

# Official Report (Hansard)

Tuesday 11 December 2012  
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# Contents

## **Matter of the Day**

Attempted Murder of a Police Officer in East Belfast .....	1
--	---

## **Ministerial Statements**

Justice: Intergovernmental Agreement on Co-operation on Criminal Justice Matters .....	5
--	---

Salmon Conservation .....	9
---------------------------	---

Planning: Narrow Water Bridge .....	15
-------------------------------------	----

## **Executive Committee Business**

Inquiry into Historical Institutional Abuse Bill: Final Stage .....	21
---	----

Charities Bill: Final Stage .....	26
-----------------------------------	----

## **Executive Committee Business**

Air Passenger Duty (Setting of Rate) Bill: Royal Assent.....	28
--	----

## **Oral Answers to Questions**

Enterprise, Trade and Investment .....	28
--	----

Environment.....	34
------------------	----

## **Executive Committee Business**

General Register Office (Fees) Order (Northern Ireland) 2012.....	40
---	----

Mental Health (Discrimination) (No. 2) Bill: Legislative Consent Motion.....	42
--	----

## **Private Members' Business**

Banks: Interest Rate Swap Agreements .....	44
--	----

## **Adjournment**

Suicide: Moyle .....	52
----------------------	----

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# Northern Ireland Assembly

Tuesday 11 December 2012

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

*Members observed two minutes' silence.*

## Matter of the Day

### Attempted Murder of a Police Officer in East Belfast

**Mr Speaker:** Mr David Ford has been given leave to make a statement on the attempted murder of a police officer in east Belfast, which fulfils the criteria set out in Standing Order 24. If other Members wish to be called, they should rise in their place and continue to do so. All Members called will have up to three minutes to speak on the subject.

**Mr Ford:** As you said, Mr Speaker, last evening at approximately 7.00 pm, there was an attempt to murder a female police officer sitting in a police car on the Upper Newtownards Road, Belfast, adjacent to the office occupied by my colleagues Naomi Long MP, Chris Lyttle MLA and Judith Cochrane MLA. I am not sure what those who carried out the attack intended when they arrived at the site, armed with at least one petrol bomb and cudgels. Whether it was intended to be an attack on my colleagues' office or an attack on the Police Service, what is absolutely clear is that it became an attack with murderous intent on a female officer. That has taken us into an even worse position than we believed we were in last week.

We are no longer talking about how many days the Union flag is flown on Belfast City Hall. We are now talking about the contest between democracy and the rule of law on the one hand and terrorism and fascism on the other hand. There can be no ifs, no buts and no qualifications in that debate. There must be an utterly united voice against that. I say to certain Members that if they condemn violence, they must say that they condemn violence without the "but such and such" statements. There can be no debate about the issue at all.

I am proud to be Minister of Justice in this place. I am proud of my party colleagues. I am proud of the women and men of the Police Service of Northern Ireland. I am proud of the courage, resilience and strength that both

groups have shown in recent days. But it not just a matter for me as Minister of Justice, it is a matter for each of us in this House — for all Ministers and Members — to show absolute and unequivocal support for the rule of law and for democratic means only.

Last week, and indeed as it has for a period of weeks I believe, unionism metaphorically marched many of its supporters up the hill. There is a suggestion that, today, some of them will be physically marched up the hill.

**Mr Bell:** On a point of order, Mr Speaker. This is meant to be a debate about an attack on a police officer, not a party political statement.

**Mr Speaker:** Order. We are in a very volatile situation outside.

**A Member:** And he is making it worse.

**Mr Speaker:** Order. I ask all Members to be careful of the language that they use in this House so that they do not further fuel a very serious situation out there. I will allow the Member to finish. *[Interruption.]* Order.

**Mr Ford:** Thank you, Mr Speaker. If Members have difficulty in accepting the context in which this violence occurred, we have real problems in this Building.

**Mr Bell:** You walked out of CSI.

**Mr Speaker:** Order. Once again, I remind Members of their language in this House.

**Mr Ford:** On Radio Ulster this morning, the Chief Constable said that this was a time for measured reflection. That means that it is a time for each of us to accept the responsibilities that we bear in this place.

I wish to conclude by saying to you, Mr Speaker, with due respect to you and your office, that the question as to whether the Assembly Commission should sit in the charged atmosphere of today is one that is very serious.

**Mr Givan:** I make this statement on behalf of the Democratic Unionist Party. From the outset, I make it clear that nobody should use an attack on a police officer to score political points, and I will not do that.

I want to make it clear that the attempted murder of the police officer yesterday evening was a despicable attack on the rule of law. It is something that the whole House should rightly unite on and condemn utterly. Yesterday, this party condemned — without reservation, without qualification, without vagueness — any violence associated with the decision of Belfast City Council. It is wrong and should stop.

Let me make it clear that those who carried out this attack are not loyalists. They are criminals and they should be treated as such. We will support the police in applying the full force of the law to bring those individuals to justice.

It is vital that those who continue to have protests do not go out on to the streets if they cannot guarantee that there will be no violence, no blocking of roads or disruption to people's lives. If that is the case, they should desist from that activity. Therefore, we support the Police Service and the rule of law, and we condemn utterly the despicable attack that took place yesterday.

**Mr G Kelly:** Go raibh maith agat, a Cheann Comhairle. It is a day on which we need to at least try to speak with one voice. On behalf of Sinn Féin, I condemn the attempted murder of the policewoman along with the other attacks on a number of councillors and MLAs. Indeed, on the same night there was an attack on Cathy Rafferty, a Sinn Féin councillor, in her place of business in Armagh. I condemn all the attacks that have taken place throughout the week.

I welcome this morning's statement by the leader of the UUP, in which he pointed out that since it seems that these protests cannot happen in a peaceful way it was time to bring them to a conclusion. I hope that I have not misquoted him in that.

I have just listened to Paul Givan, who, I think, was saying the same thing about the protests. I agree with the First Minister that there has to be a right to peaceful protest, but we have gone beyond that this week.

I would argue for calm over Christmas and for people to pull back and allow for conversations, not just about flags but about the whole issue of equality and a shared future.

**Mr Hussey:** I will begin by declaring an interest as a member of the Policing Board and as a former part-time officer in both the PSNI and the Royal Ulster Constabulary.

My opening remarks will relate specifically to the attempted murder of a police officer. Nobody in this House can accept this in any way, shape or form. Who would bring a petrol bomb to a peaceful protest? I have spoken many times about the use of petrol bombs. They are not something that you just pick up on a side street. The people who did this went with murderous intent. They are not loyalists, because, to be a loyalist, you are loyal to the Crown. These people are not loyal to the Crown. They are not loyal to the flag. They are not loyal to the Union flag. They are nothing other than terrorists. That is what they are, and I condemn them for that. I condemn them unreservedly for that.

In the past few days, we have had threats against Members of this House, councillors and Members of Parliament. That is wrong. It is terrorism, and I condemn terrorism unreservedly. The Police Service of Northern Ireland is doing a wonderful job in the circumstances that it has to face. We are approaching Christmas, and we are supposed to be a Christian country. I ask anyone who is involving themselves in these acts of violence to look to their own hearts and to stop them immediately.

**Mr McDevitt:** I rise on behalf of the SDLP and also as a member of the Northern Ireland Policing Board.

Between 5.00 pm and 7.00 pm last night, there were 43 separate illegal roadblocks across our city. Four of those involved violence: violence against innocent motorists and working people trying to get home, to collect their children and to feed their families. They also involved violence against the police. Shortly before 8.00 pm last night, the back window of an unmarked police car was broken and a petrol bomb thrown through it while a serving female officer was in the vehicle. It was an act of murderous intent.

That act, like the roadblocks and like the violence, is the consequence of a failure of the politics of this House — a failure of the politics of this House and of this city. It is about time that people faced up to their failures. If they do not, and if they fail to step back from the brink that they are talking themselves onto, they will be coming here to condemn other terrible acts. This must be brought to an end. It is not enough to come in here in the morning and

condemn and then go on the airwaves and continue to profile and single out colleagues and fellow elected representatives as the problem when, in fact, they are not. They are the architects of the new Northern Ireland. They are the people who go to work to serve all of us.

I keep saying that this House has a wonderful opportunity to build a new Northern Ireland and a shared society. Today, we are reminded how shared our society is. The census results tell us that this place belongs to nobody but its people, that its people are diverse, and that the PSNI is now representative of all of those people in a way that it never was. It serves them all. This has to end. It is time for political unionism to join the rest of us in demanding that we move beyond the politics of flags and the zero-sum equation of identity —

**Mr Speaker:** Order. As all sides of the House know, I allow some latitude in and around these issues. However, I really have to say this to Members: be careful of the language that is used in the House this morning.

**Mr McDevitt:** I appreciate your guidance, Mr Speaker. I will conclude on this point. There is an attempt to bring the issue of flags to the House on this day. I ask you, sir, as our Speaker, and all of us, as representatives of this House, this simple question: is this the time to bring that matter to this House? Is that the message that you want to send out from this place?

**Mr Speaker:** Mr Allister — *[Interruption.]*

**Mrs D Kelly:** William Moffett voted for it.

**Mr Bell:** Raymond McCreesh.

**Mr Speaker:** Order.

**Mr A Maginness:** Danny Kennedy did.

**Mr Speaker:** Order.

10.45 am

**Mr Allister:** Thank you, Mr Speaker.

**Mr Kennedy:** On a point of order, Mr Speaker.

**Mr Speaker:** I will take points of order after we have dealt with this particular issue.

**Mr Allister:** Last night's attack on the police vehicle was a wicked act of terrorism. There is no other way in which it can or should be described, nor are there any circumstances in which it can be excused or justified. I make that comment, in common with most people in this House, as someone who has never been a practitioner or a supporter of terrorism. Therefore, those of us in that category can make this condemnation with integrity and sincerity.

I regret that, this morning, the Alliance Party has sought to attack unionism and to politick over the Assembly Commission business. Nor do I feel inclined to take any lectures from those who lend their votes to glorify terrorism by naming parks after dead terrorists.

**Mr Agnew:** The Green Party condemns outright the attack on the PSNI officer yesterday evening on the Upper Newtownards Road. I put on record the Green Party's thanks to the PSNI for the work that it is doing to protect democratically elected representatives and our communities in the midst of continuing violence.

I appeal to those who have protested to date, peacefully or otherwise. Your point has been made. For better or worse, we are discussing flags in this Chamber. There is nothing to be gained from further protests. I said yesterday that I had attended many protests, particularly as a supporter of trade unions, but — I apologise for having to say this to those peaceful protestors who feel that they still have a point to make — it is clear that these protests cannot continue peacefully. For that reason, they should not continue at all.

I further appeal to Members, particularly Government Ministers and party leaders, to be careful about their language, particularly on radio shows. That particularly applies to Ministers, who, ultimately, represent all the people of Northern Ireland. We should all be condemning this. Those are the only words that are needed. Sometimes, there is wisdom in saying less and doing more behind the scenes quietly to resolve these issues. There is a lot I could say about things that are said and done in this Chamber, but today is not the day for that. Today is the day to condemn the violence, to offer our support to the PSNI and to work quietly behind the scenes to bring the violence to an end.

**Mr McClarty:** Thank you, Mr Speaker, for allowing me the opportunity to add my voice of condemnation. As you have pointed out, Mr Speaker, what happens and what is said in this House may cause a reaction on the street. Like

you, I ask for temperate language at all times in the House.

Like all right-thinking people, I am absolutely disgusted by the violence that has ensued. Last night's attempted murder of a female police officer who was merely carrying out her duty is to be condemned without reservation by all right-thinking people. The media refers to the individuals responsible as "loyalists". Like Mr Hussey, I have to ask this: loyal to what? Loyal to the Crown? Those people tried to murder a member of Her Majesty's police service, and they call themselves "loyalists"? I think we are going to have to change the definition of the word "loyalist".

I appeal to everybody to stop this vicious cycle of violence right away to allow those who are trying to resolve the issue by dialogue the time and space to do so. I appeal to those who are presently carrying out the violence to desist immediately, because their actions merely sully the flag that they claim to defend.

**Mr Speaker:** Order, Members. That concludes this piece of business.

**Mr Lyttle:** On a point of order —

**Mr Speaker:** First of all, I will take the point of order from Mr Kennedy.

**Mr Kennedy:** Could I ask you to review the coverage of the debate, particularly the exchange after the contribution from the Member for South Belfast Mr McDevitt? There was an exchange, from a largely sedentary position, between junior Minister Bell and members of the SDLP on the issue of the naming of McCreesh park by Newry and Mourne District Council, and, from a sedentary position, Mr Alban Maginness from the SDLP attempted to name me as having been in support of that decision. Clearly, the SDLP is now belatedly attempting to distance itself from that disgraceful and dreadful decision. That, of course, is a matter to be welcomed, but it is not right and it is not fair, and I ask you to investigate comments or suggestions that Mr Maginness has made involving me in the flawed decision of Newry and Mourne District Council.

**Mr Speaker:** Order. I ask the Member to take his seat. It is a fairly lengthy point of order. Let me say this to the whole House: matters of the day should not be used to score points against other political parties, and, unfortunately, this morning, some Members have attempted to do that. *[Interruption.]* Order. I say to the Member:

I will review Hansard and come back to the Member directly.

**Mr Lyttle:** Mr Speaker, I ask you to review the decision not to permit me, as a Member of this House whose constituency office is in such close proximity to the attempted murder that happened last night, the opportunity to speak this morning and, perhaps, grant me that opportunity now.

**Mr Speaker:** Order. The Member will know that that is at the Chair's discretion and that I have widened out matters of the day. Under the old system for matters of the day, not everybody who has spoken this morning would have got in at all. Not all parties would have got in. However, when I was asked by political parties in this House to look at matters of the day, I did that, and I think that all parties will agree that, in matters of the day, all parties now at least have an opportunity to speak and make a contribution.

**Mr Campbell:** Further to that point of order, Mr Speaker, can you confirm that any individual Member is free to apply for a matter of the day?

**Mr Speaker:** Yes. Matters of the day is very important, but it should not be abused by Members of this House. It certainly should not be used as another attack on another political party in the House.

**Dr Farry:** On a point of order, Mr Speaker, I accept your ruling to my colleague Mr Lyttle. I do not want to make any other point other than simply to report the fact to the Assembly that there was another attack — a petrol bomb attack — on my constituency office in Bangor last night. Again, I am extremely grateful to the Police Service of Northern Ireland for intervening and stopping the attack from getting any worse. Given that that was an office of the Northern Ireland Assembly, it is important that I put that on record.

**Mr Speaker:** Order. I remind Mr Lyttle and other Members that other Members of political parties wanted in this morning on the matter of the day. It was not only Mr Lyttle.

**Mr Lyttle:** *[Interruption.]*

**Mr Speaker:** Order. The Member is coming very close to challenging the authority of the Chair.

**Mr P Robinson:** On a point of order, is it not the case that, when we have a matter of the

day, each party that knows that it will speak will choose the most relevant people to speak? That is why we asked the Chairman of the Justice Committee to speak. Equally, the Alliance Party could have had the Member whose office is close by speak.

**Mr A Maginness:** On a point of order, Mr Speaker. Would it be of assistance to the House if I or some other Member from the SDLP were to lodge a minute of Newry and Mourne District Council in relation to the matter that Mr Kennedy raised so that the House can judge for itself who partook in that decision? *[Interruption.]*

**Mr Humphrey:** Let your leader condemn it.

**Mr Speaker:** Order. *[Interruption.]* Order.

**Mr Humphrey:** Let your leader condemn it.

**Mr Kennedy:** Covered yourselves in glory. Absolutely ridiculous.

**Mr Speaker:** Order. *[Interruption.]* Order. Let us move on.

**Mr Humphrey:** Disgraceful.

**Mr Speaker:** Order. Mr Maginness has raised a point of order. Whatever issues the Member wants to put into the Library of this House, he can do so. That is not an issue. We are coming to the point where these are not points of order. Members are getting up using the disguise of points of order and are trying to make political statements. Let us move on.

**Mr Humphrey:** A gross embarrassment.

**Mr Speaker:** Order. Let us move on.

## Ministerial Statements

### Justice: Intergovernmental Agreement on Co-operation on Criminal Justice Matters

**Mr Speaker:** The Minister of Justice wishes to make a statement to the House.

**Mr Ford (The Minister of Justice):** Thank you, Mr Speaker. *[Interruption.]*

**Mr Speaker:** Order. I ask Members to leave the Chamber in an orderly fashion.

**Mr Ford:** With permission, Mr Speaker, I wish to make a statement regarding a meeting under the auspices of the intergovernmental agreement (IGA) on co-operation on criminal justice matters held in Dublin on Friday 23 November.

**Mr Kennedy:** You are flogging very dead horses.

**Mr Speaker:** Order.

**Mr Kennedy:** You are flogging dead horses.

**Mr Speaker:** Order. Order.

**Mr Kennedy:** You ought to be ashamed of yourself.

**Mr Speaker:** Order. Order. This House is in session. The Minister of Justice is making a statement. *[Interruption.]* Order. Order.

**Mr Ford:** With permission, Mr Speaker, I wish to make a statement regarding a meeting under the auspices of the intergovernmental agreement on co-operation on criminal justice matters held in Dublin on Friday 23 November. The meeting was hosted by Alan Shatter TD, Minister for Justice, Equality and Defence, and I represented the Executive.

