *"failings by institutions or the state in their duties towards those children in their care".*

The inquiry chairperson stated that, if a definition of abuse was included in the Bill, it could prove to be restrictive and unhelpful, and the Committee did not pursue the inclusion of such a definition.

The anticipated inquiry duration of two years and six months is also dealt with in the terms of reference. The Committee received a number of submissions from stakeholders whose perception was that the inquiry chairperson's right to request an extension of time related only to the six-month period following the

inquiry's conclusion or, in other words, the report-writing phase. The inquiry chairperson expressed the view that it may be helpful if he had a formal right to request an extension to the inquiry. The Department reassured the Committee that the right to request an extension applies to the whole lifetime of the inquiry, including the inquiry and investigation stages of the process, and not just to the report-writing stage. That concludes my comments on the group 1 amendments.

**11.15 am**

**Mr Moutray:** As one who recently joined the Committee, I state my commitment to the process and to the legislation. The people whose lives have been marred and maimed by such abuse deserve this Government's commitment to them and their families. However, I know that, at this stage, Mr Speaker, I must direct my remarks to the amendments, and, to that end, I will, in some instances, deal with some of the amendments individually and with others on a group basis.

We, as a party, reject amendment Nos 2, 4 and 73, given that they are already covered in the terms of reference and, therefore, there is no requirement for them to be in the Bill. I understand that the chairman is content for the terms of reference to be referenced in clauses 1 and 2 and that additional protection through amendment Nos 5 and 7 is proposed to ensure that any changes will require affirmative resolution by the Assembly. Therefore, the proposals are unnecessary. Indeed, having the terms of reference instead of the proposed amendments enables the Assembly to react relatively quickly to address any unforeseen circumstances that may arise during the inquiry as opposed to having to amend legislation. The way forward that the Department and the Committee propose is, therefore, practical and logical. Therefore, I reject amendment Nos 2, 4 and 73 but support amendment Nos 5 and 7.

Our party supports amendment No 3, given that it is a technicality and proposes a minor change to the Bill. Our party supports amendment Nos 8 and 79 and believes that the change in date from 1945 to 1922 is welcome. The amendment obviously comes on the back of considerable consultation on the issue, and I am aware that the political parties and, indeed, the chairman support the inclusion of people who were subjected to abuse prior to 1945. Given the time lapse, that inclusion will facilitate a relatively small number of people, but I and my party want them to be included in the process and their views and personal stories fed into it. I know that those who were affected pre-1945 had the opportunity to go to the acknowledgement panel process, which allows them to tell their experiences. However, being date-specific in the Bill will allow those affected between 1922 and 1945 the same level of scrutiny and will, in particular, allow them to attend the statutory element of the inquiry and feed in to this important process. No matter what year in history those people were subjected to such systematic failings by the state or institutions in their duties, it is vital that they all have their say on the matter to aid them in endeavouring to find closure on such a heart-wrenching and life-changing ordeal for all involved.

We reject amendment No 71 owing to the fact that the abuse is already covered by the remit of the inquiry in the terms of reference as:

> *"failings by institutions or the state in their duties towards those children in their care".*

The duties referred to will be clearly set out in legislation and guidance that applied at the time. That offers clarity and certainty on the remit of the inquiry and investigation. Therefore, I do not believe that we should complicate and prolong the process by tampering with the proposed remit and definition.

We object to amendment No 75, given that it is detailed in the terms of reference and there is no requirement for it to be in the Bill.

In conclusion, our party is supportive of amendment Nos 3, 5, 7, 8 and 79 and is opposed to amendment Nos 1, 2, 71, 73 and 75 for the reasons outlined.

**Mr Lyttle:** I welcome the opportunity to speak on what is an historic day, as has been said already. Child abuse in any form is an appalling crime, and it is absolutely right that Ministers have moved to set up a process that will investigate it thoroughly. The Alliance Party welcomed and recognised the introduction of the Bill and hoped that it would provide an opportunity for victims and survivors to be heard and for their needs to be met. After a constructive Committee Stage, we are moving in the right direction.

I pay tribute to all the organisations that engaged with the Committee Stage and particularly to the victims and survivors, from whom I learned a significant amount in hearing their testimony. I also recognise the work that Conall McDevitt did in engaging with the victims and survivors organisations, particularly SAVIA and Amnesty International for bringing the

process to this stage. I supported the SDLP amendments at Committee Stage, and I am happy to support them in the first group today.

On many occasions, the Committee heard that the scope of the inquiry excluded victims outside an institutional setting. I am not speaking on behalf of the Committee, but it is clear that another process is required. However, there was a strong opinion on the Committee not to delay the inquiry into historical institutional abuse.

I turn to the group 1 amendments. It is clear that a significant issue was the inquiry's time frame. I welcome the speedy way in which the First Minister and the deputy First Minister have moved to table amendments and, indeed, to change the terms of reference to include victims from before 1945 and from 1922. There are people in my constituency of East Belfast who were affected by the initial date, and I know that they are hugely welcoming of the change from the Office of the First Minister and deputy First Minister.

As I said, my party supports the SDLP amendments to specify the power to make recommendations on changes to law practice and procedures. A clear theme coming from organisations that presented to the Committee was that that needed to be clarified further. I also welcome the amendments to ensure Assembly approval for any further amendments to the terms of reference. That is a balanced safeguard for the process.

Mr Allister will move amendments on the terms of reference and definitions. The Committee received significant evidence to suggest that, in the terms of reference, the safeguard approval that would be sought from the Assembly was adequate. We have a point of reference: the First Minister and the deputy First Minister have moved quickly to table an amendment on the time frame through the terms of reference. That is a good example of where having that flexibility has benefited the inquiry, and the victims and survivors whom it seeks to serve. Therefore, we will oppose those amendments.

On the definition, Sir Anthony Hart himself gave clear evidence to suggest that the definitions were adequate and provided him with the flexibility to meet and serve the needs of victims and survivors.

**Ms Fearon:** Go raibh maith agat, a Cheann Comhairle. I begin by rightly paying tribute to all those who have been victims of abuse. The period in question is a horrifying time in our history, and I sincerely hope that where abuse occurred it can be exposed and that the inquiry established under this legislation can bring some truth and justice to the victims of institutional abuse, victims who have had their life dominated by the pain of that abuse. I also commend OFMDFM officials and Committee members for the hard work that went into the Bill. I only came to the Committee at a late stage.

It is crucial legislation, ensuring that victims get some form of justice for the heinous crimes that were inflicted on them. It is clear that, in the past, there were severe failings on the state's part to protect vulnerable people in state institutions. I welcome the fact that the Bill's development has been based on a victim-led approach for what victims require. Over the years, too many people have been subjected to the pain of abuse by those who have held positions of trust. The victims were let down in the past, not only by their abusers but by those who covered up the abuse.

A welcome change was to widen the scope of the Bill. The parameters were extended to include cases as far back as 1922, instead of 1945. That decision was taken because it is vital that all victims can take part in the inquiry and the acknowledgement process. That extension allows for the inquiry to hear from every living victim. The alteration will, hopefully, reassure those who were originally excluded. That is what it was intended to do.

The acknowledgement forum opened for registration at the beginning of October, and I know that all parties will be united in saluting and paying tribute to the courage of victims who have come forward thus far and those who will come forward.

On amendment No. 4, which concerns recommendations about changes to law, procedure and practice to prevent future abuse, my party's position is that broad scope for that has already been provided for in the Committee amendment, which reads:

> *"Bearing in mind the need to guard against future abuse,".*

The terms of reference have already been amended to allow the inquiry to make recommendations about the future, and, indeed, the inquiry Chair, Sir Anthony Hart, was satisfied that sufficient scope was provided already for recommendations to be made in relation to changing the law, with a view to preventing future abuse. So, my party will not support the amendment.

I will speak only briefly on Mr Allister's amendments. All victims of any abuse — institutional, clerical or in another setting — are equally entitled to find justice for the abuse that they suffered. However, the Bill deals specifically with institutional abuse, and it needs to be narrow so that it does what it needs to do. This is the view that the inquiry chair also holds. The changes that Mr Allister seeks to make would make the inquiry something entirely different. Clerical abuse is just as sensitive, emotive and important an issue as institutional abuse, so it may be the case that it should be dealt with separately, so that it is dealt with appropriately and given its own prominence. That does not, in any way, attempt to detract from the distress that has been inflicted on many others as a result of abuse in other settings. Therefore, Sinn Féin will oppose amendment Nos. 71 and 75.

Sinn Féin is satisfied with the Bill and believes that it enables the inquiry panel to complete what it is intended to do. However, it must also be noted that the inquiry cannot be rushed. We welcome this legislation and its objectives and recognise that transparency and impartiality is key to achieving those objectives. This entire process is and should be victim-centred. The Bill and the inquiry are for the victims, as they attempt to find some sense of justice after years of pain.

**Mr Kennedy:** I am grateful for the opportunity to speak in the debate on what is very important legislation for the many people who suffered abuse in institutions in Northern Ireland. Many victims of abuse have lobbied courageously to get to a stage where this inquiry will become a reality. They are indeed to be commended for their efforts, determination and, as I have said, undoubted courage.

We have a raft of amendments at the Consideration Stage of the Bill; there are, I understand, 79 in total. The vast majority of them have come from OFMDFM, and I welcome the presence of the junior Ministers. My party leader chairs the Committee for the Office of the First Minister and deputy First Minister, which considered the amendments in detail, and has indicated that it was generally content with them.

I want to focus particularly on Mr Allister's amendments, which would broaden out the historical institutional abuse inquiry and are included in group 1. Mr Allister, as I understand it, seeks to make four amendments in this group, including amendment No 75, which gives a different definition of institution to that in the terms of reference of the inquiry, as established in the statement by the First Minister and deputy First Minister, and amendment No 2 which also seeks to alter the terms of reference of the inquiry.

The issue of who the legislation should cover is an important one, and I want to consider that in some detail, having received representations on that from constituents. We have to bear it in mind that there are children from Northern Ireland who suffered abuse in the Republic of Ireland and children from the Republic of Ireland who suffered abuse in Northern Ireland. Those victims, most of whom are now adults, exist in jurisdictional limbo. There has been an impression that neither side or jurisdiction wishes to take responsibility for that. Indeed, I raised this matter separately with Mr Alan Shatter TD, the Minister for Justice in the Republic of Ireland, but, in short, it has been left to be someone else's problem.

**11.30 am**

Today gives us an important opportunity to say to those people that they are recognised as victims, that they will get the time and space to tell their story, and that all efforts will be made to ensure that never again will people be exploited and abused in this way. I refer specifically to those children who resided in either the Bethany home in Dublin or the Westbank home in County Wicklow. Both institutions took in mothers and babies from Northern Ireland and also sent Southern children to Northern Ireland. Some ended up in loving homes, but some ended up in abusive situations.

Let me make it clear that I do not say that all those who resided in those homes were abused, nor do I say that all staff and people in responsibility were abusers. To a large degree, it happened without the knowledge of people who were supportive of those homes and who had supported the homes through their contributions and their wider support. However, it is undeniable that abuse happened, and that is something that we must acknowledge and address.

There is little that can be said here that anybody can be proud of, not least since the trafficking to and fro was purported to have been done in the name of Christianity. None of us can take any comfort from the disgraceful actions of some individuals that were carried out in the name of Christianity, from whichever Church it emanated from. There are examples from as far back as 1926 of individuals who were handed over in trust to Bethany House.

There are numerous examples of children who suffered greatly through abuse and, indeed, a number of specific examples have been brought to my attention. For instance, a young person who suffered gross malnutrition had to be rescued by the local Church of Ireland clergyman and was sent back to Dublin. He was then sent to a relative of the family in Northern Ireland, where he suffered further neglect. I have also been told of a mother whose children were sent to the Westbank orphanage that closed in 1998 and who were denied knowledge of sibling relationships. I have also been informed that other children often lived in Westbank into their late twenties. Many were given false names and, as I mentioned, they later found out that they had brothers or sisters.

In the past week or so, the spotlight has been on multinational corporations that escaped taxation in one jurisdiction by registering profits in another. In a sense, that is what Westbank did. It exploited another jurisdiction, avoiding regulation in Northern Ireland by setting up an orphanage in the South. In that home, many of the children were malnourished and suffered physical abuse. They were given injections if they wet the bed or they were beaten with electrical leads. Some suffered sexual abuse. A gentleman with a mission — I use the term advisedly — to children would arrive at yearly intervals, take children out on hiking patrols and insist on sleeping with them in tents in the garden. He used that position of trust to sexually abuse some of those children.

That situation was evident in the Republic of Ireland, and I believe that it is appropriate that we consider those issues and that they are, at least, aired today, given the fact that they concern children from Northern Ireland. Although I understand that the Bill may not be suitable for an all-encompassing inquiry into child abuse, we must, at least, take cognisance of the terrible abuse that occurred within institutions outside Northern Ireland and, therefore, out of the reach of the Bill.

Whatever decisions are taken in this place today, we cannot undo the wrongs that those children have had visited on them, and we cannot reverse what has happened. However, we can ensure that we do not lose the opportunity presented by the Bill to recognise, broadly, those children who have been victims, whether in this jurisdiction or elsewhere and whether that abuse was physical or sexual.

This is our opportunity to begin to help to right the clear wrongs that have happened. It is a very significant responsibility, and we should make sure that we do our best to bring victims the maximum sense of justice. It is important that those people have a voice in the Assembly. I urge the junior Ministers present today, on behalf of OFMDFM, to reflect on that. It may not be possible to deal with the issue today as part of the Bill, but it is essential that the recommendations from the inquiry to be undertaken by Judge Hart are brought forward to OFMDFM and that it takes them further and continues to engage further, even with Alan Shatter and the authorities in the Republic, so that justice can prevail.

**Mr Speaker:** Before I call Mr Allister, may I say that I understand, Members, that this is a very sensitive issue; I really understand that. However, I ask that Members refer to the amendments, as far as possible, and link whatever they say to the amendments that are before the House. I really understand the sensitivity of the particular issue before the House this morning.

**Mr Allister:** At this stage, I will speak to amendment Nos 2, 71, 73 and 75.

I begin by expressing regret that amendments that I sought to table, to widen the scope of the inquiry to include clerical abuse, are not before the House. Right as it is that we address the issue of institutional abuse, I think that it is unfortunate that in doing so we create a hierarchy of abuse victims — those abused within institutions, and those abused outside institutions, who, predominantly, were the object of clerical abuse. I have heard others in the debate say that that issue cannot be forgotten about and cannot be swept aside, but the reality of the Bill is that it does forget about it. I have yet to hear affirmations that that will change. I think that this was an opportunity to address all abuse, including clerical abuse, and I very much regret that it has not been taken.

**Mr Lyttle:** I thank the Member for giving way. For the record, is the Member willing to go further to acknowledge that Members have said not just that victims of clerical child abuse should not be swept aside but that there should be a process to investigate that type of abuse?

**Mr Allister:** I have said that I have heard Members say there must be a process, but I am waiting to hear of that process. That is the point I was making. There is certainly nothing in the Bill to advance such a process in that regard.

I make the observation about the hierarchy differential between an inquiry for victims of

institutional abuse and no inquiry for the victims of clerical abuse in the context where one has concerns at the manner in which, heretofore, clerical abuse has been dealt with. I invite Members to cast their mind back to just a couple of years ago, when this matter came up before the Policing Board, for example, and issues were raised. Why was it that the PSNI, in investigating clerical abuse, was satisfied with simply receiving résumés or summaries from the church hierarchy on what their archives contained? It never saw or investigated the archives, and there seemed to be a deal —

**Mr Speaker:** Order. Earlier, I said that this is a very sensitive issue, but we really should not be debating an amendment that has already been rejected and not selected. I am trying to give Members as much latitude as possible in and around these sensitive issues, but I ask the Member, and Members, to come back to the amendments that are before the House this morning.

**Mr Allister:** Mr Speaker, I ask only for the latitude that might parallel, to a lesser degree, that given to Mr Kennedy to talk about abuse in another jurisdiction. I am talking about abuse in this jurisdiction. There was no restraint on someone else talking about abuse in another jurisdiction. I will not labour the point, but I want to make the point that there is a residual degree of resentment among the victims of clerical abuse. Some have told me that this inquiry has no focus for them. That is unfortunate in the context that, heretofore, there have been suggestions that the PSNI, in investigating clerical abuse, has been satisfied with summaries of the archives from the Catholic Church, rather than actually seeing the documentation. There seemed to be some sort of deal that led to that situation, and that was wrong. The issue was raised by Mr Basil McCrea when he was a member of the Policing Board, and it is still unresolved. So I regret that we are not widening the ambit of the Bill to deal with that issue.

Amendment No 2 seeks to import into the Bill the terms of reference. I find it bizarre that we are processing a Bill to set up an inquiry into institutional abuse, and one of the things that we consciously and deliberately leave out of that Bill is the terms of reference. We reference them only by referring not to one but to two documents, which have never been brought to or debated in the House. Two documents were issued as written statements — one to correct the other — by the Office of the First Minister and deputy First Minister.

Instead of putting the terms of reference into the Bill so that everyone could read them, we have this obscure device whereby we say that the terms of reference are to be found in a statement of a certain date by the First Minister and deputy First Minister. That, from first principles, seems to me to be an absurd way to proceed. What is the problem with putting the terms of reference into the Bill? What are Members so scared of that causes them to rush to reject that suggestion?

Anyone who has read my amendments carefully will note that I do not propose to omit from the Bill the incoming power further to amend those terms of reference. I am not saying that we should write them in stone and leave them alterable only by amendment of the legislation. I am happy to live with the upcoming amendments, which would allow subsequent change and addition to the terms of reference, but the starting point should be that we have the basic terms of reference in the Bill. I say that because it is the right thing to do and because, frankly, the quality of the written statements from the Ministers is, in drafting terms, appalling.

There is a section headed "terms of reference", which deals with one term of reference about finding out about systematic failings. Then it drifts off into all sorts of administrative issues about the timescale and various other administrative arrangements. It finishes with terms of reference, or so it seems, and goes on to talk under new subheadings about an acknowledgement forum, a research and investigative team and an investigation inquiry panel. Under that, it seems to return to new terms of reference, which are not even in the paragraphs quoted as terms of reference. It talks about:

> *"Bearing in mind the need to prevent future abuse, the report will make recommendations and findings on the following matters:"*

It goes into matters of apology, and so on. Even in the manner in which the Ministers' written statements are drafted, they lack the clarity, cogency and chronological nature that you would expect, and you would see, in legislation if the terms of reference were laid out.

**11.45 am**

That is why I say that, without prejudice to the right to add to those terms of reference by other devices, we should have basic terms of

reference in the Bill. Before you come to the only real term of reference in the statement — establishing whether there were systematic failures by institutions — the first term of reference in the Bill should say that the first thing that should happen is an examination of the arrangements that were in place in institutions in Northern Ireland to protect children from abuse. That should happen before you move to the second question, which flows from that, of whether there were systematic failures in the light of that. So, logically, it seems inescapable that the terms of reference should start with an invitation to the inquiry to establish what arrangements were in place, how they were deficient, how they failed, and how it was that, consequently, there were systematic failures, if there were any.

That is also why I say that the first term of reference should be as suggested in my amendment. You then have to add to that. It is not good enough just to ask what the failings were. You then have to move to the point of asking what we can do about it. That is the purpose of putting into the terms of reference a statutory requirement that relevant findings and recommendations will be made, including recommendations to ensure that abuse is prevented effectively in future.

If this inquiry is to have any lasting impact and is really to be something that is worthwhile for the future not only does it need to identify and give solace to those who were so hideously abused but it needs to make recommendations on how such things can never happen again. That is why the terms of reference should include the statutory exhortation and requirement that, within them, there must come forward recommendations so that we can effectively ensure that such abuse is prevented in future. Is that too much to ask? Is it such a strange proposition that the House write terms of reference into the Bill and that they include the need to bring forward recommendations on how to prevent all that in the future? It seems to me to be elementary that those matters be in the Bill.

If I may say so, it also seems that it flows from that that one would want to define those to whom the Bill applies. A child is not defined in the Bill as someone who is under 18 years of age. That would be my amendment No 73. The very institutions to which the Bill would refer are not defined in it. That would be my amendment No 75. Perhaps what is even more elementary is the need to define abuse itself, because what it means is capable of various ducking-and-diving interpretations. That is why I say to the House that we should put all that beyond doubt. The language that I used is not my language. The definition that I suggested is not just my concoction. It is lifted from article 19 of the UN Convention on the Rights of the Child, which defines abuse as:

> *"physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse".*

That is a well tried and tested definition of abuse that is relevant to an inquiry such as this. I say to the House that you have much to gain and absolutely nothing to lose — nothing to lose — from putting those definitions in the Bill, and improving the Bill in consequence. I say to the House, you should really get beyond the macho, knee-jerk reaction of not wanting to change a Bill because it was your Bill, so to speak, and certainly not wanting to change it because someone of my ilk might suggest changes. You should recognise that there is merit and worth in doing what the amendments would do. On that basis —

**Mr Lyttle:** I thank the Member for giving way. I ask him what his view or assessment is of the view of the independent chair that flexibility would be preferable in those definitions. Indeed, why does he think that such an independent chair would not be referring anyway to the definitions that are set out by the law that he refers to?

**Mr Allister:** I will make two or three points on that. First, let me make it very clear that I have the utmost confidence in Judge Hart. He is a man whom I have known professionally for most of my professional life. I have appeared in his court many, many times. I have no reason to doubt his integrity, his thoroughness or anything whatsoever that goes to his professional capacity. He is a good choice for this post, and I thought that from the very first time that I heard him named.

However, it is, with respect, for this House, not the chairman of the tribunal, to determine the terms of reference and the definitions. I do not think that we should hide behind the wisdom and experience of the judge to dodge those issues. Indeed, it is a protection, because anyone who knows anything about the law knows that there are many ways in which people can contrive to dispute matters and interpretations but that one can restrain that if the definitions are in statutory form, rather than some moving feast in a ministerial statement. Therefore, it would bring far more certainty and far more clarity to the issue if the definitions were in the Bill and the legislation under which

the judge operates. That is not at all to tie the judge's hands; it is rather that this House, as is its place, sets the statutory framework within which the inquiry is held, and we aid the judge by providing within that the definitions that we wish him to operate within.

The definitions are not rigid. Look at the definition of "institutions" and look at the definition of "abuse". There is nothing rigid about them. They have flexibility. Therefore, I say that there is no flexibility to be lost by putting those matters into the Bill. On that basis, Mr Speaker, I recommend the amendments to the House.

**Mr Agnew:** I wish to speak particularly to amendment No 4. I know that there has been some discussion about whether it should be included in the Bill, but it seems clear to me that, where there is agreement across the House, the ability to report recommendations on changes to law, practice and procedures should be in the terms of reference. I see no reason why we do not strengthen those terms of reference through their application in the legislation.

I found Mr Allister's arguments for amendment No 2 very compelling. Again, where we have a level of consensus as to what it should focus on, I see no reason not to empower the inquiry through legislation.

I want to echo briefly some of the views of Mr Kennedy, who talked about those victims who have been trafficked across the border. Constituents who suffered abuse in institutions in the Republic of Ireland have come to me about that issue. Although I recognise that the scope of the Bill, as set out in the terms of reference, cannot include investigations into institutions in the Republic of Ireland given that it is outside this jurisdiction, I believe that we should not be turning away anyone in Northern Ireland who is a victim or survivor of institutional abuse from the support of the inquiry or from having their voice heard. For that reason, I ask that the acknowledgement forum and the advocacy service be open to such victims.

I also ask that the investigation looks at whether institutions in Northern Ireland that may have referred, with the best of intentions in some cases, women and children to homes such as the aforementioned Bethany or Westbank complied with the moral duty of care that they had to such women and children.

As I say, although I accept that those institutions cannot be included in the Bill's terms of reference, I further ask that the Office of the First Minister and deputy First Minister engage with Ministers in the Republic of Ireland to see how both jurisdictions can work together to ensure that that group of victims and survivors, first and foremost, have the circumstances of the abuse they faced acknowledged and that we have some mechanism for investigating such cross-border trafficking and the subsequent abuse that took place.

**Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister):** First and foremost, I salute the victims and survivors of abuse. It is their courage, dignity, tenacity and the triumph of their human spirit in the face of suffering, the extent of which none of us, I think, can ever fully understand or appreciate, that have brought us to where we are today. This is a truly historic day, and this is one of the most vital pieces of legislation that, I think, we will ever deal with.

At the request of the victims and survivors who have spoken to us, I also pay tribute to those who have gone before and who are not alive to see this day, and, equally, I salute their courage and tenacity in helping us to get to this point and do not underestimate the pain they suffered and endured during this process.

It is the pain of the most vulnerable. These were children who did not have a mum or dad, or a stepmum or stepdad, or another form of care-giver to go back to. These were people who were abused and hurt in the most horrible ways by the people entrusted to care, support and love them. That is why we have defined residential abuse. These were children who had nobody to go back to and who became the victims of those who should have been there to care for and protect them but shamefully did not do so. So, first and foremost, we place the victims and survivors front and centre of the legislation.

I thank the Committee Chair and Committee members for their scrutiny of the Bill. They worked diligently and were thorough in their examination of the work in front of them. The Committee asked searching questions and proposed helpful changes, all of which the First Minister and deputy First Minister were pleased to accept.

In fact, of the 79 amendments proposed by the First Minister and deputy First Minister, 44 stem from Committee proposals.

**12.00 noon**

I also thank the inquiry chairperson for his support. He has been generous with his time and advice. He discussed the Bill thoroughly and at length with officials. He has distinguished himself in legal expertise and is of noted legal brilliance. He took the time to suggest changes to strengthen the Bill. He appeared before the Committee, and his insights have been invaluable and helped to shape our thinking on the amendments. The chairperson has assured our officials that he is content with the amendments that we have proposed.

I thank junior Minister Anderson. When she and I came into office, we were instructed by the First Minister and deputy First Minister that this was to be our priority in terms of work that we were to undertake. We made it our priority in that the first people whom we met were the victims and survivors of abuse. We also made it a priority, rightly, in the time and energy that was expended to ensure that we got the best Bill we could for the victims and survivors of abuse. It is a baton that has been passed on to junior Minister McCann, and she made it her priority to meet, first of all, victims and survivors of abuse. I know from them that they appreciated that work.

Clause 1 provides for the First Minister and deputy First Minister, acting jointly, to set up the inquiry into historical institutional abuse. It refers to the terms of reference announced on 31 May, in which the relevant period for the inquiry was 1945 to 1995. Victims and survivors argued that the 1945 parameter would exclude some people. The First Minister and deputy First Minister were happy to agree to the Committee's proposal that the relevant period should be extended back to 1922. They announced amended terms of reference on 18 October, and amendment Nos 3, 8 and 79 update the Bill to take account of those.

Colum Eastwood and Conall McDevitt — I will try to reply towards the end to points that other Members raised — propose that the Bill should provide for the inquiry to make recommendations about changes to law, practice and procedure to prevent further abuse. That amendment is completely unnecessary. The Committee raised that issue with the First Minister and deputy First Minister, and they dealt with it by amending the inquiry terms of reference. The inquiry terms of reference were carefully thought out. They stem from an excellent paper by victims and survivors themselves, and they were informed by the work of the interdepartmental task force. We discussed them with the victims and survivors and then agreed with the chair of the inquiry before they were published. They are broad-ranging, requiring the inquiry to make recommendations and findings, first, on an apology, by whom it should be made and the nature of the apology; secondly, on institutional or state failings in their duties towards the children in their care and whether those failings were systematic; thirdly, on an appropriate memorial or tribute to those who suffered abuse; and, fourthly, on the requirement or desirability for redress to be provided by the institution and/or the Executive to meet the particular needs of victims.

We are confident that, where the inquiry identifies lessons for the future, it has the scope within its terms of reference to include those in the recommendations. However, the Committee argued that that should be made explicit, and so the amended terms of reference say that, in making its findings and recommendations, the inquiry should:

> *"bear in mind the need to guard against future abuse".*

As the issue is fully covered in the terms of reference, there is no need to add it to the Bill. Amendment Nos 1 and 4 should be rejected.

Mr Allister proposes that we do away with the published terms of reference completely. However, we believe that that would have the effect of detrimentally reducing the detailed remit of the inquiry. After consultation with the chair, there is satisfaction that we retain the terms of reference and give them statutory footing through reference in clause 1. In addition, Mr Allister's amendments have no reference to an apology or a memorial, and no consideration would be given to the desirability of redress. In amendment Nos 71, 73 and 75, Mr Allister suggests that "child", "institution" and "abuse" be defined in the Bill. There is no need for that: the definitions of "child" and "institution" already appear in the terms of reference. Had Mr Allister followed the Committee proceedings or even consulted Hansard, he would have seen that the chairman cautioned the Committee against defining abuse. The remit of the inquiry is to examine systemic failings by institutions or the state in their duties towards children in their care. There is, therefore, no need for a further, new definition. The duties of institutions are already set out in legislation. The First Minister and deputy First Minister and the Executive made it clear in the terms of reference that the inquiry will be concerned with systemic failings by institutions or the state in their duties towards children in their care. This is not what victims and survivors said that they needed; it is not what we are committed to; and

it is not what the chairman and his panel are working towards. I urge you to reject Mr Allister's amendments.

Clause 1 also deals with the process by which the inquiry terms of reference can be amended. As it stands, the Bill provides for the First Minister and deputy First Minister acting jointly to amend the terms of reference after consulting the chairman. Amendment Nos 5 and 7 change the process so that any future changes to the terms of reference will be subject to affirmative resolution in the House. Those amendments were inspired by the Committee, and I urge you to support them.

The issue of clerical abuse was raised first by, I think, Mr Eastwood. Let me be very clear: the issue of clerical abuse is no less important or emotive than institutional abuse. We are mindful of the equally destructive impact that it has had on many individuals. I, like anybody else who practises professionally in social work, know of the equally destructive impact that emotional, physical and sexual abuse and neglect has on children, whether it is perpetrated by people who are employed or unemployed, teachers, doctors, nurses or, at times, even social workers. So, the Executive will have to give careful consideration to how clerical abuse should be dealt with following the inquiry into historical institutional abuse. As I said before, those children did not have homes to go back to. They did not have parents or caregivers to go back to. The people they went back to for their home were the people who were abusing them. That is why we have brought forward the Inquiry into Historical Institutional Abuse Bill. The categories to be covered by the inquiry were selected because of the very particular and vulnerable nature of that type of residential care. Setting the parameters in that way does not, in any way, undermine the trauma that has undoubtedly been inflicted on many other individuals as a result of abuse in a domestic setting or any other setting.

The issue of Southern care homes was, I think, first raised by Mr Eastwood and then by Mr Kennedy. The jurisdiction of this inquiry reflects the jurisdiction of this Administration. It will investigate events in Northern Ireland care homes between 1922 and 1995, but we cannot investigate events in the Republic of Ireland.

Mr Nesbitt raised the issue of the costs of the inquiry. The original costs of the inquiry were set between £7·5 million and £9 million. They were calculated in March, which was very early in the process and before the terms of reference had been agreed. Since then, there has been extensive research and analysis, and we have benefited from the expert advice of the chairman, the acknowledgement forum and the panel members. As a consequence, we now have much more realistic and robust costs for all phases of the inquiry. In particular, we have been able to estimate the costs of conducting the judicial element of the inquiry, including witness support.

With regard to abuse in institutions outside Northern Ireland, which Mr Kennedy raised, those allegations fall outside the jurisdiction of the Northern Ireland Executive and cannot be investigated by the inquiry. However, the First Minister and the deputy First Minister have already communicated their concerns about Bethany home. The survivors of Bethany home have also communicated their concerns to Alan Shatter TD, who has indicated that he is considering the issue.

I now turn to some of the points raised by Mr Allister. I tell him that the Bill has been drafted by experts in the Office of the Legislative Counsel, and there is nothing obscure in its drafting. The Bill provides for what is needed for the inquiry, and Sir Anthony Hart, who is widely acknowledged — including by Mr Allister today — as a person of legal brilliance, is content that the terms of reference are not in the Bill. Were the terms of reference in the Bill, an amendment to the Bill would be required to change them. I think that that fairly comprehensively deals with that issue.

The terms of reference issued in October were updated to reflect the change in the relevant period of the inquiry from 1945-1995 to 1922-1995 and to include a reference to:

> *"Bearing in mind the need to guard against future abuse".*

That was not a correction, as Mr Allister wrongly suggested, but a response to the requirements of victims and survivors.

From the beginning, we committed to agreeing the terms of reference with the chairman, and that is reflected in the Bill. The chairman did not wish to have abuse defined in the terms of reference of the Bill, so we do not support that amendment.

The acknowledgement forum was raised by Mr Agnew. It is a crucial part of the inquiry and cannot be concerned with people who were abused in other jurisdictions. There is an advocacy service that is designed for the victims and survivors here. However, as I said, the First Minister and the deputy First Minister

have communicated their concerns about abuse that is alleged to have occurred outside the jurisdiction of the Northern Ireland Executive with the relevant person in that jurisdiction.

**12.15 pm**

**Mr McDevitt:** I am happy to conclude the debate on the group 1 amendments. For the record, I again pay tribute to all the survivors who got us to this point. Also, with your indulgence, Mr Speaker, I pay a personal and heartfelt tribute to Mrs Carmel Hanna, without whom we would not be at this point. It took some courage to bring this matter to the House in 2009, when it was not universally well received. She and the people on whose behalf she spoke out have been vindicated. Continuing her work has been my great privilege, as I am sure it has for Colum Eastwood in the Committee.

The Bill was last before the House at its Second Stage, when widespread and serious concerns were raised about a number of aspects. The Bill was very welcome but, it is only fair to say, very far from perfect. The extent to which the Bill was deeply imperfect is reflected by the number of amendments before the House today. Those amendments are principally in the name of the Bill's sponsors. I welcome that, and it is testament to the good work of the Committee for the Office of the First Minister and deputy First Minister, which has done its work at Committee Stage well, thoroughly and properly.

A number of the amendments are not from the First Minister and deputy First Minister. Just because they do not come from them does not mean that they do not have considerable merit. They are, first, amendments that relate to the issues that Mr Allister raised on the basic question of whether to incorporate terms of reference into a Bill. Secondly, there is an amendment in Mr Eastwood's and my name about whether to specify, again in the Bill, the importance of the legacy of an inquiry.

An inquiry's legacy is measured in several ways, as amendment No 4 seeks to prove. The first way in which a legacy of an inquiry should be measured is in its discovery of truth through the establishment of fact, identification of wrongdoing and the proper clearing of children whose names were brought into serious disrepute by the institutions and individuals who had charge of them. An inquiry should clearly identify the substantial shortcomings of the state. The genesis of this inquiry is the duty that the state has to children, a duty that, in this jurisdiction and in this context, the state undoubtedly and miserably failed to fulfil. That is the basic issue.

The inquiry will go quite close to the heart of the state. It will not simply deal with what happened in institutions; it will also have to consider the way in which the state failed to regulate, monitor and protect and to prosecute individuals who were abusing children. As a legislator and one of a select few who have the power to change the nature of this state, I feel uncomfortable about the fact that we are not willing to allow the chair of the inquiry the specific and unchallengeable power to challenge the state substantially. I wonder why we resist doing so.

The other point worth making is that this will be the first public inquiry to be established by the Assembly since our coming into being. It will inevitably set a precedent. It will be looked to as a model, maybe not specifically in legal terms, but certainly in parliamentary, procedural and policy terms.

I ask colleagues on all sides of the House to reflect on an inquiry in a different context. That could be an inquiry into an aspect of our past, such as the Finucane situation or the Ballymurphy situation. I ask colleagues to think about whether we would feel comfortable allowing the degree of latitude that is built into the Bill if the inquiry were dealing with those situations. The amendments would reduce the latitude that is available to those in political office. They would place this Assembly and legislature on a firm footing and give the Assembly certainty that the decisions that it is taking in establishing the inquiry are right not just for the specific circumstance of historic institutional abuse but for future circumstances. I appeal to colleagues, before they walk through the Lobbies, to reflect deeply on that. We should not set a precedent that we may live to regret. We may live to regret it in the context of this inquiry, but I suggest that we will almost certainly live to regret it in the context of future potential inquiries.

Amendment No 4 is a guarantee that this House, not the Executive, a Minister or the First Minister and deputy First Minister, is ultimately in control of the nature, depth, breadth and jurisdiction of the inquiry. When I read the evidence that Sir Anthony Hart himself gave on 4 July, it was clear to me that he was clear that it is a matter for those setting up the inquiry to decide on the specific jurisdiction of that inquiry. However, he also clearly said:

*"I did not see it as my function either then or now to rewrite the terms of reference in the sense of saying that this should be included or that should be included where those matters would involve policy. That was for those setting up the inquiry, but I did offer some comments".*

He went on to say:

*"I am not entirely clear in my own mind why, unless it is simply because of their length and complexity, the terms of reference do not appear in the legislation that you are being asked to consider".*

Later in that meeting he spoke about not being clear about why his powers would not be made very specific to him.

The key phrase for us to reflect on in the House — the legislature — is the statement he made that:

*"That was for those setting up the inquiry".*

"Those" are us. It is this House that will set up the inquiry, because it is a statutorily based inquiry. It is not the Office of the First Minister and deputy First Minister, yet we are asked to accept that the Office of the First Minister and deputy First Minister will be the custodian of the terms of reference.

I do not want to delay the House much longer, but I want to say as clearly and concisely as I can that it is important that we bolt down every last bit of this. The terms of reference, as currently constituted, meritorious as they may not be, are not fully bolted down, nor is the extent to which the report that would be published can really effect the sort of change that, I believe, all of us as individuals not only want it to achieve but demand that it achieve. Would it not be a terrible tragedy if, six years from now, we came back to look for that report and found it gathering dust? Why? That would be because the House, at this time, did not see the need to make it a requirement in law that that report, where necessary, would have the opportunity to be binding in law on us as a legislature.

*Question put, That amendment No 1 be made.*

*The Assembly divided: Ayes 22; Noes 70.*

**AYES**

*Mr Agnew, Mr Allister, Mr D Bradley, Mr Byrne, Mr Dallat, Mr Dickson, Mr Durkan, Mr Eastwood, Mr Ford, Mrs D Kelly, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy, Mr McClarty, Mr McDevitt, Dr McDonnell, Mr McGlone, Mrs McKevitt, Mr A Maginness, Mr P Ramsey, Mr Rogers.*

*Tellers for the Ayes: Mrs McKevitt and Mr Rogers*

**NOES**

*Mr Anderson, Mr Bell, Ms Boyle, Ms P Bradley, Mr Brady, Ms Brown, Mr Buchanan, Mr Campbell, Mr Clarke, Mr Copeland, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Ms Fearon, Mr Flanagan, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr G Kelly, Mr Kinahan, Mr Lynch, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr B McCrea, Mr I McCrea, Mr McElduff, Ms McGahan, Mr McGimpsey, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Moutray, Mr Nesbitt, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Poots, Ms S Ramsey, Mr G Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Noes: Ms Fearon and Mr G Robinson*

*Question accordingly negatived.*

**Mr Speaker:** The Business Committee has arranged to meet immediately upon the lunchtime suspension. I therefore propose, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be Question Time. We will return to the Bill after Question Time.

*The debate stood suspended.*

*The sitting was suspended at 12.37 pm.*

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

**2.00 pm**

# Oral Answers to Questions

## Enterprise, Trade and Investment

**Mr Deputy Speaker:** Question 9 has been withdrawn and requires a written answer.

### Small and Medium-sized Enterprises: Research and Development

1. **Mr P Ramsey** asked the Minister of Enterprise, Trade and Investment how her Department intends to promote and support research and development for small and medium sized businesses which have not previously benefited from such support, to encourage growth and job creation. (AQO 2901/11-15)

**Mrs Foster (The Minister of Enterprise, Trade and Investment):** Since 2009, Invest Northern Ireland has significantly increased the amount of budget available to support companies to undertake research and development. On average, an annual budget of £35 million has been allocated, with a key focus on encouraging companies that are new to R&D. That is done through a combination of advertising, direct marketing and innovation advisers who proactively seek out and advise businesses on the range of support available, such as the highly successful innovation vouchers. Since April 2011, Invest Northern Ireland support has leveraged £92 million of business investment in R&D, with 56% coming from small and medium-sized enterprises (SMEs). That has helped us to raise the level of business expenditure in R&D to its highest-ever level in Northern Ireland.

**Mr P Ramsey:** I thank the Minister for her response. Could she outline how her Department is working with the Technology Strategy Board to access new funding arrangements and how that information could be disseminated and passed on to small businesses in particular?

**Mrs Foster:** I thank the Member for his question. The Technology Strategy Board is a key player as we try to encourage more companies to become involved in research and development, particularly in the public sector, and as we try to get companies to become more innovative.

We are talking to the Technology Strategy Board about innovation and procurement. I know that the Member will take an interest in that, because one challenge for us with regard to our small and medium-sized businesses is to ask those in charge of procurement whether we can do something different in our procurement contracts to get Northern Ireland companies to come forward with new and innovative ways of doing things here. I very much welcome the work that is ongoing, particularly with the Technology Strategy Board and through other knowledge transfer programmes, and we will continue to work with those.

I am very pleased with the increase in spend on research and development in Northern Ireland, particularly at a time when the economic circumstances are not good. I know that it is difficult for companies, particularly small companies, to take in the message that they need to spend more on research and development, but it is the only way forward because we need to keep ahead with new technology and new innovation.

**Mr Cree:** Can the Minister outline the assistance received by Northern Ireland companies to date from the small business research initiative (SBRI)?

**Mrs Foster:** The small business research initiative is part of what we are doing with the Technology Strategy Board, and, as I said, we very much recognise the importance of utilising the buying power of the public sector as a key driver in the economy. The SBRI is central to that. We want the Northern Ireland public sector to run a much greater number of small business research initiatives and more Northern Ireland companies to win SBRIs across the UK and European Union. I do not have the precise figures with me, but I am happy to write to the Member with those. The good news is that we are very much engaged with the Technology Strategy Board on research and development and SBRIs.

### Energy Firms: Investment

2. **Mr Givan** asked the Minister of Enterprise, Trade and Investment for her assessment of the level of confidence among energy firms in relation to investment, in light of the recent decisions by the Utility Regulator on price reviews. (AQO 2902/11-15)

**Mrs Foster:** The Utility Regulator has the statutory responsibility for the price control process. Mechanisms exist to challenge regulatory decisions should companies feel that the regulatory decision is incorrect. It is not for me to become involved in the due process to be followed in determining the price controls. However, it is important that the price control process ultimately gets to the point where there is an appropriate balance between ensuring that the energy firms have sufficient financial cover to make the investments necessary in infrastructure and ensuring that the costs to consumers are minimised.

**Mr Givan:** The Minister will know that the Competition Commission's indications are that the Utility Regulator has failed to act in the public interest in the case of Phoenix Natural Gas and that, ultimately, the actions of this Utility Regulator are damaging confidence in investors, and consumers will be left to pick up the cost.

The Minister will know that Professor Littlechild has done a damning report, saying that this Utility Regulator is undermining the regulatory system in Northern Ireland.

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

**Mr Givan:** Does the Minister believe that the Utility Regulator is damaging confidence in investors and, therefore, is damaging to consumers, who will, ultimately, be left to pick up the cost?

**Mrs Foster:** I thank the Member for his supplementary question. Recent responses to my Department's consultation on the new Energy Bill have shown that energy firms do have some concerns about the way in which the Utility Regulator is operating. Of course, these concerns need to be balanced against the principal duties of the regulator and, indeed, of the Department, particularly for electricity. The duty is to protect the consumer, so there is a difficult balance. That is recognised, and that is why checks and balances are in place. If a utility company does not accept the price control that is determined by the regulator, there are other mechanisms to deal with these issues. The message is that it is a difficult balance, but it is a balance that needs to be achieved. That is the job of the regulator.

**Mr Elliott:** Given the concerns that were outlined in the answer to Mr Givan, is it within the Minister's remit or power to review the Utility Regulator's role? If so, is there any intention to do so in the near future?

**Mrs Foster:** As I indicated, these concerns have been raised in response to the consultation on the Energy Bill, and I recognise that there are genuine issues that we need to address around accountability and the need to ensure that the regulatory framework for energy in Northern Ireland ensures the right investment for the future. That is why I am introducing proposals in the new Energy Bill that will ensure provision to ensure that this happens.

Specifically, I am introducing a proposal for a new strategy and policy statement, which will be developed by the Department. Obviously, it will be consulted upon and laid before the Assembly for debate and agreement. We have in mind that the regulator will have a duty to have regard to that strategy and policy statement in the performance of his duties. It would also ensure that the regulator is aligned with the Executive's strategic energy goals. Of course, we are not suggesting for one minute that he does not do that at the moment, but we are providing confidence that there will be greater coherence between policy and regulation. I intend to bring that to the Floor of the House so that we can all discuss that issue. I have to recognise that those concerns have been registered with me.

**Mr Flanagan:** Go raibh maith agat, a LeasCheann Comhairle. The Minister alluded to the fact that there are concerns within energy companies about the level of confidence that they hold in the Utility Regulator. Will the Minister clarify whether the office of the Utility Regulator still has her full confidence?

**Mrs Foster:** It does, because I recognise that there are difficult decisions to be taken. It is about balancing the different remits and ensuring that companies have enough cover to make their investments. At the same time, it is about ensuring that the controls on price are there as well. As energy Minister, I cannot take sides on the issue, but I am concerned to ensure that appropriate investment can continue. That is critical, but that investment must continue not at any cost to the consumer but at a fair cost. That is where I sit on this issue.

**Mr A Maginness:** I am pleased that the Minister has spoken forthrightly in asserting confidence in the Utility Regulator. I and my party support that. In the current situation, the Minister must be aware that the proposals put forward by Northern Ireland Electricity would

mean an increase of 5% plus inflation for businesses and 4% plus inflation per annum for domestic users. That, surely, would be unacceptable.

**Mrs Foster:** The Member has, again, pointed out the balance that has to be achieved by the regulator's office — it is an office, as opposed to a person, and I think that sometimes Members forget that.

It is important that we have that balance between price control and the need for investment by companies. That is certainly what the regulator has to take into account when looking at all of these matters. Indeed, we have the system that we do so that companies do not have to accept the price control but can reject it. Then, other mechanisms are used to try to deal with the matter effectively. It is important that public confidence is retained in regulated industries because that is key for us moving forward.

## China: Trade Mission

3. **Mr Moutray** asked the Minister of Enterprise, Trade and Investment to outline the opportunities that exist in China for Northern Ireland companies, in light of her most recent trade mission to that country. (AQO 2903/11-15)

**Mrs Foster:** I am delighted to report, following my visit last week, that a broad range of opportunities for Northern Ireland businesses exists in China. Announcements were made last week by Wrightbus, Yelo, Texthelp and Glenarm Organic Salmon. I visited the Shenyang Aircraft Corporation and Shenyang Dimplex Electronics, both of which are important links in the supply chain of companies here.

I also promoted our universities and further education colleges in government meetings. Companies on the multi-sector trade mission and those exhibiting at Food Hotel China generated a significant number of leads that will require follow-up. With commitment from our companies, there are clearly opportunities to grow our export sales to China.

**Mr Moutray:** I thank the Minister for her response. Given the excellent news today that the G8 conference will be hosted at Lough Erne Resort in Fermanagh next year, how does the Minister envisage that Northern Ireland can be showcased? I think especially of the excellent agrifood industry that we can showcase to all from around the world who will visit Northern Ireland.

**Mrs Foster:** Mr Deputy Speaker, it will not surprise you to know that I am ecstatic that the G8 summit is coming to Fermanagh in 2013. It says a lot about Northern Ireland today that our Prime Minister can have the confidence to come to the most westerly part of Northern Ireland to hold the G8 summit in what he said today is "one of the most beautiful" parts of the United Kingdom. *[Interruption.]* I am only quoting the Prime Minister; others can check that.

The G8 presents us with a huge opportunity to showcase companies right across Northern Ireland and show the world, from a tourism perspective, the opportunities for people to visit here. I think that it opens up Northern Ireland to be showcased in a way that, in the past, we have not been able to do. Some places in the world are aware of Northern Ireland for the wrong, negative reasons. This is a great opportunity for us to be positive about the place in which we live, and I hope that all parties will join me in saying how great an opportunity this is for Northern Ireland and, indeed, for Fermanagh.

**Mr McClarty:** I congratulate all concerned on bringing the G8 conference to Fermanagh. My only regret is that the G8 conference is not coming to the premier tourist area of Northern Ireland.

I return to the original question of China. Does the Minister agree with me that the establishment of the Confucius Institute at the University of Ulster in Coleraine has been instrumental in creating openings and opportunities for delegations leaving Northern Ireland to go to China?

**Mrs Foster:** I thank the Member for his question. The Confucius Institute has really opened up China to us in a way that we have been waiting for. I very much look forward to subregional hubs being established right across Northern Ireland, so that we can look forward to Mandarin being taught right across Northern Ireland and our children and young people being educated about what is a global opportunity.

Mr Moutray referred to our agrifood companies. I have to say that the agrifood companies that were with me at the Food Hotel China event felt that there were huge opportunities and leads to be followed up. They said to me that China was a market wherein they felt that they could

do business. That is not to say that there are not challenges in China; of course there are. There are cultural and language challenges and, indeed, challenges with export licences, and so on. However, we will work very hard to make sure that we overcome those challenges, and I think that the Confucius Institute is part of overcoming some of the cultural and language issues.

**2.15 pm**

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. Thank you very much, Mr Deputy Speaker, and I thank the Minister for her answer. Will she tell us about the business opportunities that have been identified in China and how they will be informed by and promoted with local businesses?

**Mrs Foster:** As I indicated, a number of announcements were made while the First Minister and deputy First Minister were in China along with me and the Agriculture Minister.

There was an announcement about a deal with a company called Yelo involving a £1 million deal to China. New clients in China based in Beijing, Shenzhen and Shanghai have purchased laser diode systems from the company. We are also very pleased to see that Wrightbus continues with its product, which, as we know, is very innovative. It was able to say that 50 bus kits will go to the Kowloon Motor Bus Company, a company with which it has been doing business for some time. Glenarm Salmon was able to announce an export deal. Lastly, Texthelp, a partnership deal between the China Education Alliance and a provider of online education, which is based in Antrim, was also announced.

Those announcements have already been made. I think that the opportunities are very clear for all to see, not least for tourism. I think that, again, the G8 summit comes in at that point. Although China is not a member of the G8, it will allow us to globally sell Northern Ireland from a tourism perspective. China will have 100 million tourists by 2012. That is a huge outflow of people right across the world. We want to get some of that to come to Northern Ireland, and we can do that through our presence in China and through our products and food. I think that food is a key area that we should continue to press on the Chinese market.

**Ms Lo:** My question to the Minister about tourism has just been answered. I congratulate the Minister on the success of the investment and business links with China. I was just ahead of the Minister, as I was in China about a week or so before her.

Minister, I have written to you before about the Schengen visa agreement. Have you explored that issue any further, given that tourism has huge potential for Northern Ireland?

**Mrs Foster:** I hosted a Tourism Ireland lunch when I was in Shanghai, and I spoke to some journalists from the travel media. We talked about visas and access into Northern Ireland. Some of them did not realise that, if they had a UK visa, they were able to visit Northern Ireland. We were able to tell them that, under the travel arrangements that have been agreed with the Republic of Ireland's Government, they can go to the whole of the island of Ireland. So, if they have a UK visa, they can come to the British Isles and not have to worry about visas. I think that that is very important and is something that we need to keep pushing. The Schengen argument, of course, is different and is one that our national Government takes up.

## World Police and Fire Games: Hospitality Sector

4. **Mr Nesbitt** asked the Minister of Enterprise, Trade and Investment what action she is taking to ensure that the demands on the hospitality sector arising from the World Police and Fire Games can be met. (AQO 2904/11-15)

**Mrs Foster:** My officials and the Northern Ireland Tourist Board have had discussions with the Belfast Visitor and Convention Bureau, the World Police and Fire Games company and the wider hospitality industry to ensure that participants in the games, as well as visitors, will have a good experience. Almost 20 seminars will have been held with local businesses using the tourist information centres and industry association networks. The Tourist Board, convention centre and games company will continue to encourage the whole of Northern Ireland to meet the demands of hospitality and maximise the opportunities from tourism in 2013.

**Mr Nesbitt:** I thank the Minister for her answer. She will know that the greater Belfast area has 3,764 hotel rooms. If you replicate the 86% occupancy rate that was achieved for the relevant period this year, that will leave some 527 rooms spare for anticipated visitor numbers of 15,000. Does the Minister agree that that is a tight fit?

**Mrs Foster:** Yes, and I am not asking them all to share. We are fully aware of the challenge that lies ahead of us with the World Police and Fire Games. It is a challenge that we now face with the G8 as well, because we know that thousands of people will come to Northern Ireland for that event.

This is about being flexible, working with accommodation providers, being innovative — pop-up hotels, for example — and making sure that we stay very close to the limited company that is planning the World Police and Fire Games, and that is exactly what we are doing.

**Mr Newton:** I thank the Minister for her answers so far. Will she confirm that her Department's plans are, in fact, to ensure that Northern Ireland's economy benefits from the games in the longer term?

**Mrs Foster:** Of course, we want to benefit at the time, but, as was the case with our plans this year during Our Time, Our Place, we also have to ensure that we leave a legacy. I very much hope that the World Police and Fire Games and the UK City of Culture in Londonderry will leave substantial legacies for Northern Ireland. Again, it is an opportunity for us to shine and to show how we can rise to the challenge.

Over the past year, we have risen to the challenge when it has been delivered to us. We have found that the best way in which to face challenges is to work alongside our partners, and we are doing so. We are working alongside the Northern Ireland Tourist Board, the Belfast Visitor and Convention Bureau, 2013 World Police and Fire Games Ltd and all other partners, such as Tourism Ireland. We will work together to make sure that the games are the great success that we want them to be.

**Ms Maeve McLaughlin:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for the response. Will she provide assurances that the accommodation needs and demands of Derry and the north-west, as part of Fleadh Cheoil and City of Culture, will also be accommodated?

**Mrs Foster:** The plans for the World Police and Fire Games will, of course, be part of our challenge next year. The UK City of Culture up in Londonderry and all the events surrounding that will have to be accommodated as well, and I think that I have told the Member before in an answer that we will be as flexible and innovative as we can be with accommodation. The providers in the city are getting themselves ready for the upcoming events, but we will have to go wider than that to look for accommodation provision. We will be as innovative as we can be, and I will use any power that I have to be flexible with regulations.

## Renewable Energy

5. **Mrs Hale** asked the Minister of Enterprise, Trade and Investment what level of assistance will be in place to support investors in renewable energy generation after 2016. (AQO 2905/11-15)

**Mrs Foster:** The closure of the Northern Ireland renewables obligation (NIRO) to new generation in 2017, as part of UK-wide electricity market reform, will require the introduction of separate incentive mechanisms for large- and small-scale renewable electricity generation. A UK-wide feed-in tariff with contracts for difference will be in place to support renewable electricity generation above five megawatts installed capacity commissioning from 2016. A separate, less complex feed-in tariff will support small-scale renewable electricity generation below five megawatts.

**Mrs Hale:** I thank the Minister for her answer. I am sure that she is aware that there is a lot of interest in anaerobic digestion projects as a renewable energy source. What assurances can she give people who are starting digestion projects that support will be available post-2016?

**Mrs Foster:** I thank the Member for her question. There are currently six anaerobic digestion stations accredited under the NIRO, and they are contributing to the mix of renewable technologies. I was very pleased to visit one such anaerobic digestion plant at Ballyrashane Creamery in Coleraine. That is a very good example of a local company taking its environmental obligations seriously, but doing it in a way that makes a difference to its energy costs bottom line. I was very pleased to see the way in which that has developed.

I cannot confirm the amount of support that will be available post-2016, but, as in all other cases for Northern Ireland, we will be evidence-led. We will look for evidence to see what sort of incentive is needed at that particular time, and then we will ensure that we have the proper mix in the Northern Ireland energy solutions. It is important that we have a diverse range of energy products. I understand that there are approximately 80 plants at various stages of the planning application process for anaerobic

digestion projects, and I think that that shows the interest that is there across Northern Ireland.

**Mr McKay:** Go raibh maith agat, a LeasCheann Comhairle. When does the Minister expect legislation and incentives to be in place to support the development of our deep geothermal resources, especially in places such as Ballymena?

**Mrs Foster:** The Member will know that I intend that the second phase of renewable heat will come on stream next year. We are looking at all the renewable heat processes and the different technologies and sources, and that is something that I hope to be able to clarify early next year.

**Mr Copeland:** Does the Minister have any plans to increase the number of renewables obligation certificates per 255 kilowatt wind turbine? That would incentivise and help to increase their number across Northern Ireland in order to meet her 2020 targets.

**Mrs Foster:** We are on course to meet our 2020 targets as it is, and, frankly, the evidence is not there to support an increase. As I have said, all our incentive rates are set by looking at the industry, seeing what is available and taking an evidence-based approach to our incentives. Therefore, I have no plans to increase the incentives as the Member has asked.

## Small and Medium-sized Enterprises: Start-up Grants

6. **Mr Byrne** asked the Minister of Enterprise, Trade and Investment to outline the steps her Department is taking to implement an effective grant support system for start-up small and medium-sized enterprises. (AQO 2906/11-15)

**Mrs Foster:** Invest Northern Ireland has developed grant support specifically designed for small and medium-sized enterprises (SMEs) through its growth accelerator programme (GAP). SMEs account for 76% of all jobs promoted through the jobs fund since its launch. Financial support is also available under export start and global start schemes.

Grants are part of the solution for SMEs. However, these businesses also benefit from the many areas of capability support provided by my Department through Invest NI. That includes support available under the current Regional Start and Boosting Business initiatives, which provide direct access to expertise in areas that are of particular concern to SMEs, such as business planning, skills, markets and finance. My Department has worked to ensure that these products are well promoted, accessible, and delivered at local levels.

**Mr Byrne:** I thank the Minister for her answer. Does she agree that very often when a new one-person business is starting off, a start-up grant is crucially important? In the 1980s and 1990s, start-up grants were crucial for starting up many small businesses that have now grown. I encourage the Minister to consider a further start-up grant for some one-person businesses.

**Mrs Foster:** I thank the Member for his question. He is right. When I came into this job, the level of grant was £400 for a business start-up under the Go For It programme. At that time, as is normal with all these programmes, we had an evaluation carried out, and the experts told me that the £400 was dead weight. In other words, it was not needed for people starting up their new businesses.

However, I am minded to look at the matter again because of where we find ourselves and because of the continued difficulties in relation to access to finance, particularly for small companies. However, I hope that the small loans that we are bringing out very soon will give that capability to companies, but I am minded to look at this matter again and to look at the evidence base to see if there is a need for us to reintroduce a small level of grant again.

**Mr Dunne:** Will the Minister advise on what Invest NI is doing to address the needs of the wider business community in Northern Ireland?

**Mrs Foster:** As the Member knows, we launched Boosting Business last October. That has been very well received by the wider business base. It comes in many different guises. It can come in the guise of the jobs fund, which is there to try and help support new jobs in local businesses. As I have often said, if every business in Northern Ireland could just provide us with one or two extra jobs, that would deal with the unemployment issue that we have here in Northern Ireland. As I said in my substantive answer, we also offer many types of advice, assistance and capability planning and perhaps looking at business plans and advising in relation to access to finance.

Invest Northern Ireland has changed to become an organisation that is accessible to everyone

regardless of what their business is, where they are or the size of their business. I hope that, when constituents come to see them about their difficulties, Members of the House will advise them that there is a resource and that they should use it.

**2.30 pm**

# Environment

## Planning Service: Communication

1. **Mr Dunne** asked the Minister of the Environment what measures he plans to introduce to improve communication between his Department's Planning Service and applicants and agents who presently have to use the NI Direct (101) system. (AQO 2916/11-15)

**Mr Attwood (The Minister of the Environment):** I thank the Member for his question. As Members know, in 2008, NI Direct was phased in, with the Planning Service as one of the initial anchor tenants. Some of the figures confirm that the process has bedded in well and can bed in further. For example, between April and October 2012, NI Direct, on behalf of Planning Service, handled over 57,000 calls, with 22% of that total number being dealt with by the initial contact staff and others being referred on in the appropriate way to Planning Service. The consequence of that, together with the planning portal that was introduced in 2012, means that citizens have much easier and better access to Planning Service and planning information than was the case previously, when they had to ring the planning office directly.

**Mr Dunne:** I thank the Minister for his reply. Does he accept that the present system causes further frustration and unnecessary delay for applicants and agents? As a result, there is a detrimental effect on the economy, as small businesses, especially architects, struggle to bring forward projects to boost the economy.

**Mr Attwood:** That is not, by and large, what agents, the planning industry and citizens tell me. I am sure that there are always, as we know, levels of delay and frustration with contact centres, but I am not being told that that is the broad experience. If 22% of contacts are being dealt with by the contact centre, 80% of other issues are being responded to by Planning Service within 24 hours and calls are being answered within 15 seconds of being made, all of that suggests that the new approach to citizen/agent/developer contact with Planning Service is beginning to bed in more and more. Together with access to the planning portal, where there are over 130,000 points of contact every month, that certainly all helps the planning process. Certainly, there will be nobody in the planning system, including me, who would not call for even better performance than that. However, I think that that performance is working to the benefit of the development industry.

**Mr Cree:** As many of the calls to 101 result simply in a call-back request for the planner concerned, is it possible that requests could be sent either by e-mail or text and, therefore, save time? For general enquiries about policy, fees and that nature of thing, is it possible for telephone attendants to be competent enough to deal with those issues directly with the applicant?

**Mr Attwood:** As I indicated, 22% of initial points of contact are dealt with by the person who is contacted. Therefore, given the NI Direct system and the skills of staff who manage those calls, 22% of initial points of contact on planning concerns and requests for information are dealt with there and then. That demonstrates that, even though it is not a specialist service, one in four citizens gets the information that he or she requires at the point of contact. As Members know, MLAs have direct access to the planning system, thereby improving communication between developers, planning agents and those who make representations on behalf of applicants.

We intend to roll out changes to the planning system that will see applications being made online, rather than, as in the current system, through the paper process. So, yes, we will continue to look at opportunities to roll out and improve the service, but I think that people are voting with their feet. The figures suggest that fewer and fewer people find that they need to contact the Planning Service directly, because the response time from the Planning Service to 80% of the cases and the initial response through NI Direct to 20% of the cases are beginning to work more and more effectively.

**Mrs D Kelly:** Are there any measures in the draft Planning Bill that will actually assist planning applicants and give them confidence that there will be improvement?

**Mr Attwood:** I thank the Member for her question. Yes, I believe that, as we try to upgrade the planning system and make it more fit for purpose, the Planning Bill that I would like

to bring to the Floor of the Assembly in the near future will do that. It will not just do it in the short term, but it will make the planning system more fit for purpose in the rundown to the transfer of planning functions to local councils and at the point of transfer in 2015. How will that be done? The Planning Bill will accelerate provisions in the Planning Act (Northern Ireland) 2011. It will enable people other than those in the Planning Appeals Commission to conduct inquiries. It will create statutory consultee timelines so that those who are consulted are required to respond in a proper manner within a good period of time, perhaps as little as 21 or 28 days. It will encourage pre-application discussions between a developer and the local community, which is good in itself, but it is also in anticipation of the RPA transfer of the community planning function to local councils. In all those ways, the planning system can be improved, but we need to improve it, and to improve it we need to have the law before this Chamber. I hope that the Executive will sign off as quickly as possible on the Planning Bill to allow it to come to the Floor of the Chamber so that all those reforms that are in the interests of the economy, the citizen and the developer can be accelerated.

**Mr Deputy Speaker:** Before we go on to our next question, I advise Members that questions 4 and 8 have been withdrawn and require a written answer.

## Permitted Development Rights

2. **Miss M McIlveen** asked the Minister of the Environment to outline the changes he is intending to make to the permitted development rights regime as outlined in the Executive's economy and jobs initiative. (AQO 2917/11-15)

**Mr Attwood:** I thank the Member, for this is an important question. If we are able to amend and reform the planning system around permitted development rights, we will simplify the planning system and make it more responsive, in my view, to the economic conditions that currently prevail. There has been a roll-out, over the last two years in particular, of various permitted development rights, but in my view the Department has to stretch its ambition in that regard. That is why, earlier this month, I announced a consultation on PD rights for agricultural buildings, including buildings that would hold anaerobic digesters, proposing, unlike any other part of these islands, that PD rights would extend to a scale of building of 500 square metres.

In the near future — in the course of 2013 — I intend to roll out further PD rights in respect of non-domestic microgeneration, public utilities, telecommunications and temporary use of land for street markets, thereby creating more opportunity for quite moderate but useful development in a way that might encourage the construction industry, encourage development and respond to the needs of the wider community in terms of what should or should not have full planning permission when it comes to planning development.

**Miss M McIlveen:** I thank the Minister for his answer. Further to that, what does he anticipate will be the impact on the economy of the changes that he has outlined? Does he anticipate any legislative change for those proposals?

**Mr Attwood:** No, there is no need for change in primary legislation, but clearly regulations will have to be issued in respect of the PD rights that will be amended. What will the difference be? From my conversations with the farming industry, I understand that, when it comes to agricultural buildings or buildings that hold anaerobic digesters, 500 square metres PD rights are of some significance. That is not small-scale development, and it would be useful in allowing the farming industry to grow its opportunities. Similarly, if we have more flexible PD rights for solar panels; ground- and water-source heat pumps; renewable technology; the replacement of telecommunication masts for the telecoms industry; and public utilities around railways, docks or harbours — all those taken together — we will free up the planning process to deal with other significant applications and free up business to have some development that will sustain their business models going forward.

**Mr Nesbitt:** In the Minister's substantive answer, he talked about the economic conditions that currently prevail. Given those conditions, does he have any plans to extend the rights to small and medium enterprises?

**Mr Attwood:** Two months ago, PD rights were extended for shops, financial and professional institutions, schools, colleges, universities, hospitals and in relation to demolition. That indicates that, although there is consultation on agricultural PD rights, for which proposals will be outlined next year, a family of PD rights has already been introduced, because that is desirable and may provide some net economic gain. In addition to the categories already named, PD rights have been extended for domestic microgeneration and caravan sites.