This was the sixth formal ministerial meeting under the IGA since the devolution of justice two and a half years ago. As I said in previous statements to the House, I am committed to keeping the Assembly informed of meetings held under the auspices of the agreement on the same basis as North/South Ministerial Council (NSMC) meetings.

The meeting on 23 November, among other things, provided us both with an opportunity to

review progress against the 2012-13 joint work programme that we agreed at our meeting in May. It was pleasing to note the positive progress that has been made and the objectives that have either been met or are on target to be met. I previously shared a copy of the 2012-13 work programme with Members as part of the oral statement in June. One of the actions within the work programme is the organisation of a third annual joint public protection seminar. That seminar was held in Dublin on the same day as our meeting.

The theme of the seminar was "Partnership Working for Public Protection", and it provided an opportunity for representatives of both probation services, alongside other agencies, to discuss a number of key public protection issues. These included a co-ordinated strategic response to dealing with crime; communication and joint working; and reducing offending in partnership. The seminar also saw the launch of volume 9 of the 'Irish Probation Journal', an extremely professional joint publication from the Probation Board for Northern Ireland (PBNI) and the Irish Probation Service.

Having addressed the previous two annual seminars, I was particularly pleased to join Alan Shatter in opening the third annual seminar. We have reached the midpoint of the timeline for the work programme, which is due to be completed by next summer. I intend to give a more detailed report on progress made against the actions in the work programme following the next intergovernmental agreement meeting. In the interim, progress against the remaining actions will continue to be monitored by the working group of officials.

Six project advisory groups provide the mechanism by which work is taken forward. They focus on public protection, registered offenders, youth justice, forensic science, support for victims of crime, and social diversity. Each of the project advisory groups has continued to promote and support co-operation across the broad spectrum of criminal justice agencies on both sides of the border. The public protection group, for example, has been involved in joint training and the implementation and delivery on the RESOLVE anger management programme.

Work is ongoing on evaluation research on the stable and acute 2007 tool, which is used for assessing the risk posed by certain offenders in both jurisdictions. The registered offenders group has progressed work in relation to information sharing pertaining to children at risk and domestic violence, while personnel

exchanges between the PSNI and an Garda Síochána continue.

The victims group will focus on the victims EU directive at its next meeting in the new year.

The Irish forensic science service is assisting Forensic Science Northern Ireland with drugs analysis in a number of cases, partly to test mechanisms for the transfer of samples. The criminal justice and social diversity group proposes to hold a joint hate crime conference in 2013. The youth justice group is considering protocols between youth facilities and on cross-border supervision of young people. There is excellent ongoing co-operation on the management of sex offenders between the PSNI and an Garda Síochána at an operational level.

I am pleased to report that there continues to be good progress in supporting and promoting North/South co-operation to make Northern Ireland and the island of Ireland a safer place. The meeting was a good opportunity to be updated on the proposal to establish an ad hoc crime strategy group that would report to the working group of officials. Plans have been advanced to establish the group early in 2013.

The intergovernmental agreement provides a helpful framework for supporting North/South co-operation on criminal justice matters. They include the work being done in the areas of tackling organised crime and human trafficking. We are seeing the real benefits of co-operation as individuals in the criminal justice agencies have developed good working relationships with their respective counterparts. It is that type of practical co-operation that Alan Shatter and I are committed to promoting and supporting.

Finally, as I have said, the agreement is not intended to provide for discussion of cross-border security issues. However, I have cause to discuss such matters regularly with Mr Shatter, and I used the opportunity of our being together to briefly discuss some general wider cross-border security-related issues.

**11.00 am**

**Mr Givan (The Chairperson of the Committee for Justice):** I thank the Minister for his statement. I note that the next meeting of the victims group will focus on the victims EU directive. Will the Minister provide more details of the specific issues that that group will discuss? If there are proposals for improvements, will they be included in the victims strategy that the Department is

consulting on? As to the ongoing investigation into the murder of Prison Officer David Black, will the Minister advise the House whether there was any discussion about how the Garda Síochána is assisting the PSNI in trying to bring those who carried out that murder to justice?

**Mr Ford:** I thank the Chair for his comments. I will deal with his second point first. On more than one occasion, I was assured by the Chief Constable that there was full co-operation from the Garda Síochána in all the assistance that was required in the investigation of the murder of David Black. It was not an issue that was discussed at ministerial level, but I have the assurance of the Chief Constable that there is co-operation at practical and operational levels.

The Chair rightly highlights the issue of the EU directive on the minimum standards of the rights, support and protection of victims. That will be the principal topic of the next meeting of the victims group. We have taken to the meeting the work that is being done on the implementation of the code of practice for victims of crime in Northern Ireland, and officials from DJE have brought their work on the Republic's charter for victims. It is a matter of seeing where work is being done in one jurisdiction that can assist officials in the other. That joining-up is beneficial to people on both sides of the border.

**Mr Lynch:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an ráiteas sin. I thank the Minister for his statement. In relation to the management of sex offenders, he said that there was excellent ongoing co-operation between the PSNI and the Garda Síochána. Will he give more detail of what that entails?

**Mr Ford:** I thank Mr Lynch for that point. It is clearly the case that, with the management of sex offenders moving between one jurisdiction and another, there is a particular issue for this region compared with other parts of the United Kingdom. We are looking at how the requirement for sex offenders to notify their details to the police operates, at movement across the border and at the requirements in which notification is given to the other jurisdiction. Work has been led by the PSNI and the Garda Síochána to see that that information sharing is carried through successfully in a way that ensures the protection of people in both jurisdictions.

**Mr Elliott:** I thank the Minister for his statement. My question follows on from the previous question about sex offenders and co-

operation between the PSNI and the gardaí. At what level does that co-operation take place and how up to date is information sharing between the police and the gardaí?

**Mr Ford:** There appears to be a slight hint in what Mr Elliott said. I have no reason to believe that the information sharing and how the two police services manage it are not up to date. We are looking at the exact timescales for when notifications should occur. We have to acknowledge that there are those who cross the border daily, and, therefore, this is somewhat different from what would happen elsewhere. If Mr Elliott is hinting at a particular issue that is causing him concern, I will happily take it up.

**Mr A Maginness:** I thank the Minister for his statement. I commend the progress made on cross-border co-operation on policing and justice matters. Given the rather limited aims currently, will the Minister consider, with his Southern counterpart, expanding the agenda on justice matters so that we can make incremental progress on these matters?

**Mr Ford:** I appreciate Mr Maginness's point about the need to ensure that we get the maximum possible co-operation. I am not sure that my officials, who do a fair bit of work, would necessarily agree that the current work is limited. All six project advisory groups are working quite hard to ensure that we learn lessons from each other. However, I am certainly happy to look at any issues that any Member of the House — Mr Maginness or others — wishes to suggest should come within the remit of the IGA. We have to be careful that we do not step into the area of operational issues, whether for the Police Service of Northern Ireland, the Garda Síochána or the two probation services. However, if Members believe that there would be benefit in taking forward specific policy issues to better protect the people of Ireland, North and South, I am certainly happy to look at them, although my officials may not be quite so enthusiastic about the work.

**Mr Dickson:** Thank you, Minister, for your statement. You told us about good co-operation on victims' issues. You will be aware that the Justice Committee did excellent work with regard to victims and witnesses of crime. Will you assure us that you will share that work with your Southern counterparts so that best practice on both sides of the border can become the norm for victims and witnesses?

**Mr Ford:** I fear, Mr Speaker, that my colleague may have caught me out ever so slightly. I am

not specifically sure whether the Justice Committee's report has been shared on a North/South basis, but I assure the House — the Chairman is grinning at me — that, if that is not already the case, it will be shared very rapidly.

**Mr Humphrey:** I thank the Minister for his statement. I welcome progress on cross-border policing and justice. Sadly, that was not always the case. The Minister mentioned the victims' group. Will he confirm to the House when the victims' strategy that he is working on will be finalised?

**Mr Ford:** I am afraid that I cannot give Mr Humphrey the timing at this stage. However, I can assure him that a lot of detailed work is being done in the Department. That follows on from the very good work done by the Committee, which itself built on work previously done in the Department. The strategy will be finished as quickly as possible to ensure that it is robust and meets the needs of victims and witnesses throughout Northern Ireland at the different levels at which the justice system engages with victims.

**Mr Wells:** As the Minister is aware, Lord Morrow — quite rightly, in my opinion — is bringing forward a private Member's Bill on human trafficking. As you know, he is proposing weaker legislation through a Bill. During his discussions with his Irish counterpart, was there any discussion of human trafficking? If, as we hope, we, quite rightly, strengthen the legislation on human trafficking and make Northern Ireland one of the most difficult places in Europe to carry out that vile trade, that may be negated somewhat if the Irish Republic has a more laissez-faire approach. What are the authorities in the Republic doing to deal with this horrible, nasty activity?

**Mr Ford:** I have to disagree slightly with Mr Wells. I do not accept that what is being proposed by the Department of Justice is necessarily weaker than what is proposed in Lord Morrow's draft Bill. It is certainly different. I have had discussions with Lord Morrow, and we have exchanged letters on the precise detailed contents of the Bill and on whether some of what Lord Morrow suggests is actually required or is particularly beneficial. I am determined to see that we have the strongest possible legislation, and I entirely take Mr Wells's point that we need to ensure that legislation is robust in Northern Ireland and in the Republic, given the opportunities for people to cross the border. We all know that Northern

Ireland is, sadly, a destination for the victims of trafficking, as well as a transit point in both directions. The continuing discussions that I have with Alan Shatter — human trafficking features at, I think, every IGA meeting and at meetings between our officials — will ensure that we get the best possible joined-up system. The two of us have also discussed trafficking across the North Channel with Kenny MacAskill, the Scottish Cabinet Secretary for Justice.

**Mr McGlone:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire chomh maith as na freagraí. Thanks very much to the Minister, too. Can the Minister give us some indication of the extent of the work on information sharing and the like that has been progressed on the registered offenders' group?

**Mr Ford:** I am happy to give Mr McGlone a limited progress report in the sense that the information-sharing agreement dealing with children at risk and domestic violence victims has been drafted and is being considered by legal advisers in both jurisdictions. It is a fair priority for the group, which is chaired by the PSNI and the Garda Síochána, and is being looked at quite seriously by them. I cannot give him a precise timing for when we expect that to come back from the legal advisers.

**Lord Morrow:** My question is also about human trafficking and is not dissimilar to that from my colleague Jim Wells. Bearing in mind that the House has already passed unanimously the findings of the Group of Experts on Action against Trafficking in Human Beings (GRETA) report into human trafficking, can the Minister tell us today to what extent, if any, the GRETA report has featured in discussions that he has had with his Southern counterparts?

**Mr Ford:** I think that the answer to that is that the specific issues of the GRETA report, which was a report on the United Kingdom, including Northern Ireland, and not a report on cross-border arrangements, have not featured in the discussions that I have had with Alan Shatter. I am not sure whether the GRETA report has featured in officials' discussions, but the important issue is that we get the best possible arrangements, North and South, and that we join up North and South and with England, Wales and Scotland.

**Mr McDevitt:** The proposal to establish a National Crime Agency by the Westminster Government will undoubtedly have an impact on certain aspects of all-island policing. Has

that matter been discussed with the Southern Minister? If so, are there specific issues of which he believes the House will need to be made aware?

**Mr Ford:** I thank Mr McDevitt for that question. He will be aware that issues around the National Crime Agency have featured significantly in discussions and correspondence that I have had with the Home Secretary in recent times and that those issues will potentially be before the House in the near future. The potential implications of the National Crime Agency are as yet unclear, because it is unclear what the Home Office proposals will be for Northern Ireland. The issue has certainly been flagged in my discussions with Alan Shatter, and it may be that it will require more detailed consideration when we see the Home Office's final proposals.

**Mr Speaker:** Order, Members. That concludes questions on the statement.

**Mr Allister:** On a point of order, Mr Speaker.

**Mr Speaker:** Sorry. I apologise to the Member.

**Mr Allister:** The Minister tells us that the victims' group is next going to focus on the EU victims directive. Given that the prevailing definition of "victim" in the Northern Ireland legislation is incompatible with the definition in the EU directive, will the Minister be supportive of measures to bring our definition into line with that in the EU directive?

**Mr Ford:** Mr Allister makes a certain assumption. I am not in a position to confirm whether that is the case, but I am determined to ensure that the EU directive is brought into force in this jurisdiction within the appropriate timescale.

**11.15 am**

## Salmon Conservation

**Ms Ní Chuilín (The Minister of Culture, Arts and Leisure):** I apologise again to the House for not being able to deliver the statement yesterday, and I appreciate the work of the Business Committee and Members in allowing me to make the statement today.

I make this statement to the Assembly today to advise Members on a range of salmon conservation measures that I am introducing to protect wild salmon in my Department's jurisdiction.

Salmon conservation is a subject that has generated a great deal of attention and debate. I value the interest and contribution made by Members, the Culture, Arts and Leisure Committee and a wide range of stakeholders, including the Salmon and Inland Fisheries Forum, on the best approach to address the challenges in protecting wild salmon stocks.

My statement to the Assembly on 12 March this year set out the grounds for concern: international scientists have confirmed that wild Atlantic salmon are dying at sea in significant numbers; southern stocks, including some in North America and Europe, are threatened with extinction; my Department's Bushmills salmon station shows a decline in salmon returning to the River Bush from around 30% prior to 1997 to less than 5% today; there is scientific evidence that salmon fishing off the north coast is bringing in fish from areas protected under the EC habitats directive; and other monitored rivers across the North have failed to achieve their conservation limits in most years since 2002. Continuing to authorise such exploitation is unsustainable and would be inconsistent with the Department's obligations under the EC habitats directive and our commitments to the North Atlantic Salmon Conservation Organisation. That could lead to infraction fines being imposed by the EC.

Members will recall that, earlier this year, I called on all key stakeholders to commit to a range of voluntary measures to minimise the killing of salmon and to allow the Department to consult on measures to ensure the long-term sustainability of wild salmon stocks. I am pleased to report to the Assembly that there was a positive response by coastal netmen, and they did not fish for salmon during the 2012 season. I am also pleased to report that most recreational anglers acted responsibly in adopting the voluntary catch-and-release policy during the 2012 season. Those measures have

undoubtedly resulted in a significant reduction in the number of salmon being killed.

The Department's public consultation on longer-term measures has now been completed. Over 370 responses were received. The views of individuals accounted for 90% of responses, while 10% were from organisations purporting to represent the views of some 17,000 individuals. The key message that emerged was that 83% of respondents supported a total cessation of commercial salmon fishing and a total of 74% supported the introduction of mandatory catch and release for recreational angling.

Since then, my officials have consulted on the outcome of the consultation, including with the CAL Committee, the Department's advisory stakeholder group and the Salmon and Inland Fisheries Forum. Forum members, for the most part, supported a total cessation of commercial netting and the introduction of mandatory catch and release for rod-caught salmon. The forum also advised that it would welcome a review mechanism that would consider the possibility of allowing the taking of fish should stocks recover to an abundant level at some stage in the future.

I have given a great deal of thought to the views expressed by the various stakeholder interests. I have reflected on the international and local scientific advice and the position adopted by Inland Fisheries Ireland and the Loughs Agency in deciding on a way forward. I believe that the suite of new conservation measures that I am announcing today are appropriate, equitable, enforceable and essential to conserving and protecting wild salmon stocks in the future.

First, I will consider the commercial fishing of wild salmon. In doing so, I recognise that the continuation of commercial fishing for salmon is a complex and contentious issue. Fishermen have harvested salmon for hundreds of years off the north Antrim and County Down coasts. These traditional fisheries have made an important contribution to supporting livelihoods and the economy and are an integral part of the culture and heritage of our coastal communities and a way of life. It is important to acknowledge and preserve that heritage. Netsmen themselves recognise fully that steps must be taken to conserve stocks to ensure the long-term survival of the species. They have shown that commitment by not fishing in 2012. There is a need to achieve a balance between conservation and fishing that may allow for the sustainable harvesting of salmon in the future, should stock levels permit it. Therefore, I will introduce legislation to impose a mandatory

cessation of all commercial wild salmon fisheries to take effect from the 2014 season. That will remain in place until such times as scientific evidence confirms that there is a sustainable surplus of fish over conservation limits over a number of years.

Secondly, I now wish to consider recreational fishing for wild salmon. In doing so, I recognise that recreational angling provides important economic and social benefits. However, it is important that our fisheries are managed in a sustainable way in order that we may continue to benefit for many years to come. The unrestricted exploitation of our fish is against the public interest. I am pleased to say that many recreational anglers understand that and have, in general, supported my call for voluntary catch and release during the 2012 season. I am also aware that a number of private fishery owners have introduced mandatory catch and release on key rivers in the North. I welcome their leadership and acknowledge that, for some, that has had an impact on their businesses, with fewer anglers opting to fish.

In considering the way forward for recreational fishing for wild salmon, we currently have scientific data available for six index rivers in the DCAL jurisdiction indicating that they are not meeting their conservation limits. It is essential that catch and release for rod-caught salmon continues. I believe that catch and release represents a win-win solution, maintaining social and economic benefits while ensuring the continuation of salmon, short of a full cessation of fishing. Therefore, I will introduce legislation to impose mandatory catch and release throughout the DCAL jurisdiction with effect from the 2014 season. Those measures will also remain in place until such times as scientific evidence confirms that there is a sustainable surplus of fish over conservation limits. I have also decided to limit the availability of salmon carcass tags to one per angler in the 2013 season, but I appeal to anglers to waive their rights to a tag in applying for their licence.

I will continue to impose catch and release in all DCAL public angling estate waters, and all salmon caught in those fisheries must be returned to the water unharmed. With the introduction of mandatory catch and release from the 2014 season, no carcass tags will be issued to anglers. In addition, I will introduce legislation to ban the sale of rod-caught salmon in the DCAL jurisdiction from 2013. Catch and release techniques do not, however, guarantee the survival of rod-caught salmon. Therefore, I will introduce legislation to improve survival

rates for those salmon through the use of appropriate angling methods, equipment and techniques in accordance with internationally agreed best practice.

The consultation process also considered a range of temporal control measures — for example, a shorter season — to reduce exploitation. Scientific advice from the Agri-Food and Biosciences Institute (AFBI) is that that would produce a differential impact across the DCAL area, impacting on some rivers and regions more heavily than others. Given that, I am therefore not proposing to adopt a single, DCAL-wide temporal control measure at this stage.

Such measures are in addition to our ongoing work to ensure the sustainability of our fish stocks. The conservation and protection of salmon stocks and their habitats are central to DCAL's work. The protection of wild fisheries remains a priority for my Department. We are currently engaged in a range of programmes to protect and conserve wild fisheries and their habitats and to fulfil our obligations under European Union directives and international commitments. My officials are also working with angling clubs on a number of projects to improve salmon habitats in selected rivers. We will continue that work. Furthermore, we have a robust enforcement strategy in place to protect fish stocks and prevent illegal fishing. We will further that work in tandem with new conservation policies. I will continue to commit departmental resources to fisheries with a focus on conservation, protection and enforcement in future.

The measures that I have outlined today will be implemented in a proactive and timely manner. My officials are drafting new subordinate regulations, in conjunction with the Departmental Solicitor's Office, that will involve amending or recasting at least four sets of existing regulations and introducing a further three. That is, by necessity, a complex and lengthy process, and it will include consulting the CAL Committee, commercial fishing and recreational angling interests and other stakeholders. Taking into account the necessary time frame to allow for that engagement, it is proposed that the new legislation should be in place in time for the 2014 season. In the interim, the voluntary conservation measures that applied in 2012 and proved effective will continue to be enhanced.

In summary, I propose a continuation and enhancement of the current conservation measures to protect wild salmon, including

voluntary catch and release and no commercial netting in the 2013 season; the introduction of legislation for the cessation of commercial netting for wild salmon to take effect from 2014; the introduction of a ban on the sale of rod-caught salmon from 2013; and the introduction of legislation for the mandatory catch and release of wild salmon for recreational angling to take effect from 2014.

There is a groundswell of opinion among all stakeholders that measures need to be taken to support wild salmon stocks. The changes announced today positively respond to the challenges facing the future of salmon stocks. The approach aims to preserve fish stocks in a responsible, sustainable and equitable manner. That reflects my strong commitment to championing the issue. I am determined to continue to regulate fisheries and to conserve and enhance fish habitats to ensure that commercial and recreational fisheries are sustainable and deliver benefits to all.

I believe that the measures are fair, balanced, enforceable and essential in conserving and protecting wild salmon now and for future generations. This approach will position the North at the forefront of salmon conservation policy. To succeed, we will need the continued support of commercial netmen and anglers working together to ensure that we achieve our shared objective.

I thank the Assembly for the opportunity to update Members on these important measures and will keep Members and the CAL Committee informed of progress.

**Miss M McIlveen (The Chairperson of the Committee for Culture, Arts and Leisure):** I welcome the statement and thank your office, Mr Speaker, for allowing it to be heard today.

On Thursday, the Committee received a briefing on the proposals from the Minister's officials. Although the Committee was broadly supportive of the proposals to legislate on the issue, members expressed concerns about some aspects of the proposals. Those concerns included the timetable for implementing legislation, the enforcement of the proposals and, in particular, the voluntary buy-in from fishermen for next year. Will the Minister confirm whether she considers the timescale for implementing the legislation to be achievable? Will she clarify what measures her Department will take to engage with key stakeholders to ensure that there is better implementation of the proposals?

**Ms Ní Chuilín:** I thank the Member for her question. Again, it is proposed that the legislation will be in place for autumn 2013, in time for the start of the 2014 season. It is essential that we, in fact, acknowledge and pay tribute to anglers, in particular, for their ongoing practice. Anglers were effectively practising catch and release for salmon well before we introduced the measure in the House in March this year. I acknowledge their contribution to salmon stocks and their ongoing support for the measure. It is crucial that we have the legislation in place for 2014. At this stage, I have no reason to believe that that will not be achieved — in fact, quite the opposite.

**Mr McMullan:** I thank the Minister for a comprehensive report. Will she tell the House why the Department has decided to restrict anglers to one salmon carcass tag while giving them the option to waive their right to take a tag? Go raibh maith agat.

**Ms Ní Chuilín:** I thank the Member for his question. I suspect that that will be raised time and time again. As an angler, the Member will be aware that it is an offence to be in possession of a salmon carcass without the appropriate tag.

In previous years, anglers purchasing any game fishing licence were issued with up to 10 carcass tags at a time. It has been decided to restrict anglers to one carcass tag at a time for the 2013 season to support those voluntary conservation measures. Anglers will be issued with other carcass tags on request and on production of a completed log book indicating details of their catch.

### 11.30 am

I know, and I am sure that the Member knows, that many game anglers do not want to fish for salmon. They have stated that they do not wish to take tags because of that. However, the Department received legal advice that tags must be issued to prevent anglers from being prosecuted for the killing of a fish. The Department is giving anglers the option to waive their rights to salmon carcass tags, and the licence that will be issued for 2013 has been amended to allow that. Anglers will be aware of that when they apply for their 2013 licence.

**Mr McGimpsey:** We welcome the Minister's statement and the general thrust on the way forward for the next two years and look forward to the legislation being in place. Will she assure the House that, as a small Department,

she has the resource of a Bill team to draft the legislation and bring it forward? How will her legislation affect the Fisheries Act (Northern Ireland) 1966, which we operate under?

**Ms Ní Chuilín:** I thank the Member for his question. I also agree that it is a good news story. I thank Members for their patience for the statement being made today.

I will take the Member's last point first. The new bill will look at the Fisheries Act 1966 and possibly the 1972 European legislation. In answer to the Member's first question: I do have confidence. He is more than aware that the Department is small, but a Bill team will be put in place, and additional staff if required, because the legislation is a priority for the Department and for me.

I am confident that my current resources are appropriate to deliver the legislation for 2014. However, if additional staff are needed at any stage of the legislation being brought forward, I am committed to ensuring that those staff are provided.

**Mr D Bradley:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as ucht a ráitis. Tá géarghá leis na miosúir chaomhnaithe a luaigh sí ar maidin.

I agree with the Minister that there is a need for the measures that she outlined. Since the origin of the problem is further out to sea, what is she doing with other north Atlantic nations to ensure that the problem is tackled not only at home but on an international basis?

**Ms Ní Chuilín:** I thank the Member for his question. I assure him that DCAL's commitments — indeed, obligations — to conserve salmon are shared with international best practice. DCAL's salmon management strategy is aligned and in keeping with the agreement that we reached with NASCO. The thrust and the core function is the conservation, management and exploitation of our fisheries and resources. As part of the management strategy, DCAL provides data from AFBI to comply with our commitments and obligations.

National and international conservation and best practice are crucial to ensuring that we as legislators and governments do everything that we can to protect wild species such as salmon.

**Ms Lo:** I very much welcome the Minister's statement and the measures that she proposes. I congratulate her on taking on the role as a champion for the conservation of wild salmon. I

hope that we have learned from the threat in Strangford lough when, because the modiolus was so damaged, it was almost too late.

Has the Minister had any discussion about, or made plans for, commercial fishermen? Will they be compensated? What measures will there be to help them and ease the problem of the ban?

**Ms Ní Chuilín:** The sequencing was that I would make the announcement today in the House following a discussion with the CAL Committee last week. Discussions with commercial netmen are ongoing and will continue, particularly after today.

I repeat what I said in my statement: I am acutely aware of the heritage and value that netmen and commercial fishermen and fisheries have passed down from one generation to another. I will do everything that I can to try to assist the process so that everyone is happy, but my obligation is to conserve wild Atlantic salmon. I have scientific evidence that proves that most salmon are taken from the sea, not just in our jurisdiction but in others where salmon are protected under the EU habitats directive. My officials and I already have in place arrangements to talk to salmon netmen and commercial netmen.

**Mr Irwin:** I thank the Minister for her statement. Under catch and release, up to 50% of salmon returned to the water do not survive. The Minister said in her statement that she would introduce legislation to improve the survival rates of those salmon. Does the Minister agree that every effort must be made to reduce the number of salmon that do not survive?

**Ms Ní Chuilín:** I agree with the Member, and it is not just about catch and release. It is equally important to look at fishing methods and the habitats of fish that survive. We are looking at options, particularly with anglers, and at the environments in which fishing takes place, to try to improve them. We are even looking at the methods of fishing to ensure that we do not put dead fish back into the water and, in fact, that we do not catch fish at all.

**Mr Ó hOisín:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an ráiteas sin. I thank the Minister for her statement. As a lifelong angler, I can say that the introduction of legislation for the conservation of wild Atlantic salmon is broadly welcomed in angling circles. For too many years, we have witnessed its decline. I would like the Minister to tease out further the

methods that will be used to optimise the survival rates of salmon when they are caught and released back into rivers.

**Ms Ní Chuilín:** I thank the Member for his question, which follows on from the previous one. Fishing methods are really, really important. It is all very well me asking people to continue with a voluntary catch-and-release scheme, but I am, in addition, asking anglers to use only single, barbless hooks. I am reliably informed that barbed hooks can easily be converted to barbless — I really should not know this stuff, but I do — by pinching the barb with pliers. Treble hooks should not be used and can be removed from spinners and other lures and replaced with single, barbless hooks. Equally, it is important to recognise that, of all methods, fly fishing has caused the least harm to fish in the past. If a fish is caught by hook, it is easier to return it unharmed to the water if you use a single, barbless hook.

**Mr Hilditch:** I thank the Minister for her statement. I want to develop Mr Bradley's question. A lot of resource has gone into work and research programmes in countries such as Scotland and Norway. Will the Minister and the Department take the opportunity to look at long-term measures in those other jurisdictions?

**Ms Ní Chuilín:** In short, we absolutely will. Other jurisdictions have a very good conservation record, which it certainly would be foolish to ignore. We are working with other countries on the conservation of wild Atlantic salmon. Not only will we continue that work, but we would greatly welcome any information or advice that they can share with us in preparation for the legislation.

**Mr Swann:** I thank the Minister for her statement and congratulate her on the distance that we have come in a year. I pay tribute to the organisations that have lobbied and done a lot of work towards what we have achieved so far. However, I am a little bit concerned. The Minister is refusing to look at introducing a temporal restriction across all the DCAL waters. Will she consider looking into local temporal restrictions, if necessary?

**Ms Ní Chuilín:** To be totally honest, the answer is that I do not know. I congratulate the Member, who is a committed angler, on the work that he did with angling clubs to ensure that the consultation period was used to best effect. Introducing limits at this stage would place some anglers at a disadvantage to others. This is about trying to bring everybody along at the same time, not giving more people

a leg up and holding other people back. I will ask my officials to investigate what the Member asked. At this stage, however, I am not sure.

**Mr Byrne:** Like others, I very much welcome the Minister's statement. I recognise the good work that has happened over the past year or year and a half. Are the six index rivers six different river systems or are they individual rivers? I live on the Foyle system, and we have about four or five individual rivers. I am concerned that all of them could be affected.

**Ms Ní Chuilín:** I thank the Member for his question. Unfortunately, the Foyle is in the jurisdiction of the Loughs Agency and Inland Fisheries Ireland. The rivers that we are responsible for are, among others, the Bush, Glendun, Shimna, Maine, Blackwater and Garvary. I share the Member's concern. This has been raised before, but when we talk about tourism, particularly around angling, there may be a perception that some are given more of an advantage than others, but I have the duty and obligation to look after only the rivers in the public angling estate.

**Mr Humphrey:** I thank the Minister for her statement. How does her Department propose to police and enforce the proposals that she has detailed today? What assessment has the Department made of the potential cost to the tourism industry in Northern Ireland as a result of the proposals?

**Ms Ní Chuilín:** My Department's record on enforcement has been quite good. Indeed, it has been acknowledged in the House that fisheries and protection officers have unfortunately borne the brunt of physical and verbal abuse for using their enforcement powers.

I am not really too sure about the tourism issue. Protection, enforcement and tourism have always been done in partnership. It has to be acknowledged that anglers have been, and will continue to be, the guardians of the river. I am not taking that commitment for granted. All the potential for tourism and further opportunities to fish need to be explored, but we need to take these measures. Anglers, above all else, have been the most responsible and best protectors of our rivers. That needs to be acknowledged. My Department will not be found wanting in reaching its commitments and fulfilling its obligations.

**Lord Morrow:** Does the Minister want to ban angling altogether? She talked in her statement about "temporary" and a "period of time", but

she does not state how long that period is to be. I acknowledge that enforcement around this is a very dangerous practice. I pay tribute to those who have been doing it, but enforcement is the issue. The Minister's Department needs to be up for it to ensure that those who have fished legally are not penalised and that those who are doing it illegally are brought to task.

**Ms Ní Chuilín:** I thank the Member for his question. I am not for banning angling. This is about the conservation of wild Atlantic salmon. The Member, as a keen angler, will know that the stocks are depleted. The species is in danger of becoming extinct. It is not consistent to promote voluntary catch and release with a view to bringing in mandatory catch and release for the 2014 season without taking that into consideration. It is about the long-term sustainability and viability of the stocks, not about penalising anglers.

I acknowledge the last point that the Member made. The anglers who have fished legally have borne the brunt for people who have fished illegally. They are the people who feed information to and work with our Department and other agencies to ensure that illegal fishing on our rivers and shores stops. They have supported our enforcement officers, where possible, around safety issues and in areas where there has been an upsurge in or particular problem of illegal fishing.

Above all, I do not want to bring measures forward that look at conservation and ignore the fact that there is illegal fishing on our rivers. I am not doing that. Where appropriate, if additional enforcement resources are needed — they have not been required thus far — I will make sure that they are provided as well. That is because we must look at the overall conservation on the river and not just at one aspect while ignoring others; we have to look at the entire package. At this stage, we cannot ignore the scientific evidence in front of us, which concludes that the stocks are so endangered that we have to do something.

**11.45 am**

**Mr Beggs:** I, too, thank the Minister for her statement and welcome the restrictions, which will improve the hope for conservation of fishing for the future. She has banned commercial net fishing off the coast at north Antrim and County Down. What discussions has she had with others, and can she ensure us that others will be stopping net fishing on other parts? Her policy would seem strange if net fishing were to continue in other water systems.

**Ms Ní Chuilín:** I thank the Member for his question. However, this has been raised before, and I have only the ability, obligation and indeed duty to place restrictions in areas for which I and my department are responsible. We will be meeting stakeholder groups to look at the issue that the Member raised. The evidence that I have is consistent with all the agencies and stakeholders being in favour of preserving wild Atlantic salmon. They are very committed to doing that and want to do everything in partnership with the Department and other bodies and agencies to ensure that that happens. As part of that, we will have ongoing discussions. Nevertheless, I hear what the Member says, and our Department can take action to fulfil my obligations in areas under my jurisdiction.

**Mr Allister:** I certainly endorse the banning of commercial fishing of salmon off our coast because that is a win-win for salmon stocks. However, in circumstances where there is a high mortality rate with catch and release — perhaps the Minister can tell us her advice on the height of that mortality rate — is that the way to go? If we go down the road of mandatory catch and release, what will the impact be on our tourist industry? She said in answer to someone else that she was not really sure. Surely, before she comes to the House with a policy such as this, she needs to be sure whether there will be an impact on our tourist industry.

**Ms Ní Chuilín:** I do not know if the Member was in the House when I answered questions from William Irwin and Cathal Ó hOisín about the methods that anglers are using to ensure better mortality rates for wild Atlantic salmon. We looked at methods such as the use of hooks in the returning of fish, which will actually improve the survival of salmon.

I am not responsible for tourism per se. I am responsible for my part of the overall tourist product. The anglers and other stakeholders are also very keen to ensure that every step is taken to promote the use of rivers for angling as part of the overall tourist product. At the end of the day, however, we and I have an obligation and a duty to ensure the preservation of wild Atlantic salmon. I believe that these are positive measures and that, more than anyone, fishermen and anglers do their best to ensure the survival of wild Atlantic salmon through the present voluntary catch-and-release policy and will have no difficulty with its mandatory use. That was one of the things that consistently came up during the consultation this year.

## Planning: Narrow Water Bridge

**Mr Attwood (The Minister of the Environment):** May I thank you personally, Mr Speaker, for your assistance and advice in respect of how to take this matter forward, and I thank those in the Assembly who have provided me with the time to make the statement this morning.

In compliance with section 52 of the Northern Ireland Act 1998, I wish to make this statement on the approved planning application for the Narrow Water bridge project. I am taking the somewhat exceptional step of coming to the House to explain, and to take questions about, a single planning application. I am doing so because the integrity of the planning process for the Narrow Water bridge, which has been called into question, is, in my very strong view, unassailable. I am also doing so because it has been reported in the media, particularly in the BBC, that there was "a political smell" around the planning application. As far as I am aware, no one has taken the opportunity to correct that. To use the words that a Minister of this Chamber used a couple of weeks ago, the application requires a "thorough" investigation.