We must always be mindful that permitted developments have to be within certain limits when it comes to boundary proximity, height and ground area and are subject to those necessary standards. The extension of PD rights over the past 18 months and the further extensions that will be rolled out over the next eight months deal with the very issue that the Member refers to.

**Mrs McKevitt:** With particular reference to the proposed changes in the area of permitted development, will the Minister outline the benefits to small businesses, particularly in rural areas?

**Mr Attwood:** If you look at what has already been agreed and is in place, you will see that we have more flexible PD rights when it comes to home extensions, loft extensions, permeable hard surfaces, solar panels and various other developments. When you take that family of PD rights and translate it into construction on the ground or the installation of a solar panel on a roof or, in future, an agricultural extension on farm property and scale it up in respect of its economic benefit to small business, be it urban and rural, and when it comes to construction opportunities and so on, you see that therein lies the answer.

## Town Centres: Dereliction

3. **Mr Dallat** asked the Minister of the Environment for his assessment of the scope to make further dereliction interventions in town centres.
(AQO 2918/11-15)

**Mr Attwood:** I welcome the question. My answer is this: go to Portrush and Portstewart or to Derry/Londonderry in the run up to the City of Culture. The interventions there to mitigate decay and dereliction have proven and continue to prove that that is a worthwhile investment for a moderate sum of money.

I made a bid for moneys for Derry in June monitoring, but that was denied. I also made a bid for moneys in September monitoring and in the recent economic package, but that was denied. However, I think that the argument is gathering pace around the Executive table that deploying a relatively small scale of moneys to address decay and dereliction in towns and cities across the North has added value in this time of recession. That is why, at the moment, my Department is asking all councils to bring forward proposals. I encourage them to do that, so that, in the event of further money becoming available in the Department or through monitoring in January that has to be spent by the end of the financial year, there will be shovel-ready projects across council areas in the North in order to do what worked so well in Portrush and Portstewart, namely interventions at 20 or 25 sites of decay and dereliction that improved the appearance of that part of the world to the benefit of residents and tourists alike.

**2.45 pm**

**Mr Dallat:** I thank the Minister for his reply. I have to agree with him that some people now describe Portrush as a northern version of Kinsale, which is the highest accolade that you can afford any town. Has the Minister any plans to roll out his successful scheme to other towns and, indeed, to encourage, if not compel, property owners to take a greater interest in property that has fallen into dereliction or is an eyesore?

**Mr Attwood:** I wrote to the chief executive of Coleraine Borough Council acknowledging the good work that has been done and asking him to share the best practice that was deployed and whether there was something more that we needed to do so that Portrush can be more and more like Kinsale going forward. I indicated what I thought the ambition of this project should be. I look forward to the deployment of, I hope, significant sums of money from within the Department or through January monitoring for projects across council areas.

Councils have responsibility as well. Belfast City Council uses the pollution order to good effect to deal with derelict sites and properties. All councils should do the same, and I will write to them in that regard. Belfast City Council has a suite of local law that deals with dangerous buildings. Most other councils have the same suite, and they should deploy their legislative powers to bear down on developers and landowners, particularly those who are still viable and in business, to meet their responsibility to their local community and citizens to deal with pollution, dangerous buildings, decay and dereliction. So the process is twin-track. On the one hand, we will give money, as demonstrated in Derry, to improve the appearance of the city in advance of the year of culture, but Derry and all the other councils should deploy all the legal weapons in their armoury to go after the developers and landowners who have money and a responsibility that they are not facing up to.

**Mr G Robinson:** Does the Minister agree that positive action in addressing dereliction in small

towns such as Limavady and Bangor creates a better image of such towns and makes them more attractive to possible investors?

**Mr Attwood:** I hope that the Minister of Finance and Personnel is listening to that claim and that, when it comes to January monitoring, if there is money available and five, 10 or 15 councils in the North have brought forward costed proposals to spend money in the run-up to the end of the financial year, he will agree with his colleague and say that Limavady needs money to deal with decay and dereliction.

I am not saying this in a stand-and-deliver moment to the Minister of Finance and Personnel. Without breaking Executive confidence, although that has not stopped me before, he said at a recent Executive meeting that he thought that the Portrush and Portstewart model had worked very well. I suspect that he said that because people like you have said it to him, and he may have seen it himself. If it works very well, has a disproportionate impact on trading confidence and the appearance of the area and may even sustain if not create trading opportunities for small and medium enterprises, it is one of the better models for spending end-of-year moneys and moneys year in and year out, to deal with decay and dereliction, improve trade, sustain local business and give confidence to people at a time of economic downturn.

**Mr Flanagan:** What is the Minister's assessment of the state of the planning guidelines for businesses that wish to cover a boarded-up window in high street premises with some form of advertising to highlight the fact that there is a business in the vicinity and take away the bad look of that boarded-up window?

**Mr Attwood:** They should do so but in a way that is consistent with the guidelines. That applies whether boarded-up windows are covered with advertisements or, as happened in Bushmills, paintings. The paintings were not just of any old thing but of local people and personalities. That was done to bring local character to derelict properties, and I encourage other councils to do that, too. If I can provide money to help them to do that, so be it.

**Mr McGimpsey:** When looking at issues such as dereliction, which is what we are talking about, and considering that around 20% of our shops lie empty, we should realise that boarding up windows in places such as Belfast city centre and the other shopping areas in Belfast is not going to do it. Surely the Minister needs to look at the real threat to the shopping cores, which is the massive out-of-town superstores with free car parking. They draw shoppers away from the city centre and create this dereliction. Should he not look at something such as a 10-year moratorium on out-of-town shopping centres?

**Mr Attwood:** If a shop is in decay and dereliction, it is better to try to mitigate its appearance than not. If you can board up windows in a discerning and tasteful way to reduce the appearance of dereliction, that would seem to be a good idea. I see that the Member shakes his head. I do not know whether he has been in Portrush or Portstewart or whether he has spoken to the councillors there. Knocking down eyesore buildings, building urban parks and creating hoarding around derelict sites and so on has helped. It is a moderate intervention that has, in my view, a disproportionate benefit.

If I said today that there was a moratorium on out-of-town retailers, you know what would happen. There would be a rush to the PAC or the courts. People would say that such a moratorium was against the law and planning policy and that the action would not be legal. So, what am I doing? I will make the decisions on out-of-town retail, but, as with NIIRTA, I agree on the principle of town centre first. I will take a precautionary approach to out-of-town retail that is consistent with the law and planning policy to mitigate the risk of legal challenge, while — I have just come from a meeting at which we discussed this — developing a new PPS 5 that very much lives up to the sentiments of the Member's question. Those sentiments are that that it is town centre first and there should be a rebalancing and reconfiguration of town centre and out-of-town retail.

**Mr McClarty:** I congratulate the Minister on his initiative to deal with derelict buildings, particularly in Portrush and Portstewart. Portrush is not quite the Athens of the north, but it is a lot better than it was. What steps is the Minister taking to recover the costs of dereliction intervention from the property owners?

**Mr Attwood:** When it was agreed with landowners or property owners that people could go on site, a provision was put into the contract that there could be clawback of moneys that were invested. I referred to the letter that I sent to the chief executive of Coleraine Borough Council. In that letter, I asked him to advise me further on whether and

how any clawback provision should be deployed. Given the scale of investment in a lot of the sites, it will sometimes not be very cost-effective or a good use of council time to deploy the clawback mechanism. However, where there may have been substantial investments and where clawback was executed between the landowner and the council, I encourage the council to see what can be done.

## Strategic Waste Infrastructure Programme

5. **Mrs Overend** asked the Minister of the Environment for an update on the strategic waste infrastructure programme following the decision by the Southern Waste Management Partnership to abandon procurement of a long-term waste infrastructure contract. (AQO 2920/11-15)

**Mr Attwood:** I thank the Member for her question, if I can just find it.

As the Member knows, the SWaMP project on future waste procurement has, for various reasons, been concluded. Those on the Arc21 scheme continue to have conversations, and their discussions with their bidder are in their latter stages. However, although it was anticipated that, on the far side of some technical and environmental statement issues being dealt with, something more material would emerge by February, I now understand that that may not arise for another six months after that date.

The appointment business case for the third scheme — the North West Region Waste Management Group scheme — has been forwarded to DOE and DFP for approval. As I understand it, if that is approved, the North West Region Waste Management Group can consider moving to preferred bidder status, with the intention of having financial closure in the early months of 2013.

I want to make it clear that I have been very vigilant on these matters, because the scale of money involved and the number of years for the contracts is so significant that there was a heightened responsibility on government to ensure that the schemes and proposals were diligently managed. As a consequence, I have been very assertive in saying to the three procurement groups that this is the time and the place for all the issues of deliverability and affordability to be concluded.

**Mrs Overend:** I thank the Minister for his detailed answer. Was legal advice given at any stage not to proceed further with the SWaMP project?

**Mr Attwood:** Owing to commercial confidentiality and because SWaMP was the contracting party, I have to be careful about what I say. Any arrangements were between SWaMP and its contractor or contractor consortium. Clearly, on concluding that particular project, SWaMP received various pieces of advice, including legal advice, that led it to believe that, for legal and other reasons, it should not proceed with its proposal.

**Ms Lo:** With SWaMP puling out, there will be a gap. Has the Department or the Minister had any conversations with SWaMP to see how it plans to meet its waste management targets?

**Mr Attwood:** All three procurement groups had and have contingency plans in place, in the event of none of the procurements getting over the line. They needed to have those plans to satisfy EU landfill and other requirements. That said, in a gateway review that I conducted of all the procurements, it was concluded that one or two procurements, not necessarily three, was all that is necessary to deal with the waste profile in this part of the world over the next 20 or 25 years. Consequently, beyond the interim contingency plans that may be in place in the event that no procurement succeeds, the assessment is that one or two procurements is all that is necessary for us to comply with our landfill diversion requirements.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. Will the Minister please provide an update on work being carried out on a North/South basis in the area and remit of waste management?

**Mr Attwood:** I thank the Member for his question. The South has the same issues that we have with waste procurement requirements to fulfill European obligations. As I indicated in my statement to the House last week on the NSMC environment sectoral meeting, there is a lot of work going on and growing opportunities on the island to co-ordinate if not integrate our waste strategies.

As I have indicated, 30% of plastics on the island of Ireland are recycled, and 70% are not. Of that 30%, 30% is recycled on the island of Ireland and the rest is recycled outside the island.

That is a clear issue for our green agenda and for market opportunity. It is similarly so for bulky waste items such as large furniture and

white goods. Consequently, the North/South market development steering group is taking forward work in respect of plastics and bulky waste to identify how we can do more to reuse bulky plastics and, in doing so, create market and job opportunities in the island, going forward.

**Mr Deputy Speaker:** That ends questions to the Minister of the Environment. I ask Members to take their ease while we change Clerks at Table.

**3.00 pm**

# Executive Committee Business

## Inquiry into Historical Institutional Abuse Bill: Consideration Stage

*Debate resumed:*

**Mr Deputy Speaker:** We now resume the Consideration Stage of the Inquiry into Historical Institutional Abuse Bill.

***Clause 1 (The inquiry)***

*Amendment No 2 proposed:* In page 1, line 5, leave out from "as" to the end of line 7 and insert

*"(a) to examine the arrangements in place in institutions in Northern Ireland for the protection of children from abuse during the period between 1922 and 1995;*

*(b) to examine if there were systemic failings by institutions or the state in their duties towards children in their care during the period between 1922 and 1995;*

*(c) to make relevant findings and recommendations, including recommendations to ensure that abuse is prevented effectively in the future." — [Mr Allister.]*

*Question, That the amendment be made, put and negatived.*

*Amendment No 3 made:* In page 1, line 7, leave out "31st May" and insert "18th October". *— [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 4 not moved.*

*Amendment No 5 made:* In page 1, line 8, leave out

*"amend the terms of reference of the inquiry at any time"*

and insert

*"at any time amend the terms of reference of the inquiry by order". — [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

**Mr Deputy Speaker:** We now come to the second group of amendments for debate. With amendment No 6, it will be convenient to debate the 38 amendments listed in group 2, which deal with changing the presiding member's title to "chairperson", and a small number of technical amendments. I call junior Minister, Mr Jonathan Bell, to move amendment No 6 and address the other amendments in group 2.

**Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister):** I beg to move amendment No 6: In page 1, line 9, leave out "presiding member" and insert "chairperson".

*The following amendments stood on the Marshalled List:*

No 10: In clause 2, page 1, line 21, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 11: In clause 2, page 2, line 5, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 12: In clause 2, page 2, line 8, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 13: In clause 2, page 2, line 9, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 14: In clause 2, page 2, line 10, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 15: In clause 3, page 2, line 41, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 16: In clause 3, page 2, line 42, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 17: In clause 4, page 3, line 11, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 18: In clause 4, page 3, line 13, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 19: In clause 4, page 3, line 16, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 20: In clause 5, page 3, line 21, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 23: In clause 5, page 3, line 23, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 26: In clause 5, page 3, line 28, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 31: In clause 6, page 3, line 37, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 32: In clause 6, page 3, line 39, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 34: In clause 6, page 4, line 2, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 37: In clause 7, page 4, line 6, leave out "presiding member" (in both places) and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 38: In clause 7, page 4, line 14, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 39: In clause 7, page 4, line 15, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 42: In clause 8, page 4, line 23, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 43: In clause 8, page 4, line 27, leave out "presiding member" and insert "chairperson". —

*[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 44: In clause 8, page 5, line 1, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 45: In clause 9, page 5, line 19, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 46: In clause 9, page 5, line 27, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 47: In clause 9, page 6, line 1, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 48: In clause 9, page 6, line 4, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 59: In clause 12, page 7, line 8, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 60: In clause 13, page 7, line 22, leave out from "fails" to the end of line 24 and insert

*"without reasonable excuse*

*(a) contravenes a restriction order; or*

*(b) fails to do anything which that person is required to do by a notice under section 9,*

*is guilty of an offence."* — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 61: In clause 13, page 7, line 39, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 62: In clause 13, page 8, line 1, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 63: In clause 13, page 8, line 3, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 65: In clause 14, page 8, line 15, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 70: In clause 20, page 10, line 1, leave out subsection (2). — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 72: In clause 21, page 10, line 11, at end insert

*"'chairperson' means chairperson of the inquiry;".* — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 74: In clause 21, page 10, line 12, at end insert "'harm' includes death or injury;". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 76: In clause 21, page 10, line 15, at end insert "'member' includes chairperson;". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 77: In clause 21, page 10, leave out line 18. — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 78: In clause 21, page 10, line 22, leave out "presiding member" and insert "chairperson". — *[Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

**Mr Bell:** The group 2 amendments are technical. They do not involve any change in policy. They are, nonetheless, important in tightening up the Bill. We are grateful to the Committee and the inquiry chair for proposing them.

The Bill as introduced refers to the person who is the presiding member of the inquiry. Neither Sir Anthony Hart nor the Committee were comfortable with that term. For that reason, amendment Nos 6, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 23, 26, 31, 32, 34, 37, 38, 39, 42, 43, 44, 45, 46, 47, 48, 59, 61, 62, 63, 65 and 78 all change "presiding member" to "chairperson". To complete the transformation, amendment Nos 72, 76 and 77 amend the definitions in clause 21 to remove the term "presiding member" to show that "chairperson" does indeed mean the chairperson of the inquiry and to ensure that the term "member" includes the chairperson.

Amendment No 74 inserts in clause 21 a new definition making it clear that "harm" includes

death and injury. Under clause 8, the chairperson may, by order, impose restrictions on attendance at the inquiry or at any part of the inquiry or on disclosure or publication of evidence or documents given, produced or provided to the inquiry. Clause 13 already makes it an offence for a person to fail to comply with the restriction order. Amendment No 60 strengthens that to make it an offence to contravene a restriction order. Amendment No 70 removes a provision that was intended to amend the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003, as that Order has been repealed. Those are the amendments in group 2.

**Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister):** In relation to the changes in nomenclature from "presiding member" to "chairperson", I can confirm that the Committee requested that the Department bring forward the necessary amendments, as acknowledged by junior Minister Bell. Everybody was using the term "chairperson" at the Committee, and it seemed sensible to reflect it in the Bill. As Mr Bell said, Sir Anthony was candid enough to suggest that he would be more comfortable sitting as a chairperson than as a presiding member. The Committee was also content with the related amendments to clause 21, reflected in the Minister's amendment Nos 72, 76, 77 and 78.

In relation to clause 13 dealing with offences, there were no issues raised during the Committee's consultation, and, just before its final clause-by-clause decisions on the Bill on 17 October, the Committee received a proposed departmental amendment. Officials spoke to the proposed amendment, reflected in the Minister's amendment No 60 today, and members indicated that they were content with clause 13, subject to that amendment.

With regard to the Minister's proposed amendment No 70 to clause 20, which is to leave out subsection 2, with the reference to the Protection of Children and Vulnerable Adults Order (PoCVA), that was not brought to the Committee during its scrutiny of the Bill. The Committee was content with clause 20 as drafted. However, amendment No 70 was noted at the Committee's meeting on 14 November and no issues were raised.

At its meeting on 10 October, the Committee also considered another proposed departmental amendment to clause 21, which would insert a definition of "harm" to make clear that "harm" included death and injury. That is reflected in the Minister's amendment No 74. That amendment was deemed necessary by the Department in relation to harm for the purposes of clause 8(4)(b), which states that the chairperson must have regard to:

> *"any risk of harm or damage that could be avoided or reduced"*

when considering making a restriction order under clause 8. The Committee was content with clause 21, subject to the Department's proposed amendments.

Members raised no issues in relation to clauses 2 and 4 and the Committee was content with the clauses subject to the Ministers' nomenclature amendments.

**Mr G Robinson:** First, as a member of the Committee for the Office of the First Minister and deputy First Minister, I sympathise with all those poor human beings who were so cruelly abused over many years, and I commend the Office of the First Minister and deputy First Minister (OFMDFM) for bringing this Bill to the Floor of the Assembly. I thank all the Committee staff for their hard work in helping to craft the Bill.

I will speak to amendment Nos 6 to 48 inclusive, amendment Nos 61 to 70 and amendment Nos 77 and 78 in the second group of amendments, which were all made at the request of the chairman and serve to change the title of "presiding member" to "chairperson". My party is content with this proposal.

Amendment No 74 is, again, made at the request of the chair and is self-explanatory regarding the definition of harm that is to be used. My party supports this amendment.

Amendment No 76 includes simply changing the term "presiding member" to "chairperson". Again, my party is happy to support this amendment.

**Mr Eastwood:** We support these amendments.

**Mr Lyttle:** We, too, support these amendments, given their largely technical nature.

**Mr Bell:** I think that this is the only occasion since I had the privilege of coming to this House on which I have had universal agreement across the Benches. I thank all the Members who contributed.

I will not go over each of the points in turn because I have already made them, and Members have responded well. Jennifer

McCann, Martina Anderson before her and I wanted to produce the best Bill that we possibly could. I place on record my thanks to the Chairperson of the Committee and Committee members for helping us, even on technical amendments, to tighten up the Bill and make it better.

*Question, That amendment No 6 be made, put and agreed to.*

Amendment No 7 made: In page 1, line 10, at end insert

*"if a draft of the order has been laid before, and approved by resolution of, the Assembly"*

. — [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]

Amendment No 8 made: In page 1, line 12, leave out "1945" and insert "1922". — [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]

**Mr Deputy Speaker:** We now move to the third group of amendments for debate. With amendment No 9 it will be convenient to debate amendment Nos 21, 22, 24 and 25, amendment Nos 27 to 30 and amendment No 52, which deals with the end of the inquiry and reporting requirements.

Members will note that amendment Nos 22, 24 and 25 and amendment Nos 27 to 30 are mutually exclusive with amendment No 21. Amendment Nos 24, 25, 27 and 30 are consequential to amendment No 22.

**3.15 pm**

**Mr Eastwood:** I beg to move amendment No 9: In page 1, line 16, at end insert

*"(6) Without prejudice to any finding it may make in its final report, the inquiry panel may publish an interim report on the requirement or desirability for redress to be provided by the Executive to victims of historical institutional abuse."*

*The following amendments stood on the Marshalled List:*

No 21: In clause 5, page 3, leave out lines 23 to 33. — *[Mr Allister.]*

No 22: In clause 5, page 3, line 23, leave out

*"a notice given to the presiding member"*

and insert "an order made". — *[Mr Eastwood.]*

No 24: In clause 5, page 3, line 25, leave out "a notice" and insert "an order". — *[Mr Eastwood.]*

No 25: In clause 5, page 3, line 26, leave out "notice is sent" and insert "order is made". — *[Mr Eastwood.]*

No 27: In clause 5, page 3, line 29, leave out "give a notice" and insert "make an order". — *[Mr Eastwood.]*

No 28: In clause 5, page 3, line 31, leave out "set out in the notice" and insert "publish". — *[Mr Eastwood.]*

No 29: In clause 5, page 3, leave out lines 32 and 33. — *[Mr Eastwood.]*

No 30: In clause 5, page 3, line 33, at end insert

*"(5) No order shall be made under subsection (1)(b) unless a draft of the order has been laid before, and approved by resolution of, the Assembly." — [Mr Eastwood.]*

No 50: After clause 10 insert

"*Reports*

***Submission of reports***

***10A**.(1) The chairperson must deliver the report of the inquiry to the First Minister and deputy First Minister at least two weeks before it is published (or such other period as may be agreed between the First Minister and deputy First Minister acting jointly and the chairperson).*

*(2) In this section "report" includes an interim report." — [Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 51: After clause 10 insert

*"**Publication of reports***

***10B**.(1) The chairperson must make arrangements for the report of the inquiry to be published.*

*(2) Subject to subsection (3), the report of the inquiry must be published in full.*

*(3) The chairperson may withhold material from publication to such extent—*

*(a) as is required by any statutory provision, enforceable EU obligation or rule of law, or*

*(b) as the chairperson considers to be necessary in the public interest, having regard in particular to the matters mentioned in subsection (4).*

*(4) Those matters are—*

*(a) the extent to which withholding material might inhibit the allaying of public concern;*

*(b) any risk of harm or damage that could be avoided or reduced by withholding any material;*

*(c) any conditions as to confidentiality subject to which a person acquired information which that person has given to the inquiry.*

*(5) Subsection (4)(b) does not affect any obligation of a public authority that may arise under the Freedom of Information Act 2000.*

*(6) In this section 'public authority' has the same meaning as in the Freedom of Information Act 2000;*

*'report' includes an interim report."*

*— [Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 52: After clause 10 insert

***"Laying of reports before the Assembly***

***10C****. Whatever is required to be published under section 10B must be laid before the Assembly by the First Minister and deputy First Minister acting jointly, either at the time of publication or as soon afterwards as is reasonably practicable." — [Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

**Mr Eastwood:** Amendment No 9 is the first of two substantive amendments that we have in this group. It deals with the issue of redress, which is probably one of the most difficult and sensitive issues in the Bill. Our view is that this amendment would not dictate to Justice Hart or require him to produce an interim report on the issue of redress. However, it would allow him to do that if the opportunity became available.

We believe that it is essential that the inquiry meets the needs of victims. Many of them would like to see the redress issue dealt with as quickly as possible. If the direction of travel on redress becomes obvious to the inquiry, we suggest that he should have the opportunity to produce an interim report. Many of the victims have waited a very long time — far too long, in our view — to get to this stage. Many of them would not even be included in the inquiry if the start date had not been moved from 1945 to 1922.

So, let us not further disadvantage any of the victims by making them wait even longer. For some of them, it might be too late to wait until the end of the inquiry. Many of them are interested in redress — although not all of them, it has to be said — because they want to have something to leave to their loved ones when they go. Think about the period of time that the inquiry will cover: it will go right back to 1922. Therefore, you can imagine that a number of the victims are very fragile and frail and coming to the end of their life. We believe that any opportunity that we can take to address the redress issue at the earliest possible stage should be taken. I ask Members to take that into consideration.

The other substantive amendment that we have put down is amendment No 30. It deals with the termination of the inquiry. Many of the changes proposed today have been brought forward by the Department as a result of the work of the Committee, the victims and groups like Amnesty International. Many of the amendments have been brought forward to ensure and improve the independence of the inquiry. Our view is that amendment No 30 aims to ensure and improve the independence of the inquiry.

It is our firm belief that, as the inquiry is set up by this Assembly, no one should be able to terminate the inquiry without first seeking the approval of this Assembly. I am surprised that the Department would not accept that proposal. If we are all committed to the independence of this inquiry and future inquiries, no one should really have anything to fear from ensuring that the Assembly has the last word on the issue. This is surely the democratic body that should have the final decision on whether or not the inquiry should be terminated, for whatever reason. There may not be a reason, but I believe that it should come to the Assembly first.

There have been some arguments around precedent. People have said that it will not create a legal precedent for future inquiries. Our view is that it will create a parliamentary and procedural precedent in this House. As we are all aware, there will hopefully be future inquiries into past events in this country. We need to ensure that everything that we do today ensures not only that we have the best possible and most independent possible inquiry into this very serious issue but that future inquiries that will be equally sensitive are given that level of

independence and that there is no political interference in any of the inquiries to come.

**Mr Nesbitt:** Group 3 amendments bring us to some of the key issues that the House needs to consider, not least amendment No 9, which deals with the nature of the redress that the inquiry may recommend; the length of time that it would take for the inquiry to report and for the Executive to discuss and agree any potential redress, which could be 2016 or even thereafter; and, as Mr Eastwood highlighted, the impact of that delay on elderly victims and survivors.

Many submissions highlighted the issue. Some suggested the possibility of an interim report on redress and reparation to enable thinking on this issue to be progressed without having to wait for the final report. The Department's position was that redress is an issue for the Executive to decide on and that they should do so only after receipt of the inquiry report and its recommendations on redress. The inquiry chairperson stated that it would be difficult to provide an interim report and make recommendations on redress without having heard all of the evidence.

Some members expressed concern about this, and during the Committee's final clause-by-clause decisions on the Bill, the Committee considered, but rejected, Mr Eastwood's proposal for a Committee amendment in the form of amendment No 9 in his name. However, the Committee's report on the Bill recommends that the First Minister and deputy First Minister facilitate and expedite Executive discussion and agreement on the nature and extent of potential redress on receipt of the inquiry's recommendations in that regard.

I move on to clause 5, which deals with the power of Ministers to bring the inquiry to an end by way of notice to the inquiry chairperson, and the related amendments in this group. This power was raised in a number of submissions and by witnesses who gave oral evidence to the Committee, which suggested that it undermined the independence of the inquiry. The Department said that it saw the clause as a safeguard for unforeseen circumstances.

The Committee considered the possibility of an amendment to require that this power be exercised by affirmative resolution of the Assembly. At its meeting on 3 October, the Committee requested a briefing paper from the Assembly's Research and Information Service on the mechanisms for bringing inquiries to an end that have been used in other situations. The Committee considered the briefing paper at its meeting on 10 October and noted that clause 5(1)(b) mirrors a similar provision in section 14 of the Inquiries Act 2005. The Northern Ireland Court of Appeal looked at that section 14 power and said:

> *"We have reached the view that the independence of the inquiry could not be said to have been compromised by section 14 of the 2005 Act."*

So the Court of Appeal is satisfied that there are no implications.

Although most members of the Committee said that they were content with clause 5 at the meeting on 10 October, some indicated a preference for a Minister's power to end the inquiry to be exercisable subject to affirmative resolution in the Assembly. During the Committee's final clause-by-clause decision-making on 17 October, Mr Eastwood proposed Committee amendments to that effect — reflected in amendment Nos 22, 24, 25, 27, 28, 29 and 30 – which were defeated by eight votes to two.

The Committee was content with clause 5, subject to the Department's proposed amendments. That is reflected in the Minister's amendments to clause 5 in the group 2 amendments, which we have already discussed.

Ministers proposed a number of new clauses after clause 10, dealing with the report of the inquiry. The Committee received a number of submissions on the arrangements for publication of the inquiry report. The terms of reference are silent on the arrangements for publication, but submissions indicated a concern about where the authority to publish lay, the timing of publication and whether the report would be published in full or in part.

The Department's response to the Committee indicated that the inquiry's report would be published when the inquiry had been concluded and that Ministers had no intention of delaying publication or withholding any part. It also clarified that there would be a report from the acknowledgement forum. The inquiry chairperson stated:

> *"To allay any public concern there may be about that, I think that there is much to be said for the chairman of any inquiry being the person who is responsible for the publication of the report."*

On 3 October 2012, the Committee requested that Ministers consider an amendment to make

explicit the inquiry chairperson's authority to publish the inquiry report. At its meeting on 10 October, the Committee considered draft amendments from the Department on this issue and received a briefing from officials. That involved inserting new clauses after clause 10, two to deal with publication and the third to provide for the inquiry report to be laid before the Assembly. That is reflected in the Minister's amendment Nos 50, 51 and 52.

The first, clause 10A, would require the inquiry chairperson to deliver the report of the inquiry to Ministers at least two weeks before publication. The second, clause 10B, would provide that the inquiry chairperson must, along with related provisions, make arrangements for the report to be published. The third, clause 10C, would require Ministers acting jointly to lay the inquiry report before the Assembly:

> *"at the time of publication or as soon afterwards as is reasonably practicable."*

The Committee was content with the proposed new clauses. That concludes my comments on the group 3 amendments.

**Mrs Hale:** As a new member of the Committee and having recently met survivors from Survivors and Victims of Institutional Abuse (SAVIA), I will say that the people whose lives have been scarred with such heinous abuse are deserving of the Assembly's commitment to them. They are still suffering and are damaged as a result of what they were subjected to as vulnerable children by the very adults who were meant to protect them.

I am aware, at this stage, that I must keep my remarks to the amendments. I will, in some instances, deal with the amendments individually and with others on a grouped basis. As a party, we will support amendment Nos 50, 51 and 52 and oppose the rest.

Amendment No 9 proposes an interim report. We fail to see how making recommendations in the middle of a report process before there are conclusive findings will benefit the survivors, institutions or the counselling groups that help to support them. Indeed, an interim report may remove the focus from the inquiry, entangling it in superfluous dogma and subjecting it to legal challenge.

We believe that amendment Nos 21, 22 and 29 will remove OFMDFM's ability to bring the inquiry to a conclusion, and an open-ended inquiry will serve neither the survivor nor society well. We believe that survivors want certainty and positive action that results from the inquiry, and our concern is that the provisions of those amendments run the risk of making the inquiry drag on and perpetuating unnecessary hurt and distress to all those affected. We hope, of course, that those clauses will not need to be used and that there will be no unnecessary or unjustified delays. I believe that the quality of the chairperson will ensure that. However, it would be remiss of the Department not to have any provision in the event of serious and unjustified problems that result from arising delays.

Finally, I will turn to amendment Nos 50, 51 and 52. I am content to support those amendments, which we believe will increase transparency and accountability. We welcome that OFMDFM will receive a copy of the report's findings before Sir Anthony Hart publishes. However, the key issue is that the amendments give the statutory right and duty to publish to the independent chair, rather than the Department, thereby protecting the chair's independence and integrity.

In addition, the provisions require the report to be laid before the Assembly, thus ensuring due process of democratic accountability. Indeed, amendment No 51 will make specific provision for the publication of the report, which will be subject to the rule of law, and amendment No 52 will guarantee that the report comes before this House.

In conclusion, we will support amendment Nos 50, 51 and 52 and oppose the other amendments in the group.

**Mr Maskey:** Go raibh maith agat, a LeasCheann Comhairle. On behalf of Sinn Féin, I oppose the amendments in the group from No 9 to No 30 and support amendment Nos 50, 51 and 52.

I was a member of the Committee and had the opportunity, long before the Committee was tasked to deal with the matter, to speak directly to the survivors and victims of historical abuse. I place on record my support for those individuals and, in some cases, families who have suffered horrendously over a long period of time. Although it was quite some time ago, their pain, hurt and victimhood nevertheless remain very alive with them to this day. That is why, during their presentations and Committee deliberations, my party was more than happy, at both OFMDFM and Committee level, to support the inclusion of victims of abuse going back to 1922.

**3.30 pm**

As I said, I want to place on record my commendation of those victims and survivors for their courage and strength over a long number of years in very difficult and, often, very lonely times. I thank all the people who have helped and supported them in their quest to have justice at this time. Therefore, I thank the Office of the First Minister and deputy First Minister for introducing the Bill. The Bill came from the specific work of the Department, albeit supported by others in advance. Other Members referred to individuals earlier in the debate. Nevertheless, the Department introduced the Bill having dealt specifically with victims and survivors, and it continues to consult those victims and survivors, who have made their case very ably in recent years. I commend the Department for doing so.

There are a number of departmental amendments to the Bill. A number are technical, and some are more important, including amendment Nos 50, 51 and 52 in this group. None of those amendments had to be dragged out of the Department. In fact, it is fair to say that a characteristic of the process is of the Department very readily, from day one, acknowledging that it was prepared to take changes on board where people identified defects or deficiencies in the Bill, and the Department made those changes very swiftly. Therefore, there should be no suggestion from any Member that anyone had to be forced, coerced or embarrassed into changing the Bill. The Bill is being changed for the better, thankfully, because this is about delivering for the people who have been victimised as a result of historical abuse.