Given that, the importance of the bridge proposal, and that the project is, as I speak, under very active consideration, I am making this statement to confirm the facts, to rebut that which is wrong and to ensure that a right planning decision will result in the right outcome for the people of Down and Louth.

So, let me address the facts. Louth County Council submitted a full application for a new single-carriageway, cable-stayed opening bridge across the Newry river at Narrow Water, Warrenpoint on 9 February 2012. That application was transboundary, and a separate application had been submitted to, and was subsequently approved in, the Republic of Ireland.

The proposal involves a new single-carriageway, cable-stayed opening bridge across the Newry river that will tie in to the existing A2 roundabout at Narrow Water, Warrenpoint. It will be an opening bridge that will allow tall ships, leisure craft and other marine vessels access to the Victoria Lock and the Albert Basin in Newry. The bridge will be a link between the Cooley peninsula area in County Louth and the Warrenpoint and Mourne area in County Down, with its main objective being to promote the socio-economic development of the area through improved community interaction and enhanced tourist amenity.

The application was accompanied by an environmental statement and was made the subject of article 31 procedure. All appropriate procedures were carried out. Most Members will know that article 31 cases are major planning applications that fall to be decided by the planning Minister personally. Having assessed the application and all the environmental information, having visited the site, familiar though I was with it, and having assessed comments from consultees, the council and the public, I was content that planning permission should be granted, subject to appropriate planning conditions. I am also satisfied that the application was processed in the correct manner and in line with departmental procedures.

One of the reasons why I am satisfied that the application was processed in the correct manner is because a Minister of this Executive raised with me a number of questions about the planning process in this case. My understanding of the planning file meant that I was able to address those questions definitively when that Minister raised them with me. I answered those questions on Friday 30 November, and I did so to ensure that there was no delay in the Department of Finance and Personnel's (DFP) consideration of the project. In doing so, however, I made it clear that I advised the relevant Minister that, in my judgement, his questions were outwith DFP's authority. Nonetheless, to move the project to a satisfactory conclusion, I answered those questions comprehensively.

The answers that I provided addressed questions on the timing of the application, consultees' advice and other issues. I have with me the note that I provided to the Minister concerned. I have to say that, having provided that information on Friday 30 November, it is unsatisfactory that another Minister failed to refer to those answers in a subsequent Assembly debate only four days later. What is the point of one Minister providing good advice to another only for it to be disregarded and not referred to in a subsequent debate that touched on the very issues on which questions had originally been asked? Indeed, in that Tuesday's Assembly debate, there was a complaint that:

*"we have never had an article 31 planning application, with all the sensitivities that are involved in this one, dealt with so quickly."*  
— [Official Report, Vol 80, No 2, p53, col 2].

That refers to the Narrow Water bridge application. I do not know precisely what sensitivities are referred to in that quotation, but

I must presume that it refers to the matters raised with me by that Minister. If so, as I have outlined, I answered the questions. I did so on a Friday, yet, as I said, four days later, on the Tuesday, they were not referred to in a Ministerial reply to an Assembly motion.

Furthermore, in a contribution to that Tuesday Assembly debate on Narrow Water, the replying Minister stated:

*"This was an article 31 planning application, so it was decided and signed off by the planning Minister. He may want to correct me on this, but we have never had an article 31 planning application, with all the sensitivities that are involved in this one, dealt with so quickly."* — [Official Report, Vol 80, No 2, p53, col 2].

Let me repeat:

*"we have never had an article 31 planning application, with all the sensitivities that are involved in this one, dealt with so quickly."*  
— [Official Report, Vol 80, No 2, p53, col 2].

So what did I do? I requested a review of planning files to identify article 31 applications signed off by the planning Minister and dealt with quickly. The list is extensive: IKEA at Holywood Exchange; an industrial development at Carnbane in Newry; a shopping development in Northcott in Glengormley; a high school in County Down — that decision was taken in five months — and an INI business park in Strabane. So the evidence, contrary to the assertions made on the Floor of the Chamber, is that article 31 applications have been approved in six months or less and other non-article 31 applications, such as that for the Peace Bridge in Derry, have been also. I will save people's blushes by not identifying the Minister or Ministers who approved the aforementioned article 31 applications in six months or less.

As you are aware, the Executive made a commitment in the Programme for Government that, by 2015, 90% of large-scale investment decisions would be made within six months and applications with job creation potential would be given extra weight. The particular target for this year in respect of those large-scale investment decisions is 60%. I have made it clear to my planning officials that I expect that commitment to be achieved — indeed, I expect it to be surpassed.

I support the Executive's commitment in that regard. It will come as no surprise to hear that other Ministers, whom I will not name, do so

also, so it is surprising that a commitment entered into and delivered on in one planning application — namely, Narrow Water — is then portrayed as being, “dealt with so quickly”. Rather than disparage and question the process and decision, it should be held up as an example of good practice, good performance and good planning. I hope that the House will agree.

It has further been contended that the Narrow Water application was dealt with by me as Minister and:

*“was dealt with very shortly — and, indeed, it was signed off on the day that the Committee”,*

That is the SEUPB committee,

*“met, which was 24 October 2012.” — [Official Report, Vol 80, No 2, p54, col 2].*

Again, that contention is incorrect. I made my intention to approve the application as an article 31 application on 12 October this year, and the notice to that effect was issued on 24 October. The comments made in the House by a Minister in response to the Narrow Water debate do not acknowledge that the decision was made in advance of 24 October, was announced in advance of 24 October and was publicly confirmed on 12 October. I believe in telling the full story, and conveying the full picture and the full details. Others should do likewise.

In any case, the date of submission of the Narrow Water Application — February 2012 — and the date of my decision do not tell the full story. As part of a healthy planning process, in significant applications, and particularly in the future as part of the planning Bill that I urgently wish to bring before the Assembly, pre-application discussions (PADs) will be embedded in the planning process. That PAD approach was part of the history of the application. By discussing the proposal in advance, the formal application process can be facilitated to a quicker conclusion. The PAD in this case began in June 2008, and there are records of meetings and PAD discussions held in the subsequent period in order to anticipate any planning issues that might arise once that planning application was submitted.

## 12.00 noon

The Narrow Water project did not emerge like a bolt from the blue in February 2012. It has been nurtured over decades, discussed over

years and decided over months. This is the full story of Narrow Water.

This was a good planning decision, made in good time and on good grounds. Every month, I sit down with my senior planners to interrogate all article 31 applications. For one or other particular applications, that happens weekly. It is worth commenting that the representations that were made on the article 31 application for Narrow Water were not of a scale compared with any article 31 retail application in any part of Northern Ireland, for those relating to Rose Energy or other applications.

In my judgement, the reason is self-evident. This proposal attracts cross-community and cross-border support. This planning application builds trade, tourism and relationships. Europe and Dublin want to support the application, and Belfast should support it.

It is hard to fathom why a few people want to impede its progress. Certainly, let us interrogate the evidence, if that is done on proper grounds. However, in doing so, we should not claim anything other than that the planning decision was robust, thorough, evidence-based and consistent with law, policy and good practice.

There is no smell around this process and decision. There are only the standards of good planning, good practice and good government.

**Lord Morrow:** I listened intently to what the Minister had to say. The more he speaks, the more he digs himself into a hole. Will he bring the same swiftness to all article 31 applications, some of which have been lying in his Department for 10 years? I know that he has not been there for 10 years, but he now has an opportunity to show how swift he is on all these applications.

There is a smell around this one. He may try to deny that, but it seems very strange that the application was lodged on 9 February, and the Minister has it all done and dusted within a couple of months. Is he now telling us today that, from this day forth, all article 31 applications will be dealt with as swiftly as he has dealt with this application? If he does that, he will go some distance towards allaying Members' concerns.

**Mr Attwood:** It is a matter of regret that irregular and false words, in my view, have been used, and I want to tread cautiously here, Mr Speaker, so correct me if you think that I am going too far, because sometimes I can go too far. It is inappropriate to repeat an assertion

that has been comprehensively, robustly and firmly rebutted in my statement and which does not reflect the content of that statement on this planning application.

Let me repeat: there is no political smell. This process was absolutely proper. The PAD was absolutely proper, as was the process from February until the decision later in the autumn. Any contention otherwise is unhelpful and inaccurate. I suggest that those who continue to use the language of there being a smell are digging a series of holes, looking for the deepest one and jumping into it.

I am under a Programme for Government commitment that, this year, 60% of new article 31 applications will be handled within six months and that, by 2015, 90% will be handled within six months. Those are challenging but realistic targets.

What will be the story of article 31 applications this year, Lord Morrow? Another two article 31 applications have been submitted since this one in February 2012. I did not get this decision over the line in six months; it took seven months. There were two subsequent article 31 applications in June 2012 for which I will try to live up to the six-month rule. I will achieve that before Christmas on one application and may do so on both. If that goes some way towards reassuring those who continue to harbour doubts, I am pleased to give that reassurance.

**Ms Ruane:** Go raibh maith agat, a Cheann Comhairle. Cuirim fáilte roimh an ráiteas seo ón Aire. I welcome the Minister's statement, which very clearly outlines the timeline and the process. I was at the An Bord Pleanála hearing and can assure the House that it was very rigorous. From the Minister's statement, it is obvious that he, too, has carried out a rigorous process. Will the Minister join me in paying tribute to Warrenpoint, Burren and Rostrevor Chamber of Commerce, which has done so much?

I will put on record that I was on the programme that the Minister mentioned and did challenge the comments about a "political smell". Those were very unfortunate comments, and I accused the Minister in question — I will not name him either — of scaremongering.

**Mr Attwood:** Go raibh maith agat. The Member captures both the rigour of the process in the North and the rigour of the process in the South. If a Member asserts that there is a political smell about the planning application in the North, it follows, does it not, that they are making the same assertion about the planning

application in the South? That is despite the fact that the applications were lodged on the same day by Louth County Council, as it is a transboundary matter. As the Member said, that would be a very unfortunate and, potentially, scaremongering assertion. In all other regards, I endorse the Member's comments.

**Mr Elliott:** It is quite interesting that we meagre MLAs are being given a taste of Executive business on the Floor of the House. It is an interesting debate between Ministers.

The Minister made a point about the Executive commitment in the Programme for Government that 90% of large-scale decisions would be made within six months. Is the Minister aware of any allegations or suggestions, within the Department or outside, that planning officials put applicants under pressure to withdraw applications at some stages so that the Department's figures remained appropriate?

**Mr Attwood:** I thank the Member for his question. This is not a matter of getting a taste of Executive business. It is a matter of a process that was true and robust being portrayed as something other than true and robust. This is not a spat between Executive Ministers. It is fundamentally about accountability, oversight and good process. This decision will fall fully on the right side of that argument, and I will try to ensure that other decisions of the planning system do so, too. Anybody who asserts otherwise is straying into narrow politics, when this should be about big ambitions and the hopes of the people of this island for trade, tourism and better relationships, which, in my view, are what Narrow Water symbolises.

I note what the Member said. There are reasons why an applicant may want to withdraw a planning application. It may be because, if they do not withdraw it, it will be refused. It may be because, if they withdraw it, they will be able to reapply without incurring the costs of a full application. So there are good reasons, which serve the interest of agents and applicants, why they may be advised that the wiser counsel is to withdraw.

If there is any assertion or evidence — I would welcome hearing evidence as opposed to assertions — that people's arms are being twisted, I would like to hear it. That would not be good practice, and I would not tolerate it. However, I think that it is right and proper for the planning system to give advice to agents, applicants and developers that the wiser

counsel is to withdraw in advance of the resubmission of a different application.

**Mrs McKeivitt:** I welcome the Minister's statement. The people of south Down and Louth believe that the decision was right. They believe that, as the Minister said, it is an example of good practice and good planning.

I welcome the pre-application discussions that took place between June 2008 and February 2012 and before the full application. I also welcome the fact that you state that you wish those pre-application discussions to be part of the planning Bill that you wish to bring before the Assembly. Given that, in my opinion and that of the people of south Down, the Narrow Water bridge project application is a fine example of how to come to a decision through the PAD process, how can anyone claim that the process was anything other than correct?

**Mr Attwood:** I welcome the Member's comments about the pre-application discussion. That should be the required practice for significant applications and for applications that may be of less significance. The more that you embed in the planning process the conversation between an applicant or developer and the local community that will be affected, adversely or otherwise, by a planning application, the better that the planning process will be and the more likely that it will be that an agreed outcome is reached. I want to see that in place as a matter of practice. However, if the Executive sign off on the planning Bill this Thursday, it will come to the Chamber in January. If passed into law, it will mean that, when it comes to significant planning applications, community consultation or the PAD process is a requirement. That will be a statutory requirement, not an add-on or an option, and that will only improve understanding of the planning process and achieve a better outcome.

The project will see the first cross-border bridge since partition built and provide opportunities for trade and tourism. It can deepen relations between Louth and Down, generally in the border area and on the island. Do we not need to deepen relationships and demonstrate that we can do so, given the turbulence of the past days? I am hoping that wiser counsel will prevail and that the authority of both the planning process and the SEUPB process will be recognised. If the bridge is realised and built by the end of 2015, it will show good authority to the Governments, North and South.

**Ms Lo:** I would hate to see this project become a political football, with parties point-scoring

over it. Given the events of last week, the public are looking to us to show leadership, promote community relations and promote our economy in order to create jobs. The project is a good one.

What steps is the Minister going to take to talk to the Minister of Finance and Personnel to try to address the issues and concerns that he expressed last week about the timing of the project and whether we can complete it in time so that we are not liable for its full cost? Those are the Minister of Finance and Personnel's real concerns. I would like to see the two Ministers working together and providing leadership for all of us rather than fighting over the project.

**Mr Attwood:** First, I thank the Member for taking up the theme of my previous answer. When it comes to trade and jobs, tourism and jobs and relationship-building between Louth and Down, in the wider border area and on this island, the project covers all the bases. That is why, given that it has that scale and potential, I would like to think that all of us will get to the point of endorsing it.

There was no issue raised about the project until very late on. As far as I am aware, no issue was raised about the planning process or the SEUPB process until recently. It was a settled matter. Yes, the two Governments, North and South, on the far side of the SEUPB decision had to make their own judgements about whether they could contribute the relatively small sums of money needed to make the project happen, because liability for 25% of the funding for the project falls to the Dublin and Belfast Governments. Until very late on, there was no issue raised in the planning system or over the outcome of the SEUPB process.

It is for others to say why the matter has now attracted such attention and controversy. I have tried to provide good answers to questions raised by others to further settle the matter, to ease their concerns and to ensure that the project moves forward positively. Even though, in my view, questions that were asked were outwith the authority of another Minister, I, nonetheless, provided that information to communicate with that Minister and to see the project move forward. That is a sign of good faith and good intentions, and I would like others to show the same.

**12.15 pm**

**Mr D Bradley:** Go raibh míle maith agat, a Cheann Comhairle. I congratulate the Minister on the businesslike way in which he has dealt

with this application and other article 31 applications and thank him for fumigating some of the words that were spoken about the issue during the Assembly debate. I welcome, of course, the support of the Irish Government and the SEUPB for the project. Will the Minister join with me in urging our Executive to take this opportunity to bring the project forward without any delay so that we can realise the full benefits of it for the tourism industry, for trade and commerce and for the people of south Down and County Louth?

**Mr Attwood:** I agree with the sentiment of Mr Bradley's comments. The Executive, as with the Cabinet in Dublin, should get behind the project. It is my understanding — this may refer back to the question asked by Ms Lo — that it is not a requirement that all the moneys for the project that are drawn down from Europe have to be spent by April 2015. It is my understanding that moneys can be spent up to December 2015. We need to confirm that. Furthermore, it is my understanding that, at the end of December 2015, if, for example, 80% of the moneys had been drawn down and spent on the Narrow Water bridge but the bridge was not finished, Europe will not seek to reclaim the moneys. An impression may have been created that we were subject to some critical time frames in terms of April 2015 and the potential of the budget for that bridge falling to the two Governments North and South. It is my understanding that that may not be the case. I would welcome being corrected on that, but I assure Members that I checked and double-checked it in two places of authority in Europe.

I understand that, technically and in construction terms, the bridge can be built, and given the somewhat moderate contribution that has to come from the North, given that we still have three years to get the bridge completed and constructed and given the goodwill that is all around us in Europe and from European funding sources, I want to, as Mr Bradley indicated, see the matter satisfactorily concluded and want the Executive to endorse the proposal.

**Mr Allister:** Maybe I should offer my services as an honest broker between the warring Environment Minister and the Finance Minister. Maybe not.

In the Minister's expeditious consideration of the matter, what consideration did he give to the impact on local fishermen? Although my constituency is far removed from the location, I ask that question by virtue of the fact that I have, nonetheless, received representations from fishermen, who are also politically

probably outside my constituency, raising concerns about the impact on the mussel beds in the location, concerns about the fact that there are statutory rights pertaining to Carlingford lough being a tidal waterway and concerns that no one has given any thought to the impact on their practice and performance as fishermen in the area. Can he tell us anything about his consideration of that?

**Mr Attwood:** I thank the Member. The benefit of having a pre-application discussion is that you can scope out and identify any and all issues that might impact if planning approval is granted.

Therefore, I refer the Member in the first instance to the open file that exists on this matter, which scopes out all of the issues that are identified through the PAD discussions on the proposal. Because it is an open file, I refer the Member to all of the written responses from all of the in-house and external consultees, outlining all of the concerns and issues that might arise. Then, I refer the Member to the decision on the article 31 application, which outlines — save the Runkerry decision that was taken earlier this year — the range, extent and rigour of planning conditions that are required as a consequence of this approval going forward and in advance of the bridge being built or as a consequence of the bridge being built.

Be it the PAD, be it the consultation responses or be it the negative conditions and other conditions that are laid down in the approval itself, it is as extensive as I have come across among the article 31 applications that have been approved during my tenure in this office, save the Runkerry decision. The Runkerry decision and this one are very similar in that the environmental interest is asserted whatever its character. Consequently, this process and decision is exhaustive and covers the issues of water management, of when you can and cannot build, of navigation, of access to further into the Newry canal and of protecting all of the natural assets of that area, including the fishing interests and all of the concerns and bases that the Member raised.

## Executive Committee Business

### Inquiry into Historical Institutional Abuse Bill: Final Stage

**Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister):** I beg to move

*That the Inquiry into Historical Institutional Abuse Bill [NIA 7/11-15] do now pass.*

When I addressed the House on 25 June at the beginning of the Second Stage of this Bill, I said that the story of the victims of institutional abuse had affected not only everyone in this Chamber but that it had gravely troubled the hearts of the people of this Province. We have heard many personal accounts of unspeakable torment. Children in institutions were in a particularly vulnerable position. They often had no one to turn to. They could not turn to anyone, and they had no one to trust but those who were entrusted for their care.

This is the bleak context that the inquiry into historical institutional abuse has been designed to both investigate and to address. We want to know fully what happened and what could have been done or should have been done to prevent it. Importantly, it will conduct its work with an eye on the need to guard against future abuse, and it will make findings and recommendations about four specific matters.

First, on where institutions or the state failed in their duties towards children in care and whether these failings were systemic. Secondly, in respect of an apology. By that, I mean the nature of such an apology and by whom it should be made. Thirdly, in respect of whether there is a need for a memorial or a tribute to those who suffered. Lastly, in regard to any requirement or desirability for redress that might be provided by institutions or the Executive to meet the particular needs of victims.

The nature or level of any potential redress, whether it is financial or in the provision of services, is a matter that the Executive will discuss and agree once the inquiry has delivered its report and its findings.

The benefit of this legislation is that it puts the process of investigation and inquiry onto a firm statutory footing. The Bill enables and requires the chairperson to direct the inquiry's

procedures and conduct in a fair and just manner, having regard also to the need to avoid any unnecessary cost to the public, witnesses or others. The inquiry also provides for an acknowledgement forum at which victims and survivors can speak in confidence about what happened to them. That is safeguarded by the provision of additional protection to the privacy of the forum's proceedings and the evidence that is disclosed to it.

As expected, the inquiry also includes an inquisitorial element in which the chairperson and his panel can examine evidence and question witnesses under oath. The Bill recognises that the public will have a legitimate interest in those proceedings and in the evidence examined. It requires the chairperson to take reasonable steps to ensure public access to this element of the inquiry. However, he may also issue orders to restrict access to its proceedings and evidence and to protect witnesses' identities.

We anticipate that most witnesses who are called to give evidence will do so willingly, but, where that is not the case, the Bill bestows on the chairperson powers to compel witnesses to appear before the inquiry and to compel evidence to be produced to it. It will be an offence to contravene a restriction order. It will also be an offence to deliberately alter or conceal evidence requested by the inquiry or which is likely to be of interest to it. The penalty will be a level-3 fine, £1,000, or six months' imprisonment or both.

The Executive, through the Office of the First Minister and deputy First Minister (OFMDFM), will meet the inquiry's costs. With the Department's approval, the chairperson may make financial awards in respect of the legal or other expenses of particular witnesses. The Department will consult on rules setting out the conditions under which awards may be made.

When junior Minister Anderson and I came into office, the First and deputy First Minister asked us to make the historical institutional abuse inquiry one of our top priorities. I am pleased to say that progress has been rapid. The inquiry's terms of reference were announced on 31 May; on 12 June we introduced this Bill; and today, only five months later, it has reached its Final Stage.

While developing the inquiry, I had the privilege — and I mean the privilege — of working with victims and survivors. It was they who exposed the abuse and demanded an inquiry. Individual victims and survivors have also provided us with research information. They are using their

own resources and networks to publicise the inquiry, and they are supporting others in registering with it. I take the opportunity to thank each and every one of them for their contribution and for the difference that they have been making to the task in which we have been engaged.

My profound thanks also go to Sir Anthony Hart. After a distinguished judicial career, Sir Anthony accepted the challenge of chairing and directing this inquiry. His wise and very practical advice has been of major help in strengthening the various facets of this Bill.

The political institutions in Northern Ireland have, sometimes, come under attack for an alleged slowness to enact legislation.

Lest anyone be in any doubt, I remind the House that the Bill has been drafted, agreed, introduced, scrutinised, amended and passed in just nine months. Work that began last Easter has concluded successfully as we approach Christmas. The speed of the process was due in no small part to the excellent co-operation that we received from a range of interested bodies. In particular, I thank the OFMDFM Committee for its diligent and insightful scrutiny. It consulted victims and survivors, expert organisations and the inquiry chairperson. It worked most productively and constructively with the Department, and the First Minister and deputy First Minister were pleased to accept all the Committee's proposals as amendments.

### 12.30 pm

I am also grateful to Committee members for their significant contributions to Assembly debates. The Office of the Legislative Counsel, the Departmental Solicitor's Office and OFMDFM officials have done an outstanding job. I am grateful to them and to the Assembly staff who supported the Bill through the process. Crucially, the chairperson has a clear vision for the conduct of the inquiry, together with a well-structured plan. The acknowledgement forum is already up and running and began interviewing victims and survivors on 22 October. Enactment of the legislation today will give the chairperson the full range of powers that he needs to fulfil the terms of reference.

On behalf of the First Minister, the deputy First Minister and junior Minister McCann, I wish Sir Anthony and his team every success. Much of what came to light during the inquiry could be intensely distressing to those who hear of it or read it. However, it is the prayer of the

Administration that the plight of the victims and survivors of historical institutional abuse will be addressed and that appropriate measures will be taken to ensure the guaranteed future safety of our children. As a society, we will learn from this. I hope that the inquiry will, in the fullness of time, achieve some sense of lasting closure for those who walk through its doors in the weeks and months ahead. I commend the Inquiry into Historical Institutional Abuse Bill to the House.

### **Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister):**

I thank the Minister for his words. The Committee is more than happy to see the Bill reach the Floor for the final time. I thank Committee members. We often hear in the House and elsewhere in Northern Ireland the fine phrase of a process being "victim centred". From my experience, we gave meaning to that phrase in Committee deliberations over the past weeks and months. I thank, in particular, the victims and survivors of historical institutional abuse who came forward. As a former victims' commissioner of the Troubles, I have some experience of how difficult it can be for victims to come into the public domain, tell their stories and make their calls and recommendations. On behalf of the Committee, I pay tribute to all those who came forward. On behalf of the Committee, I also thank the junior Ministers, the Department and Committee staff for their role in bringing this forward.

The Committee's input to the Bill ultimately came down to a question of trust. We could have slowed down the process and pushed and pushed again for assurances on the exact meaning of words and paragraphs in the Bill, but we wanted to make sure that our deliberations did not slow down the Bill to the point at which it went into the next calendar year. It was our determination that we would play our part in enabling the Bill to come before the House before Christmas recess, and we have achieved that, because here we are on this day.

Rather than push and push and push, we pushed and pushed and then decided to trust, because who on earth would want a process that abused the already abused? We achieved some major amendments, which the Minister referred to, but, before I mention those, on behalf of the Committee I thank Sir Anthony Hart and his inquiry team. Without breaking the confidence of papers that are to come before the Committee tomorrow, I can say that, last week, the Committee discussed a relatively small matter. When we made an enquiry, not

only did we get an answer within the week but we got a fulsome report on that enquiry. The speed and detail of the attention that the inquiry team paid has been exemplary, and it should give us all hope and confidence that it is a sign of things to come for the victims and survivors who will engage with Sir Anthony and his team.

I do not propose to revisit the Bill's provisions in full detail. The Committee's position and thinking are set out in its report and were rehearsed at Consideration Stage. However, I will briefly note some of the key changes in the Bill, which the Committee welcomes and supports. The Bill and terms of reference for the inquiry have been amended so that the inquiry can investigate abuse that occurred as far back as 1922. It will not now exclude a number of the older victims, a significant and welcome improvement. I thank the Department for agreeing to that amendment. The Bill now provides for changes to the terms of reference to be made by way of an order subject to draft affirmative resolution of the Assembly. This provides an appropriate level of scrutiny by the Assembly and valuable reassurance to victims and their representatives. The change was welcomed by the Committee and by the Human Rights Commission.

The amended terms of reference for the inquiry are a key issue. Although the inquiry is into historical institutional abuse, there may still be lessons to be learned. One point on which the Department did not agree an amendment requested by the Committee was the inclusion in the terms of reference of a specific duty to make recommendations on changes to law, practice and procedure to prevent further abuse. However, most members were satisfied with the Minister's amendment to the terms of reference so that the inquiry, in making its findings and recommendations, will do so:

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

The Committee sought and welcomed the clarity on the arrangements for publication, which have been inserted at clauses 11, 12 and 13. The Committee also welcomed the Department's reassurance that the inquiry's report would be published once it had been concluded and that Ministers had no intention of delaying publication or withholding parts.

The Department and the inquiry chairperson provided valuable reassurance on how the Bill would operate in a number of situations, one of which was that victims would be consulted about any proposed changes to the terms of

reference under the normal principles governing consultation.

The Committee was also reassured to hear that the inquiry chair is agreeing a protocol on how the inquiry will work with the Police Service, where abuse coming to light could give rise to criminal liability or is the subject of police investigation.

Clause 12 provides for the payment of inquiry expenses by OFMDFM. The Northern Ireland Human Rights Commission and Amnesty International raised concerns about the impact of that power on the independence of the inquiry. Specifically, Ministers can give notice to the inquiry chair if they believe that the inquiry is acting outside its terms of reference, in which case OFMDFM will not meet the costs of such activity. The Committee welcomed the Department's assurance that the withdrawal of funds would happen only in the highly unlikely event that the inquiry persisted in activities that were outwith the terms of reference. That reassurance was also welcomed by the Human Rights Commission.

As Chairperson of the Committee, I, once again, thank the victims and survivors and their representatives and all those who made submissions or gave evidence to the Committee during its scrutiny of the Bill. Throughout the process, it became increasingly clear that we had to recognise that it was incomplete, dealing as it does only with victims of institutional abuse. It does not deal with clerical or non-clerical abuse. I am increasingly nervous about using the example of Father Brendan Smyth, because I do not want anybody to think that abuse was perpetrated by only one person. However, the example serves well to say that victim A may have been abused by Brendan Smyth in an institution at twelve o'clock, and victim B may have been abused in his own house at two o'clock, but only victim A has recourse to Sir Anthony Hart and his inquiry. We are all aware of that, and the Committee has yet to form a view on the way forward on those not yet included, but we are committed to discussing this important issue with the Department going forward. We hope to do so in a timely manner and one that is appropriate to the needs of the victims who still seek a forum and a mechanism for redress.

On behalf of the Committee, I finish by wishing Sir Anthony Hart and his team Godspeed for victims and survivors.

**Mr Eastwood:** I am very glad to say that we have arrived at this legislative stage. I take this opportunity to thank the Ministers and officials

for co-operating very well with the Committee and with all the difficult questions and awkwardness that we sometimes presented them with. A number of people have done a lot of work to make sure that the legislation has got to this stage so quickly, and they all need to be thanked. However, I also want to make the point that this day would never have come about if it had not been for the victims and survivors of abuse in this country. Some of them are with us today, and all of us who have listened to them over the months and years know the hurt that they have gone through and the long, hard road that they have had to suffer. They have had to fight to get to this day. Today, they need to be proud of the work that they have done. We only facilitated that very hard work, and I think that they can be proud of what they have achieved.

We have all had discussions and debates at Committee Stage, and we are all happy with what we have arrived at. I had a number of amendments, some of which were accepted and some of which were not, but we have a Bill that is fit for purpose and of which we can be proud. We will have an inquiry that will be able to get to the truth. Hopefully it will be able to provide the answers and eventually the redress that the victims require.

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

We have to say — this has already been alluded to — that a lot of people will not be served by the inquiry. It was right that we did it this way. This was the only way in which we could do it. We had to set up a specific inquiry for institutional abuse, but, in doing that, we need to be mindful of the fact that there are many people who will not be covered by the inquiry. The Chairman used a very obvious and good example of people who will not be served by it. We as a Committee, along with Members and Ministers, agree that we need to move urgently to begin to tackle the issue of clerical abuse. It is Ireland's greatest shame. It was a terrible horror that was inflicted on very many young people and children right across this island, and we need to do everything in our power to ensure that, on this side of the border, we address that very serious and shameful issue in our past. I hope that we can move as an Assembly to begin to deal with that process. It will not be an easy process; it will be a difficult one. However, with the focus now on the issue, we need to take the opportunity to move the agenda and begin the process of addressing clerical abuse.

We wish Sir Anthony Hart and the members of the inquiry all the very best, and we hope that

they can arrive at a situation in which the vast majority of people can be happy with the outcome. We need to do everything in our power to ensure that all victims are aware that it is happening. I know that, sometimes, in our Stormont bubble, we think that everybody understands what goes on up here all of the time. We need to make sure that every victim understands that the inquiry is happening and the acknowledgement forum has begun and that they are offered the opportunity to be involved. Many people in many parts of the world have suffered as a result of historical institutional abuse in Northern Ireland. I hope that everything will be done to ensure that those people are offered an opportunity to come forward.

In conclusion, I thank the Ministers, the Department, everybody involved with the Committee, the people who came to give evidence and, especially, of course, the victims for getting us this far. I wish the inquiry all the very best, and I hope that the victims and survivors can finally get some sort of peace after many years of very difficult suffering. I hope that that will happen sooner, rather than later.

**12.45 pm**

**Mr Lyttle:** Obviously, I, too, rise to support the Bill. At its Final Stage, I want to take the opportunity to recognise the hard work of so many people that has gone into assisting us to reach this stage. In particular, the departmental officials and Committee Clerks were exemplary in the manner and timeliness with which they assisted the smooth and prompt passage of Committee Stage. I also pay tribute to the organisations that were involved, in particular the victims and survivors, from whom all of us learned a great deal when hearing their testimonies on this extremely difficult and challenging issue.

The Alliance Party has supported the Bill from the outset of the process. I am pleased that we have such a united voice in the Chamber today in support of the Bill. I repeat the comments that I made at Second Stage, when I put on record the Alliance Party's hope that the Bill would provide an opportunity for the voice of victims and survivors to be heard and that their need would be met after so many years of such unimaginable suffering. I am pleased that, further to the Committee Stage, the time frame of the inquiry was, indeed, widened to allow more victims to have their voice heard and the possibility of closure and redress. I hope that the inquiry's findings or recommendations will be considered in a timely manner and in a way

that gives the opportunity for closure or redress to as many victims and survivors as possible.

I am also mindful of the concerns about the victims of clerical abuse. The Alliance Party is eager to see that measures are put in place to meet the needs of those victims. I hope that, now, the Bill can deliver a process and action for the victims and survivors of historical institutional child abuse, which are long overdue, and will provide proper mechanisms to avoid any future occurrence of such abuse. My party and I support the Bill.

**Mr Bell:** Can I, again, say a word of thanks to the victims and survivors? It is they who have experienced a level of horror that many of us can only think about, and we try to empathise with them. They came to us. It is their courage, tenacity and campaigning that has brought us to the stage where we have a Bill that will, within minutes, become law. We heard your accounts. We heard accounts of what can only be described as unspeakable torment. We know that, as children, you were placed in a very vulnerable position. We know that you had no one to turn to. We know that the people who should have been there, to whom you should have been able to commit your trust and who were entrusted with your care, we believe, failed you. But can I say this? You came to us and asked us for an inquiry, and we said that we would do our best. The First Minister and deputy First Minister gave an instruction to junior Minister McCann, junior Minister Anderson and me to prioritise this and get the Bill through.

We did that because we, the First Minister and the deputy First Minister understand the violence, brutality and humiliation that were meted out to children in institutions here. Those are the shocking realities that the inquiry is designed to address in order to guard against future abuse. Junior Minister McCann and I understand that victims were robbed of their dignity, self-respect and childhood.

I know that many victims and survivors were keen to see this come to a swift conclusion and an inquiry set up and started. I pay tribute to SAVIA and the many other groups of and individual victims and survivors who have brought us to this stage. I hope that you can look to the fact that, on 31 May, we announced the inquiry's terms of reference in the House; on 12 June, we introduced the Bill; and today, only five months later, the Bill has reached its Final Stage.

As I say, junior Minister McCann, junior Minister Anderson and I had the privilege of working

with victims and survivors. It was you who exposed the abuse and demanded an inquiry. So, on behalf of junior Minister McCann, First Minister Peter Robinson and deputy First Minister Martin McGuinness, I take the opportunity today to thank each and every one of those victims and survivors for their contribution, for the difference they have made and for their help in the success of this task in which we have been engaged. Thank you.