Arguments were made about independence and political interference. I take exception to remarks of that nature, because this is an historical abuse inquiry, so there is no question that anyone involved in any of the Departments, any of the parties in the House or any Member is in any way involved or implicated or could have been involved or be implicated in the abuse that we are dealing with. It is historical abuse, often going back many years. Members referred to state interference or a state cover-up, and I take particular offence when they introduce the Pat Finucane case and the case of the Ballymurphy families to the debate.

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

**Mr Maskey:** Surely.

**Mr McDevitt:** I hope that Mr Maskey is so sure of what he says that he can say what he says. I certainly could not say that. This inquiry will take us right into the 1990s. Can you really say, with confidence, that no one in the system could potentially have had any involvement with any of this? It seems to me that, when we come to the House to make law, we do not come to make assumptions. We come to, in many ways, guard and protect against the worst potential outcome, so I think that it is a very important remark. It is not made in a partisan way but simply to point out that we should take time to reflect on the potential conflict that could exist. If there is a potential for one, we should take steps to mitigate the possibility of it becoming an issue.

**Mr Maskey:** I thank the Member for his intervention, but I reiterate the point that the different types of inquiries that have been required have no bearing on this inquiry. I and a lot of Members who support people such as the Pat Finucane family and the families of the Ballymurphy massacre know that those situations and this inquiry are entirely different. In those situations, there are allegations of direct state involvement. That is not the question here in respect of any current party or Minister who is involved in the establishment of this inquiry. I make a very clear distinction. I do not think that anyone could suggest that any party, individual Minister or Member here who is involved in any of those institutions is involved in any of the decision-making on behalf of the state, as was asserted earlier.

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

**Mr Maskey:** OK.

**Mr Lyttle:** Not to put words into Mr McDevitt's mouth, but the point that is being made is that there needs to be a recognition that there is state responsibility for these issues. That is the comparison that I draw as a result of his remarks. Whether anyone was directly involved in the actions or not is not the point. It is the fact that there is state responsibility, and the independence of the inquiry from the state has to be firmly established.

**Mr Maskey:** I thank the Member for his intervention. I take his point entirely, and that is why the inquiry is established on the basis that all the institutions will be subject to the scrutiny of the legislation. I am very satisfied about that. We speak about the state, but the state today is very different to what it was a number of years ago. I am just making the point.

Obviously, like all other Members, I want to make sure that the victims have legislation at their disposal that will deliver for them. That is

what we are all agreed on in the House; that is what we want. We may take issue with particular amendments, but we have all agreed that what we want is a Bill that is appropriate and will deliver some measure of justice and perhaps closure — an awful word — to the victims who have come forward and to the many others who, undoubtedly, will do so as a result of this legislation. So, I am very pleased with the degree of unanimity on that. It is important to maintain that as we go forward, because this is all about the victims. I am satisfied with that.

As I said, only in the last few weeks have I had to step back from the deliberations of the Committee for the Office of the First Minister and deputy First Minister. As you are aware, the Social Development Committee, has been involved specifically in work on the Welfare Reform Bill. However, I have maintained my information and interests in this matter, along with my party colleagues. I am satisfied that the Bill, as presented and with the amendments proposed by OFMDFM, will deliver a better and more effective inquiry. I had the opportunity to listen to Sir Anthony Hart and others on a variety of the issues at stake. So, for example, I hear arguments and accept entirely that all Members in the Chamber have not only the right but the duty to make sure that we scrutinise and get the best legislation. However, when someone says, on the one hand, that he wants to make an amendment that may not be totally prescriptive but tends in the direction of the prescriptive with regard to what he wants the inquiry panel to do and then, on the other hand, says that he wants to make sure that there is no interference and no dictation to the Chair or the panel, he contradicts himself.

Sinn Féin will not support amendment No 9 because we do not believe that it is necessary to meet the needs of the inquiry team. Far be it from me to contradict Sir Anthony Hart, who has made it very clear that he does not want to be governed by any even quasi-prescriptive measure in the Bill. More importantly for me and my colleagues, he is satisfied that his panel will be permitted to take this inquiry to where it has to go and he will report accordingly. Therefore, the panel does not want to have any notion of prescription imposed on it. However, members of the panel also made it clear — I repeat that: they made it very clear — that they see that as a liberating element, as it allows them to produce whatever they feel necessary to produce at the given time.

A number of the amendments, such as amendment Nos 29 and 30, seek, in my view, to subvert the role of OFMDFM and, on that basis, we will not support them.

I recommend that Members read amendment Nos 50 to 52. The previous Member who spoke addressed the specific issue of people being worried about reports not being published, who will publish them or where the democratic accountability lies. The amendments provide specifically for those concerns. They are very necessary provisions. On that basis, my party supports and is pleased to see the amendments proposed by OFMDFM, namely amendment Nos 50 to 52.

I will finalise my remarks. I place on record my deep gratitude to the victims and survivors who have come forward in a very courageous way. I commend all the Members and the Department, who at all stages, in my experience of this Bill, have been very co-operative. There has been no question of any amendment having to be forced out of the Department. I am pleased that the Department came forward at all times willingly and purposefully and in a constructive manner to engage with the Committee. The Department took on board our concerns. As someone said earlier, many of the amendments derive specifically from direct engagement between the Department, the Ministers and the Committee. That was a positive engagement, not a negative one. The amendments cannot be described as concessions.

For me, this is a positive exercise. I hope that the victims and survivors of historical abuse take comfort from the fact that we have a Bill before us. We are debating it, and I presume that we are nearly at the point of finalising it. We will do so very shortly. I am delighted that the work of the inquiry team and the acknowledgement forum have already commenced. That has to be some considerable comfort to the victims and families of victims who are working with Committee members and the Department as we speak.

I look forward to the Bill being passed eventually and the work being formalised. Hopefully, it will be finalised sooner rather than later. On that basis, we oppose amendment Nos 9, 21, 22, 24, 25, 27, 28, 29 and 30 and support amendment Nos 50, 51 and 52.

**Mr Lyttle:** I welcome the opportunity to speak on the third group of amendments. The victims and survivors from whom the Committee heard and those to whom I have spoken consistently called for a robust, judge-led, independent public inquiry on the issue. There are two key areas in this group of amendments that will test whether the Bill achieves that aim. One is the

timing and manner of the reporting of the inquiry's findings and recommendations, and the other is the power of OFMDFM to terminate the inquiry.

I welcome amendment Nos 50, 51 and 52, which, undoubtedly, show a commitment from OFMDFM to make sure that the report of the findings and recommendations is published by the chairperson and in a timely manner. That is welcomed, and it is in line with the timely actions of OFMDFM on a number of other issues that the Committee raised in relation to the Bill.

I see merit in the SDLP's proposal for allowing a facility for the chair to consider an interim report, and, as Deputy Chair, I supported that at Committee Stage. I say that because, in my communications with victims, some of whom are in my constituency, even the smallest delay and periods of lack of information have caused real concern and, as some would even contend, further traumatisation to victims and survivors. That was particularly relevant in the delay over clarifying whether the inquiry would extend to 1922. Older victims and survivors were particularly concerned about the lack of information coming forward on that, albeit that it has been firmly clarified now. The facility to consider an interim report would provide the chairperson with an opportunity to convey some further communication and findings of what is coming forward in the inquiry, and that is a sensible amendment.

With regard to the power of OFMDFM to terminate the inquiry, the Human Rights Commission expressed concern that that could undermine the independence of the inquiry. I do not agree with Mr Allister's amendment to remove that power completely from the Bill, because I understand the rationale that has been put forward for a degree of control over the timescale of the inquiry. However, the SDLP has tabled a sensible amendment to make the power subject to affirmative resolution of the Assembly — Assembly approval, in effect. That is another sensible amendment that I am happy to support.

Those are two key issues that the House has an opportunity to clarify to ensure that we achieve the aim of delivering what the victims and survivors have called for, which is a judge-led, independent public inquiry that is the best that it can be for the victims and survivors.

**3.45 pm**

**Mr Allister:** I speak to amendment No 21, which focuses on the issue of superimposing the right of the First Minister and the deputy First Minister to gratuitously call the inquiry to an end. To understand the import of that, you have to examine clause 5(1)(a), which states clearly and correctly:

> *"(1) For the purposes of this Act the inquiry comes to an end—*
>
> *(a) on the date, after the delivery of the report of the inquiry, on which the presiding member notifies the First Minister and deputy First Minister that the inquiry has fulfilled its terms of reference;"*

Under clause 5(1)(a), it is clear that the inquiry cannot end until you have the product, until you have what you set it up for: the report. Yet, bizarrely, clause 5(1)(b) and the rest of the clause are devoted to aborting the process so that you never have a report. That is clear from the wording of subsection (1)(b), where it states, "on any earlier date". That has to be a date that predates the delivery of the report. So, at a point before you get a report, the First Minister and deputy First Minister can step in and abort the inquiry. What is the rationale for that? What is the rationale for setting up an inquiry to deliver a report and to spend the months, running into years, that it may take to get to the point of conclusions and recommendations if you set within the Bill the right to abort the inquiry at the whim of the First Minister and deputy First Minister? It will undermine not only the independence of the inquiry but the bona fides of why we are having it, if it is seen that there is some necessity to hold this residual power in OFMDFM to abort the process.

I have listened to many fine words today and on previous occasions about the need for this inquiry, the dreadful issues that have to be investigated and the hurt that has been caused, and I find that that does not sit comfortably with the retention of a power to abort the inquiry before you get to the delivery of the product, which is the report. I do not think that that is what the House should endorse. There is enough control freakery about the inquiry in the Bill from OFMDFM, without the ultimate coup de grâce in that regard.

OFMDFM has an immense free hand. It can determine the number of panel members, revise the terms of reference, increase the panel membership, remove panel members and, now, it can terminate the inquiry. It can also tamper with restriction notices, rein in and control the inquiry by stopping the payment of

the panel and make the rules about evidence and procedure. There is enough control there, way beyond what is rational and reasonable, without giving it the ultimate power to kill the inquiry.

Why does OFMDFM need that power? We are told that it is in case of unforeseen circumstances. That could cover a multitude of things. What could the circumstances be that cause the First Minister and deputy First Minister to want to keep unto themselves the power to kill the inquiry? Despite all the platitudes that they do not anticipate exercising the powers and that they would be used only in unforeseen circumstances, thus they cannot tell us how or when they would exercise them, the very fact that they want to hold those powers in reserve undermines the very establishment of the inquiry. It does no service to anyone; it is utterly unnecessary to the good conduct of the inquiry and to the delivery of the product, which will be the report. Therefore it should be expunged from the Bill, and the Bill would be the richer for it, rather than having this dead hand and threat of aborting the inquiry prematurely for unspecified reasons. It is wholly unreasonable, and the House should not support it. That is why I recommend amendment No 21.

**Mr Bell:** In amendment No 9, honourable friends Eastwood and McDevitt proposed to provide for the Chair of the inquiry to produce an interim report relating to redress that would be submitted to the Executive before the work of the inquiry was completed and before it had completed its terms of reference. However, the terms of reference have always envisaged a report at the end of the inquiry process in which there are findings and recommendations. The inquiry has been designed, resourced and planned on that basis.

It would be neither realistic nor reasonable to expect the inquiry to reach conclusions without first completing its work of gathering and considering all the evidence and distilling the findings by which the recommendations would be informed. How could the inquiry make conclusions and recommendations without first hearing all the evidence? Not only would the credibility of the whole inquiry be called into question, but it would be wide open to legal challenge. In addition, the inquiry will recommend a yes or no in relation to the desirability of redress only. The detailed nature or the amount of redress is a matter for the Executive on foot of the report.

Anyone who has yet to come to the inquiry would rightly ask, "What is the point? The inquiry has already drawn its conclusions". The chairperson of the inquiry made that point to the OFMDFM Committee during its scrutiny of the Bill, and, following consideration of the issue, the Committee elected not to propose an amendment of this nature. This amendment, as it stands, would be at odds with the terms of reference. It would be contrary to the advice of the chairperson of the inquiry, and it would not seem reasonable to extend the length of the inquiry in order to facilitate an additional layer of administration, which, at any rate, would not be fully informed and would draw conclusions without listening to all the evidence that is available. I am, therefore, unable to support the amendment, and I strongly urge Members not to accept it.

The Bill provides for the inquiry to end when it fulfils its terms of reference. That is what we fully expect to happen. As a safeguard, however, clause 5 allows the First Minister and deputy First Minister to conclude it before that, should they need to. Mr Eastwood, through his amendments, makes that process unnecessarily complex. We fully expect the inquiry to complete its terms of reference, and we believe that this safeguard should be proportional to the need for which it is intended. By contrast, Jim Allister's amendment No 21 irresponsibly seeks to remove that safeguard altogether, allowing no scope for Ministers to end the inquiry in the event that unforeseen circumstances require it.

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

**Mr Bell:** It is of vital importance that that safeguard stays in the Bill. I will come back to some of your points towards the end. I, therefore, urge Members to reject all the amendments and to retain clause 5 in its current form.

Amendment Nos 50, 51 and 52 propose the insertion of three new clauses after clause 10 that relate to the submission, publication and laying of the inquiry's report before the Assembly. In the terms of reference, it states that a report will be brought forward by the acknowledgement forum panel outlining the experiences of victims and survivors. It also states that the inquiry panel will submit a report to the First Minister and deputy First Minister and the chair of the investigation and inquiry panel will provide a report to the Executive.

We have a common understanding with the chair of the inquiry that he will be responsible for publishing the reports. However, this has not been set out in the Bill as introduced. The Committee for the Office of the First Minister

and deputy First Minister requested an amendment to make it explicit that this is the responsibility of the chair. To remove any ambiguity, we propose, with the Committee's support, the insertion of three new clauses. These require, first, the chairperson to submit the inquiry's reports to us prior to publication and, subsequently, to publish it; secondly, the chairperson must publish the report in full, except elements that he is required by law to withhold or that he determines must be withheld in the public interest; and, thirdly, acting jointly, we must lay the inquiry report in the Assembly. I urge Members to support the final three amendments because they set in statute the responsibilities of the chair for publishing the inquiry's report and providing assurance that the report will then be brought before the Assembly.

I turn to some of the Members' contributions. Mr Nesbitt, again, I put on record my thanks to the Committee. I hope that I have done so throughout and in accepting the amendments that have been tabled. I concur fully with Brenda Hale's remarks about SAVIA. I know that junior Minister McCann would do so, too, as would the former junior Minister Anderson. SAVIA was one of the first groups that we met when we took office. I pay tribute to its work among the work of all the victims who met us individually or collectively.

It was said that having an interim report would be "superfluous", perhaps even "superfluous dogma". We have set out the case for why an interim report should not be produced.

We can all agree with Mr Maskey's commendation of victims and the work that they have done. I appreciate that he said in reference to the work of the Committee and individuals that the characteristic of the process was one of co-operation and providing information that was as full and thorough as possible, speedily and effectively. I pay tribute to my officials in the private office — Tim, Maggie and their teams — whose diligence in getting that information back and forward to the House allowed the amendments to be taken and accepted. I thank my special adviser, Emma, for her invaluable legal steer. I pay tribute to the Department for the co-operation that Mr Maskey received.

Chris Lyttle welcomed amendment Nos 50, 51 and 52. I have laid out why they are appropriate.

Mr Allister used the dramatic words — not for the first time — "bizarre" and "gratuitous". Those words refer more to his contribution than to anything that relates to the inquiry. The clause to which he referred is one of caution. We cannot foresee whether there will be an unreasonable or unnecessary delay in receiving the report. Would it be right for the staff and the whole edifice of the inquiry to continue in the event of not receiving the report, leaving no legal way for it to be ended? We do not envisage using it, but a default is always wise and necessary. We have made it clear consistently that we expect the inquiry to end when its terms of reference are completed and its report is delivered. That is explicit in the Bill. The power to end the inquiry before then is a safeguard. Of course, if we could foresee the unforeseen, it would not be necessary. That is a fairly elementary part of the process.

**Mr Allister:** Will the Minister give way? He says that it is a safeguard, but against what? He says that if we do not have this provision, we could go on and never get the report. The point is that the powers that he wants to take guarantee that he would never get a report. So, even by the Minister's standards, this really does beggar belief. Just tell us what safeguard we need to put in place? What are we protecting against?

**4.00 pm**

**Mr Bell:** It seems that Mr Allister is more capable of speaking than he is of listening. I will go through it and try to break it down into bite-sized chunks so that he can understand it, for the second time. We took this consistently through an expert lawyer, Mr Allister, who was fully supportive of what we have. That expert lawyer is the inquiry chairperson that you paid tribute to.

Let me try and break it down again. We are envisaging that the chair will produce the report and that, at that stage, the inquiry will come to a natural conclusion. We are looking at a default mechanism to deal with any problems that may emerge, such as an unreasonable delay in the report's production. The clause, therefore, is largely an administrative one to ensure that the costs do not continue to run. So, it is a clause that I think that any reasonable person would feel is necessary and appropriate. It is about caution. I cannot foresee all the circumstances, Mr Allister; if I could, I would not be calling them unforeseen. We do not envisage using the power, but I believe that it is necessary where prudence and wisdom are concerned.

**Mr McDevitt:** I will maybe just wind up on some of the substantial issues that have been raised. As the junior Minister rightly pointed out,

amendment No 9 makes provision for an interim report that would lay the foundation for a redress process. The Minister just told the House that having a redress process that ran concurrently with an inquiry would be unthinkable and unprecedented. It is neither unthinkable nor unprecedented because it is exactly what happened in the Republic of Ireland, where a redress board ran concurrent to a public inquiry.

The point of redress is not the same as the discovery of fact. You go into a redress process because you do not expect every single individual who comes to the inquiry to have to prove their case to it. You deliberately take them out of that process, and you set up a compensation reparation mechanism that does not require them to prove, to the standard of a public inquiry, their involvement in certain events. That, if you like, humanises the process. I appreciate that the First Minister and deputy First Minister have taken a decision, which is a political decision, that they will run the inquiry and then, consecutively, the redress process. However, they really should not come to the House and describe it as an unthinkable proposition. It is a perfectly logical and legitimate proposition for which there is ample, credible precedent.

There is a further point to be made about redress, which is that the survivors are demanding it. They have every right to demand it — absolutely every right to demand it. The survivors are not getting any younger. For many of them, the opportunity of redress is the chance to make amends for their families and for the people who they believe have been affected by the circumstances surrounding their experience of abuse as children.

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

Amendment No 9 is not a dangerous amendment. It is not a reckless amendment. It is not an amendment or an idea, colleagues, that is without precedent. In fact, it is well founded, and it is a perfectly legitimate choice for this House to make. If this House takes the decision to make amendment No 9, it is leaving it up to the chair of the inquiry to decide whether it is appropriate, for many very legitimate reasons, to bring forward a redress process during the inquiry. There are ample reasons why Sir Anthony Hart may consider it appropriate to do that. The amendment is not saying that he must do it, but it allows him the possibility to do so. If we fail to make this amendment, we are saying categorically to the inquiry and to survivors that there is no circumstance in which a process of redress will even be considered until after a final report has been received. I can only say, from my experience of working with survivors, that that is not what, I believe, they want. I, therefore, ask colleagues, from a compassionate point of view, to reflect on the matter.

**Mr Maskey:** I thank the Member for giving way. I understand the point that he is trying to make in support of amendment No 9. However, does he accept that the chair of the panel made it very clear that he does not want anything imposed on the panel that may create an expectation, a demand or is in any way prescriptive, and that there is nothing whatsoever in the legislation that prevents it from bringing forward any report at any point?

**Mr McDevitt:** I thank Mr Maskey for his insight. I appreciate that, because he obviously had the benefit of the Committee Stage and had much greater interaction with the chair of the inquiry than I did. I am sure that that is the case, but what is also the case is what the junior Minister just put on the record in the House. Unless I misheard the junior Minister, only 15 minutes ago, he said that it would be unthinkable that a process of redress would commence until after the final report had been published. In fact, he said very clearly to the House — I will give way to the junior Minister if he wants to correct the record, because this may become an important point of challenge at a certain point in the future — that the question of redress was not on the table and that the inquiry was not, in fact, to go there but that, after the report was received, redress would be thought about from an Executive point of view.

**Mr Bell:** My point was about the inquiry having the opportunity to hear all the evidence before coming to its conclusion. I think that that is self-explanatory. On a point of clarification to my honourable friend, there has been no commitment to a redress process, as that is a matter for the chair of the inquiry. I think that Mr McDevitt needs to be very careful about erroneously raising expectations of a Ryan-type redress scenario here. This is a different process.

**Mr McDevitt:** I appreciate the junior Minister's clarification. I am not trying to raise expectations. I am trying to get to the bottom of the Office of the First Minister and deputy First Minister's attitude towards the issue of redress. I appreciate the junior Minister's honesty. With respect, however, I do not believe that that is what survivors believe to be the case today — I really do not. If the situation is as the junior

Minister outlined, I think that there will need to be some honest and frank conversations with survivor groups because that is not, as I understand it, their understanding of the situation today. I further question, to the House and to all of us as a group of legislators, whether the junior Minister's position is the correct one.

On the question of redress, there is no escaping one harsh reality at the heart of this process, and that is that, in this jurisdiction, the state failed fundamentally in its duty of care to children. It failed twice. It failed in its duty as the state to protect children, and it failed again when it allowed children to be put into the care of others and to be abused in that care. This entire process, since the motion was brought to the House in 2009, has been built on the basic premise that the state failed in its duty to vulnerable children. If that failure lies with the state, in its duty to vulnerable children, the responsibility for redress lies, first and foremost, with the state, as does the responsibility to compensate children in later life who had their position so awfully undermined. That is without prejudice to the state's right to pursue religious institutions, homes and other parties for recompense.

The failure in that duty, however, lies with the state. We are not setting up an inquiry and then washing our hands of responsibility. We are setting up an inquiry that looks into the heart of our own failings. I have to say to Mr Maskey that the state is the state. We may have a different political context. I celebrate it and really am very proud of the political context in which we operate today, but the same legal framework and basic protections for the rights of the child, the same duties, apply today in the context of this debate as they did 15 or 20 years ago.

So, I strongly encourage Members to reflect on the merits of amendment No 9. It does not require anyone to do anything; it makes it possible for the inquiry to do something that would be in its interests. Amendment No 9 would allow all the issues to be fully discovered without us, in any way, dictating terms to the inquiry, because the amendment does not seek to do that.

I do hear what the Minister says about the difference between an inquiry and a redress process. It is important to keep them separate because they are separate. The inquiry needs to go where it needs to go; redress does not. That is not what redress does. Any lawyers in the House who have done litigation can explain that, I guess, in much greater detail than I would ever be able to do.

Amendment No 30 is the second substantial amendment that Mr Eastwood and I have for debate. Again, I hear very carefully what the Minister says about it being superfluous, in his opinion, that we would need to come back to the House to end the inquiry prematurely. How could it be superfluous to give the House a say on such a politically sensitive issue? The House will establish the inquiry, debate the report of the inquiry and hold Ministers to account for any failings within the systems of the state identified by the inquiry. The House will vote through whatever redress needs to be established to compensate those who, through the work of this inquiry, are found to have been abused.

It is perfectly and absolutely appropriate for the House to seek to assure itself that if the inquiry is being ended before its time, for whatever reason — and there may be very good reasons, and I do not dispute that — that it just has the power to do so. That is in everyone's interests. You would think that the Office of the First Minister and deputy First Minister would want that to be the case so that there is no potential that someone from outside the major two parties could accuse them of ending the inquiry for political purposes.

It is a common sense measure and one that we write into legislation every week around here. We spend hours complaining about what we call permissive legislation. I remember Mr Maskey in the previous mandate rightly raising, time and again, numerous situations in which Ministers were trying to write in the power to make statutory orders and statutory instruments without having to come back to the House and the House rightly saying, "No, hold on a second, the power lies here." We are not saying that we do not have confidence in you but that we want you to have confidence in us to be able to support you in making good decisions and against making bad decisions.

Again, colleagues, I strongly urge you to reflect on amendment No 30. There is nothing in it that in any way undermines the integrity of the inquiry or is in any way superfluous — quite the opposite. It sends a very powerful signal to those who are conducting the inquiry that this is a very serious matter; a signal to survivors that we all want to validate anything that happens with the inquiry; and a signal about future inquiries, which is equally important.

I want to return to an important point that Mr Maskey made, in his contribution, about the

nature of this inquiry and how it is different from others. I was very grateful to the Committee for its report, particularly when I have not had the chance to be on the Committee — it keeps you going whenever you cannot sleep at night.

**4.15 pm**

One of the interesting things about the Committee report is that it highlights just how important it is that when you are shaping an inquiry such as this, you shape it within the appropriate international legal framework. The Committee report acknowledges the importance of doing so. In fact, it includes the Human Rights Commission's advice, which, as far as I understand, the Committee was very content with in that regard. It cites a very specific case as evidence of how important it is to consider particular international jurisprudence when setting up this type of inquiry. I will briefly read it. Paragraph 29 of the Human Rights Commission's submission states:

> *"In a case which originated from Northern Ireland, Jordan v. the United Kingdom , the ECt.HR have identified the essential elements of such an investigation as follows:*
>
> *i. The persons responsible for and carrying out the investigation must be independent from those implicated in the events. This means not only a lack of hierarchical or institutional connection but also a practical independence.*
>
> *ii. The investigation must be capable of leading to the identification and punishment of those responsible. The authorities must have taken all reasonable steps available to them to secure the evidence concerning the incident.*
>
> *iii. The investigation must be prompt.*
>
> *iv. There must be a sufficient element of public scrutiny of the investigation or its results to secure accountability.*
>
> *v. The next of kin of the victim must be involved in the proceedings to the extent necessary to safeguard his or her legitimate interests."*

I know that Mr Maskey is very familiar with the Jordan case. I believe that many of us in the House are exceptionally familiar with that case; it was an exceptionally important decision by the European Court of Human Rights. What I have read out proves two things. First, inquiries are connected. When you set up an inquiry to do one thing, it is immediately tested against the standards of inquiries that were set up to do other things. Secondly, the standards that are outlined by the European court in that judgement are absolutely applicable to the two amendments that the SDLP has proposed today. Those include standards of accountability, standards of independence, and perceived, practical and potential conflicts of interest. Thirdly, the interests of victims must be kept at the heart of this.

I strongly suggest that the evidence is there that the compelling logic behind a positive attitude towards amendment Nos 9 and 30 is well and truly justified and present. The House should show itself capable of reflecting on the potential for good that is in those two amendments.

*Question put, That amendment No 9 be made.*

*The Assembly divided: Ayes 21; Noes 70.*

**AYES**

*Mr Agnew, Mr D Bradley, Mr Byrne, Mrs Cochrane, Mr Dallat, Mr Dickson, Mr Durkan, Mr Eastwood, Mr Ford, Mrs D Kelly, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy, Mr McDevitt, Dr McDonnell, Mr McGlone, Mrs McKevitt, Mr A Maginness, Mr P Ramsey, Mr Rogers.*

*Tellers for the Ayes: Mr Durkan and Mrs McKevitt*

**NOES**

*Mr Allister, Mr Anderson, Mr Bell, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Ms Brown, Mr Buchanan, Mr Clarke, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Ms Fearon, Mr Flanagan, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Kennedy, Mr Kinahan, Mr Lynch, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Mr McClarty, Ms McCorley, Mr B McCrea, Mr I McCrea, Ms McGahan, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr Maskey, Mr Moutray, Mr Nesbitt, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Poots, Ms S Ramsey, Mr G Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr McAleer and Mr G Robinson*

*Question accordingly negatived.*

*Clause 1, as amended, ordered to stand part of the Bill.*

***Clause 2 (Appointment of members)***

*Amendment No 10 made:* In page 1, line 21, leave out "presiding member" and insert "chairperson". — *[Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 11 made:* In page 2, line 5, leave out "presiding member" and insert "chairperson*". — [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 12 made:* In page 2, line 8, leave out "presiding member" and insert "chairperson". — *[Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 13 made:* In page 2, line 9, leave out "presiding member" and insert "chairperson". — *[Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 14 made:* In page 2, line 10, leave out "presiding member" and insert "chairperson". — *[Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

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

***Clause 3 (Duration of appointment of members)***

*Amendment No 15 made:* In page 2, line 41, leave out "presiding member" and insert "chairperson*". — [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 16 made:* In page 2, line 42, leave out "presiding member" and insert "chairperson". — *[Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Clause 3, as amended, ordered to stand part of the Bill.*

***Clause 4 (Assessors)***

*Amendment No 17 made:* In page 3, line 11, leave out "presiding member" and insert "chairperson*". — [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 18 made:* In page 3, line 13, leave out "presiding member" and insert "chairperson". — *[Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 19 made:* In page 3, line 16, leave out "presiding member" and insert "chairperson". — *[Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Clause 4, as amended, ordered to stand part of the Bill.*

***Clause 5 (End of inquiry)***

*Amendment No 20 made:* In page 3, line 21, leave out "presiding member" and insert "chairperson". — *[Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 21 proposed:* In page 3, leave out lines 23 to 33. — *[Mr Allister.]*

*Question put and negatived.*

*Amendment No 22 proposed*: In page 3, line 23, leave out

*"a notice given to the presiding member"*

and insert "an order made". — *[Mr Eastwood.]*

*Question put and negatived.*

*Amendment No 23 made*: In page 3, line 23, leave out "presiding member" and insert "chairperson". — *[Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

**Mr Principal Deputy Speaker:** I will not call amendment Nos 24 or 25 because they are consequential to amendment No 22, which has not been made.

*Amendment No 26 made*: In page 3, line 28, leave out "presiding member" and insert "chairperson". — *[Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

**Mr Principal Deputy Speaker:** I will not call amendment Nos 27 or 28 as they are consequential to amendment No 22, which has not been made.

*Amendment No 29 not moved.*

**Mr Principal Deputy Speaker:** I will not call amendment No 30 because it is consequential to amendment No 22, which has not been made.

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

***Clause 6 (Evidence and procedure)***

**Mr Principal Deputy Speaker:** Amendment Nos 31 and 32 have already been debated and are technical amendments to clause 6. I propose, by leave of the Assembly, to group these amendments for the Question.

*Amendment No 31 made*: In clause 6, page 3, line 37, leave out "presiding member" and insert "chairperson". *— [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 32 made*: In clause 6, page 3, line 39, leave out "presiding member" and insert "chairperson*". — [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

**Mr Principal Deputy Speaker:** We now come to the fourth group of amendments for debate. With amendment No 33 it will be convenient to debate the 16 other amendments listed in the fourth group, which deal with the proceedings and administration of the inquiry.

Members should note that amendment No 35 is consequential to amendment No 33, and amendment Nos 54 and 58 are consequential to amendment No 53.

**Mr Bell:** I beg to move amendment No 33:

In page 3, line 40, at end insert

*"(2A) Subject to any provision of rules under section 18, a statement made to the inquiry on oath by a person outside Northern Ireland through a live link is to be treated for the purposes of Article 3 of the Perjury (Northern Ireland) Order 1979 as having been made in Northern Ireland."*

*The following amendments stood on the Marshalled List:*

No 35: In page 4, line 3, at end insert

*"(4) In this section 'live link' means a live television link or other arrangement whereby a person, while absent from the place where the inquiry is being held, is able to see and hear, and be seen and heard by, a person at that place.*

*(5) For the purposes of subsection (4) any impairment of sight or hearing is to be disregarded." — [Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 36: In clause 7, page 4, line 5, after "Subject to" insert "subsection (3) and" *— [Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 40: In clause 7, page 4, line 16, at end insert

*"(3) The proceedings of that part of the inquiry described in its terms of reference as the Acknowledgment Forum are to be held in private and references to the inquiry in subsection (1) do not include that part of the inquiry." — [Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 41: In clause 8, page 4, line 21, at end insert

*"(c) disclosure or publication of the identity of any person". — [Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 49: In clause 9, page 6, line 8, at end insert

"(7) The powers conferred by this section are exercisable only in respect of evidence, documents or other things which are wholly or primarily concerned with a transferred matter.