The Bill has been drafted, agreed, introduced, scrutinised and amended in just nine months. The work that began last Easter is, I am pleased to say, to become law imminently, before Christmas.

Mr Lyttle, Mr Eastwood and the Committee Chair raised important issues. I want to say that child abuse is child abuse is child abuse, no matter where it was committed. The reason we are looking at residential abuse is that those children had nowhere else to go and no other caregiver. That is why those specific parameters were set down. However, let me say that the issue of clerical abuse is no less important or emotive than institutional abuse. We are minded of the equally destructive impact that child abuse, clerical abuse or any other form of abuse from any other profession has on individuals. The Executive will have to give careful consideration to how that should be dealt with following the inquiry into historical institutional abuse.

The categories covered by the inquiry were selected because of the particularly vulnerable nature of those in residential care. Setting the parameters in that way does not in any way undermine the trauma that has been inflicted on many other individuals as a result of abuse in domestic and other settings. Anybody has the right to report any form of child abuse that they have suffered in the recent or distant past to the police and social services and to have a full investigation, and I encourage them to do that.

We understand that much will come to light in the inquiry that will be and can be intensely distressing to those who hear about it, read about it and learn of it. It is the Assembly and the Administration's prayer that the needs of victims and survivors of historical institutional abuse will be addressed and that appropriate measures will be taken, as they asked us to do, to ensure the future safety of our children.

I equally pay tribute to the victims and survivors who are not here but suffered. For many reasons they are not here. Those who have gone before — as the victims and survivors referred to them in many meetings — are not

here to see this day and this Bill go into law. I hope that tribute will be paid to the work they did over many years to bring us to this point in a testimony to those who are not here to see this day, when an inquiry into the nature of historical institutional abuse will imminently go into law.

As a society, we hope to learn from the inquiry. We genuinely hope that the inquiry will, in the fullness of time, achieve some lasting sense of closure for those who will walk through its doors in the weeks and months that lie ahead. I commend the Inquiry into Historical Institutional Abuse Bill to the House.

*Question put and agreed to.*

*Resolved:*

*That the Inquiry into Historical Institutional Abuse Bill [NIA 7/11-15] do now pass.*

## Charities Bill: Final Stage

**Mr McCausland (The Minister for Social Development):** I beg to move

*That the Charities Bill [NIA 11/11-15] do now pass.*

I again put on record my thanks to the Chair and members of the Social Development Committee for their timely and effective scrutiny of the Bill. It was important to move the matter on quickly, so I appreciate the efforts of the Committee, particularly given its full programme of scrutiny of other important primary legislation. I am pleased that the Bill has received support from Members across all parties and that the work of the Charity Commission for Northern Ireland has been widely and favourably recognised.

The primary purpose of the Bill is to amend the public benefit provision of the Charities Act (Northern Ireland) 2008. This is significant legislation that will enable the commission to consult on its draft public benefit guidance, to publish that guidance and begin the process of registering charities in Northern Ireland. Registration is a core and necessary part of the commission's work. Details of the charity register and the accounting and reporting information that will follow will be important public information. That will give the public and donors confidence in the work that charities do and provide assurance that charities are fit for purpose.

Local charities and their representative bodies have broadly welcomed the Bill and the prospect of regulation. Charities wish to see their valuable work acknowledged and to receive assurance that they are meeting their charitable purpose and providing public benefit. We have around 6,500 charities on what is called the "deemed list", charities that are registered with Her Majesty's Revenue and Customs for tax purposes. The Charity Commission has estimated, however, that there may be up to 10,000 groups undertaking charitable activity in Northern Ireland. They will all be required to come forward for registration. It will be a phased process, starting in the autumn of 2013. The commission will work closely with the charitable sector to ensure that organisations have as much support as possible in complying with the legislative requirements.

Today is, undoubtedly, an important step forward in meeting the objective of having a well-regulated and vibrant charities sector in

Northern Ireland. As we approach the Christmas period, we are all aware of the pressures faced by local charities in helping those most in need in our local communities. This legislation is about recognising that work and its intrinsic value to making this a better place to live. I commend the Charities Bill to the House.

1.00 pm

**Mr Brady (The Deputy Chairperson of the Committee for Social Development):** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for moving the Final Stage of the Charities Bill.

In accordance with Standing Order 33(1), the Bill was referred to the Committee for Social Development 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. The Committee heard from the Department on the provisions of and rationale for the Bill. At Consideration Stage, amendments were proposed, principally a new clause 3 relating to insolvency law. We were content to agree the new clause at that stage.

I will not rehearse what has been said at previous stages, but it is necessary to focus on the key aspect of the Bill and what it will mean for charities here. In short, the Bill corrects a deficiency in the Charities Act 2008, providing clarity on whether an institution is or is not a charity within the meaning of the Act. The legal uncertainty in the Act has meant that the Charity Commission has been unable to fulfil its obligation under the legislation because the public benefit requirement under the 2008 Act was not workable in practice. Therefore, the registration of charities here has been delayed. However, I have previously acknowledged that the Charity Commission has already established a deemed list of some 6,700 charities, on which it has been working closely with HMRC. The commission deserves credit for that.

The Bill clears up the legal uncertainty, which Members and stakeholders will welcome, thus providing the legislative framework so 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 clarity provided by the amendment to section 3 of the Charities Act (NI) 2008 means that the Charity Commission for the North will be able to begin the process of registering charities here. As we look ahead, it is essential that the Charity Commission begins

the work of consulting stakeholders on the public benefit requirement and brings its proposals forward as quickly as possible. However, the Committee recognises that that will not happen overnight. The Committee will work with the Charity Commission, the community and voluntary sector and the Department to offer advice and direction as best it can.

In closing, I thank the departmental officials, who have always been ready to assist the Committee in its deliberations, and the Committee staff. I thank colleagues on the Committee for their dedication in scrutinising the Bill, one of three that the Committee has been considering since October. The Committee has always sought to scrutinise legislation and policy in a constructive way, even though, on occasion, it may be contentious. It is fair to say that all Committee members have stakeholders and the wider community at heart when carrying out their scrutiny role. Hopefully, that is reflected not only during the process of scrutiny but in the final outcome. I commend the Bill to the House.

**Mr Durkan:** It is with great pleasure and great surprise that I welcome the Final Stage of the Charities Bill. For the reasons outlined by the Minister and the Deputy Chair, I support the passage of the Bill.

**Mrs Cochrane:** I also concur with the remarks of the Minister, the Deputy Chair and fellow members of the Committee who are present. Having spoken in favour of the Bill at various stages, I will not repeat my comments. I support the passage of the Bill.

**Mr McCausland:** I thank Members for their contributions to the debate. I am grateful for the constructive input of Members in the progress of the Bill at all its stages and, moreover, for the high level of consensus that it has enjoyed.

I am committed to working with the Charity Commission to continue with the full implementation of the Charities Act (Northern Ireland) 2008. That will require further subordinate legislation as we move forward with accounting and reporting requirements. I encourage local charities to become fully engaged with the commission's consultation on its draft public benefit guidance. This is an opportunity to ensure that we have detailed guidance that fully reflects the nature of the charitable sector in Northern Ireland. I ask the Assembly to pass the Charities Bill and allow it to move forward to Royal Assent.

**Mr Deputy Speaker:** Members, I do not see a quorum.

*Notice taken that 10 Members were not present.*

*House counted, and there being fewer than 10 Members present, the Deputy Speaker ordered the Division Bells to be rung.*

*Upon 10 Members being present —*

*Question put and agreed to.*

*Resolved:*

*That the Charities Bill [NIA 11/11-15] do now pass.*

**Mr Deputy Speaker:** I propose, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be Question Time.

*The sitting was suspended at 1.05 pm.*

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

**2.00 pm**

## Executive Committee Business

Air Passenger Duty (Setting of Rate)  
Bill: Royal Assent

**Mr Principal Deputy Speaker:** Before we move to Question Time, I wish to inform the House that the Air Passenger Duty (Setting of Rate) Act (Northern Ireland) 2012 received Royal Assent today.

## Oral Answers to Questions

### Enterprise, Trade and Investment

#### Economy: North/South Co-operation

1. **Mr Mitchel McLaughlin** asked the Minister of Enterprise, Trade and Investment to outline how her Department is working with the Department of Jobs, Enterprise and Innovation in the Irish Republic to address factors contributing to low economic growth. (AQO 3077/11-15)

**Mrs Foster (The Minister of Enterprise, Trade and Investment):** Well done to the Member for getting into his place just in time.

My Department works with the Department of Jobs, Enterprise and Innovation primarily in relation to the North/South body InterTradeIreland, which both Departments fund jointly. InterTradeIreland is responsible for developing North/South economic co-operation to the mutual benefit of Northern Ireland and the Republic of Ireland. Biannual meetings on trade and business development take place through the North/South Ministerial Council. My officials from Invest Northern Ireland and the Department meet the Department of Jobs, Enterprise and Innovation, and Enterprise Ireland, to develop a common understanding of the challenges facing businesses in Northern Ireland and the Republic of Ireland and to identify best practice and to discuss areas of mutual co-operation.

**Mr Mitchel McLaughlin:** I thank the Minister for that answer, in which she came directly to

the point. Have any discussions, specifically on the challenges facing the economy in both parts of this island, offered up or compelled closer co-operation between her Department and its counterpart?

**Mrs Foster:** We have very good relations with Minister Bruton. Indeed, we had a good conversation at the most recent North/South Ministerial Council meeting two weeks ago.

In relation to the challenges in front of us, he kindly offered, in relation to the Irish presidency of the EU, to invite us to issues that arose in which he was involved. We look forward to that engagement. In particular, InterTradelreland has been able to work well in the whole area of government procurement across the border. Indeed, it has worked with a number of firms in Northern Ireland to try to assist them to gain work in the Republic of Ireland, and I have been pleased with the progress that has been made. We look forward to more progress in that area.

**Mr I McCrea:** Will the Minister detail why we continue to look to an economy that is going down the tubes rather than trying to do the good work that she is doing in respect of the economy here in Northern Ireland?

**Mrs Foster:** I understand the Member's question, but the Republic of Ireland is our nearest neighbour and, therefore, we should look at opportunities in that market, which is what we have been doing through the work at InterTrade. I noticed that some people were looking at the jobs created by InterTradelreland. Of course, InterTradelreland is not a jobs creation body; it is a trade body that does exactly what it says on the tin. If jobs are created, that is very good and we welcome that. In fact, we only recently asked InterTrade to monitor the number of jobs that result from some of the programmes that it carried through. We must make sure that there is no duplication, and Invest Northern Ireland will always be the primary jobs creation body in Northern Ireland.

**Mr Kinahan:** In her discussions with her Irish counterpart, did the Minister pick up on any other factors or actions that we should take on board and put to the Prime Minister to help us with corporation tax?

**Mrs Foster:** No, because we know of the experience of a lower rate of corporation tax in the Republic of Ireland. It is one of the ways in which it has been able to attract high-profit firms, and that is one of the reasons why we believe that we need to have that competitive disadvantage dealt with through having the right

to set the rate here in Northern Ireland. I very much welcome the fact that Her Majesty's Government have decided to lower again the national rate of corporation tax to 21% by 2015. However, we really need to look at the competitive disadvantage that we sit at with the Republic of Ireland in not only attracting inward investment but dealing with our indigenous companies. That is why we firmly believe that we need to set our own rate of corporation tax.

**Dr McDonnell:** I thank the Minister for her answers to the question so far. Would it be possible to get an estimate of the potential opportunities for cross-border co-operation with the Republic of Ireland so that chances to grow our private sector can be created? Indeed, can I go further and ask whether anyone has made any estimation either of the possible upside to that or of what its full potential might be?

**Mrs Foster:** That is the stock-in-trade of InterTradelreland, and that is what it does day and daily. It has been looking at opportunities for Northern Ireland firms in the Republic of Ireland and, vice versa, at those for Republic of Ireland firms in Northern Ireland. It has held a number of seminars across the whole island, including some in Northern Ireland. We want to see it being more proactive on the ground, particularly where small and medium-sized companies are concerned. For many of those small and medium-sized companies, their first market is their closest, and we very much want to see InterTradelreland working with them.

**Mr Principal Deputy Speaker:** Question 9 has been withdrawn and requires a written answer. Raymond McCartney is not in his place for question 2; and Sue Ramsey is not in her place for question 3.

## Corporation Tax: Joint Ministerial Working Group

4. **Mr D Bradley** asked the Minister of Enterprise, Trade and Investment for her assessment of the outcome of the joint ministerial working group on 18 October 2012 with regard to the decision on devolution of corporation tax. (AQO 3080/11-15)

**Mrs Foster:** The UK Government have a clear ambition to create a competitive corporate tax regime, and, since taking up office, they have reduced the headline rate from 28%. We, too, have prioritised a competitive business environment, and through the joint ministerial working group we have consistently pressed for the devolution of corporation tax powers.

That group's work has now concluded, and good progress has been made on many issues associated with devolving corporation tax. For example, we now know what a devolved corporate tax regime would look like, even though many were initially sceptical that such a system could be developed at all. The report is now with the Prime Minister, and we are seeking a meeting and a further opportunity to press our case. We will again emphasise the need for early decisions so that we can provide clarity and certainty to local businesses and inward investors.

**Mr D Bradley:** Can the Minister tell us what type of response, either formal or informal, she got from conversations with the Prime Minister when he was last here?

**Mrs Foster:** As I indicated, I think that his attitude to corporate tax was put forward again in the autumn statement. He believes that a lower rate of corporation tax right across the UK would benefit the UK economy. So, if you asked me what I believe his feeling on a lower rate of corporation tax in Northern Ireland is, I would say that he is probably quite sympathetic to it. However, he will have to take in other considerations, and we all know what those are. I think that we need to press him again and say to him why we believe we need this in our toolbox. I have spoken to the business community recently to tell it that it also needs to press that home to him. We will certainly continue to do that.

**Mr Gardiner:** Given the uncertainty in the business community, can the Minister give an indication of when a decision on the issue may be forthcoming from the Prime Minister? Is there any action to be taken in the interim period?

**Mrs Foster:** I thank the Member for his question. If it were up to me, the decision would be made immediately, but it will, of course, be a matter for the Prime Minister. The joint ministerial working group has completed its work, and the paper was passed to the Prime Minister's office on 16 November, so it is with him now. As I said, the First Minister and the deputy First Minister have sought a meeting with the Prime Minister to push home again the importance of this issue for the Northern Ireland economy. I have said to the business community that I very much hope that it will come in on the back of that, as, indeed, I am sure that it will. As you rightly said, we need to bring clarity and certainty to the issue, and we need to deal with it once and for all, because the continuing uncertainty is very unhelpful.

**Ms Maeve McLaughlin:** Is the Minister concerned that the forthcoming Scottish referendum is causing a delay in the decision?

**Mrs Foster:** The Member quite rightly pointed to the elephant in the room in this whole issue, which is Scottish independence. We have been very clear that we believe that that should not be a factor in devolving corporation tax. That is because we are saying that, as a devolved region, we want to contribute to the Westminster coffers instead of always looking for a subvention from them. Therefore, in actual fact, this is devolution working for the United Kingdom, whereas the Scottish Government of the Scottish National Party want to break away from Westminster. What we want to do is be an integral part of the United Kingdom and make sure that we pay our way, and the way to do that is through the use of corporation tax.

**Mr Craig:** Will the Minister outline what the possible benefits to Northern Ireland would be of the announced reduction in the corporation tax rate in the autumn statement?

**Mrs Foster:** The coalition Government, and the Conservative Party in particular, want to have a lower tax regime. They have recognised the use of a lower rate of corporation tax to try to stimulate the economy. As I said, they are going to reduce the rate to 21%, it having been as high as 28% in 2010. I think that the Government are inherently sympathetic to our argument about using a lower rate of corporation tax to try to stimulate the Northern Ireland economy. We now just need to push that case even more with the Prime Minister.

## Tourism: GB Visitors

5. **Mrs Overend** asked the Minister of Enterprise, Trade and Investment for her assessment of the number of visitors from Great Britain in 2012. (AQO 3081/11-15)

**Mrs Foster:** Latest estimates indicate that we have welcomed over 650,000 visitors from Great Britain in the first nine months of 2012. The estimates are provisional and will be revised when full end-year figures are available. The GB market is our largest tourist market, and we know that, given the very challenging economic conditions, many GB residents are opting to stay at home. Over the past five years, the overall outbound market from GB has declined by 18.3%. In addition, the UK experienced its second-wettest summer on record since 1912, which encouraged those who are travelling to seek out sunnier climates.

However, I am pleased that the industry sentiment is extremely positive, and it is encouraging to see an increase in occupancy rates across accommodation providers, with room occupancy in hotels increasing by 11% this year to date. By the end of the 2012 cruise season, Belfast will have welcomed 45 cruise ships, bringing over 80,000 passengers and crew, with a further eight ships visiting Londonderry. Titanic Belfast smashed its visitor targets so far this year, with 621,000 people passing through its doors. The new Giant's Causeway visitor centre has already welcomed over 300,000 visitors. The Irish Open was a phenomenal success and the first European Tour event to sell out. Therefore, there is much to celebrate, although we recognise the challenges ahead.