(8) In subsection (7) 'transferred matter', in relation to a power conferred by this section, means a matter which, when the power is exercised, is a transferred matter within the meaning of the Northern Ireland Act 1998." *— [Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 53: In clause 11, page 6, line 21, leave out

*"OFMDFM may award such amounts as it"*

and insert

*"The chairperson may, with the approval of OFMDFM, award such amounts as the chairperson". — [Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 54: In clause 11, page 6, line 26, after "where" insert "the chairperson with the approval of". *— [Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 55: In clause 11, page 6, line 30, leave out

*"attending the inquiry to give evidence or"*

and insert

*"giving evidence to the inquiry or attending the inquiry". — [Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 56: In clause 11, page 6, line 32, leave out "OFMDFM" and insert "the chairperson" *— [Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 57: In clause 11, page 6, line 35, after "OFMDFM" insert

*"and notified by OFMDFM to the chairperson". — [Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 58: In clause 12, page 7, line 1, at end insert

*"(1A) OFMDFM must pay any amounts awarded under section 11." — [Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 64: In clause 14, page 8, line 13, leave out

*"a notice under section 9 or a restriction order"*

and insert

*", or acts in breach of, a notice under section 9 or an order made by the chairperson". — [Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 66: In clause 18, page 9, line 24, at end insert

*"(1A) Rules under subsection (1)(a) may in particular*

*(a) provide that evidence given for the purposes of any particular part of the inquiry must not be disclosed*

*(i) in the proceedings of any other part of the inquiry unless the chairperson so orders; or*

*(ii) in any criminal or civil proceedings in Northern Ireland unless it is necessary to avoid a breach of Convention rights (within the meaning of the Human Rights Act 1998);*

*(b) make provision for orders similar to witness anonymity orders within the meaning of section 86 of the Coroners and Justice Act 2009." — [Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 67: In clause 18, page 9, line 28, leave out "inquiry panel" and insert "chairperson". *— [Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 68: In clause 18, page 9, line 28, leave out "panel" in the second place where it occurs and insert "chairperson". *— [Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

No 69: In clause 19, page 9, line 34, after "Northern Ireland" insert

*"except as provided by subsection (2).*

*(2) The powers conferred by section 9 are not exercisable so as to require any evidence, document or other thing to be given, produced or provided by or on behalf of Her Majesty's Government in the United Kingdom, the Scottish Ministers or the Welsh Ministers." — [Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister).]*

**Mr Bell:** This legislation is specific to the historical institutional abuse inquiry. In developing it, as I said earlier, we have benefited greatly from the advice and insights of the inquiry chairperson.

A number of the amendments in this group are designed to address very important practical points arising from the work that he and his panel have been doing to establish the acknowledgement forum and to prepare for the other work of the inquiry.

I am grateful to the inquiry chairperson and his panel for their contribution to the Bill. I am also very grateful to the OFMDFM Committee for all its work in identifying the areas where the Bill could be strengthened. Its scrutiny has been invaluable.

The events with which the inquiry is concerned occurred many years ago. Some people who will be required to speak to the inquiry will be old and may well be infirm. Some will be in far corners of the world. Therefore, the inquiry chairperson proposes to use live television links to hear evidence when it makes sense to do so.

Clause 6 is sufficiently wide to allow evidence to be heard under oath via a live TV link. However, anyone giving evidence from outside Northern Ireland would not be subject to the provisions of the Perjury (Northern Ireland) Order 1979. Amendment Nos 33 and 35 are designed to address that. They mean that evidence given to the inquiry on oath by a witness outside Northern Ireland via a live TV link shall be treated, for the purposes of article 3 of the Perjury (Northern Ireland) Order 1979, as having been given here. That means that, if they wilfully make a statement that they know to be false or do not believe to be true, they shall be guilty of perjury. They would possibly be liable to imprisonment for up to seven years, or to a fine, or to both.

Clause 7 provides that the chairperson must take steps to ensure that members of the public, including reporters, are able to attend the inquiry or to see and hear a simultaneous transmission of its proceedings and obtain or view a record of its evidence and documents.

A vital part of the inquiry is the acknowledgement forum. It is an opportunity for victims and survivors to recount in private their experiences of abuse in the institutions and for those experiences to be acknowledged. We need to make crystal clear that evidence given to the acknowledgement forum is given in confidence, that reporters and the public can never be present, and that no one can read the evidence. Amendment Nos 36 and 40 to clause 7 ensure that the proceedings of the acknowledgement forum are to be held in private.

Amendment No 66 will give OFMDFM powers to make rules to protect the records made in any particular part of the inquiry, such as the acknowledgement forum, so that they cannot be disclosed in another part of the inquiry, unless ordered by the chairperson, or in criminal or civil proceedings. To protect witnesses from threat or actual harm, the chairperson is seeking the powers to protect their identities — for example, by using pseudonyms — in rare instances should it be necessary.

Amendment No 66 also allows OFMDFM to make rules conferring on the chairperson the power to make orders similar to witness anonymity orders made under section 86 of the Coroners and Justice Act 2009. Such orders might be made by the chairperson where a witness has demonstrated that harm or damage may ensue should their identities become known. We are proposing amendment No 41 to strengthen clause 8 so that the chairperson can restrict the disclosure or publication of the identity of any person.

As currently drafted, the wording of clause 19 is ambiguous as it does not expressly state the reach of the legislation. We want to be clear that the Act will bind only the devolved Administration. Amendment Nos 49 and 69 to clauses 9 and 19 respectively, which deal with powers to require production of evidence, make it clear that the powers of the inquiry are to be exercisable in respect of evidence, documents and other things that are wholly or primarily concerned with matters that are now transferred.

Clauses 11 and 12 provide for the payment of witness expenses. Amendment Nos 53, 54, 55, 56, 57, 67 and 68 make clear that the chairperson, with the approval of OFMDFM, may award such amounts as he considers reasonable, including in respect of legal representation, and that OFMDFM will pay these amounts. They also ensure that those who are giving evidence by live television links are eligible for awards in respect of legal representation on the same basis as those who give evidence on the inquiry's premises.

**4.45 pm**

Of course, not all witnesses will be awarded expenses. OFMDFM will set out in rules the criteria against which the chairperson will consider applications for expenses. Amendment No 58 goes on to clarify in clause 12, which deals with the payment of inquiry expenses by OFMDFM, that the Department must pay any amounts awarded under clause 11.

Earlier, we debated amendment No 59, which would make it an offence to contravene a restriction order. Amendment No 64 makes it clear that that type of offence is liable to the penalties prescribed in clause 14.

Those are the amendments in group 4.

**Mr Nesbitt:** On clause 6, which deals with evidence and procedure, submissions from the perspective of both victims and institutions raised concerns that the duty on the inquiry

chairperson to have regard for the need to avoid any unnecessary cost, whether to public funds or to witnesses or others, could adversely affect the inquiry's effectiveness, particularly around legal representation. While most members of the Committee are content on that issue, some have lingering reservations.

On 10 October, officials briefed the Committee on proposed departmental amendments to clause 6, which provided that statements from witnesses to the inquiry, on oath and by live television link, would be treated, for the purposes of article 3 of the Perjury (Northern Ireland) Order 1979, as having been made in Northern Ireland. Members raised no issues in relation to those proposed amendments, and the Committee was content with clause 6, subject to the Ministers' proposed amendment Nos 33 and 35.

On clause 7, there were no issues raised during the Committee's consultation or deliberations. Just before its final clause-by-clause decisions on 17 October, the Committee received proposed departmental amendments, which made it clear that the proceedings of the acknowledgement forum element of the inquiry would be held in private and that references to the "inquiry" in clause 7 do not include the acknowledgement forum. Officials spoke to those proposed amendments, and the Committee was content with clause 7, subject to the Ministers' amendment Nos 36 and 40.

Turning to amendment No 41 and clause 8, which deals with restrictions on public access, the Northern Ireland Human Rights Commission's submission raised a concern that the Bill did not provide for representations to be made by interested parties prior to restriction orders being granted. The Department clarified that, under normal legal principles, anyone adversely affected by the making of a restriction order should be given the opportunity to make a case against the making of an order. The Department confirmed that the rules on governing procedure would be subject to public consultation.

At its meeting on 10 October, the Committee considered the proposed departmental amendment to clause 8, which provided that a restriction order might also be made in respect of the:

> *"disclosure or publication of the identity of any person".*

Members raised no issues with that proposed amendment, and the Committee agreed that it was content with the clause, subject to the Department's proposed amendment, which is reflected in the Ministers' amendment No 41.

On clause 9, there were no issues raised during the Committee's consultation. The Ministers' amendment Nos 49 and 69 to clauses 9 and 19 respectively were not brought forward during the Committee Stage. At its meeting on 14 November, the Committee noted correspondence from the Department, with proposed amendments to clauses 9 and 19.

On clause 11, which deals with the expenses of witnesses etc, there were a number of concerns raised regarding choice of legal representation and the payment of legal costs. The Department confirmed that the Bill enables OFMDFM to make rules subject to negative resolution in that regard, which will be subject to consultation.

Just before its final clause-by-clause decisions on the Bill on 17 October, the Committee received proposed departmental amendments to clause 11 and officials spoke to them. The amendments included clarification of the respective roles of the inquiry chairperson and OFMDFM in relation to decisions about expenses. Members indicated that they were content with the proposed amendments. Ministers' amendment No 53 differs slightly from that considered by the Committee but not in substance. Ministers' amendment Nos 54 to 57 reflect those that the Committee considered and was content with.

I will turn to clause 12 and Ministers' amendment No 58. Clause 12 provides for the payment of the inquiry expenses by OFMDFM. In written submissions and in oral evidence, the Human Rights Commission and Amnesty International raised concerns about the impact of that power on the independence of the inquiry, specifically because Ministers can give notice to the inquiry chairperson if they believe that the inquiry is acting outside its terms of reference. The Department advised that the withdrawal of funds will only happen in the highly unlikely event that the inquiry persists in activities that are outside its terms of reference.

As I indicated in my opening remarks, the Committee took advice regarding the Human Rights Commission's view that, in light of this and other powers, the Bill did not meet the required level of protection under the European Convention on Human Rights. Advice to the Committee indicated that the power over the inquiry's expenses, like other discretionary powers in the Bill, cannot, under section 24 of the Northern Ireland Act 1998, be exercised by

Ministers in a way that is incompatible with the European Convention on Human Rights.

In the overall context of the inquiry's independence, the Committee was reassured by Ministers' agreement to bring forward a departmental amendment to provide that changes to the inquiry's terms of reference are subject to affirmative resolution of the Assembly. Just before its final clause-by-clause decisions, the Committee received a proposed departmental amendment to clause 12, which inserted a specific obligation on OFMDFM to pay any amounts awarded under clause 11, "Expenses of witnesses, etc". The Committee was content with clause 12 subject to that amendment, which is reflected in Ministers' amendment No 58.

Clause 14 deals with enforcement by the High Court to support the inquiry's exercise of its powers, and no issues were raised with that clause during the Committee's consultation. Just before final clause-by-clause decisions, the Committee received a proposed departmental amendment to clause 14, to which officials spoke at the meeting. The Committee was content with clause 14 subject to that proposed departmental amendment, which is Ministers' amendment No 64.

Amendment Nos 36 and 40 to clause 7 make it clear that the proceedings of the acknowledgement forum will be conducted in private. Those amendments also address the concerns raised by some institutions in the context of clause 15, which deals with immunity from suit. They feared that victims' accounts of abuse would be accepted by the inquiry via the acknowledgement forum without the robustness of what may be very damaging allegations being tested.

The Department clarified that the acknowledgement forum will proceed in private and will feed into the judicial aspect of the inquiry. The investigation and inquiry panel will test the robustness of the evidence that comes forward to it. The Department considers that those processes are a matter for the inquiry chairperson. The inquiry chairperson commented that any inquiry into a matter of public interest that sits in public inevitably involves the risk of unsubstantiated allegations being raised and inquired into. It will be the duty of the inquiry to ensure that only allegations that appear to be of substance are proceeded with, and the inquiry will make it clear when those are justified and when they are not. The Committee was content with clause 15 as drafted. For the record, the Committee was content with clauses 16 and 17 as drafted.

Clause 18 deals with rules. No issues were raised on that clause in the submissions or in evidence to the Committee. The Committee raised no issues with the clause. Just before its final clause-by-clause decisions, the Committee received a proposed departmental amendment to clause 18, which is reflected in Ministers' amendment No 66. The heading of the draft amendment indicated that the intention behind the amendment was to protect the acknowledgement forum's documents. However, officials informed the Committee that the proposed amendment would enable rules to be made in relation to other elements of the inquiry and not just the acknowledgement forum. Having heard from officials, the Committee was content with the proposed amendment to clause 18, which is reflected in Ministers' amendment No 66.

Two further proposed Departmental amendments to clause 18 were received at the same time, relating to the envisaged role of the inquiry panel in the assessment of awards under clause 11 and transferring that responsibility to the inquiry chairperson. Having heard from officials, members indicated that they were content with the proposed amendments, and the Committee was content with clause 18, subject to the proposed departmental amendments reflected in Ministers' amendment Nos 67 and 68.

No issues were raised in relation to clause 19 in the submissions or evidence to the Committee on the Bill. During the Committee Stage, officials told us that the Department was considering amendments to modernise clause 19. In the absence of departmental amendments, the Committee was content with clause 19 as drafted. At its meeting on 14 November, the Committee noted correspondence from the Department with the wording of proposed amendments to clause 19 and to clause 9. Members raised no issues in relation to these proposed changes. For the sake of completeness, Mr Principal Deputy Speaker, the Committee was content with clause 22, dealing with commencement etc, and with clause 23, the short title of the Bill, as drafted.

Finally, Mr Principal Deputy Speaker, I will stray for a moment, if you will permit me, from the amendments. As Chair of the Committee of the Office of the First Minister and deputy First Minister, I acknowledge how all members of the Committee, who represent the full range of party political views and all the parties of the

Executive, conducted themselves during our deliberations. I particularly acknowledge their awareness of the importance of the input of victims and survivors.

We often talk about the importance of storytelling. Storytelling only has true value if the victims and survivors who are telling their stories realise that their stories are being listened to and acknowledged, and that was the case throughout the deliberations of the Committee. I am grateful to my fellow members for that.

**Mr G Robinson:** Amendment Nos 33, 35 and 55 deal with issues surrounding live-link opportunities for those wishing to give evidence to the inquiry. This enables evidence to be taken without the trauma of witnesses who are living abroad being brought to attend the inquiry and also enables them to give personal and, if need be, confidential evidence. I and my party welcome these amendments as they will ensure that people who have a disability that makes travel difficult for them will have the opportunity to take part in the inquiry at minimum inconvenience to them personally.

Amendment Nos 40 and 41 ensure that people giving evidence in the acknowledgement forum can do so in private. This is a welcome move to enable everyone who may be concerned about anonymity that they can do so without fear of being publicly named, which could cause problems for an individual.

Amendment Nos 49 and 69 are proposed at the request of the NIO to ensure that the inquiry stays within the devolved powers that the Assembly has. We must remember that we are limited to devolved matters. This is, however, a practical and sensible amendment, which my party supports.

Amendment Nos 53, 56 and 57 give the chair of the inquiry powers that ensure that he is independent from political influence. My party welcomes and supports these amendments. Amendment No 58 is a technical clause to clarify who pays and is basically a good housekeeping matter. My party welcomes this essential clarification.

Amendment No 66 is again related to anonymity for witnesses. Again, my party welcomes this, as we believe that it is important that as many witnesses as possible are encouraged to take part to make the inquiry as comprehensive as possible. We firmly believe that we must ensure good participation to ensure that the inquiry is as thorough, relevant and helpful as has been hoped.

None of the amendments will negatively impact on the inquiry and, indeed, will provide the chairperson with a greater degree of independence, which is essential.

**Ms McGahan:** Go raibh maith agat. I want to take this opportunity to commend all of the victims of abuse for their courage and bravery in seeking justice. I support all of the amendments in group 4. Abuse is wrong. It is wrong in 2012, wrong in 1995 and wrong in 1922. Being a victim of abuse is as relevant and has much of an impact on the daily life of an elderly person as on a younger victim.

So, the focus of this inquiry was selected because of the vulnerable nature of that type of residential care. However, that does not in any way diminish the trauma that has been inflicted on many other individuals as a result of abuse in domestic and other settings.

The inquiry will hear evidence from every living victim and will hopefully bring some comfort to those who were originally excluded. The inquiry is concerned with events that occurred many years ago. Some people who will be required to speak to the inquiry will be old or infirm. Some of the victims may be located throughout the world. In the light of that, the chairman, Sir Anthony Hart, proposes to use live television links where necessary to hear evidence. Clause 6 is sufficiently wide to allow evidence to be heard, under oath, via live TV link. I welcome the acknowledgement forum's registration scheme, launched on 1 October. All appointments to that scheme are strictly confidential.

Sinn Féin welcomes the objectives and aspirations of the Inquiry into Historical Institutional Abuse Bill. It is critical that it delivers for the victims and that it is independent, fair and transparent. I am satisfied that the Bill meets those requirements, and along with my party colleagues, I support the Bill and all the amendments in group 4.

**5.00 pm**

**Mr Eastwood:** Very briefly, we support these sensible amendments.

**Mr Lyttle:** I also support these sensible amendments on procedures and administration, including witness arrangements and expenses. I particularly welcome amendment No 35, which will confirm that evidence can be given by secure video link. We welcome the clarification on giving evidence. Although there are institutions with serious allegations to answer

about their conduct, it is important that the inquiry facilitates due process.

As Deputy Chair of the OFMDFM Committee, I join the Chairperson in recognising the work of the Committee members and staff who, I believe, honoured the commitment given to victims and survivors to conduct a timely and focused Committee Stage. That has facilitated significant amendments and improvements to the Bill, not least of which is the time frame.

It is not a perfect Bill, however, and notable concerns remain. Not the least of those is that OFMDFM need to consider quickly how victims and survivors of clerical abuse will also be given a voice and process to meet their needs. However, it is important that, despite those significant issues, the message goes out from the Assembly today that we have worked together to move the legislative process in a decisive manner to deliver a long overdue inquiry process for the victims and survivors of institutional child abuse.

**Mr Bell:** I thank everyone who has participated for the questions and issues that have been raised on the groups of amendments. I appreciate the support on all sides of the House for this group of amendments.

I will take each point in turn. The Chairperson of the OFMDFM Committee competently and coherently outlined the work that he and each of the Committee members undertook. Many people will regard the Committee as having distinguished itself by doing its job in a timely and accurate way. I concur fully with the idea that it is important for victims that they are listened to and actively heard. I know that that active listening, to which Mr Nesbitt referred at the end of his speech, will bring a lot of solace and comfort to the victims who had the courage to come before the Committee.

In his reference to amendment Nos 40 and 41 and the acknowledgement forum, my colleague George Robinson brought out the need for privacy and anonymity. He concluded by stressing the importance of the devolved Administration staying within their devolved powers.

My honourable friend Bronwyn McGahan rightly underlined the point that child abuse is wrong whatever the date, whether that is 2012 or 1922. That is an important point. She elucidated the importance of the live TV links and rightly brought into focus the need for independence, fairness and transparency. She made the case that the Bill has met those requirements. I thank my honourable friend Mr Eastwood. I do not think that he has ever accused me of being sensible before, but I appreciate it. As Deputy Chair of the Committee, Chris Lyttle also endorsed the point that it was sensible. He paid tribute to Committee members for the timely and focused way in which they set about their work, which was done with seriousness and integrity. Today shows that that work has been translated directly into the Bill. The hours of work that have been spent on it were valuable, and the Committee can see the results of that. Mr Lyttle raised the issue of clerical abuse, and I dealt with that earlier.

As I conclude, I make the point about why we are dealing with historical institutional abuse. Child abuse is child abuse is child abuse. It does not matter whether it comes from a parent, a step-parent, a family friend, a stranger, a teacher, a doctor, a nurse or a social worker. I have seen it too many times in my professional life. Child abuse is child abuse. We will look at where clerical abuse has come from at a later stage. However, the point that must not be missed is that these children had nowhere else to go — nowhere else to go. It was their home. They did not have a mum or dad to go back to. They did not have anybody outside to tell them that what had happened was wrong. They did not have that. They were abused in what was their home, and they had nobody else to go to. That is why the integrity of the Bill is so important, and I thank everyone for their work on it. The children in those institutions had simply nowhere else to go.

I conclude where I started by saluting the victims. Their courage and integrity over many years has brought us to where we are today. From talking to victims, I am also aware that, for some, the abuse was more than they could bear. People hurt themselves and took their own life as a result of what happened. Many people have died without seeing the outcome of this work, and to them we also owe a salute.

*Question, That amendment No 33 be made, put and agreed to.*

*Amendment No 34 made*: In page 4, line 2, leave out "presiding member" and insert "chairperson". *— [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 35 made*: In page 4, line 3, at end insert

*"(4) In this section 'live link' means a live television link or other arrangement whereby a person, while absent from the place where the*

*inquiry is being held, is able to see and hear, and be seen and heard by, a person at that place.*

*(5) For the purposes of subsection (4) any impairment of sight or hearing is to be disregarded." — [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Clause 6, as amended, ordered to stand part of the Bill.*

***Clause 7 (Public access to inquiry proceedings and information)***

*Amendment No 36 made*: In page 4, line 5, after "Subject to" insert "subsection (3) and". — *[Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 37 made*: In page 4, line 6, leave out "presiding member" (in both places) and insert "chairperson*". — [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 38 made*: In page 4, line 14, leave out "presiding member" and insert "chairperson". *— [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 39 made*: In page 4, line 15, leave out "presiding member" and insert "chairperson". *— [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 40 made:* In page 4, line 16, at end insert

*"(3) The proceedings of that part of the inquiry described in its terms of reference as the Acknowledgment Forum are to be held in private and references to the inquiry in subsection (1) do not include that part of the inquiry." — [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

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

***Clause 8 (Restrictions on public access, etc.)***

*Amendment No 41 made:* In page 4, line 21, at end insert

*"(c) disclosure or publication of the identity of any person". — [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 42 made:* In page 4, line 23, leave out "presiding member" and insert "chairperson". *— [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 43 made:* In page 4, line 27, leave out "presiding member" and insert "chairperson". *— [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 44 made:* In page 5, line 1, leave out "presiding member" and insert "chairperson*". — [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Clause 8, as amended, ordered to stand part of the Bill.*

***Clause 9 (Powers to require production of evidence)***

*Amendment No 45 made:* In page 5, line 19, leave out "presiding member" and insert "chairperson". *— [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 46 made:* In page 5, line 27, leave out "presiding member" and insert "chairperson". *— [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 47 made:* In page 6, line 1, leave out "presiding member" and insert "chairperson". *— [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 48 made:* In page 6, line 4, leave out "presiding member" and insert "chairperson". *— [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 49 made:* In page 6, line 8, at end insert

*"(7) The powers conferred by this section are exercisable only in respect of evidence, documents or other things which are wholly or primarily concerned with a transferred matter.*

*(8) In subsection (7) 'transferred matter', in relation to a power conferred by this section, means a matter which, when the power is*

*exercised, is a transferred matter within the meaning of the Northern Ireland Act 1998." — [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

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

*Clause 10 ordered to stand part of the Bill.*

***New Clause***

*Amendment No 50 made:* After clause 10 insert

"*Reports*

***Submission of reports***

***10A**.(1) The chairperson must deliver the report of the inquiry to the First Minister and deputy First Minister at least two weeks before it is published (or such other period as may be agreed between the First Minister and deputy First Minister acting jointly and the chairperson).*

*(2) In this section "report" includes an interim report." — [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*New clause ordered to stand part of the Bill.*

***New Clause***

*Amendment No 51 made:* After clause 10 insert

*"**Publication of reports***

***10B**.(1) The chairperson must make arrangements for the report of the inquiry to be published.*

*(2) Subject to subsection (3), the report of the inquiry must be published in full.*

*(3) The chairperson may withhold material from publication to such extent—*

*(a) as is required by any statutory provision, enforceable EU obligation or rule of law, or*

*(b) as the chairperson considers to be necessary in the public interest, having regard in particular to the matters mentioned in subsection (4).*

*(4) Those matters are—*

*(a) the extent to which withholding material might inhibit the allaying of public concern;*

*(b) any risk of harm or damage that could be avoided or reduced by withholding any material;*

*(c) any conditions as to confidentiality subject to which a person acquired information which that person has given to the inquiry.*

*(5) Subsection (4)(b) does not affect any obligation of a public authority that may arise under the Freedom of Information Act 2000.*

*(6) In this section-*

*'public authority' has the same meaning as in the Freedom of Information Act 2000;*

*'report' includes an interim report." — [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*New clause ordered to stand part of the Bill.*

***New Clause***

**Mr Principal Deputy Speaker:** Amendment No 52 has already been debated and is consequential to amendment No 51, which has already been made.

*Amendment No 52 made:* After clause 10 insert

*"**Laying of reports before the Assembly***

***10C**. Whatever is required to be published under section 10B must be laid before the Assembly by the First Minister and deputy First Minister acting jointly, either at the time of publication or as soon afterwards as is reasonably practicable." — [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*New clause ordered to stand part of the Bill.*

***Clause 11 (Expenses of witnesses, etc.)***

*Amendment No 53 made:* In page 6, line 21, leave out

*"OFMDFM may award such amounts as it"*

and insert

*"The chairperson may, with the approval of OFMDFM, award such amounts as the chairperson". — [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 54 made:* In page 6, line 26, after "where" insert "the chairperson with the approval of". — *[Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 55 made:* In page 6, line 30, leave out

*"attending the inquiry to give evidence or"*

and insert

*"giving evidence to the inquiry or attending the inquiry".* — *[Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 56 made:* In page 6, line 32, leave out "OFMDFM" and insert "the chairperson". — *[Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 57 made:* In page 6, line 35, after "OFMDFM" insert

*"and notified by OFMDFM to the chairperson".* — *[Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Clause 11, as amended, ordered to stand part of the Bill.*

**5.15 pm**

***Clause 12 (Payment of inquiry expenses by OFMDFM)***

**Mr Principal Deputy Speaker:** Amendment No 58 has already been debated and is consequential to amendment No 53, which has already been made.

*Amendment No 58 made:* In page 7, line 1, at end insert

*"(1A) OFMDFM must pay any amounts awarded under section 11."* — *[Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 59 made:* In page 7, line 8, leave out “presiding member” and insert “chairperson". — *[Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

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

***Clause 13 (Offences)***

**Mr Principal Deputy Speaker:** Amendment Nos 60 to 63 have already been debated and are technical amendments to clause 13. I propose, by leave of the Assembly, to group the amendments for the question.

*Amendment No 60 made:* In page 7, line 22, leave out from "fails" to the end of line 24 and insert

*"without reasonable excuse*

*(a) contravenes a restriction order; or*

*(b) fails to do anything which that person is required to do by a notice under section 9,*

*is guilty of an offence."* — *[Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 61 made:* In clause 13, page 8, line 1, leave out "presiding member" and insert "chairperson*".* — *[Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 62 made:* In page 8, line 1, leave out "presiding member" and insert "chairperson*".* — *[Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 63 made:* In page 8, line 3, leave out "presiding member" and insert "chairperson". — *[Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Clause 13, as amended, ordered to stand part of the Bill.*

***Clause 14 (Enforcement by High Court)***

*Amendment No 64 made:* In page 8, line 13, leave out

*"a notice under section 9 or a restriction order"*

and insert

*", or acts in breach of, a notice under section 9 or an order made by the chairperson".* — *[Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 65 made:* In page 8, line 15, leave out "presiding member" and insert "chairperson". — *[Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Clause 14, as amended, ordered to stand part of the Bill.*

*Clauses 15 to 17 ordered to stand part of the Bill.*

***Clause 18 (Rules)***

*Amendment No 66 made:* In page 9, line 24, at end insert

*"(1A) Rules under subsection (1)(a) may in particular*

*(a) provide that evidence given for the purposes of any particular part of the inquiry must not be disclosed*

*(i) in the proceedings of any other part of the inquiry unless the chairperson so orders; or*

*(ii) in any criminal or civil proceedings in Northern Ireland unless it is necessary to avoid a breach of Convention rights (within the meaning of the Human Rights Act 1998);*

*(b) make provision for orders similar to witness anonymity orders within the meaning of section 86 of the Coroners and Justice Act 2009." — [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 67 made:* In page 9, line 28, leave out "inquiry panel" and insert "chairperson". *— [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 68 made:* In page 9, line 28, leave out "panel" in the second place where it occurs and insert "chairperson". *— [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Clause 18, as amended, ordered to stand part of the Bill.*

***Clause 19 (Application to the Crown)***

*Amendment No 69 made:* In page 9, line 34, after "Northern Ireland" insert

*"except as provided by subsection (2).*

*(2) The powers conferred by section 9 are not exercisable so as to require any evidence, document or other thing to be given, produced or provided by or on behalf of Her Majesty's Government in the United Kingdom, the Scottish Ministers or the Welsh Ministers." — [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Clause 19, as amended, ordered to stand part of the Bill.*

***Clause 20 (Consequential amendments)***

*Amendment No 70 made:* In page 10, line 1, leave out subsection (2) . *— [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Clause 20, as amended, ordered to stand part of the Bill.*

***Clause 21 (Interpretation)***

*Amendment No 71 proposed:* In page 10, line 10, at end insert

*" 'abuse' includes physical or mental violence, injury, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse;". — [Mr Allister.]*

*Question, That amendment No 71 be made, put and negatived.*

*Amendment No 72 made:* In page 10, line 11, at end insert

*" 'chairperson' means chairperson of the inquiry;". — [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

**Mr Principal Deputy Speaker:** I will not call amendment No 73, as it is consequential to amendment No 2, which has not been made.

*Amendment No 74 made:* In page 10, line 12, at end insert " 'harm' includes death or injury;". *— [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

**Mr Principal Deputy Speaker:** I will not call amendment No 75, as it is consequential to amendment No 2, which has not been made.

*Amendment No 76 made:* In page 10, line 15, at end insert " 'member' includes chairperson;". *— [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 77 made:* In page 10, leave out line 18. *— [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Amendment No 78 made:* In page 10, line 22, leave out "presiding member" and insert "chairperson". *— [Mr Bell (Junior Minister,*

*Office of the First Minister and deputy First Minister).]*

*Clause 21, as amended, ordered to stand part of the Bill.*

*Clauses 22 and 23 ordered to stand part of the Bill.*

*Long Title*

*Amendment No 79 made:* Leave out "1945" and insert "1922". *— [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]*

*Long title, as amended, agreed to.*

**Mr Principal Deputy Speaker:** That concludes the Consideration Stage of the Inquiry into Historical Institutional Abuse Bill. The Bill stands referred to the Speaker.

The next item on the Order Paper is the Consideration Stage of the Charities Bill. Members may take their ease for a few moments while we change the desk.

# Executive Committee Business

## Charities Bill: Consideration Stage

**Mr Principal Deputy Speaker:** I call the Minister for Social Development, Mr Nelson McCausland, to move the Bill.

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

**Mr Principal Deputy Speaker:** Members have a copy of the Marshalled List of amendments, detailing the order for consideration. The amendments have been grouped for debate in my provisional grouping of amendments selected list. There is a single group of amendments. The debate will be on amendment Nos 1, 2 and 3, which require certain Orders to be subject to negative resolution procedure and make minor, technical changes to the law on charities, together with the Minister for Social Development's opposition to clause 3. Once the debate on the group is completed, and further amendments in the group will be moved formally as we go through the Bill. The question on each will be put without further debate. The Question on stand part will be taken at the appropriate point in the Bill. If that is clear, we shall proceed.

No amendments have been tabled to clauses 1 and 2. I propose, by leave of the Assembly, to group these clauses for the Question on stand part.

*Clauses 1 and 2 ordered to stand part of the Bill.*

***New Clause***

**Mr Principal Deputy Speaker:** We now come to the group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 and 3 and the Minister for Social Development's opposition to clause 3.

**Mr McCausland (The Minister for Social Development):** I beg to move amendment No 1: After clause 2 insert the following new clause:

***"Debt relief orders, debt relief restrictions orders and bankruptcy restrictions orders***

*2A.—(1) The 2008 Act shall be amended as follows.*

*(2) In section 33 (power to act for protection of charities), in subsection (4)(a) at the end of sub-paragraph (ii) there shall be added 'or*

*(iii) having previously been the subject of a debt relief order, has been discharged from all the qualifying debts under the debt relief order;'.*

*(3) In section 86 (persons disqualified for being trustees of a charity)—*

*(a) in subsection (1)—*

*(i) in paragraph (b), after the word 'discharged' there shall be inserted the words 'or D is the subject of a bankruptcy restrictions order';*

*(ii) after paragraph (g) there shall be added the following paragraph—*

*'(h) D is subject to—*

*(i) a moratorium period under a debt relief order; or*

*(ii) a debt relief restrictions order.';*

*(b) in subsection (2)—*

*(i) in paragraph (b), for the words 'or the sequestration' there shall be substituted the words ', the sequestration or the making of the bankruptcy restrictions order';*

*(ii) in paragraph (d), for '(g)' there shall be substituted '(h)';*

*(c) in subsection (3), after 'subsection (1)(b)' insert 'or (h)'.*

*(4) In section 87 (person acting as charity trustee while disqualified), in subsection (2)(b) for 'or (g)' there shall be substituted ',(g) or (h)'."*

*The following amendments stood on the Marshalled List:*

No 2: In clause 6, page 3, line 35, leave out

*"and section 5(2) or, as the case may be, section 5(1)"*

and insert

*"or, as the case may be, subsection (1) or (2) of section 5". — [Mr McCausland (The Minister for Social Development).]*

No 3: In clause 9, page 4, line 21, at end insert

*"(5) Any other order under this section is subject to negative resolution." — [Mr McCausland (The Minister for Social Development).]*

Before I move on to the detail of the amendments, I thank the Chair and members of the Social Development Committee for their effective scrutiny of the Bill and for the timely publication of their report.

The first amendment, which is referred to as clause 2A, has arisen due to some further insolvency law amendments. These were notified to my Department on 10 October and therefore did not form part of the Bill as introduced. In short, changes to the Charities Act 2011 in England and Wales have added to the list of persons disqualified from being trustees of a charity. In addition to persons subject to a bankruptcy restrictions order, already picked up by clause 3 of the Charities Bill, disqualification extends to persons subject to a moratorium period under a debt relief order or a debt relief restrictions order.

The Department has also been advised by the Department of Enterprise, Trade and Investment (DETI) that the words "interim order" in the current clause 3 are not appropriate to the equivalent Northern Ireland legislation and that those words should be dropped from the Bill. My officials advised the Social Development Committee of this possible amendment on 18 October. If accepted for inclusion in the Bill, the amendment will alter a number of sections of the Charities Act (Northern Ireland) 2008, including section 33(4)(a), "Power to act for protection of charities"; section 86(1) and (3), "Persons disqualified for being trustees of a charity"; and section 87(2)(b), "Person acting as charity trustee while disqualified".

If accepted by the House, the amendment will effectively become the new clause 3. Therefore, I ask Members to oppose the Question that the existing clause 3 stand part of the Bill.

**5.30 pm**

Amendment No 2 relates to clause 6 and the definition of "transfer date". During scrutiny of the Bill, the Office of the Legislative Counsel pointed out that the existing drafting of the definition of "transfer date" in clause 6 was not accurate. As it stands, it reads that clause 4 and clause 5(2) will come into operation on the one date and that clause 5(1) will come into operation on another. The correct definition is

that clause 4 and clause 5(1) will come into operation on an appointed day and clause 5(2) will come into operation the day after Royal Assent has been granted.

Amendment No 3, which will amend clause 9, was discussed and agreed during the Committee's scrutiny of the Bill, and it relates to the provisions that delegate legislation-making powers. For that purpose, the Department prepared a delegated powers memorandum, which the Examiner of Statutory Rules considered. He advised the Committee that orders made under clause 9 that do not amend, repeal or modify a statutory provision should be subject to negative resolution rather than, as the Bill stands, to no Assembly procedure. Orders that amend, repeal or modify a statutory provision are already subject to draft affirmative procedure. The Department and the Committee accepted the Examiner of Statutory Rules's advice on that point and agreed clause 9, subject to this amendment being taking forward.

That concludes the amendments that I tabled at Consideration Stage. I request Assembly approval on the basis that they are non-contentious and will enhance the new regulatory framework for charities in Northern Ireland.

Members will be aware that the main purpose of the Bill is to amend the public benefit provisions in the Charities Act (Northern Ireland) 2008, bringing public benefit requirements in Northern Ireland into line with those in England and Wales. I previously stated that I do not expect that to be an undue burden for the vast majority of charities. Indeed, public benefit should be at the very heart of what they do. However, I want to comment specifically on a recent case in England relating to the religious denomination commonly known as Exclusive Brethren. My understanding is that the issue hinges on the withdrawal from contact with general society and the absence of any wider public benefit.

The courts have generally recognised religion as being for the public benefit, precisely because of the moral improvement in society that it is thought to encourage. That might be undermined if there were no or very limited societal interaction. As that case is now the subject of a tribunal hearing, the court will decide the outcome, and should we receive a similar application in Northern Ireland, the charity regulator in Northern Ireland will have regard to that judgement. However, it is important to stress that that case is most unlikely to have any implications for other faith-based charities in Northern Ireland, as the holding of public worship is regarded as being for the public benefit.

I have held discussions with representatives from the churches sector in Northern Ireland, and they are satisfied that charity regulation offers no threat to their activities or to their long-term charitable status. They are also further assured by concessions that have already been made to faith-based organisations in the 2008 Act, which introduced a specific designated religious charity status. That enables local churches to apply for an exemption from certain provisions in the Act that cover charity investigations and inquiries. That is a reflection of the unique governance structure in local churches, and it will enable the relevant governing body to address matters of concern rather than to seek intervention from the charity regulator. In conclusion, I commend the amendments and the Bill to the House.

**Mr Maskey (The Chairperson of the Committee for Social Development):** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his comments in introducing the Consideration Stage. On behalf of the Committee for Social Development, I want to make a few points and outline a number of concerns and issues that have been raised with and, of course, deliberated on by the Committee.

The Bill was referred to the Committee for Social Development in accordance with Standing Order 33(1) on completion of its Second Stage on 11 September 2012. The Committee received nine written submissions and took oral evidence from NICVA and the Charity Commission for Northern Ireland. The Committee also, of course, heard from the Department on the provisions in, and the rationale for, the Bill.

Members may be aware that, in June 2010, senior counsel acting for the Charity Commission identified a technical difficulty with the public benefit test provision of the Charities Act (Northern Ireland) 2008, and the Minister referred to that. As the Minister explained at a previous stage of the process, that difficulty arose as a result of a hybrid form of legislation made up of a combination of unrelated provisions on the public benefit test from the Charities Act 2006, which applies in England and Wales, and the Charities and Trustee Investment (Scotland) Act 2005. That produced a legal uncertainty, which has meant that the Charity Commission has been unable to fulfil its obligation under the 2008 Act on the registration of charities, simply because the

public benefit requirement under that Act was not workable in practice.

Members are aware, or should be aware, that the Committee's report demonstrated that the overall purpose of the Charities Bill is to amend the public benefit provision of the Charities Act 2008 to provide clarity on the requirement to be met in determining whether an institution is or is not a charity within the meaning of that Act, to which the Minister referred in part just a few minutes ago. In effect, the Bill's purpose is to clear up the legal uncertainty that I just referred to. The stakeholders who responded to the Committee's call for evidence universally welcomed the clarification that the proposed amendment to section 3 of the 2008 Act — the public benefit test — would bring.

There are two key issues relevant to the Bill, and those were the focus of the Committee's consideration and stakeholders' concerns. The first is that all charities in the North will be required to prove that they meet one or more of the charitable purposes, are purely charitable and operate for the public benefit. The second is that the clarity provided by the amendment to section 3 of the Charities Act (NI) 2008 means that the Charity Commission for Northern Ireland will be able to begin the process of registering charities here.

On the second point, however, the Committee also recognised that the Charity Commission has already established what it refers to as a deemed list of some 6,700 charities, which it has been working closely on with HMRC. Therefore, it has not been sitting idly by waiting on this legislation to be worked out. It has already done a lot of preparation work.

The Committee also recognised and accepted the importance of the issues to the community and voluntary sector. Indeed, the Committee recognised the importance of a charities' register so that people — that is, the general public — can be confident that the charities to which they contribute their hard-earned cash meet the public test requirement and are, therefore, bona fide charities.

There are further issues relating to the proposed amendments. The first is that, on 18 October 2012 — the day on which the Committee had scheduled to agree its report — it took oral evidence from departmental officials, who advised the Committee that clause 3 may be subject to amendment owing to issues raised by DETI officials concerning insolvency. Again, the Minister referred to that. The Committee was advised that it was possible that the Minister would table an amendment at Consideration Stage to address that. We note, therefore, that the Minister has given notice that he intends to oppose the Question that clause 3 stand part of the Bill. The Committee also notes the new clause — currently referred to as clause 2A — to be inserted after clause 2. The new clause relates to debt relief orders and restrictions and bankruptcy restriction orders. The Committee also notes amendment No 2, which is a minor rewording of clause 5.

Finally, the Examiner of Statutory Rules brought clause 9 to the attention of the Committee, indicating that any order under that clause should be subject to negative resolution, which is just to give further democratic accountability to the Assembly, given the nature of the issue. The Department agreed and Members will see that that is amendment No 3 on the Marshalled List.

I reiterate that the organisations that responded to the Committee welcomed the Bill. None of them suggested amendments, and all were content with the wording of the key clause — clause 1 — which, as I mentioned, substitutes a new public benefit provision for that in section 3 of the 2008 Act. On that basis, the Committee, therefore, supports the progress of the Bill through the House.

I just want to make two final points. I do not want to labour this point, but the hybrid nature of this type of legislation, which has been in fits and starts since 2008, meant that it has been less smooth than the Committee would have preferred. Notwithstanding that, we are very conscious that the Charities Commission has been preparing, as I have said, a deemed list of organisations that will qualify. Of course, the Committee had some concerns about which organisations may qualify. We are fully conscious of the fact that, once the Bill goes through, the Charities Commission will embark on a formal public consultation with all the relevant stakeholders to work out the finer detail of the public benefit test.

On that basis, the Committee is more than happy to support the Bill. Go raibh maith agat.

**Mr Durkan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I support the Charities Bill as amended. As stated at Second Stage, the SDLP supports the passage of the Bill as it is a welcome step towards rectifying the problems with charity regulation in this jurisdiction. The main reason that those problems have occurred is due to the unworkable and ambiguous public benefit test laid down in the existing Charities Act, but we will not go into that.

I recognise the support of the Charities Commission and its eagerness to get the legislation through in order to regulate and develop the sector more effectively. NICVA, as the Chair said, also welcomed the Bill. I commend both organisations for their work in relation to the legislation. I thank them for the support that they have given to the Committee on this complex issue.

To date, it has been a difficult task for the Charities Commission to make full determinations on whether an organisation is a charity, as it has been unable to apply the definition contained in the 2008 Act as the public benefit test issue has yet to be resolved. Having had the benefit of being briefed by the commission, members of the Committee for Social Development are aware that, over the past six months or so, 40% of enquiries to the commission have related to charity registration. It is thus most welcome that the Assembly moves to support the work of the Charities Commission and, in turn, supports all charities and the invaluable work that they do in our communities and further afield. It is essential that we show charities our full support, especially at a time when the demand on so many of their services is unprecedented.

The passage of the Bill will aid the commission in carrying out its registration and regulatory functions, which, to date, have been hamstrung by the public benefit requirements problems. Section 3 of the Act, which relates to the public benefit clause, is where the main problem facing the charities sector has arisen. As drafted, the provision is unworkable on a technical, legal and practical basis. That is largely due to the legislation being a hybrid of English, Welsh and Scottish charity legislation. That has made it impractical, if not impossible, for charities here to comply with the two different public benefit requirements.

The SDLP is in favour of a public benefit requirement that ensures equality of treatment for all charities. That would go some way to increasing public confidence in the sector as well, as the Charities Commission would be able to consult on guidance for a public benefit requirement, which would create an opportunity to get input from stakeholders and trustees and to iron out any potential difficulties. Therefore, we are pleased that the Bill and the amendments have been brought to the House, with a view to creating an approach that is consistent with the English and Welsh legislation and which will enable the commission to begin working on the establishment of a system of regulation and accountability. It wants to do that as quickly as possible so that it can start registering charities. The new system will be simpler and fairer. Accountability will be enhanced. Consequently, public confidence, as I have said, will be increased. Donors will be reassured that the money that they give is going to benefit those in genuine need.

The Bill also sets out to transfer some functions from DSD to the commission, and it contains other minor and consequential amendments. I do not perceive those to be contentious or problematic. The amendments that were tabled today are technical and relate to the delegation of powers. Again the SDLP and the Social Development Committee welcome their inclusion.

**5.45 pm**

The SDLP is pleased to offer its support to the Charities Bill, as amended. It looks forward to working with charities and the Charity Commission to ensure that the benefit of this legislation is seen and felt on the ground without delay.

**Mrs Cochrane:** I also welcome the opportunity to speak at this stage of the Bill. As I said previously, I support the sentiment behind the Bill, which clarifies and corrects the public benefit provisions of the Charities Act (Northern Ireland) 2008, and transfers functions from DSD to the Charity Commission for Northern Ireland. Although the Charity Commission has some powers of regulation, those are not straightforward without a register. I know that the commission is keen for the Bill to progress so that it can formally commence the registration process for charities in Northern Ireland.

Registration will assist the Charity Commission in its regulation of the operation of all charities of different sizes and descriptions. It will give the public confidence that any charity on the register is for the benefit of the public. With registration and regulation, charities, beneficiaries and donors can have confidence that charities will use their charitable resources effectively in a well-governed and regulated environment, which is open, transparent and accountable in its organisation.

As stated by other Members, the amendments relate to delegated powers and are of a technical nature. I will also support all the amendments and oppose the Question that the existing clause 3 stand part of the Bill.

I hope that the Bill, when enacted, will deal with all the discrepancies from the 2008 Act, and that this will be a positive step forward for the charitable sector in Northern Ireland.

**Mr McCausland:** I thank the Chair of the Committee and the other Members for their contributions to the debate on the proposed amendments. It is clear that there is broad agreement across the House for the Charities Bill and for the amendments that have been tabled. I am grateful for that.

I certainly concur with Mr Maskey's view that the amendment to the public benefit provisions will create legal certainty and allow full registration to commence. I want to thank him for his support for the three amendments. As Mr Maskey pointed out, the Charity Commission has progressed with the regulation of about 6,700 charities on the deemed list that had registered with Her Majesty's Revenue and Customs. It has also successfully completed over 100 investigations to deal with matters of public concern. The figure of 6,700 charities on the deemed list gives us some indication of the scale and scope of the charities sector in Northern Ireland. That is a good thing in itself. It is a very strong, expansive and vibrant sector, and that is a good thing.

Having met with the charity commissioners last week, I know that they are keen to progress with their work. They welcome the decision we are going to take very shortly, which will enable them to proceed further with that work.

Mr Durkan commented on deficiencies in the 2008 legislation and touched on those very carefully and circumspectly. In the interests of peace and harmony, I will not dwell on that matter any further — I would not want to cause any awkwardness or embarrassment. I also welcome the support from the Alliance Party.

Once the Bill has progressed through the Assembly and receives Royal Assent, it will enable the Charity Commission to commence consultation on the public benefit guidance. That will be important for local charities in considering how they might demonstrate public benefit to the commission once the registration process starts. It is expected that registration will get under way in 2013. That will be an important step in promoting accountability and transparency in the local charitable sector.

*Question, That amendment No 1 be made, put and agreed to.*
*New clause ordered to stand part of the Bill.*

**Mr Principal Deputy Speaker:** The Minister's opposition to clause 3 has already been debated.

*Clause 3 disagreed to.*

**Mr Principal Deputy Speaker:** No amendments have been tabled to clauses 4 and 5. I propose, by leave of the Assembly, to group those clauses for the Question on stand part.

*Clauses 4 to 5 ordered to stand part of the Bill.*

***Clause 6 (Supplementary provisions)***

*Amendment No 2 made:* In page 3, line 35, leave out

*"and section 5(2) or, as the case may be, section 5(1)"*

and insert

*"or, as the case may be, subsection (1) or (2) of section 5". — [Mr McCausland (The Minister for Social Development).]*

*Clause 6, as amended, ordered to stand part of the Bill.*

*Clauses 7 and 8 ordered to stand part of the Bill.*

***Clause 9 (Power to make supplementary and transitional provision etc.)***

*Amendment No 3 made:* In page 4, line 21, at end insert

*"(5) Any other order under this section is subject to negative resolution." — [Mr McCausland (The Minister for Social Development).]*

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

*Clauses 10 and 11 ordered to stand part of the Bill.*

*Schedules 1 to 2 agreed to.*

*Long title agreed to.*

**Mr Principal Deputy Speaker:** That concludes the Consideration Stage of the Charities Bill. The Bill stands referred to the Speaker.

## Small Charitable Donations Bill: Legislative Consent Motion

**Mr McCausland (The Minister for Social Development):** I beg to move

*That this Assembly endorses the principle of the extension to Northern Ireland of the Small Charitable Donations Bill and that its operation be made an excepted matter under the Northern Ireland Act 1998.*

The Small Charitable Donations Bill was introduced at Westminster on 21 June 2012. It legislates for a new gift aid small donations scheme that will enable charities and community amateur sports clubs (CASCs) to claim relief on small cash donations that they receive. This measure was first announced by the Chancellor in 2011, and it is intended that the new scheme will come into operation from April 2013. It will complement the existing gift aid scheme, but, importantly, charities will now be able to claim top-up payments for those small cash donations for which it is difficult to obtain a formal gift aid declaration.

The Bill's policy objective is linked to the UK Government's big society agenda, and its aim is to encourage charitable giving and to build a more socially conscious society. The scheme will apply only to small cash donations of £20 or less, and it will be open to organisations with a good track record of claiming gift aid for at least three tax years. There will be an annual limit of £5,000 per organisation on donations eligible for the top-up payment. The scheme is designed to be administered by Her Majesty's Revenue and Customs in the same way as gift aid. Therefore, a small donation income of £5,000 will entitle the charity or CASC to a maximum top-up payment of £1,250 each year.

Although the scheme will be administered by Her Majesty's Revenue and Customs, it cannot be treated as tax relief under normal gift aid arrangements. That is due to the fact that for small cash donations of £20 or less, there is normally no recorded link between the charity, the donor and their tax affairs. Any payments made to charities under the scheme will be regarded as grant payments, and it is, therefore, regarded as a transferred matter.

In order to be eligible to make claims under the scheme in respect of small donations made in a particular tax year, a charity must have been in existence for at least three years. It must also have made at least three gift aid exemption claims in the previous seven tax years. The minimum period for a new charity or CASC to qualify for the new scheme is, therefore, three years. Those qualifying conditions are important to minimise the potential for fraudulent claims. These are public funds, and it is vital that proper control measures and safeguards are in place. In drafting the Bill, Treasury has sought to strike a balance between the need for accountability and the requirements of small charities that may wish to benefit from the scheme.

There will be special rules in certain circumstances to increase the maximum amount of small donations on which top-up payments can be claimed by some charities. If a charity runs a range of separate charitable activities in a community building, for example, the maximum limit is increased from £5,000 of small donations by up to a further £5,000 for small donations collected in each community building.

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

The new scheme is to be welcomed, and will allow over 6,000 charities in Northern Ireland that are currently registered with Her Majesty's Revenue and Customs to claim additional revenue from HMRC. That will be important for local charities, especially for those that are finding it difficult to make ends meet in these challenging financial circumstances. I am aware that some concerns have been raised about the complexity of the proposed scheme, both at Westminster and during the Committee for Social Development's scrutiny. The scheme is naturally linked to gift aid and, therefore, claims must be processed through HMRC's current systems. Officials from HMRC have advised that, from April 2013, it will be an online system, and that claims under the small donation scheme will be straightforward to complete. The Treasury Minister also indicated at Committee Stage that the scheme would be reviewed within three years to examine the level of take-up and to identify any barriers to charities submitting claims.

As the scheme will be applied across the United Kingdom, Members will appreciate that it is important that it is applied in a consistent manner. As is the case with gift aid, Treasury will not consider any regional variations to the scheme. The Executive have, therefore, agreed that it should be made an excepted matter under schedule 2 to the Northern Ireland Act 1998. In summary, I welcome the introduction of the Small Charitable Donations Bill at Westminster and the fact that it will be extended to Northern Ireland. I trust that Members will approve the legislative consent motion before the House to enable our local

charities to take full advantage of this financial opportunity.

**Mr Maskey (The Chairperson of the Committee for Social Development):** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for tabling the legislative consent motion and making his comments. I will rehearse a number of points on behalf of the Committee for Social Development. The Committee took evidence from departmental officials and NICVA on the legislative consent motion. The Committee could clearly see the benefit of the Small Charitable Donations Bill to charities here. As the Department noted, it could potentially allow up to 6,000 charities in the North to benefit from the proposed new gift aid and small donations scheme. The Minister referred to that. The Committee also accepted evidence from NICVA that the scheme could potentially introduce excessive bureaucracy, particularly for smaller charities. The Committee also recognised that the eligibility may prevent organisations from benefiting from the additional revenue that the scheme would generate.

On the back of that, the Committee, therefore, wrote to the Chairperson of the Small Charitable Donations Bill Committee in Westminster expressing those concerns. The DSD officials returned to brief the Committee on 8 November and provided details of the mainly technical amendments to the Bill that followed the Westminster Committee's consideration. Although the Committee reiterated its concerns, it was clear that if the Assembly did not support the motion, charities in the North could not take part in the scheme. The Committee acknowledged that the scheme would be reviewed after three years and that issues of concern to the Committee and other stakeholders could be assessed at that point. Therefore, despite the concerns that we shared with others, the Committee felt that the scheme was ultimately beneficial to charities here. With that in mind, the Committee supports the principle of the extension to the North of the Small Charitable Donations Bill and for it to be made an excepted matter under the NI Act 1998.

Put very simply, the Committee obviously shared the concerns that were expressed to it primarily by NICVA, which is an organisation that represents the community and voluntary sector. However, the Committee endorses the extension of the Bill to here and the idea that this be made an excepted matter, notwithstanding our concerns that it might inhibit the Committee or the Department taking further action in the longer term. We had to weigh up the positive impact that the Bill will have on the up to 6,000 organisations that could benefit from it.

Taking the negative consideration, not supporting the Bill would prevent those 6,000 organisations from being able to participate in a beneficial way. So, on the basis that we can review and reassess this after a period of time, as the legislation allows for, the Committee supports the Bill.

**6.00 pm**

**Mr Kinahan:** I welcome the opportunity to speak on this legislative consent motion. If nothing else, it serves as a reminder that the Social Development Committee still has a programme of work other than welfare reform to oversee.

It would be difficult to find anyone who disagrees with the broad policy objective of the gift aid small donations scheme, which the Assembly will hopefully support today. Its aim is to encourage charitable giving and to build a more socially conscious society.

Many of us are, no doubt, involved in smaller charities that survive year to year on the generosity of not only their members but people who are not affiliated to the organisation in any way but have taken the conscious decision to part with their hard-earned cash. Therefore, the proposal to enable charities and community amateur sports clubs to claim a top-up payment that is equivalent to gift aid on up to £5,000 that they collect each year is one that my party can strongly support.

Churches may be the biggest beneficiaries of the proposals. Anyone who has attended services will not have missed the sight of collection plates laden down with loose change and notes. For churches that are registered as charities, the noose of heating and maintaining old large buildings may be loosened ever so slightly. Without wanting to appear too cynical, it was a pleasant surprise to find that, for once, the Government appear, on the surface at least, to be holding out a hand to smaller charities and are, at last, recognising the immense contribution that they make to society.

By allowing charities to claim an effective gift aid payment on individual donations of £20 or less without having to obtain a declaration, we are giving up to 6,000 charities in Northern Ireland the chance to benefit up to an additional £100 million in revenue per annum. That will serve not only as a huge boost for many of our

local charities but will represent a welcome shot in the arm for our local economy.

This initiative is all the better given that it comes at no cost to the block grant. However, it would be wrong for me to say that my party is fully satisfied with today's proposals. For example, we do not agree with the definition of an eligible charity as described in clause 2 of the Westminster Bill, which states that it has to have:

> *"made a successful gift aid exemption claim in at least 3 of the previous 7 tax years".*

Many of our smaller charities have not been registered for that length of time, and even of those that have, some will not have made a claim due to the perceived complexity of the process. For what it is worth, we believe that a single year's claim would have been sufficient.

On the point of the registration of charities, I will use this opportunity to, once again, reiterate the ludicrousness of the Assembly having to watch the Charities Bill, which was just discussed, going through the entire legislative process again. Maybe if the original Bill in 2008 had been drafted appropriately and there were clarity on the requirements that are to be met in determining whether an institution was a charity by the meaning of the word, the recent years of uncertainty about and delays with the Charity Commission's even carrying out the most basic of tasks, such as putting together a registry, could have been avoided.

Nevertheless, getting back to the issue that is before us today, the Executive must ensure that, when the scheme comes into operation next year, the whole process is as streamlined and efficient as possible. They can do that only through making effective representation to Treasury. What charities need least at present is a new mountain of paperwork.

As with most of the UK's taxation policies, this scheme belongs best with the Treasury. Therefore, we support the provisions being placed in schedule 2 to the Northern Ireland Act.

**Mr McCausland:** I thank the Chairperson of the Social Development Committee and other Members for their comments on the legislative consent motion. I appreciate the fact that the Committee took the time to consider the matter carefully and produce a report when it is also dealing with other important and time-consuming matters of primary legislation.

I welcome the fact that there is broad agreement across the Chamber for the proposal to extend the Small Charitable Donations Bill to Northern Ireland. Local charities will wish to benefit from the potential new revenue stream, and the Assembly's consent is required if Northern Ireland charities are to be included in the scheme from next April.

I acknowledge that some Members are uncomfortable with the fact that this is being made an excepted matter, which is not ideal. However, as the scheme will be administered centrally by Her Majesty's Revenue and Customs, with no cost to the Northern Ireland block grant, it would not be reasonable to allow for any regional variations. It will therefore be treated in the same way as other tax reliefs.

On the comments by the Committee Chairperson, Mr Maskey, I acknowledge the concerns that some charities may find the scheme complex and that the qualifying conditions are stringent. I am advised that further amendments are under consideration at Westminster and that they will be to the benefit of local charities. Further detail on those changes will be available after the Bill's Third Reading on 26 November. Therefore, within a matter of days, we will know the outcome of that. I certainly welcome the Committee's support at this stage.

I thank Members for their support, and I seek approval for the legislative consent motion.

*Question put and agreed to.*

*Resolved:*

*That this Assembly endorses the principle of the extension to Northern Ireland of the Small Charitable Donations Bill and that its operation be made an excepted matter under the Northern Ireland Act 1998.*

# Private Members' Business

## Energy Strategy

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

**Ms Lo:** I beg to move

*That this Assembly notes that approximately 99% of primary energy needs are met from imported fossil fuels, which costs approximately £2·3 billion annually; recognises the need to improve energy security and energy independence; further notes the importance of reducing the cost and our exposure to price fluctuations in fossil fuels, while creating Northern Ireland-based jobs through the expansion of indigenous renewables and low-carbon energy sources; and calls on the Minister of Enterprise, Trade and Investment, in conjunction with the Executive, to develop a long-term energy strategy for a low-carbon future.*

I am delighted to move the motion and want to thank WWF Northern Ireland for providing much of the background information for my introduction to the debate.

Energy is essential to every aspect of our lives, and it is vital that we plan how we will access energy in the long run. We rely on imported fossil fuels for 99% of our energy needs, which include not only electricity but heating and transport demands. That is a deeply worrying statistic. Although 14% of electricity in Northern Ireland is currently generated from renewables, it is making only a marginal contribution to other energy forms in Northern Ireland. We need to find alternatives in order to prepare for a fossil fuel-free energy future.

Crude oil production from existing fields is dropping steadily from its peak in the late 1960s. It is calculated that only one barrel of oil is now discovered for every three consumed. According to the 'BP Statistical Review of World Energy: June 2012', we have only 54 years of oil and 63 years of gas left. What should a place that is 99% dependent on imported fossil fuels do in the long term? How will we meet our energy needs? Where will we source the energy that we need daily to grow, distribute, transport and prepare our food or run our hospitals, schools and all the other public services? How will we manage our communication and transport systems? How will people heat their homes and cook their food? How will we transport goods and people in a carbon-constrained world?

Ahead of the prospect of oil and gas becoming scarce, we have to plan now for the shortages and related price rises that seem inevitable. If we put this off, we will be less able to cope with the economic, social and environmental consequences of the impact of decreasing availability and increasing prices.

The Department of Enterprise, Trade and Investment's (DETI) strategic energy framework, which has been approved by the Executive, is a welcome and important contribution to Northern Ireland's energy planning. However, the framework is not a long-term energy strategy because it looks only as far as 2020; we need a 40-year plan. The framework is not an energy strategy, as it does not address transport fuel at all, nor does it address 60% of electricity and 90% of heat demand in Northern Ireland. The framework states that only 40% of our electricity and 10% of our heat should come from renewables by 2020. There are glaring gaps.

Northern Ireland has been almost completely reliant on outside supplies of energy. Clearly, that cannot continue indefinitely. Circumstances are already changing, and we must prepare for a very different future. Countries less dependent on fossil fuels than Northern Ireland are preparing for a low-carbon future, so why are we not? Major economies such as China, the USA and Germany are investing heavily in green technology. Many other developed economies, including Denmark and Sweden, have made plans to go partially or completely fossil fuel-free. The green economy is where the smart money is going. We need to grasp the opportunity soon to ensure that we are not left behind.

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

**Ms Lo:** I am sorry; I am really tight for time. Maybe later, is that OK?

It was announced yesterday that Areva, one of Europe's largest offshore wind energy companies, plans to build a new offshore wind manufacturing plant in Scotland, creating 750 jobs directly and many more in the supply chain.

Reducing the demand for energy is fundamental, but it also offers a win-win

situation: lessening our dependence on the import of fossil fuels provides an opportunity to save money. By investing in a low-carbon economy, we can create tens of thousands of jobs in the local market and save money in the long run, mainly by reducing the enormous bills for imported fossil fuels.

A 2012 Green Alliance report found that although the overall UK economy has shrunk, the green economy has grown by 13·9% from 2007. According to the UK Department for Business, Innovation and Skills, in 2007, the whole Northern Ireland low-carbon and environmental goods and services sector was worth approximately £3·3 billion across 1,600 companies and employed 31,000 people. The Carbon Trust stated that having 15% of UK energy from renewables by 2020 has the potential to create more than 500,000 jobs in renewables in the UK and up to 33,000 in a sector that could be worth almost £1 billion in Northern Ireland. Given our huge natural resources in the form of wind and wave, and the potential for bio-energy, our opportunity for developing a low-carbon economy is indisputable. We must make the most of it.

**6.15 pm**

Developing a long-term energy strategy is a matter of need, not choice. The strategy has to address how fossil fuels and renewables will meet our electricity, heating and transportation needs. It must address how much we can and will reduce demand and how we use energy more efficiently.

The strategy needs to address new and emerging technologies such as hydrogen and the potential for other alternative fuels. It is essential that it prepares us for a very different future. It does not have to be written in stone but should provide a framework for how we will meet our energy needs in the longer term in response to a changing energy landscape.

I believe that Northern Ireland needs a long-term energy strategy that sets clear, mandatory targets to 2050. Those targets must aim to reduce our over-dependence on fossil fuels and increase energy production from renewables. They must set out how to improve energy efficiency, especially in homes and businesses, as this will help to reduce our energy bills and increase our energy security. We need targets that take advantage of the significant opportunities for inward investment and job creation in renewables for which this region has the greatest potential. We need a plan to reduce emissions of greenhouse gases, especially carbon dioxide, that contribute to climate change.

Although it is appropriate that DETI, with responsibility for energy policy, takes the lead in this, we need to stop looking at energy policy as an issue for a single Department. This is an issue that cuts across every Department and affects every one of us. Cross-departmental involvement is necessary, and that is why we have called on DETI to lead but for all Departments to play a part.

In November 2009, the Minister of Enterprise, Trade and Investment acknowledged:

> *"The cost of inaction on renewables now would lock us into potentially even higher costs over the long-term. The era of low energy prices is over."*

Complacency is not the answer. We cannot afford to just sit by while we inexorably run out of those sources of energy on which we rely so heavily. So often, the Assembly has been criticised for short-term and non-joined-up thinking. Now is the time for all of us to show leadership and plan for all of us into the future. I ask the House to support the motion for a long-term energy strategy.

**Mr McGlone (The Chairperson of the Committee for Enterprise, Trade and Investment):** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas le moltóirí an rúin. I thank the proposer of the motion. I listened very carefully as Ms Lo said that this was an issue that cuts across every Department and affects each of us.

I will speak initially as Chairperson of the Committee for Enterprise, Trade and Investment. In the previous mandate, the Committee conducted an inquiry into the barriers to the development of renewable energy. The current Committee continues to monitor the implementation of the recommendations from that inquiry. The Committee will next consider progress at its meeting of 6 December 2012.

What became very clear from that inquiry is that, although DETI has responsibility for matters relating to renewable energy, it is not the only Department with responsibility for making sure that our long-term renewable energy needs are met. For that reason, the Committee called on the Executive to develop a long-term vision for renewable energy. Such a vision must recognise the responsibilities of other Departments and agencies. Therefore,

the Committee made recommendations that acknowledge those responsibilities.

The Minister of Finance and Personnel would have responsibility for making certain renewable energy technologies mandatory for newbuilds. The Minister for Social Development would have responsibility for implementing initiatives such as the green new deal, and we await further word on that one. The First Minister and the deputy First Minister would have responsibility for developing the renewable energy potential for public buildings.

It was because of the cross-cutting nature of the renewable energy remit that the sustainable energy interdepartmental working group was established. The sustainable energy action plan was approved by the Executive on 5 April. It includes a commitment to establish a long-term vision until 2050, as recommended in the Committee's inquiry. The Committee will receive an update from the Department in December; that will include updates from other relevant Departments.

The Enterprise, Trade and Investment Committee has recognised that renewable energy cannot be considered in isolation and must be considered as part of our overall energy mix. The Department has developed the strategic energy framework (SEF) up to 2020. The SEF contains targets for 40% of electricity and 10% of heat to be consumed from renewable sources by 2020. On the Committee's recommendation, the SEF now contains interim targets for consumption of electricity and heat from renewable sources. To drive its renewable heat target, the Department introduced the renewable heat incentive last month.

There are strategies in place both for offshore and onshore wind development. At last week's meeting, the Committee considered the policy proposals for the forthcoming Energy Bill. Among other proposals, the Bill will contain suggestions for energy efficiency duties and obligations on DETI and the Utility Regulator in respect of sustainability and the introduction of a small-scale feed-in tariff for renewable energies.

I will now speak wearing my party hat. There is a need for us to vastly change how we produce energy. Climate change has had a global impact — some in the Chamber have not yet accepted that impact — not just through physical implications but in respect of how the global economy works. We have targets that we must meet, but it is about much more than just meeting those targets. It is about shaping our economic future.