**Mrs Overend:** I thank the Minister for her answer. She will be aware that the number of visitors from GB was down 15%, according to the most recent statistics. It has been most disappointing that we were not able to capitalise more on the Olympics. What does the Minister put that particular issue down to?

**Mrs Foster:** First, as the Member should know, because she put out a statement at the time, those are provisional estimates, and we do not have the figures for domestic tourism or, indeed, for the tourists that come up from the Republic of Ireland. I am very happy to take the Member's question when I have full tourism statistics.

Work is under way with Northern Ireland Statistics and Research Agency (NISRA) and the Central Statistics Office in Dublin to improve our surveys and ensure that we have a robust system in place to measure visitor numbers to Northern Ireland. I am now asking my officials to review tourism statistics and how they are communicated so that, when they are communicated, they are not provisional figures but full statistics that we can all talk about with some confidence and some knowledge.

**Mr Flanagan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for her answers. She will share everyone's disappointment that the figures are down. Although the Minister may try to blame Tourism Ireland, and Tourism Ireland may try to blame the weather, there are a number of factors involved.

Will the Minister agree with me about promoting the island of Ireland as a single tourist destination, where visitors can go to the Ring of Kerry, the Giant's Causeway, the Fermanagh

lakelands and the cliffs of Moher in one single trip, instead of trying to promote different markets on one island?

**Mrs Foster:** The Member needs to look at the markets. We had a piece of work carried out, not just by the Northern Ireland Tourist Board or Tourism Ireland but by Fáilte Ireland and a number of industry providers called the tourism recovery task force. They did a piece of work specifically on the Great Britain market, and what they are essentially saying is that what we have been doing to date is not producing the results that we need to produce. There needs to be a Northern Ireland-specific campaign in Great Britain. That work is not for me but for the tourism recovery task force.

## 2.15 pm

If the Member wants to look at objective statistics and reports, that is the objective report that he should look at. I am very pleased that the tourism recovery task force has plotted a way forward, which is being taken forward by Tourism Ireland and the Northern Ireland Tourist Board. We look forward to monitoring how that campaign works over the coming years.

**Mr Dallat:** I thank the Minister for her answers so far. I do not disagree with anything that she says. However, given that Ireland and Britain healed the wounds of the past in a very public way last year, does she not agree that we should maximise every opportunity, including "The Gathering", which is forthcoming, to ensure that visitors coming from Britain visit Northern Ireland as well?

**Mrs Foster:** That is precisely what we will be doing with our campaign for the UK City of Culture. It is a UK City of Culture, so we are inviting the rest of the UK to come to Northern Ireland to celebrate the very first UK City of Culture. We are having the World Police and Fire Games here for the very first time, and that will be a tremendous celebration.

Members should also remember that the G8 summit is coming to County Fermanagh because we are part of the United Kingdom. It is because we are a part of the United Kingdom that we are able to host the G8 summit.

## Business: South Antrim

6. **Ms Brown** asked the Minister of Enterprise, Trade and Investment how many businesses in

the South Antrim constituency have received financial support in 2012. (AQO 3082/11-15)

**Mrs Foster:** Between 1 January and 31 October 2012, Invest Northern Ireland approved 227 offers of support to 120 different businesses located in the South Antrim parliamentary constituency area.

**Ms Brown:** I thank the Minister for her answer. I know that she appreciates just how difficult it is for businesses in the current economic climate. Will she outline what Invest NI's activity levels are like in South Antrim at present?

**Mrs Foster:** Assistance worth £4.33 million has been offered to 227 projects undertaken by 120 businesses. Those projects plan to invest £15.77 million in the local economy. I am pleased to tell the Member that, in South Antrim, there are currently 24 jobs fund business investment projects at various stages of development, which should lead to the creation of 130 new jobs, 38 of which have already been created.

The jobs fund work continues, sometimes very quietly in the background, across Northern Ireland. I do not have the figures for each constituency with me, but if Members wish to see those figures I will be happy to give them out. The jobs fund does its work, sometimes with very small companies or with small numbers, but, as I have said on many occasions, if each small company was able to take one or two extra people on, we would be able to deal with the issues that are in front of us today.

**Mr Principal Deputy Speaker:** I remind Members that supplementary questions should be specifically about South Antrim.

**Mr Cree:** I appreciate that the Minister's response deals with South Antrim. However, in the wider picture, we could all argue the same sort of thing.

**Mr Principal Deputy Speaker:** Supplementary questions should be specific to South Antrim.

**Mr Cree:** Does the Minister have a strategic plan that will encompass South Antrim and the other constituencies to try to identify those most in need? *[Laughter.]*

**Mrs Foster:** Yes. The Member is well aware of that plan. It is called the economic strategy.

**Ms McCorley:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a freagraí go dtí seo. I thank the Minister for her answers up to now. Will she outline proposals for the next round of European Regional Development Fund (ERDF) moneys and how those will assist small businesses in the North?

**Mrs Foster:** Small businesses remain very much our focus when we look at European funding. I have been particularly pleased with the way in which councils have used ERDF moneys for their local economic development. Indeed, in the East Antrim area, for example, six councils have come together to provide a suite of support which has been achieved through the use of ERDF moneys.

Obviously, we will look at the new programmes once they are available to see where the priorities lie and where we can fit into them. In particular, we want to use the Horizon 2020 research and development fund, and we want more small and medium-sized enterprises to use those funds going forward. We will concentrate very heavily on that.

## Telecommunications: Dervock

7. **Mr Storey** asked the Minister of Enterprise, Trade and Investment what steps are being taken to improve the telecoms infrastructure in rural areas such as Dervock in the North Antrim constituency. (AQO 3083/11-15)

**Mrs Foster:** Building on previous investments of around £45 million over the past four years, which have sought to improve broadband services across Northern Ireland and which included North Antrim, my Department is scoping two projects aimed at further enhancing the region's telecommunications capabilities.

The first of those is aimed at ensuring access to broadband services of at least 2 megabits per second to all premises and superfast broadband services of 24 megabits per second to 90% of premises by 2015. Postcode areas across North Antrim, including Dervock, have been identified as forming part of the intervention area for the project. The second project is aimed at improving access to 3G mobile services across Northern Ireland while preparing a platform for the delivery of 4G mobile services.

**Mr Storey:** I thank the Minister for her answer. I also thank her for her continued interest in this area of work. I welcome, in particular, the inclusion of Ballintoy in her Department's

broadband content initiative, which I trust will yield some valuable outcomes. I also welcome the fact that the exchange in Dervock has now been enabled with the systems that have been introduced.

Will the Minister assure the House that she will continue to emphasise to mobile operators the importance of their ensuring that there is delivery of service? We still have a problem in the village, particularly with mobile access. The service is still not of a standard that is in any way acceptable.

**Mrs Foster:** I thank the Member for his question. I have had the opportunity to raise the general issue of mobile coverage with mobile operators. I met them recently to talk about their respective investment plans. On 26 November, I met Vodafone representatives, who wanted to discuss with me their planned upgrades for 2G and 3G networks in a collaborative initiative with O2. Just last week, on 5 December, I met representatives from Everything Everywhere — EE, as it now prefers to be called — to discuss the introduction of 4G networks and future investment plans for Northern Ireland.

We will keep speaking to mobile operators. For us to understand what we can do by way of intervention, we need to know the areas that they will not be able to accommodate. I told both those operators that I really need to know about their investment plans. That may be difficult for them given that they are commercial companies. However, if we are to step in and help where there are gaps, we need to know where they intend to make investments over the next while. I was encouraged by the meetings with the mobile operators. We will keep speaking to them about what they can deliver across Northern Ireland; that is the key point.

**Mr Allister:** I will also express the frustration of constituents, particularly in the Dervock and Benvarden areas, where there is woeful mobile coverage. The Minister said that she met the mobile providers. Has she got any comfort from them? I must say that, having written to them all as a public representative, the sort of correspondence that one gets back is quite dismissive of the problem. Has the Minister, with her status, been able to extract anything more comforting and any real promise of progress for people in that area?

**Mrs Foster:** The mobile operators have been able to share with me maps of their coverage after they had put additional investment in place. They hope to have that investment in

place by the start of the first quarter of next year, so it will be in and around April or May. Those maps certainly look very impressive. The Member will probably agree with me when I say that it is unfortunate that we do not have a regional target for Northern Ireland for 2G and 3G. That has always been the difficulty for us. However, I am pleased that we have a regional target set for 4G. That will drive the mobile operators to do more for that service.

I made the point to them that I hope that, if they are upgrading 2G and 3G, they look to their commitments for 4G and put in a proper infrastructure to be able to deliver that as well, because it is coming down the road. As you probably heard on the radio this morning, the spectrum auction for 4G starts today. I very much look forward to the day when we have 4G across Northern Ireland.

**Mr Boylan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire. The Minister has stated on a number of occasions in the Chamber that every household and business can access broadband through satellite. Given that that is very expensive in many cases, what efforts is the Minister making to ensure that these alternative technologies are more affordable, particularly for rural people?

**Mrs Foster:** Again, that is a difficult area, because these are commercial companies, and we intervene and give them a subvention to try to get them to deliver to more rural areas. I am quite happy to meet the Member, listen to his specific concerns about the cost of access and raise them with the companies directly. We fund these companies to deliver satellite services where we cannot provide a fixed fibre service. If they are pricing themselves out of the market, we should have a conversation about that.

## Construction: Redundancies

8. **Mr Dickson** asked the Minister of Enterprise, Trade and Investment, given the recent redundancies in the construction sector, what discussions she has had with affected contractors. (AQO 3084/11-15)

**Mrs Foster:** While I was on a trade mission to China, my officials met a number of Patton Group subcontractors at Stormont on Monday 12 November 2012. Today, along with Mr McKay, I also had the opportunity to meet a number of the subcontractors affected by the Patton Group going into administration. It is not possible to provide grant assistance to these

contractors, but, at short notice, Invest NI organised advisory clinics on 15, 16, 21 and 22 November 2012 and offered more detailed follow-up consultations. Advice and guidance are also available from Invest NI through the business support team and at [www.nibusinessinfo.co.uk](http://www.nibusinessinfo.co.uk).

**Mr Dickson:** I thank the Minister for her answer. Minister, when will your departmental officials take serious account of the cascade effect from primary redundancies and business closures? It seems very unfair that you cannot deal with subcontractors affected in that way.

**Mrs Foster:** This very morning, I had a discussion about that with Mr McKay and the representatives of the three subcontractors whom he brought to see me. There is also an onus on the industry, and there was a good discussion today about the fact that subcontractors' interests are not represented by any particular group or body. When times are good, they have a very flexible arrangement with the main contractors. However, when times are bad, there is no protection for them. Is there a gap that the Assembly or an all-party working group on construction needs to look at? I am sure that the matter will be taken up.

I do not accept the Member's comment about not doing anything. We have gone out to individual companies to try to assess their specific difficulties. If there is a good pipeline of work and they are just dealing with cash-flow difficulties, we can intervene with a buying-time loan. That is not a grant; it is a loan that we can put in place.

I am also encouraged by the fact that, last week, representatives of a company called Copious Resources came to see me. The company is based in Glengormley and recruits staff for the offshore energy industry. They told me that construction skills are transferable to the oil, gas and renewables sectors. I await a proposal from the company, and I very much welcome the fact that it came forward.

So there is a lot going on. Sometimes, work goes on in the background, and I welcome the opportunity to clarify that to the House.

**Mr McGlone:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I do not anticipate the Minister having a ready answer to this question because it is quite complex. It concerns a subcontractor or supplier being involved with a main contractor who is in financial difficulties, as is the case with the Patton Group. If the main contractor was involved in a major, or

maybe not so major, public work scheme and made a commitment to the subcontractor, will the Minister ensure that payment to the subcontractor is fulfilled by another Department? Basically, I am asking the Minister to discuss the issue with other Departments to make sure that, when a main contractor gives a commitment to a subcontractor, who complies and orders materials, payment for those materials is fulfilled.

**2.30 pm**

**Mrs Foster:** I am sorry if I am wrong, but I understood that the Finance Minister had brought forward legislation to deal with the very issue of payment to subcontractors. However, if I am wrong about that, I will clarify that. I am certainly happy to talk to the Finance Minister about those issues because I listened to the subcontractors say today that they do not have any protection, and that is maybe an issue for the all-party working group. I am happy to come along and have that discussion because, when times are good, it is fine and flexible and people can move about and all the rest of it, but, when times are tough, those people do not have any protection under the law. That has been pointed out on many occasions.

## Environment

**Mr Principal Deputy Speaker:** Questions 5 and 10 have been withdrawn and require written answers.

### Planning: Rural Homes

1. **Mr Hazzard** asked the Minister of the Environment whether he has any plans to make it easier for non-farming rural dwellers to secure planning permission to build homes in the countryside. (AQO 3092/11-15)

**Mr Attwood (The Minister of the Environment):** I thank the Member for his question. With planning policy 21 (PPS 21) and other rural interventions, we have been trying to make it easier for farming rural dwellers and non-farming rural dwellers to secure planning permission to build homes in the countryside. I will give you one fact and figure to confirm that: compared with the similar quarter last year, approvals for new single dwellings in the countryside are now up from 83.9% to 88.5%, and for replacement dwellings, from April to June, compared with the same period a year ago, are up from 90.8% to 92%. Those figures confirm that, as PPS 21 beds in, as the

operational review is ongoing and as better consistency, better practice and better interpretation of the policy is deployed, there are more and more better results across the Planning Service. That confirms opportunities for farming and non-farming rural dwellers.

**Mr Hazzard:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire. Can the Minister confirm whether those figures are indeed talking about those on farming criteria? Does he have any idea when he will bring forward the outcomes of the review of PPS 21? Will there be guidelines with such a review?

**Mr Attwood:** The operational review needs to be understood. I could have done a snapshot operational review and that would have been it. However, I told officials to have a rolling operational review so that, as the review continues — it has been continuing for many months now — you keep the attention on the operation of PPS 21 to ensure that because of peer reviews of planning decisions, because of the design guide published in May 2012, because of the training that was rolled out at this time last year, because of my interventions around planning decisions where I think the policy has not been interpreted consistently with the substance and spirit of the policy, a rolling operational review leads to the consequence of better outcomes for new single and replacing dwellings. In my view, as I continue to deploy that operational review on a rolling basis, you will get more and more better outcomes. There are Members in the Chamber this afternoon who have brought cases to my attention, and I have gone and looked at sites. On the far side of that, consistent with the policy and the proper interpretation of PPS 21, there have been better outcomes. Yes, I will come to the Chamber very soon with the conclusions of the operational review to date, but I will continue to keep under review the operation of PPS 21.

**Mrs Overend:** Does the Minister accept that there is a wide range of perception and attitudes to rural housing between the east and the west of Northern Ireland, and to the role of land use generally?

**Mr Attwood:** That is a fair question, and it would have been an even more accurate question 18 months ago. When I looked at the profile of decisions and recommendations for approval and refusal, there seemed to me to be a disparity. When I spoke to MLAs across parties in this Chamber, there seemed to me to be differential treatment of applications in some areas, especially in the west compared with the

east, and in some particular areas of the west. That is why, because of the evidence that was coming to me from planning officials, representatives of the Ulster Farmers' Union and others, I thought that there was a valid point consistent with the sentiment of that question. When you look at the figures and at the application of the policy now compared with then, that perception is less acute, but I would not be continuing with the operational review unless I thought that further interpretation was required to ensure consistency and the proper flexibility of the policy.

**Mr McGlone:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí. My thanks to the Minister for his responses. I am looking for a general update on the review of PPS 21. The Minister will recall that I met him recently around a number of issues, and I refer specifically to the visual linkage aspect of farm dwellings and the interpretation of infill or gap sites. Can the Minister advise on whether those issues have been incorporated in the review, and what level of cognisance will be taken in the interpretation of policy on those issues?

**Mr Attwood:** I acknowledge what Mr McGlone and other MLAs in this Chamber and meetings with agents and applicants have revealed. It is only in hard cases, and in the interrogation of hard cases, that the issues identified by Mr McGlone around infill, clustering and applications for buildings, where there might be health and safety issues, and so on, that you can identify where the inconsistency or better interpretation of policy may lie.

In that regard, even in recent weeks, individuals who were brought to me by my colleague Colum Eastwood have given me and the Planning Service further insight about how interpretation should be more consistent or more flexible. One individual gave me three or four examples that are in the image of the examples that Mr McGlone brought to my attention. All those will be captured in the conclusions of the operational review.

**Mr Principal Deputy Speaker:** I remind Members to make one enquiry on each question.

**Mr McCarthy:** I thank the Minister for his answers so far and for his acknowledgement of the right of rural people to have a home in the place they were born and reared. Is the Minister cognisant of the problem that might arise of what is commonly known as the

"Donegalisation" of our rural countryside, particularly in this part of the east of the Ulster province?

**Mr Attwood:** I note what the Member has said. I had reason to write to a former Secretary of State of this place to criticise him for saying in the House of Lords around six months ago that they did not want to have what, in his view, happened in Northern Ireland happening in English rural countryside planning policy.

I wrote to Lord King, formerly Tom King the former Secretary of State of this place, to point out to him that he should have known better, in my view. He should have known better because of the more dispersed rural character of this place compared to Britain, the value that we place on local community identity, the capacity to live locally, and the fact that farming is our single biggest industry and that, consequently, we need to shape planning policy to accommodate in a reasonable way that biggest industry, be it with dwellings or other farm accommodation.