The cost of fossil fuels, and our reliance on them, are making it so difficult for many to heat their own home or run a car. We must address these issues now, as we are so far behind on such matters. Take the examples of Albania, Austria, Brazil, Ethiopia and Iceland, where there is minimal reliance on fossil fuels for electricity generation. In 2009, Norway, and probably countries much closer too, had 96% non-reliance on fossil fuels for generation of electricity; they are probably much closer to 100% non-reliance now. Ireland and the UK are a considerable distance behind all those places, with figures as low as 10% or 12%. The figure is about 20% for Germany and 30% for Spain.

Too often, green energy targets are sceptically dismissed as a hindrance or nuisance. However, there is an opportunity not just to improve the statistics and meet the targets for renewable energy but to create jobs and stimulate the economy. The green industry is without doubt a growth industry. In 2011, total investment in renewable energy across the globe was more than £160 billion. That figure was up from £130 billion in 2010, and, as recently as 2004, it was less than £20 billion. Green energy is the future. Can we afford to sit back and do nothing, or will we seize this opportunity?

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

**Mr McGlone:** OK. Go raibh maith agat.

**Mr Newton:** The proposer of the motion said that she was delighted to be proposing it. I cannot say that I see many other Members around the Chamber who look delighted to be speaking on this motion at this time of the night.

The proposers are guilty of looking at the current energy policy wearing political blinkers and of turning a deaf ear to, and taking no account of, the good work that has already been done by the Executive, the Minister and her Department. All the information on the progress was presented to them in the Research and Information Service information pack. Information on what can be done, and on what is being done, is available in the economic strategy document and the corporate plan.

The motion mentions energy security, energy independence, reduction of costs, creation of jobs and the development of a long-term strategy for a low-carbon future. I say this a

wee bit tongue-in-cheek, but you would nearly think that they are talking about nuclear energy.

Ms Lo said that green money is where the smart money is, but I have the publication that tells us how we can create a dynamic and world-class economy: the report from the Northern Ireland Economic Conference 2012. Not one of the international experts who contribute to that report speak of a huge drive towards a green economy. In fact, the report states that the development of a nuclear plant policy shows a good direction of travel. Yet, that avenue is completely ignored, even though it produces everything that those who tabled the motion are looking for in their proposal.

However, in 2010, the Executive published the strategic energy framework, which set out Northern Ireland's strategic aim for a sustainable energy system where our power supply or our source is used cost-effectively and as economically as possible, where much of our energy is from renewable sources and where our energy is as competitively priced as possible. As we move away from our reliance on fossil fuels stage by stage, we must always make certain that we have a safe and protected sustainable energy future. That should be our key concern.

There is a balancing act required concerning the need to keep energy costs for consumers and businesses as low as possible while, at the same time, keeping the interest of investors and building the confidence that Northern Ireland has an energy supply that is fit for now and for years to come. All that must happen while we attempt to increase the energy supply in line with the objectives and targets set out in the strategic energy framework.

The target set for 2012 was to have 12% of our energy source coming from renewables. That has been achieved, and the next target is to have 25% coming from renewables by 2015.

**Mr Flanagan:** On a point of clarification, the Member spoke about 12% of our energy generation coming from renewables, but that is the figure for electricity generation.

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

**Mr Newton:** Thank you, Mr Deputy Speaker. I thank the Member for that clarification.

The target for 2015 is going to be achieved, so good progress is being made. The strategic energy framework is the strategy that the Chamber debated, and it was consulted on outside this Chamber. Hitting the first target is a good achievement. There is still much to be done to fulfil all the actions in the SEF.

The SEF was scrutinised by the ETI Committee, on which all parties in this House had members. It might be appropriate for me to pay tribute to Sean Neeson, who was a member of the Committee at that time and played an extremely active role. His interest in the subject was beyond reproach, and his diligence, work rate and energy in this area was second to none. If my memory serves me right, he is from the Alliance Party.

**Mr A Maginness:** He is ex-Alliance.

**Mr Newton:** He is ex-Alliance. Well, anyway.

A reliable energy source and supply make a positive contribution, obviously, to any western economy, and no less so to the Northern Ireland economy. They make a real difference to an economy that is spiralling downwards. We have a policy that is going to take us forward with an acceptable standard of progress.

It is interesting that just last week representatives from the Age Sector Platform confirmed in this building that one of their main concerns for the people they represent was their ability to keep warm over the winter. Last Thursday, the energy regulator confirmed that Northern Ireland has the lowest domestic electricity and gas costs in the UK and that the prices here are also much cheaper than they are across the border in the Republic. That concern from Age Sector Platform is about affordability for those on tightly-fixed budgets.

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

**Mr Newton:** Thank you, Mr Deputy Speaker.

**Mr Flanagan:** Go raibh maith agat a LeasCheann Comhairle. I thank the Alliance Party Members responsible for tabling this useful motion. The reaction so far from the DUP to the motion has been a wee bit disappointing: it is clearly not an attack by the Alliance Party on the Executive or the Minister.

It is simply highlighting the fact that we need to plan beyond what is in the SEF and move towards 2050. In fact, the Minister has acknowledged that we need to do that. It is clear that we need to have a long-term strategy for our energy generation and to move towards a low-carbon future. We need to plan towards

2050 and reduce our carbon consumption considerably.

**6.30 pm**

The island of Ireland has more than three times its energy requirements available from renewable sources, and all we need to do is exploit them. Unfortunately, due to some of the measures that are in existence, that really is not possible. For example, there is protection for the gas industry in the North under the Energy Order 2003, where the principal objective of the Department of Enterprise, Trade and Investment and the Utility Regulator is to promote the natural gas network. While that is there, it will always be a barrier to the development of the renewables industry.

It is also very clear that, in the public sector, there is a mass reluctance to convert from fossil fuel-based heat generation in particular towards renewables. Across Executive public service buildings, the only renewable heat generator is in Stormont Castle, where there is one biomass boiler. Some others are coming on stream, but there have been no clear moves by the Department of Finance and Personnel or any other Ministers to move beyond that approach.

I have been working with the Minister of Agriculture and Rural Development to ensure that, when the Department of Agriculture and Rural Development's headquarters moves to your constituency, Mr Deputy Speaker, it is a low-carbon building and is heated using renewable sources. That is where we need to go, particularly with new buildings. We need to look at how they are planned for and what types of regulations there are, because all new buildings should now have stricter regulations to be more energy efficient and to consume less carbon.

In the future, we need to decarbonise our energy generation, as the price of carbon will only continue to increase. Nobody is saying that, overnight, we stop using gas, oil or coal to either heat our homes or create electricity, but we need to move to a situation where we are not so reliant on it that we have no alternative. An awful lot of good work has been done in electricity generation from renewable sources, and, as the Minister has launched the renewable heat incentive, we are starting to get into a situation where more and more is being generated from renewable sources. That is a positive start, but we need much more, and we will all work proactively with the Minister to support her as she tries to achieve the targets that have been set out.

Other Members highlighted the long-term economic benefits of the green economy and of sustainable and low-carbon energy generation, particularly with the jobs that can be created. A number of people in my constituency and in others are employed in energy generation such as biomass, but opportunities even exist for farmers to diversify by moving away from traditional farming methods and towards the growth of renewable crops, and they will still be able to claim the single farm payment for the land. That needs to be marketed better to farmers, and they need to have more opportunities to sell and distribute the stuff.

The last time there was a debate in this Chamber on energy and how we could reduce the cost of it, the Minister was hugely surprised that nobody from my party mentioned the North/South interconnector, so, I will not make that mistake again. Our party is clearly on record about the North/South interconnector: we want to see that constructed but connected underground. That has been our party policy for many years, and it has been endorsed as our party policy at successive ard-fheisenna.

**Mr Frew:** I thank the Member for giving way. Does he realise that, if the North/South interconnector was to go underground, the customers would ultimately bear the brunt of the investment needed for that? How does that sit with him?

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

**Mr Flanagan:** Given the way that the Member made his point, you would take it that the construction of a North/South interconnector underground would cost more money than we have at the minute, but that is not the case. The development of a North/South interconnector underground is not as economically profitable for consumers and industry as doing it overground would be; I think that the cost is about three times higher, but it is still economically viable and can still work. That is the view of our party, but we will not get into a lengthy debate on that.

There has been too much emphasis on renewable energy generation for electricity and not enough for heat. The majority of our carbon is used in heating space and water. An awful lot more work needs to be done, both on energy efficiency and in reducing overall energy consumption. The easiest way to reduce the consumption of people's energy in the home is to increase energy efficiency. Although the boiler replacement scheme is a decent enough

measure in the short term, it will not have the long-term impact that a wholescale retrofitting scheme such as the green new deal would have.

Finally, in my last 15 seconds, I will touch on the issue of fracking. There is no way that this House can sit back and say that it is in favour of a low-carbon future and then continue to push forward with proposals to carry out fracking. There is no way that the two of them are compatible.

**Mrs Overend:** I appreciate the opportunity to speak to the motion. It is both economically relevant and vastly important for the environment. The Minister of Enterprise, Trade and Investment stated in her foreword to the Energy Bill policy consultation that it was a:

> *"difficult balancing act between keeping costs as low as possible, while ensuring that NI has enough energy for now and the future, while trying to increase the sustainability of the energy supply as we implement the ... SEF".*

That is an accurate reflection of the complexity of the situation.

I will focus mainly on the renewable energy industry, because developing that must be at the core of any long-term energy strategy for a low-carbon future for Northern Ireland. Renewable energy is often referred to as Northern Ireland's single biggest economic opportunity. The Northern Ireland Renewable Industry Group estimates that, to achieve the DETI target of 40% energy from renewables by 2020, more than £1 billion needs to be invested in the industry on top of what is already in place. Major challenges stand in the way of achieving this target, the first of which could be cited as the absence of the North/South interconnector. The Member for Fermanagh and South Tyrone already mentioned that.

In addition, developers face planning problems, difficulties accessing finance and grid connection itself. Meeting DETI-led climate change targets, growing our indigenous renewable energy industry and improving our security of supply and energy independence all rely on having an electricity grid that can meet the demands of the 21st century consumer. To this end, Department of the Environment (DOE) planning and the regulator must work positively with those who are responsible for electricity infrastructure provision to ensure that the extensive upgrades that are required to modernise our electricity grid can be achieved without delay. Obviously, today's announcement means that issues are still outstanding on this concern.

Furthermore, a fundamental aspect of any long-term energy strategy should be the development of a bespoke planning policy for electricity infrastructure. While acknowledging and addressing residents' concerns, this will define clear parameters for both the applicant and objectors, avoiding long and costly delays in the planning process, such as those that are currently being experienced with the North/South electricity interconnector. With the potential to save Northern Ireland consumers in the region of £7 million per annum, the North/South interconnector is an example of a key strategic project that could be delivered as soon as possible, and I ask the Minister for an update on this issue.

It is also vital that, when determining renewable energy planning applications, DOE Planning Service reflects the positive message that is set by current policies. I understand that the Environment Minister, Alex Attwood, has worked extensively in this area, and I commend him on the progress that he has made to date.

I also want to mention the relevance that the motion has for agriculture. Renewable energy should help to diversify incomes for farmers and the wider rural economy. In this context, I am very pleased to see growth in small-scale wind and anaerobic digestion projects on farms across Northern Ireland. The small-scale wind industry, consisting of turbines with a generating capacity between 100 kilowatts and 250 kilowatts, offers significant economic and environmental benefits to our economy and gives many farmers the opportunity to secure valuable extra income for their business, while, obviously, playing a role in helping Northern Ireland to achieve greater energy independence, as is identified in the motion.

It is imperative that the Executive establish stable, long-term policies offering attractive incentives to secure the private investment that is needed to establish a thriving, indigenous renewable energy industry. I am told continually by people in the renewables industry that the continuing references to reviews of incentives undermine investor confidence, and they believe that reviews should be restricted to four-to-five year periods to allow time for planning and deployment issues to be resolved.

The Assembly and the Executive must redouble their efforts to co-ordinate all aspects of planning and energy policy to help to meet the 2020 target of 40% of electricity generation coming from renewables. My party wants a

good mix of renewable generation to be developed, including wind, biomass, tidal, hydro and energy from waste. However, it is realistic enough to know that, unless DETI and DOE do more, these targets will not be met.

**Mr Dunne:** I welcome the opportunity to speak on this matter. Energy is a very important issue that affects everyone across Northern Ireland. It is, therefore, imperative that we continue to look at all possible options to ensure that we maximise our potential in developing and improving our energy supplies in order to keep improving our energy efficiency and affordability. That is vital to stimulate business competitiveness and ensure value for money for householders across the Province. I would like to commend the Enterprise, Trade and Investment Minister, Arlene Foster, on leading on this very important matter and ensuring that a more sustainable energy policy is in place right across Northern Ireland.

We all recognise the current over-reliance on fossil fuels. We need to continue to look for and encourage alternative energy sources; ensure that we have security of supply and a competitive energy market that provides genuine price-competitiveness for customers; and we must have in place a sustainable energy infrastructure.

The strategic energy framework sets out ambitious and positive goals that we should continue to focus on. There is no doubt that renewable energy has economic and environmental benefits that can reduce our exposure to volatile fossil fuel prices while helping us to achieve further energy independence in Northern Ireland. Some small-scale wind turbines have gone up recently in rural locations and brought much-needed revenue into family farms while creating an alternative source of energy. Both onshore and offshore renewables have a key role to play in developing our energy sources in the future.

Other alternative supplies, such as gas, should be further encouraged. We would like further extension of the gas network. I would also like a greater uptake of gas, particularly in the greater Belfast area. Perhaps, more incentive schemes should be introduced to improve that uptake. Approximately 50% of householders in the greater Belfast area, where the gas system already exists, are connected to the gas supply.

The uptake of gas by commercial and large manufacturers has been positive and good, and it is encouraging to see them gaining from the more competitive cost of gas compared with oil and electricity. Business suffers from energy price increases, and many businesses increasingly cite rising energy costs as a burden on competitiveness. That is yet another barrier that businesses have to face as they battle to keep their doors open in tough economic conditions. The knock-on effect of hard-working families not having the cash flow to support their local businesses also has a negative effect.

It is also important that we continue to make progress on the North/South interconnector to improve energy efficiency, ensure direct savings for local consumers and enhance our security of electricity supply, which is experiencing ever-increasing demand. The interconnector, which has the support of the Utility Regulator, is recognised as a facility that will allow for flexibility in the generation of power, with generation being altered according to cost and supply. The Utility Regulator also has an important role to play in ensuring that consumers get value for money.

**6.45 pm**

Unfortunately, many householders right across every constituency, including North Down, which is my own, continue to struggle with fuel poverty. Every week, constituents struggle to heat their homes. Some good work has been done through a number of energy efficiency measures to help to tackle fuel poverty, and I commend the Minister for Social Development on leading on that important matter.

It is vital that we continue to work to ensure that we identify the best energy supply for Northern Ireland, enhance security of supply, reduce our dependence on imported fossil fuels, help to reduce our carbon footprint and, most importantly, minimise the cost to all our consumers.

**Ms Maeve McLaughlin:** Go raibh maith agat. I welcome the opportunity to contribute to the debate. I fully support the motion, which proposes that a long-term energy strategy be implemented, and I thank the proposer for bringing it forward.

I think that we need to start from the basis that people in homes and businesses are struggling daily with the cost of energy and that that is increasingly becoming an issue. We need to reflect that, in 2008, customers in the North of Ireland endured a 53% increase in the price of electricity. Although the price of electricity dropped by 5% in 2012, evidence suggests that the biggest cost of electricity is in its generation.

As Members said, the energy strategy must move away from that dependence on fossil fuels to a place where much more of our energy comes from renewable sources. The strategic energy framework confirmed new renewable targets of 40% renewable electricity and 10% renewable heat by 2020. The Department for Social Development (DSD) has responsibility for domestic energy efficiency in terms of fuel poverty, and, as far as I am aware, its current target is to assist some 9,000 homes per annum. In addition, the scheme must deliver 40% of the measures to vulnerable rural properties. However, in the deliberations with DETI and DSD, how much consultation has taken place specifically on fuel poverty?

I think that it is important to note that five out of 21 respondents were not in favour of the introduction of an obligation. We must be clear that, in this process, there is no possibility of some consumers paying more for energy without getting any benefit from the obligation. I specifically refer to people who have installed energy efficiency measures prior to the scheme coming into operation. We need to be very careful that that does not happen.

Paragraph 2.45 of the policy consultation states that contracting out the provision of those services could be possible. It would be very interesting to discover whether there would be the potential for job creation under that obligation.

The Department goes on to state that not having an energy efficiency scheme would leave the North open to challenge under the EU energy efficiency directive. As I understand it, it is not clear how that would apply to the North of Ireland. Maybe we will get an update on that.

The energy efficiency measure is welcome, but I need to point out that there are a number of minor obstacles to improving energy efficiency. I refer specifically to the payment of building control fees on some installation works and the warm homes scheme, which is not included in the tender contract. Therefore, it is unfair to expect what are mainly small contractors to take the hit on each of those installation jobs.

We are disappointed that a green new deal is not proposed, and we suggest that the Department's argument on that does not stand up. As Members said, DETI and the regulator's objective of protecting the natural gas industry should end. We should not be encouraging customers to move to natural gas in instances where renewables are readily available and prove more cost-effective and sustainable.

We are told that DETI has £25 million to develop and support the renewable heat market, and it is planning to carry out a socio-economic analysis of renewables. Members who have spoken, including my colleague Phil Flanagan, referred to the single electricity market, which was introduced in 2007. It is about developing those economies of scale and promoting and prompting greater co-operation. To date, as evidenced by the Utility Regulator, we are being told that it has been a big success, and we are also being told that we will move to more integration by 2016.

In conclusion, it is important to note previous statistical reports. Specifically, I reference the Muldoon report, which stated that the balance of risk and reward between electricity generators and the needs of customers needs to be reviewed. It is clear that that relationship is unbalanced and that more needs to be done to empower the customer.

**Mr Frew:** I understand why the Alliance Party would table such a motion. It covers a multitude of points about creating Northern Ireland-based jobs through the expansion of renewables and developing a long-term energy strategy for a low-carbon future. It notes the importance of reducing cost and our exposure to price fluctuations in fossil fuels and the need to improve energy security and energy independence. It is a wide-ranging motion.

I can stand here relaxed to talk about it, because we already have a strategy in place. We are going over old ground. It is ground that the Executive have already studied and decided on. We have the strategic energy framework, which was published in September 2010 and leads us through to 2020. It contains targets that, I must say, are ambitious. One of the targets is to hit 40% renewable energy electricity by 2020.

**Mr Agnew:** I thank the Member for giving way. I do not disagree with what he is saying, to some extent, but the motion calls for a long-term strategy. In my view, the long term goes beyond 2020.

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

**Mr Frew:** I thank the Member for his contribution. I apologise, because I did not hear all of Ms Lo's opening comments. Perhaps she covered the long term. How long is long term? We need to make sure that we focus on what we can do now, because so

many of the targets and ambitions are reliant on third parties coming through for us.

We can talk about all sorts of issues, and I know that I have limited time, but I would like to concentrate on the North/South interconnector. It is vital to the target that I mentioned that we have the North/South interconnector in place as soon as possible, because, at present, the grid that we see and drive by is not fit or suitable. It cannot cope with the number of new renewable energy sources and amount of input that we need it to in order to cope with 40% renewable electricity. That is one of the biggest threats to our meeting that target, and that is what we should be focused on.

The interconnector is stuck in the quagmire of planning rules and regulations, and it will not come out of that until a determination is made. That is something that needs to come sooner rather than later. We cannot be held hostages to fortune in this way as an Executive or Department. We need to be in better control of the decisions and the destiny that we have in our own hands.

It is very important to me and to my constituents of North Antrim that we get this right and that we push strategy as far as we can. It is right that we have ambitious targets and that we push ourselves to meet those ambitious targets. You only have to speak to the global companies in North Antrim to know the energy costs pressures that they are under. Their masters are playing on a chessboard that is truly global. No global company, or a plant within a global company, wants to be at the top of the league of energy costs. No one wants to be in that position. It is of the utmost importance to me, as an MLA, and to my constituents in North Antrim that those companies are sheltered and saved from being at top of the league when it comes to energy costs. It is important that we get this right, but what is even more important than the drive for renewable energy is to make sure that we have a grid that can cope.

Our energy generators are ageing. There are problems around planning with respect to the North/South interconnector. Our Moyle interconnector is faulty: it needs to be repaired and it needs additional works and funding. That is what we need to concentrate on in the short term. If we do not deal with this matter in the short term, we can forget about long-term targets and long-term planning. We need to get these issues sorted as soon as possible because we will lose business if we do not, and we can forget about targets in the future.

I was at the Waterfront Hall recently to hear the Crown Estate announce the results of the first Northern Ireland offshore leasing round in October. It is going to have an offshore wind farm in place that will generate more energy than some of our smaller power stations. That is good news. Even in my constituency of North Antrim, offshore technologies and renewable energy will be created there, and I welcome that. That is the way forward, but we need to concentrate on the thing that is hampering us at the moment, and that is the North/South interconnector. Interconnection is as vital and as important as generation in this country.

**Mr A Maginness:** This green isle, this emerald isle, has been famous throughout the centuries for its beauty; but, given the natural resources that we have in wind, sea, and the ability to grow grass and other vegetation, we are naturally blessed to develop renewable energy. Therefore, we are in a unique position to do that.

I welcome the motion, but I listened with some concern to the proposer because there seemed to be an absence of any reference to what we have done already in respect of the strategic energy framework and the energy plan. Any reference to the amount of work done in relation to renewable energy seemed to be absent. I gave the benefit of the doubt to the proposer in so far as I think that this proposal is thinking beyond 2020. However, if we think up to 2020, then we have a very ambitious target of 40% in respect of electricity.

There are considerable barriers, as the ETI Committee pointed out not so long ago in its very detailed report, which the Department accepted. We have to work very hard on the practical problems and barriers to developing renewable energy, such as connection with the grid, as Mr Frew mentioned, the interconnector, as Mr Dunne referred to, and the planning issue, which Mr Attwood is trying to work on to get faster, more consistent planning decisions in relation to renewable energy. However, a fantastic amount of work needs to be done. It is very difficult and the target is ambitious, but it is right to be ambitious, and it is right for us to put considerable emphasis on renewable energy.

However, I have to say that we will never have an economy that is completely renewable. I do not think that it will happen. Certainly, it will not happen in the next 20, 30 or 40 years.

**7.00 pm**

**Mr Frew:** I thank the Member for giving way. I take his point entirely when he says that we will not be completely dependent on renewable energy. It is, therefore, very important that we not only extend the gas network to the west but spread it out to the 10-towns area, so that it covers a much greater area and includes my constituency of North Antrim.

**Mr A Maginness:** Well, North Antrim is a place unto itself. I agree entirely with what the Member has just said. I say to the Minister that we have to be more proactive in extending our natural gas connection, not just to the 10 or 12 towns, as they are now, but in the greater Belfast area. We cannot simply rely on the market. There have to be active interventions by government with regard to upfront capitalisation costs for connections to natural gas. We need people to switch from oil to natural gas. That does not contradict a policy to create renewable energy. It simply does not contradict it. We are working on a long-term timescale. We have to work at that.

We could do more towards greening the economy. We have to be innovative in that regard. The new technologies that are being developed fairly rapidly and are, thus, coming down in price could be used here to great effect to provide employment and security of supply for all people in Northern Ireland and to de-carbonise the economy. We have to pursue the green new deal to allow us to improve the efficiency of heating homes, which, in turn, will improve health; keep people out of hospital during the winter; ease the pressure on the already overworked health service; and will be an added boost to industry, particularly the construction industry, which is under such stress at present.

Furthermore, the opportunities that will come from the green investment bank must be taken. Sensible, practical, sustainable projects can benefit from that. The Executive should take an immediate interest in the potential of the green investment bank. We must ensure that the right skills and training are provided to the workforce and that those who want to take advantage of the green investment bank do not face the traditional problems of bureaucracy and red tape —

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

**Mr A Maginness:** All too often, they halt vital projects.

**Mr Moutray:** The Assembly is often criticised — sometimes, rightly — for debating matters that are of little importance or relevance to the people of Northern Ireland. The same cannot be said for this motion. Energy, particularly its cost, is of great importance and relevance to everyone in Northern Ireland.

I understand that, at the end of September, an average of 14% of energy in Northern Ireland was generated from renewable sources. The Northern Ireland renewables obligation has undoubtedly played an important part in increasing the amount of electricity that is generated from renewable sources, and we welcome that. The motion highlights the annual cost of imported fossil fuels. We all agree that that needs to be tackled robustly.

Just over two years ago, in September 2010, the Executive published their strategic energy framework, which sets out a clear path for targets and actions over a 10-year period. It has four key goals: building competitive markets; ensuring security of supply; enhancing sustainability; and energy infrastructure. The strategy seeks to move us away from our traditional dependence on fossil fuels and to build a basis for sustainable energy sources for the future.

Earlier this year, we met our 2012 target of 12% electricity consumption from renewable sources. Our next target for renewable energy is 20% by 2015. Beyond that, the aim is 40% by 2020. We should not underestimate the significance of the growth of the natural gas market in Northern Ireland. Not long ago, it seems, we looked with envy at the way in which our fellow citizens in Great Britain were able to avail themselves of natural gas. We did not have access to any of that; all we really had was electricity, coal and oil. However, that has changed radically. Today, natural gas has helped to deliver lower energy costs for households and businesses. Houses that have natural gas are more likely to sell quickly. Increasing competition in the gas market is also encouraging. Above all, the increasing use of natural gas has contributed towards lowering our carbon footprint. I encourage the Minister to do all she can to support the expansion of the natural gas market.

I know that the Minister takes the whole energy debate very seriously, and I commend her for her efforts to get the balance right, both in the short and in the longer term. She will shortly bring forward a new Energy Bill, and this will be another key element of the development of the overall energy strategy. We look forward to its being presented in the House, and to debating it here and in Committee.

**Mr Agnew:** The fact is that Northern Ireland will move to a low-carbon economy. It may do so because the EU will require it; it may do so because fossil fuels will inevitably run out, given that they are finite; or it can do so because, rather than seeing such a move as a burden, we can seize the opportunity in moving towards a low-carbon economy. Scotland has recognised the potential. A country that has argued — and indeed a party, in the SNP, that has argued — for years that North Sea oil and gas could ensure Scotland's independence, now sees that actually, as that oil and gas run out, it must look for a new, indigenous energy source to ensure that Scotland can be economically independent. I would like to say that Alex Salmond and others in his party are heartily committed to renewable energy, and they may well be, but I think they see the cold, hard reality and the practical fact that if Scotland is to prosper as an independent nation, should it pass its referendum, the potential of renewable energy must be seized.

In Europe, Northern Ireland is second only to Scotland in wind potential. We are the envy of Europe, but, to some extent, we are the laughing stock in that we have taken so long to realise it. I do acknowledge the work that has been done on the strategic energy framework. We are starting to make efforts to maximise our renewable electricity generation potential. We have seen the announcement of the offshore projects, which Mr Frew referred to. We are talking here about projects, particularly when we talk about offshore wind, of hundreds of millions of pounds, which, over their lifetime, will generate thousands of jobs. I regret the fact that it does not come with the fanfare of the opening of a new supermarket, or whatever else it might be, because we still do not seem to have got our head around the real, true potential of renewable energy, but those jobs will come, and I will be glad to see it.

As I say, we need to look beyond 2020. We will get to a low-carbon economy, so we have to decide how we hope to get there. Work does need to be done, as the proposer of the motion pointed out, across Departments, and not just with the Enterprise Minister. This is a cross-departmental issue, whether it is the planning issues that have been mentioned or the gridlock with the North/South interconnector, which is a particular problem. Across the board, grid connection, the problems in the network and the planning that is going to be required if we update our network have to be addressed. We have to tackle planning issues. We need a level playing field, which does not currently exist. You can get a single turbine passed in one division of the Planning Service but not in another, in very similar circumstances.

I cannot fail to mention the green new deal, because at the heart of any energy policy has to be energy efficiency. That has to be where we start from. As much as I love and promote renewable energy and see the potential of it in creating jobs, reducing carbon emissions and stabilising bills, we must start with energy efficiency. Loft insulation may not be as visible as a solar panel, but it is a starting point. That is why the decision not to fund the green new deal dumbfounded many of us. Virtually every party signed up to the green new deal, as did the CBI, the Institute of Directors, Friends of the Earth, trade unions and the farmers' unions, and yet it was rejected. I think that that shows a weakness in government. The fact that one departmental economist was able to derail such a scheme is, I think, regrettable.

We must decarbonise our transport infrastructure, including rail. We are heading in completely the wrong direction, with £500 million spent on a road, and the public transport system continuously neglected.

We must also look at stimulating the renewable energy market by switching to renewable forms of heating in our public buildings. I have heard the supposed commitment to renewable heat, but this twin-track approach is prioritising gas, as has been mentioned, ahead of renewables. If you want to see evidence of that —

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

**Mr Agnew:** — you only need to look at the fact that we spent £25 million on a renewable heat incentive but are proposing to spend £50 million on gas. We have to prioritise renewables.

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

**Mr Agnew:** Thank you, Mr Deputy Speaker.

**Mrs Foster (The Minister of Enterprise, Trade and Investment):** I thank Members for their contributions to the debate. Most of you are aware that the strategic energy framework of September 2010 sets out our key energy goals of building competitive markets, ensuring security of supply, enhancing sustainability and, of course, developing our energy infrastructure. Those of you who have taken the time to read the framework will also know that it recognises the need for Northern Ireland to move to a low-carbon future. In that regard, it proposes the targets of 40% renewable electricity and 10%

renewable heat by 2020, which we talked about today. It also recognises that substantial investment will be required over the next decade to meet those targets.

What disappoints me about the wording of today's motion is that the very issues that the Executive and I are being called upon to develop mirror those at the very heart of the strategic energy framework and the ministerial foreword. I think that it was Ms Lo who said that the strategic energy framework should not be set in stone but developed. For that very reason, I accepted the very extensive work that the Committee, under Mr Maginness, undertook around renewable energy. I accepted what the Committee gave to me. Indeed, part of that was about looking at what we could do in relation to 2050, and I will talk more about that later.

In the foreword, I stated:

> *"Within Northern Ireland we are dependent on imported fossil fuels for most of our energy needs. That is why, looking to 2020 and beyond, I believe we must seek to shift the balance with regard to Northern Ireland's energy mix."*

Further on, I said:

> *"I believe that Government must send clear and timely signals of priorities now, signals that will guide market participants and encourage increased levels of renewable energy and provision of the associated new infrastructure necessary to improve security and diversity of energy supply, and support economic activity while at the same time contributing to reduced carbon emissions."*

So it is all in the strategic energy framework.

We are just over two years into the implementation of that framework, and I have to say that significant progress has been on the key targets. I want to take this opportunity to highlight some of those targets to the Members present. Energy costs, as many Members indicated, remain a very significant issue, not just for businesses but for many of our constituents. The most recent tariff review by the Utility Regulator resulted in gas tariffs remaining unchanged and a significant reduction of 14% in electricity prices for domestic and small business customers. That is very welcome at a time when we have seen the main energy suppliers in Great Britain announcing tariff increases.

**7.15 pm**

I am also pleased that in greater Belfast, where the gas market is open to competition, we have Firmus Energy continuing to compete against what is now Airtricity gas supply, formerly Phoenix, thus providing consumers with the option to choose their gas supplier. It is disappointing that more people have not taken up gas in Northern Ireland, which was a point made by Mr Maginness and, I think, Mr Dunne. Our belief that there should be more take-up of gas in those and wider areas is precisely why the duty to promote gas is still in the Energy Bill. When we compare the situation with Great Britain and the way in which people on the gas network there have taken up gas, it is disappointing to note that that has not been in the case in those areas that have had access to gas. So, we will continue to help with that.

From October 2012, the 10-towns gas licence area outside greater Belfast has been open to competition for larger energy users, and it will be fully open from April 2015 for smaller business and domestic consumers. Although I fully recognise the importance of a much higher level of renewables in our energy mix — I will come to that shortly — I believe that the current provision and uptake of natural gas has delivered significant carbon reductions in Northern Ireland and, overall, has provided lower energy costs for consumers. That is a critical point, and we should not shy away from that. Further provision of gas networks can build on that success.

We are moving ahead with providing natural gas to wider parts of Northern Ireland. Taking natural gas to new areas will provide domestic consumers with greater energy choice, help to reduce fuel poverty through easier budgeting of energy costs, enhance security of supply and reduce carbon emissions. That is for domestic consumers. As regards businesses, I cannot stress enough to the House the excitement that is building in relation to the provision of the gas network to the west for businesses in Tyrone, Fermanagh and other areas. The fact that they will be able to access gas for their businesses will mean a huge difference in their competitiveness. They are, as I said, very pleased that we are progressing with that.

Provision of the new energy infrastructure will have long- and short-term employment benefits, especially for those engineering and construction sectors that have been so badly affected by the economic downturn. I consider the new energy infrastructure to be an investment. We are seeing greater availability of natural gas throughout the world. Despite

what Ms Lo says about the dwindling resource of gas and oil, there are new finds of gas all the time. Therefore, the new gas pipes will provide a future option for renewable energy sources — this is a point I want to make to Mr Agnew — such as biogas and those technologies that are becoming more popular as well.

Mr Maginness's point about making sure that we take up new technologies is absolutely right. We should always be looking to future-proof what we are doing in respect of infrastructure. It is important that the new infrastructure should be able to take biogas into those pipes.

I am keen to see the gas network extension in as short a time as possible. I look forward to work by the Utility Regulator during 2013 in relation to the new gas licences and, indeed, to the construction of the transmission pipelines in the west and north-west. We are looking forward to those, and I would like to see that commence by 2015.

What we have been doing with renewables, and the mix that we continue to see in Northern Ireland, and offshore Northern Ireland, is a good story. It was quite amusing that Mr Frew is now claiming the territorial waters off North Antrim as well as North Antrim, but that is fine. If he is excited about it, I am happy enough to allow him those territorial waters as well. Mr Agnew is right: that was a huge announcement in respect of offshore renewables. Given the scale of what we are planning, and working with the communities in those areas, it was a huge announcement. I am just sorry that others in the media did not think so as well, because it has the capacity to change the dynamic in respect of renewables in Northern Ireland. That is why we have been working on that whole area for quite some time now. We have been working on jurisdictional issues and with the Crown Estate to make sure that we made the correct announcements and that it was able to get the right mix of companies together, because they are collaborations, to deliver those offshore renewables.

Invest Northern Ireland is working very closely with very many companies and looking at what we can do to create jobs in green energy, not least the opportunities that exist with DONG Energy down in the harbour. We are very pleased with that ongoing work and, of course, with our own Harland and Wolff. The greater deployment of all forms of renewable energy offers potentially significant economic benefits for local businesses through supply chain opportunities. At a time when other parts of construction and engineering face great difficulties in the economy, we will continue to highlight all those supply chain opportunities for a wide range of local companies. That, I think, is the point that Mr McGlone was making.

Some 250 Northern Ireland companies are already actively selling to the offshore renewables market. It is estimated that our companies secured sales of £52 million in offshore contracts in 2011 and 2012. Those companies include Harland and Wolff, B9 Energy, McLaughlin & Harvey, Barton Industrial Services, Doran Consulting, RPS and Farran Technology, all of which are pushing ahead with offshore renewables.

I have touched on the great news about the offshore renewables. The draft plan for moving forward has been the subject of a strategic environmental assessment. The environmental report and non-technical summary were published for public consultation last year. Since then, the habitats regulation assessment has been undertaken and is now reaching completion. The results of that assessment are that the consultation responses and discussions with other Departments will have a role to play in delivering the final plan, which I hope to bring to the Executive within the next few months. There has been much work ongoing in the field of renewable electricity generation since the publication of the SEF in 2010, and that work continues.

We are developing the whole area of renewable heat technologies, and we are continuing to use natural gas as well. As we know, we have that 10% renewable heat target. It is a pretty ambitious and stretching target. To reach it, it is essential that support mechanisms are developed to encourage the uptake of renewable heat technologies in the domestic, commercial, industrial and public sectors. That is why I was pleased to launch the Northern Ireland renewable heat incentive (RHI) on 1 November. That will provide businesses, community groups, schools and churches with the incentive and support that they need to switch to renewable heating. I expect that my RHI will support the installation of 20,000 technologies by 2020 as well as securing our target for renewable heat. It is available for non-domestic customers in the first instance, with a view to extending it to the domestic market in due course. In the meantime, of course, householders can avail themselves of grant support from the Department under the renewable heat premium payment scheme, which I launched in May this year. We have received over 350 applications and offered over £570,000 of support, which represents a total investment in the sector of some £2 million.

We need a mix of renewables, but we also need energy efficiency. Mr Agnew made that very important point. I think that Ms McLaughlin referred to the energy efficiency obligation. I intend to include a proposal for an energy efficiency obligation in the Energy Bill. Hopefully, that will bring a step change in energy efficiency in Northern Ireland because we must always address energy efficiency before we do anything else.

That is right, whether you are the private owner of a house, live in public sector housing or are a commercial entity. So, that will come in the Energy Bill, as, indeed, will a duty to promote renewables. I look forward to bringing that duty forward too.

I think that this was the crux of the criticism, albeit very mild criticism, about the way that we are delivering strategic energy, but looking beyond the period to 2020, I have started planning for the longer term. I am in the process of awarding a tender for a contract to help my Department, working with the Department for Regional Development on its transport responsibilities, to bring forward a vision for energy to 2050. That vision will help to shape our direction of travel and inform the immediate steps that Northern Ireland Departments will need to take to reach out with that vision.

That is the point of all this debate. It is not just about DETI; all the other Departments must play their roles. That is the reason that we have a sustainable energy interdepartmental working group, which we have had for some time. We all come together and look at the energy resources and at how we can make the most of them.

As you know, Mr Deputy Speaker, marketing for energy is now centrally held so that we can all put the same messages out. I accept that there are challenges ahead. We will continue to work on the strategic energy framework and on our vision for renewable energy and energy policy in general —

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

**Mrs Foster:** — in Northern Ireland. I welcome the debate and hope that my comments have been helpful on the matters that were raised.

**Mr Lunn:** I thank the Minister and everybody else who spoke in the debate. I do not sense any need for a division. We have had one or two mild rebukes from around the Chamber about the wording of the motion and its emphasis. However, I can only say that it was certainly not —

**Mr A Maginness:** Sorry.

**Mr Lunn:** Yes; I was looking at you. The motion is what it is. Its first line notes that:

> *"approximately 99% of primary energy needs are met from imported fossil fuels".*

There is no getting away from that. I accept that 14% of our electricity generation now comes from renewable sources. That is great, and it is on target as we move towards 2020. I hope that we get there and exceed the target.

I totally take on board all that the Minister said about the progress that has been made so far and the quite exciting projects that are in hand for the next 20 years. In fact, it is more than that, as we are now talking about 2050. That is what Ms Lo asked for, so we cannot complain about that.

However, at the end of the day, some stark facts still confront us all not just as a Northern Ireland economy or population but as a global economy. The dependence on fossil fuels just cannot continue. Anna mentioned that one barrel of oil is discovered for every three that are used. Try getting away from that. That is a stark figure. Someone has worked out that we have 54 years' worth of oil left. I would not know whether we have 54 years' worth or 200 years' worth. The fact is, however, that we still do not know how much will still be discovered, and I am sure that we can go on digging holes in the ice cap and all the rest of it and find some more. However, the point is that oil will become more expensive and there will be more competition for it.

I heard a lot of references to improving the gas infrastructure and network across Northern Ireland. That sounds very desirable. I do not believe that I would speak against it, and I think that it must be a good thing. However, we need to keep in mind where the gas is going to come from in future years. At the moment, it might be coming out of the North Sea, where I believe reserves are running out, so it could then come from continental Europe. However, I think that, ultimately and not very far in the future, it is going to come from Russia via Ukraine and goodness knows where else. It will then not be a question of price or sufficient supply but of politics and upheaval in some of the most volatile parts of the world. That, of course, also applies to the oil supply in the Middle East.

**Mr Flanagan:** The politics apply here too.

**7.30 pm**

**Mr Lunn:** I am not too worried about political instability in Northern Ireland at the moment affecting energy supplies. We have other difficulties.

The other thing is that we are not the only place in the world that is looking for natural resources. The Chinese are mopping up everything in sight if you look at the price of copper and other — *[Interruption.]* I am sort of surrounded by private conversations here at the moment, Mr Deputy Speaker. In fact, they are so engrossed that they cannot even hear me. However, the Chinese and the Indian economies — all the booming world economies coming to the fore — are going to soak up energy, and that could be at our expense.

Many Members have talked about the green new deal and the need to recycle, reuse and achieve greater efficiency in our energy production. All of that is fine and clearly the way to go, and that is the thrust of the motion. We have various options here. We can continue as before, which is not quite such a terrible prospect for people of my generation. If I were a lot younger, like, let us say young Mr Ross, young Mr Flanagan or even young Mr Frew, I would —

**Mrs Foster:** What about the young Minister?

**Mr Lunn:** — be a bit more concerned. Or were I as young as the fragrant Minister. *[Laughter.]* Sorry, I nearly fell over there.

**Mr A Maginness:** You are just an old charmer.

**Mr Lunn:** I know. The more serious point is that I can continue to turn up my central heating up until I shuffle off this mortal coil. However, were I looking towards the next 50 years, I would be a lot more worried about where that energy will come from and what it will cost. Therefore, we need to maximise the resources of what Mr Maginness called this green and pleasant land or this sceptred isle or green jewel set in a silver sea or whatever it was.

**Mr A Maginness:** The emerald isle.

**Mr Lunn:** Emerald isle. Somebody else — I forget whom — mentioned that we are the envy of Europe. That is a fact. We are in the right place and have all the right equipment when it comes to our wind, our waves, our green grass and our ability to grow willow and everything else that points us towards developing a renewable energy-based economy, so why not go for it?

I was intrigued by Mr Newton's contribution because he seems to have gone nuclear. To my recollection, that is not the first time that he has mentioned that . However, I frankly doubt whether that will come about. It certainly will not come about in Northern Ireland, and whether it will come about on a UK-wide basis, I would not —

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

**Mr Lunn:** Absolutely.

**Mr Frew:** Does the Member realise that, as we get into more interconnection, we will use more nuclear power.

**Mr Newton:** We are using nuclear power.

**Mr Frew:** We are using nuclear power. Moreover, does the Member agree with me that, to facilitate wind farm growth in the west, we need more pylons there?

**Mr Lunn:** I take the point about nuclear power, of course. I wonder what the UK is going to do about the future of its nuclear industry, because a lot of it needs upgrading, and there are huge decisions to be taken.

**Mr Newton:** We need a nuclear strategy.

**Mr Flanagan:** A long-term one.

**Mr Lunn:** We will see where that goes.

Somebody else mentioned, as an aside, fracking. If we do not mend our ways and do not manage to refocus, as we should, on renewable energy and the green new deal, we could be forced towards things like fracking. It sounds like a prospect that I would not look forward to, but it is a possibility. Look at the way that the Americans are going. Even Mr Obama seems to think that fracking will provide the new source of energy for the United States for the next, was it, 50 or 200 years? There are an awful lot of estimates out there.

However, there is no doubt about it: we have the facilities here. We have wind and wave, biomass, bioenergy and energy from waste. I am glad that the Minister is promoting anaerobic digestion in a big way, because I think that there is a future for that, too.

Before I turn to what individual Members said, I will talk briefly about wind energy. These wind turbines certainly generate discussion, do they not? To me, they are some of the most unsightly things I have ever seen on the horizon. However, love them or loathe them, I do not believe that we can do without them. I think they are vital to the future of our energy production.

At the moment I hear people saying that they are not economic; that it costs too much to put them up and that the wastage in trying to get energy from them to the grid is unacceptable, etc. I will just say this: one of the things that the world has managed to do in the last number of years is become more efficient. It has become efficient in so many different ways, so I look at wind energy and wonder how efficient that can become. Like a lot of other things, maybe there is a lot of scope for more efficiency. I am thinking of what is in my pocket here, which is turned off, Mr Speaker. That used to be the size of a half-brick 20 years ago, and look at it now. Look at the developments in electric cars and hybrid cars. All of those things are coming over the horizon.

I think I am nearly out of time. We have to hope for the best, but, in the meantime, I hope that the House will accept the motion. It is not meant to be a criticism of anybody. We accept that Mrs Foster's Department in particular has made great strides, and will continue to do so. We will see where we all are in 50 years time.

**Mr Deputy Speaker:** For the present — *[Laughter.]* — the question is that the motion standing on the Order Paper be agreed.

*Question put and agreed to.*

*Resolved:*

*That this Assembly notes that approximately 99% of primary energy needs are met from imported fossil fuels, which costs approximately £2·3 billion annually; recognises the need to improve energy security and energy independence; further notes the importance of reducing the cost and our exposure to price fluctuations in fossil fuels, while creating Northern Ireland-based jobs through the expansion of indigenous renewables and low-carbon energy sources; and calls on the Minister of Enterprise, Trade and Investment, in conjunction with the Executive, to develop a long-term energy strategy for a low-carbon future.*

*Motion made:*

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

# Adjournment

## Deprivation: Belvoir Area, Belfast

**Mr Deputy Speaker:** The proposer of the topic will have 15 minutes, the Minister will have 10 minutes to respond, and all Members who wish to speak will have approximately seven minutes.

**Ms Lo:** First of all, I thank all the Members who are remaining in the Chamber at such a late hour of the day. I welcome the opportunity to highlight the multiple deprivations in the Belvoir and Milltown areas of south Belfast.

I will start by expressing my disappointment that the Minister for Social Development has not listed Belvoir as a region to receive support under the new areas at risk programme. Ballybeen, Tullycarnet and Cregagh have, quite rightly, benefited from a range of interventions and support programmes, but those have not been extended to include the Belvoir and Milltown areas of the Minnowburn ward. Belvoir and Milltown are neither neighbourhood renewal nor neighbourhood at risk areas. There are no paid community workers and almost no evidence of trust-provided health improvement activities or programmes.

*(Mr Speaker in the Chair)*

A survey undertaken by Belvoir residents recently found that there is a range of needs in the estate and surrounding area that appear to have gone unnoticed in the plans and strategies of the Government, most specifically relating to the health and well-being of older people and services for young children and families. There is also a perception that there are gaps in the provision for young people and that youth unemployment is increasing.

Minnowburn is the most deprived ward in Castlereagh, which requires early intervention within the area. The Belfast Health and Social Care Trust's community development data from 2010 paints a worrying picture of Minnowburn. There are high levels of low-birth-weight babies, higher levels of smoking during pregnancy, at over 25%, and lower levels of breastfeeding, at 30%, at discharge.

The baby clinic is now poorly attended, and many Belvoir mothers and babies have moved to the Knockbreda centre. There is no access to registered childminders or daycare, and nursery schools are oversubscribed, with no playgroups to provide an alternative. The only early years services that are available are church-based parent and toddler groups, not all of which are supported by the annual trust grant of £200.

The poor educational attainment in Belvoir is very concerning. Only 16% of school leavers obtained five GCSEs at grade C or above, as opposed to the average of 75·7% for the Castlereagh borough.

The Belvoir clinic is now closed, and the Knockbreda centre has no drop-in facility, which means that residents are having to go to their GPs for all manner of ailments. Belvoir GPs are so busy that a high number of families are registered with GPs all across the city — some even in Lisburn, which is 10 or 11 miles away. The empty clinic offers a perfect community resource. However, there has been no real support from statutory bodies to take over the clinic.

Belvoir has no community centre. I am aware that there is one room that is available to residents, but it is frequently already booked for use. What is needed is a community hub of activity where social cohesion can be created. With no community centre, no library and no early years services, the residents of Belvoir could be forgiven for thinking that they have been overlooked and forgotten.

Government Departments have intervened in partnership with many other local communities. What has been done in other areas could be used as a model for Belvoir. There is a worrying lack of community development, and we need a statutory body to pull it all together. Without initial conditions in place, there is no room for capacity building, without which community cohesion cannot flourish.

**Mr Maskey:** Go raibh maith agat, a Cheann Comhairle. I thank the Member for securing the debate this evening.

Just a week ago in this House we discussed primary school facilities and, in particular, requirements for children with special needs in Taughmonagh. That was an important debate, and the Member has raised early years provision, the Belvoir clinic, and other issues around educational under-attainment and community facilities in Belvoir, which are limited, to say the least.

This debate underlines the need for a much greater focus on people in communities such as the Belvoir estate, because it is set within a broader area of much greater affluence. You can see the familiar pattern emerging where largely working-class communities are wedged in between more affluent areas and, as a result, are overlooked and neglected in real terms.

It is important that we all take whatever steps we can to work with people in that community to, first, get them the resources and facilities that they clearly need and, secondly and more essentially, help them to build capacity in the short- to medium-term so that they can continue to articulate their case better in the longer term.

Ultimately, any community that is going to be dependent on individual elected representatives or one statutory agency to help it out of a difficult situation will, in my view, be waiting for a long time. Therefore, although it is important to acknowledge and commend the people from within that community who are working alongside people from outside it who have helped or are attempting to help them, nothing can help a community better than the capacity to help itself.

**7.45 pm**

I commend the Member for bringing this to our attention again tonight. I think that everybody would want to endorse the sentiment behind her contribution. We pledge our support for that community. You can see that, in many ways, it is a beleaguered community. It is a community that is very seriously challenged in respect of its resources and positive outcomes, particularly for the young people living there who need better outcomes and more hope for the future.

I commend the Member for bringing this to the House's attention tonight. I look forward to hearing the Minister's response. I, along with the rest of the Committee for Social Development, also look forward to working with that community as far as we possibly can to add some value to their particular strengths.

**Mr McGimpsey:** I am grateful to Anna Lo for bringing forward this Adjournment debate on Belvoir, which is an area that I am very familiar with and have first-hand experience of. Every Thursday morning, I hold a surgery in the Belvoir activity centre in the heart of Belvoir estate. The problems that we encounter there reflect the needs of the area as regards rehousing, housing repairs, benefits, antisocial behaviour and health issues.

In respect of multiple deprivation, Minnowburn in Castlereagh is ranked 82 of the 582 wards in Northern Ireland. That area includes Belvoir and Milltown, and it is by far the most deprived of all the wards in the Castlereagh Borough Council area. Tullycarnet, which is ranked 109, is next. That is a very worrying trend for the Minnowburn ward. There are parts of the Belvoir estate, which was built largely in the mid-1960s, where people have a more comfortable lifestyle than in others. In other parts, there is real deprivation and social isolation, particularly in the high-rise flats, the maisonettes and parts of Milltown.

As far as health inequalities are concerned, Belvoir is in the 64th most deprived of the 582 wards. That reflects poor outcomes in respect of life expectancy, lifestyle, smoking, cardiovascular health and diabetes. Such issues are much more prevalent in areas of deprivation than in more prosperous areas; Belvoir is no exception. Recently, a new health and care centre was built at the end of the dual carriageway in south Belfast in an effort to address those issues, particularly in communities such as Belvoir, Knock Eden, Flush and Rosetta.

There are also issues with educational underachievement. Sadly, a very good primary school in Belvoir lost a very good headmaster when Billy Tate died a year or so ago. It is a very good school with a very good team, but that area is ranked the 66th most deprived in Northern Ireland in respect of educational underachievement. That is then reflected in employment prospects.

The closure of the library in the middle of Belvoir was a bitter blow. That library was well used by the large elderly population in Belvoir, who saw it as a very important part of their environment.

It is the 66th most deprived area in Northern Ireland in respect of unemployment. The population there is affected by high unemployment and dependency on low-paid work.

As far as the living environment is concerned, again we have a mixture. The Housing Executive has done extensive and very good work, particularly on the high-rise flats. However, the living environment in some areas remains very poor. Of the 582 wards in Northern Ireland, it is ranked the 74th most deprived.

In the area, 31·5% of people are living in households with a deprived income. That is an indication of the poverty there. A multiagency approach is required to health, education and the work that Nelson McCausland and his Department do to give support from early years to retirement. That is what is required.

I, like Ms Lo, believe that this is an area that should have that type of support. It is an area that qualifies for support and intervention, and it deserves it.

When we look at the economic challenges that Northern Ireland has, we see that there are high levels of unemployment. There are households that are used to maintaining their standard of living and looking after their families with two jobs. In many cases, mum and dad would both have been working, but you are likely now to find dad out of work and mum working in the health service in Knockbracken or somewhere down the road, trying to maintain the family and keep it together on one low wage. Those are the sort of challenges that households are facing. Some have no wage at all coming into the house.

All the indicators suggest that Belvoir is an area that deserves intervention. I am not going to make comparisons with other areas, because it is not right to compare and say that others are better off and someone does not win. That is an insidious competition. Belvoir is an area that requires intervention, and I ask the Minister to look hard at it and intervene in the same way as he has done in other areas.

**Dr McDonnell:** Thank you, Mr Speaker, for your tolerance in staying to this time of the evening. I thank Anna Lo for bringing this worthy topic to the House for debate.

Belvoir has suffered considerable neglect over the years. There are many issues there, such as housing. Some of the housing there looks fairly good having been built in the 1960s, but many of those houses and apartments are poorly insulated and some of them are damp. They were built in the 1960s when building standards were not as high as they are today, and there is a need in many cases for refurbishment and the replacement of windows with double glazing.

There are health problems and challenges, as the proposer of the topic for debate rightly suggested. There is considerable educational underachievement, although some of that was remedied by the sterling efforts of Billy Tate. There are limited employment opportunities.

I have worked with the people of Belvoir for many years as a GP. The proposer of the topic

should know that people in Belvoir very wisely chose to come down the Ormeau Road to my surgery, where they got a very high standard of care. Unfortunately, only a minority of them did so, and we did what we could for them. Many of my best friends, as a result of the relationships that I built up over the years, live in Belvoir.

I have also worked in the area as an MLA and an MP, and I was aided in my work there by a wonderful woman called Rosaleen Hughes, who toiled as an auxiliary nurse and was subsequently elected as a councillor for the area. Rosaleen is still held in high regard there and remains steadfastly committed to the area even after her retirement from Castlereagh Borough Council.

We have campaigned with individual residents and the Belvoir Community Association on a number of issues. There is a long list of issues, many of which have been mentioned and others that could be mentioned. On that note, I compliment Brian Dunwoody, who is a good friend of all of us and has worked there unselfishly for many years.

Particular issues that jump out in the context of this debate include the closure of the post office, which we all campaigned to save. Unfortunately, we were left frustrated, because they went ahead and closed it anyway. There was also the closure of the library, which acted as a hub in so far as there was a hub in the area. That closure was brutal.

Sadly, there are very few, if any, community facilities there, and it is another example of a community that has been stripped of key survival assets.
Thankfully, some years ago, some of us campaigned to save the playing fields at Hydebank when others thought that they should be turned into a supermarket. Thank God we managed to conserve those playing fields because they at least provide some outlet for children.

Throughout all that, we worked closely across parties and across all sorts of shapes and forms with the late and great Billy Tate, who was the principal of Belvoir Park Primary School. We worked on a range of issues that directly affected the school, its pupils and their parents, including trying to secure funding for maintenance and repair of the school. We introduced all sorts of extra-curricular activities that benefited the children and created shared understanding and reconciliation projects that opened up a lot of new horizons for pupils who were, quite frankly, denied opportunity and hope in the past.

In that, I pay tribute to Billy Tate, who was an inspirational man and died far too young and well before his time. He was a wonderful school principal, and he was dedicated to that school, the children there and the community at Belvoir. He was intent on ensuring that the children at his school got the best possible life opportunities that he could bring, and he was relentless in pushing for those and pushing those of us who were public representatives in that direction.

The subject of the debate is multiple deprivation, and, yes, Minnowburn ward, which is largely Belvoir with Milltown, is high on the indexes. Others have quoted the indexes overall in Northern Ireland. In spite of fairly severe deprivation in places such as the Donegall Road, the Markets, Donegall Pass and Woodstock Road, Belvoir ranks sixth worst for unemployment. People are inclined to think that those inner city areas are worse, but, in fact, Belvoir is in a difficult situation with employment. It is eighth worst in the health and disability statistics and thirteenth in education and skills under-attainment. Across all those fronts, Belvoir is clearly deprived. Regardless of whether you take it across Northern Ireland, Belfast or south Belfast, it falls into the marginalised category.

Departments are not fully fulfilling their duty. Much more needs to be done in a targeted and co-ordinated way. I would not for a moment suggest that it is the responsibility of one Minister, but we need to get something going because this area will sink and slide very quickly if we do not get our act together there in a coherent way. In my opinion, better support needs to be provided to Belvoir Park Primary School to sustain the many enlightened initiatives that were taken by Billy Tate and, indeed, are continued under the present principal. However, they are being starved financially and will gradually be lost.

There is a need to replace the lost community infrastructure, such as the post office and the library, that provided vital services and allowed the community to connect and communicate, particularly the more isolated elder members of that community. Even though people are living in an urbanised situation, for many of the elderly, social isolation can be severe. We need to look at re-opening some sort of a post office or similar facility, and we need that local library back, even on a reduced scale.

There are opportunities to provide investment in the form of the social investment fund, and I understand that the south Belfast steering group is consulting with interested groups. For me, the social investment fund can provide a temporary sticking plaster. There is a need for an overall government investment based on the severe needs in that community. Otherwise, we will fail to provide the people in Belvoir with their rights, and, in turn, that will lead to a decline in that community.

**Mr McCausland (The Minister for Social Development):** I welcome the opportunity to respond to the motion on multiple deprivation in Belvoir and, indeed, to clarify some of the issues that have been raised this evening. I will try to address all the points that Members raised, but I assure you that I will study Hansard, and if I leave any questions unanswered, I will write directly to the Member concerned.

I was somewhat surprised that the issue was raised in the form of an Adjournment debate, because it has not previously been raised with me or my officials in the first instance as would normally be the case. No approach has been made to officials about deprivation issues, and, from what I know, Belvoir has many positive attributes as well as some of the issues raised in the debate. I wonder whether an Adjournment debate is the best context in which to consider the issues. There may be a more suitable approach.

**8.00 pm**

As Minister for Social Development, I am very much aware of the scale of the challenge that we face in tackling disadvantage and building sustainable communities, especially in times of economic hardship and instability. The coming years will require a great deal of work to lay the foundations of growth; support individuals and communities in tackling unemployment and worklessness; and ensure that our most vulnerable citizens are supported and protected.

Although I am very sympathetic to the concerns raised about the Belvoir area, it is like many other areas that do not quite fulfil the criteria for inclusion in my Department's main programmes that seek to address deprivation. These are area-based interventions and are designed to target substantive concentrations of deprivation in areas over a particular population threshold. Belvoir and Milltown are located in the Minnowburn super output area and are, therefore, outside any neighbourhood renewal area or existing area at risk in south Belfast.

I am committed to addressing the issues of deprivation, and I recently announced details of 10 new areas at risk that will receive funding under the areas at risk programme, which has already supported 27 areas across towns and cities in Northern Ireland. That programme provides assistance to communities at risk of social, economic or environmental decline and is targeted at areas that fall outside the 10% most disadvantaged areas but are at risk of falling further into decline. Belvoir is a predominantly residential area, which, as was pointed out, is surrounded by more affluent areas such as Upper Malone, Malone, Drumbo and Beechill. No doubt, Belvoir has been affected by the current economic downturn.

The benefits system, which is administered by my Department, aims to provide a safety net for people who, through no fault of their own, find themselves needing financial support. Statistics indicate that approximately 26% of people in the Belvoir area are in receipt of retirement pension, and approximately 38% receive jobseeker's allowance, income support, incapacity benefit and/or disability benefit.

Housing demand in this area of Castlereagh has increased over the past year, and there is now a projected need for 60 units, which is an indication that it is a popular area that people want to move to. The district housing plan and local housing strategy for Castlereagh states that, as of March 2010, there were 727 Housing Executive-owned properties in Belvoir estate, and the remainder were owner-occupied. Effectively, 55% of the overall stock, therefore, is owner-occupied. In 2011-12, a housing resource of approximately £572,000 was allocated to improvements in over 350 homes in the Belvoir area, and a further £1·53 million is expected to be spent over the next three years.

Mr McDonnell referred to the age of the housing and the need for some refurbishment and double glazing. I have just quoted the figures that we have currently. One of the things that I have done since coming into the Department is to recognise that the concentration was almost exclusively on the building of new houses but that we need also to have regard for those living in older properties that need to be refurbished, because such an area can contribute to the whole downward spiral of a community. That is why we committed to, are still committed to and are delivering on, having every one of the social housing stock double glazed during the term of this Assembly. We have also put an additional focus on

refurbishment, which we believe is important. Belvoir is the sort of area that will benefit from that refurbishment, which includes double glazing.

Good work is also going on in the area to address deprivation through the work of volunteers and local churches. I emphasise the importance of volunteering and the role of the Churches and the faith-based sector in that regard. That is not to say that there is not a need for other things, but it is important that we recognise their good work. A very active church network in that area seeks to promote community activities and youth outreach in the estate. In addition, a range of community groups serve the Belvoir and Milltown areas, each with their own objectives but ultimately aiming to benefit local people. Again, we should not underestimate their contribution.

As well as specifically dealing with the problems of the most disadvantaged areas through targeted programmes, my Department provides a wide range of support to individuals, families, households and communities through good affordable housing, addressing fuel poverty, social security provisions and support for the voluntary and community sector. Those things benefit not only Belvoir but the rest of Northern Ireland.

I presented a paper on poverty to my colleagues on the Executive subcommittee on welfare reform. The paper reflected our changed and difficult times, which, in my view, can be addressed only by complementary social and economic policies that are relevant to Northern Ireland's needs. I have also established four key principles that now shape my Department's work on addressing poverty and deprivation. Those principles recognise that new social policies must complement economic policies. They recognise the responsibilities of government, communities, families and individuals, tackle intergenerational problems and make the best possible use of increasingly limited resources, which should be focused on outcomes that are shared across government.

I will pick up on some of the points that were made. Michael McGimpsey made the point about comparisons. In a sense, he was saying that comparisons are invidious. The difficulty is that someone will look at something as a comparison but someone else will say that it is a set of criteria. Clearly, we need criteria to determine whether an area is a neighbourhood renewal area and, likewise, an area at risk. I must point out that those criteria have been there for a long time. We are certainly looking at them as part of a wider review of neighbourhood renewal to see how we can make neighbourhood renewal more effective. We are looking at all those things.

However, it is true to say that, just because an area scores highly — you always meet the question of what is high and what is low — on, for example, the Noble indices and shows up in that way as an area of high deprivation, that does not mean that it will not have problems with educational attainment and other issues. We are seeing how we can drill down into the information so that we can identify an area's particular needs. Those needs will vary from place to place; they are not all the same.

Ms Lo raised the issue of a community centre or hub. The provision of community centres is primarily a matter that resides with local government. I am sure that she will be aware of the range of creative centres that local authorities provide across the Province. That is something that we should remember: in addition to central government, local government also has a role to play. I am afraid that I cannot be held accountable for the library and the health centre, so her comments on those will have to be directed elsewhere.

However, mention has been made of Belvoir Park Primary School, which is based on the estate and which has a youth club for local children. It is quite clear that we should not be duplicating facilities, and, if things can be done in the context of school to make it more usable by the wider community, that is good for the school. It draws in the community, identifies it with the school, benefits it and does so in a very economical way. So, there are possibilities there that might be explored.

I will comment again on deprivation. The Northern Ireland multiple deprivation measure for 2010 ranked Minnowburn super-output area as the 166th most deprived area of 890 in Northern Ireland. In 2005, Minnowburn was ranked 251st. That could suggest that levels of relative deprivation have increased in the area in a number of ways, but it unfortunately means that the area falls outside the neighbourhood renewal limits.

As regards areas at risk, as I pointed out, public representatives from across Northern Ireland have made representation to me about having areas included as areas at risk. I have looked at those and asked my officials to assess the situation, and I have responded to a number of them. It is very much a case of whether people come forward and comment, because people raise many potential areas at risk. This area

has not been raised as such for me so far. I have just checked whether suggestions have come forward, and as yet, it has not been raised. However, I am happy to sit down with local representatives to consider the matter.

A shared neighbourhood programme survey of Belvoir and Milltown community was carried out in the autumn of 2010 through the Housing Executive, the International Fund for Ireland (IFI) and Supporting Communities NI. The aim of the survey was to identify community needs and to gather information that could be used to improve the quality of life in the community, maintain a safe and stable area and promote respect and understanding of the diversity of residents in the area.

On analysis, the report highlighted that the majority considered Belvoir to be a friendly area with good community spirit, and most felt that there were adequate services and facilities. As I said, that was the outcome of a survey that was done independently through the Housing Executive, the IFI and Supporting Communities NI. It was a community-focused survey of that area.

People's expectations will vary from place to place. Sometimes people have low expectations and, therefore, do not make such great demands. However, the main concerns seem to be around youth, antisocial behaviour and crime.

I am happy to talk to local representatives about what might be possible in the area within the constraints that I mentioned, and I welcome the opportunity to discuss that. I have areas in my constituency that are very similar. I thought that they would fall within the areas at risk programme, but when officials looked at them, they did not. We are very much bound by criteria. Again, the areas at risk programme is simply for two years — very rigidly and strictly for two years. A lot of folk come along at the end of the two years and ask whether it can be extended in their area. The answer is no, because if we did that, others would lose out, and it really is a fixed-term intervention.

Although neighbourhood renewal is the Government's main vehicle in the drive to tackle disadvantage, I am determined to focus funds on actions that will help to deal with the causes of deprivation as well as the symptoms. If I had an unlimited budget, of course I would like to invest in many more areas, and Belvoir would obviously be one of them. Although it is not in the top 10 of the most deprived areas in Northern Ireland, it might benefit from investment. However, my available budget and commitment has to be focused on those areas identified as having most disadvantage, and Belvoir falls outside that.

I encourage the local representatives to see what they can do to provide some additional leadership to see what funding can be drawn down, because funding is available from sources other than through neighbourhood renewal or areas at risk, and many areas do draw that funding down. However, you need to have some support to have the capacity to make the applications, and so on. I therefore encourage the local representatives to work with the local community to see what can be done. I am happy to speak to any of the representatives on the issues. That would probably be a better vehicle and a better context for looking at the issue.

*Adjourned at 8.13 pm.*

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