That is why a consultation is ongoing about a permitted development right to allow farmers, subject to appropriate safeguards, to build up to 500 square metres on their land without planning permission. The point of all that is that Lord King was wrong, in my view, to assert that further restrictions should be placed on the character of our rural community. In my view, the consequence of PPS 21 is to reflect the particular character and needs of our rural community. Whether people portray that as "Donegalisation" or not, I am satisfied that that is the right way to go.

## Marine Bill: Fishing Industry

2. **Mr Boylan** asked the Minister of the Environment to outline what consultation there has been with the fishing industry regarding the Marine Bill. (AQO 3093/11-15)

**Mr Attwood:** I thank the Member for his question. I will answer it in three ways. Whether it is the fishing industry or other stakeholders, there has been a very intensive consultation conversation, which I think I escalated 18 months ago, with regard to the Marine Bill. In the future, there will be a further intensive process of consultation with regard to marine planning and marine conservation zone (MCZ) designation, which clearly is a matter that might preoccupy elements of the fishing industry.

During the Environment Committee's consideration of the Bill, the concerns of the fishing industry were clearly captured. I hope the Bill will come to the Floor of the House after an Executive meeting this week. In my view, those concerns will be reflected in the substance of the Bill when it comes back for Consideration Stage and Further Consideration Stage. In that way, due regard has been given to the views of the fishing industry. It may not be that, in all instances, the industry will be fully satisfied, but I think that it has been reasonably accommodated.

**Mr Boylan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire. I thank the Minister for his answer. With respect to the designation of MCZs, clearly there is going to be displacement. If there is going to be displacement of activities, how are you going to address that in relation to the fishing industry and any other activities? You will displace them from one area to another. How do you accommodate those people in the industry? In return, how do you protect or conserve the areas that will maybe be affected after the displacement process?

**Mr Attwood:** I thank the Member for his question; it is a fair one, but I differ with the Member about the premise of the question. The premise is that there will be displacement. In my view, that is not going to happen as the process of designation of MCZs rolls out. In my view, there will be, on the far side of the marine plan and the MCZs, some parts that are of such high value and require such high protection that there may be displacement. However, in my judgement, having looked at this very closely and seen how it will evolve over the next period of time, it will be in a small number of places where, because of the need for very high protection, there may be a consequence of displacement. For example, in Strangford lough, there is a risk that if it were designated as an MCZ, there would be potential displacement because of the no-take zone in the middle of the lough, but, in my view, that will be the exception. As we work through MCZ designation, looking at the science and habitat information and taking into account the views of all, including stakeholders, the consequence of that will be mitigation of displacement, if there is any displacement at all.

**Mr Storey:** In his answer, the Minister referred to intensive discussions with stakeholders. Will he give an assurance that the concerns that have been raised by residents of Rathlin Island in my constituency will be taken on board, and that protection will be given to the island first

and foremost to ensure that islanders do not see intrusion coming as a means of inhibiting what they have done to date? Rather, the Marine Bill should be seen as something of an advantage to them and will benefit what is, in my estimation, one of the most idyllic parts of the United Kingdom.

**Mr Attwood:** I agree with the Member very much that Rathlin Island is an idyllic part of this part of Ireland and of these islands. Indeed, a year ago, I had a great opportunity to go out with my marine division staff, as they now are, and we went around the back end of the island, where I had never been before, to see where the puffins gather and all of that.

**Mr Storey:** Did they have wee orange feet?

**Mr Attwood:** Yes, indeed, there were some of them there. There is no place where you can avoid those wee orange feet, it seems.

*[Laughter.]*

**2.45 pm**

Whether it is the residents of Rathlin Island and their farming interests or farming interests in other places, when the Bill comes back to the Floor of the Chamber and when it comes to assessing marine sites, the standard against which they will be assessed will have to take account of social, cultural and economic impacts. Members of the Committee know full well that, subject to the consent of the Assembly, the legislation will take into account social, cultural and economic impacts. The consequence will be that, without giving an economic veto to any one or other interest, in the body of the Bill and in the application of the Bill, issues around the economic impact — fishing impact, for example — will have to be taken into account. The assessment of MCZs will be so exhaustive that I have no doubt that the issue of economic impact, including the impact on the residents of Rathlin, will be taken into account. It will not give any group of residents a veto over what might happen, but it will give them a more than adequate input into what should happen.

**Mr McClarty:** I thank the Minister for his answers so far. What plans has he to protect marine conservation zones that are not outlined in the Marine Bill?

**Mr Attwood:** Marine conservation zones will take some of the current designated areas and reclassify them as MCZs. However, whatever about the designations, whether at sea or on land, the Environment Agency (NIEA), through

the deployment of all its responsibilities under European directives, is constantly protecting our seas, land, waters and natural heritage generally. I can give an example of what happened yesterday: when it came to a particular planning application, I had the natural heritage people from NIEA in to interrogate them — I mean interrogate them — on how to protect the habitat of, of all things, the curlew, which is in decline in this part of the world. I can assure you that if I can draw any conclusion from that meeting, it is that there are a lot of custodians of our natural heritage, be that at sea or on land. Therefore, in that way, the Member's question of whether we will protect those MCZs is answered.

## Water Framework Directive

**3. Mr Kinahan** asked the Minister of the Environment whether his Department will fulfil its requirement to submit a progress report on the implementation of the water framework directive to the European Commission by December 2012. (AQO 3094/11-15)

**Mr Attwood:** I thank the Member for his question. The answer is yes. We have an obligation to report back to the European Commission by 22 December this year on our progress on implementing the water framework directive. There has been a pattern and a requirement over time to report to the EU on the implementation of the water framework directive. The 2012 report is necessary to give the European Union a snapshot of how we are implementing the water framework directive, which captures a whole family of directives from Europe on urban waste water, nitrates and other issues around water. It will give us an understanding of where we are, and it will mean that we are on the right path to having 59% of our waters at good status by 2015. However, it is quite clear that if 59% of our waters will have good status by 2015, 40% have yet to attain that target.

**Mr Kinahan:** I thank the Minister for his answer. It is good to know that it is a yes. Given the great success that he had with the heritage crime summit and the good beach summit, will he consider having a freshwater summit to ensure that we are meeting all the water framework directive requirements? The summit could involve all the Departments, agencies, NGOs and all the stakeholders, particularly the fishermen and anglers who are concerned about the status of our rivers.

**Mr Attwood:** I have an inclination to convene summits because I think that they are a good

way of bringing into the room all the relevant interests in government and, more critically, outside government, to interrogate issues, identify actions and take things forward. There may be merit in what you are saying.

In some way, it is already covered, because the beach water summits that we have held look at issues around the nitrates directive and at the NI Water programme of enhancement of sewer works in order to improve our urban waste water quality, further to the relevant EU directive. Many of the issues that the Member identified are captured by the good beach summit. If there is a need to broaden that conversation, I will certainly not be resistant to so doing.

**Ms Lo:** Has the Department sufficient resources to meet the target that he just mentioned to fulfil the river management programme?

**Mr Attwood:** That is a fair question. A little less than two years ago, a bid of close to £9 million was put in to government on behalf of the Department of Agriculture and Rural Development and the Department of Culture, Arts and Leisure, but led by the Department of the Environment, to take forward work arising from the river basin management plans. We have 26 local management area action plans, but to fulfil the requirements of the water framework directive and to do what we have to do on river restoration, nitrates and urban waste water, it would have been very helpful if, at that time, the Executive had allocated the £9 million to take forward the work. I found the moneys in the Department's budget to take it forward, but it is a struggle. That is why I recently wrote to the Minister of Agriculture and Rural Development to see whether further money could be identified to surpass the ambition of 59% of good water status by 2015 and to achieve good water status in the further EU accountability periods over the next 10 and 15 years. Good work has been done, but more money is needed to do more work. That is why I am in correspondence with ministerial colleagues.

**Mr Dallat:** I thank the Minister for his answers. I am sure that he will agree that Members need to have a smile back on their face again. Will you please assure us that the trends and performance of our water quality are on target to meet all the requirements of the European Union and that we will not incur infractions?

**Mr Attwood:** I would love to answer those questions with a compelling yes, but I think that

I will be more precautionary. It is clear that the direction of travel around some of our directive requirements is encouraging. It should be no less than that, given the investment in our farms to improve compliance with the nitrates directive, for example. Yes, there is a positive and encouraging direction of travel around nitrates, urban waste water and our European obligations. I cannot make that claim across the range of directive responsibilities. There are good examples of good progress, and there are other examples where a lot more progress is needed. However, compared with other countries that are in serious breach of EU directives, such as Spain, Portugal and Belgium, we are in a better place, but it is clear that there will be a need to escalate what we are doing to meet the more challenging accountability requirements, including the more challenging water quality requirements that are to hit us in 2016.

**Mr McMullan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his answers so far. Can he assure me that, in the absence of the plastic bag levy, he has the money to fully fund the implementation of the water directive?

**Mr Attwood:** The carrier bag levy is not a revenue generator. It is, first and foremost, and must remain first and foremost, an environmental intervention to do here what has happened in Wales and in the Republic of Ireland, which is to reduce the use of plastic bags by 90%, except that we, of course, are going to go further than that. We are going to try to reduce the use of single-use bags — plastic, paper or other — and will try to capture in forthcoming legislation cheap reusable bags, because they can be an equal threat to the environment. So, I am not relying on this money to fund the functions of the Department. I am relying on the policy to fund the functions of good environmental management.

## Councillors: Severance Scheme

4. **Mr McCallister** asked the Minister of the Environment when he will be in a position to bring forward further proposals and information on the councillors severance scheme. (AQO 3095/11-15)

**Mr Attwood:** I thank the Member for his question. It is necessary, given that I am about to talk about the proper treatment of councillors of long service, to acknowledge councillors of more recent service who have been subjected to threat and terror over the past number of

days. In fact, there may even have been further developments in the past number of hours.

A consultation will be released before Christmas in order to consult with the Assembly and more broadly about what the final proposals might be in respect of the councillors severance scheme. I have not resiled from the principle of a councillors severance scheme. I have asked my Executive colleagues to fund that scheme in full because I think that there is a political responsibility to acknowledge all those people, who, especially in very difficult days, stood up for democracy. I think that the events of the past days confirm that conviction.

**Mr McCallister:** I am grateful to the Minister for his reply and I associate myself with the remarks that he made on the service that councillors do, particularly in the past days. Will the Minister tell the House whether he has produced detailed costings yet for the reform of local government? How much does he believe he will receive from the Department of Finance and Personnel (DFP)? This is vital to ensure that ratepayers do not bear the brunt of an absurd and politically motivated reform.

**Mr Attwood:** I note the last comment and will say nothing in particular in reply. The conversation that I have with my Executive colleagues is the conversation that I have with council colleagues, and it is the conversation that I have with my officials and officials in local government, and it is this: it is not sustainable to argue that the funding of local government reform should fall to local councils exclusively. It is also not sustainable to assert that councils should make no contribution to the funding of local council reform. So, how do you reconcile those assertions?

First, in my view, government has to make a significant upfront contribution over the 30 months to costs associated with council reform, around which there will be no long-term savings. That is why I have submitted a number of papers to the Executive and have had conversations with DFP in order to crack that issue. I have asked that this matter be tabled under the three meetings rule at the Executive meeting on Thursday. In my view, a very substantial, upfront contribution has to be made from the Executive.

Secondly, in my view, and there is broad agreement about this, soft loans should be made available to councils to help them to fund council reform going forward. The interest for those soft loans, whatever scale they might be, should be paid by central government not by local government.

Thirdly, councils have a contribution to make themselves. I have said with increasing rigour — there is the man himself who has to give me all that money on Thursday — that, for example, when it comes to sharing collaboration, councils have to escalate their efforts to share more and collaborate more.

On "Good Morning Ireland" —

**Mr Principal Deputy Speaker:** Your time has run out, Minister.

**Mr Ó hOisín:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra. Is the Minister of the view that the councillors severance scheme might be better timed to await the final recommendations of the Boundary Commission on the district electoral areas (DEAs)?

**3.00 pm**

**Mr Attwood:** The point is whether one can tell councillors to take severance in the absence, on the one hand, of the final shape of local government boundaries, and, as some would also argue — I have less sympathy with this — in the absence of a remuneration panel, which is to be appointed for future council allowances, making its recommendations. Therefore, there is a point behind that. I would like to think that the former point might be dealt with in the consultation that issues before Christmas.

## Executive Committee Business

### General Register Office (Fees) Order (Northern Ireland) 2012

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

*That the draft General Register Office (Fees) Order (Northern Ireland) 2012 be approved.*

The order that comes under the consideration of Members is intended to provide revised fees relating to certificates and marriage and civil partnership preliminaries and formalities that are charged by the General Register Office (GRO). It will also introduce fees for new services that are included in the Civil Registration Regulations (Northern Ireland) 2012. The proposed date for the commencement of the fees is 17 December 2012. The most recent fees order was made in 2010. This order proposes new fees to reflect the increase in costs of providing those public services.

Members will wish to note that, under current law, fees are not charged for the statutory requirement of registering births and deaths or for providing one copy of a birth entry at the time of registration. However, fees are chargeable for the provision of other certificates and for further certified copies of registration events, including, when necessary, the searching of indexes and the retrieval of the record involved.

There are also chargeable fees for the carrying out of procedures such as recording a name change and for marriage and civil partnership services, including the giving of notice, solemnisation of marriages and the registration of civil partnerships. Under government accounting rules, the cost of such chargeable services is recovered by means of a fees order, as provided for in the relevant legislation. It is in that context that this order comes before the Assembly. The General Register Office and district registrars' offices provide in excess of 150,000 certified copies of vital events each year for which fees are chargeable.

The production of certificates requires significant administrative input that involves receiving moneys; searching indexes; producing copies on security paper; certification; and dispatch. GRO efficiency in those processes has improved over the past few years with the completion of the digitisation

project, which digitised all paper-based registration records from 1845 to date. The availability of digitised records has improved the service with regard to speed, the accuracy of data that is provided and the quality of documents. The introduction of enhanced indexes provides more information than previously for members of staff and the public, which results in a more efficient service.

Over the years, the General Register Office has significantly improved options for the delivery of registration services by the introduction of new services. The public can order certificates from any location in the world, either over the internet or by telephone, and pay for those services using their credit cards. That service has developed further with the introduction of the Civil Registration Act (Northern Ireland) 2011, which enabled the Civil Registration Regulations (Northern Ireland) 2012 to be brought forward to introduce a number of new services. Those services will include the introduction of a short death certificate that will exclude the cause of death; the introduction of commemorative certificates for memorable life events; the sharing of registration information with other Departments; the ability to have registration events that occurred abroad recorded in the records in Northern Ireland; and greater access to historic civil registration records to facilitate genealogical enquiry.

As I said, the General Register Office is required to recover the cost of chargeable services, including those provided by local register offices based in each district council. The last fees order was introduced in 2010, and further increases are now necessary. The cost of each fee has been calculated individually, using work-study analysis, to reflect the work involved in each area and includes the full range of costs involved, including staff, rent, rates and computer maintenance in GRO and district registration offices.

A similar cost recovery system operates in Scotland, England and Wales. The passage of the order will ensure that, as has been the case here and in GB, the cost of providing services and producing chargeable certificates is borne by the parties requiring such services and not by the public purse, as would otherwise be the case.

Members will wish to note that, at the new levels, fees in Northern Ireland for certificates issued by the General Register Office are similar to corresponding fees for certificates issued in Scotland. Although the fees for certificates in England and Wales are lower than those in Northern Ireland, there is no

reduction in England and Wales for additional copies of the same certificate, which are often required. In addition, certificate processing times in Northern Ireland are shorter than in other parts of the UK, which results in the public receiving a speedier service.

The order has been considered by the Committee for Finance and Personnel, and no objections have been raised. I, therefore, commend the order to the Assembly.

**Mr McKay (The Chairperson of the Committee for Finance and Personnel):** Go raibh maith agat, a LeasCheann Comhairle. As the Minister explained, the General Register Office (Fees) Order 2012 sets the fees to recover the costs of various services connected with the registration of vital events, such as births, deaths, marriages and civil partnerships.

The Committee considered the proposal to make the order and sought clarification on how the increase in fees for cost recovery had been calculated. The Department advised us that, in accordance with government financial guidelines, the General Register Office is required to review fees annually to ensure that the cost of providing chargeable public services is recovered. These fees are calculated to recoup costs without making profit. Costs are calculated to reflect the amount of work involved in each area and can include costs such as staff, rent, rates and IT support.

Departmental officials stated that, although there has been an increase in the cost of certificates, some fees have remained unchanged. However, an increase of £2 has been applied to statutory certificates, the cost of which has not increased since 2008 — four years ago. The latest fees review indicated that full cost recovery was not being achieved and that an increase was required.

The Committee also noted that the cost of statutory certificates, or marriage and civil partnership fees, are calculated in a similar way to certificate fees when all the processes and costs involved are taken into consideration. The Department assures the Committee that the fees are based on the length of time that it takes registration staff to carry out the marriage or civil partnership functions.

The introduction of fees for new services such as the notification of life events was noted as being based on costs. In the case of events in the record of NI Connections, fees are based on anticipated usage and set-up costs.

Having received that clarification, the Committee agreed to support the Department in seeking the Assembly's endorsement of the order's provisions.

**Mr D Bradley:** Go raibh míle maith agat, a Phríomh-LeasCheann Comhairle. I support the measure and believe that the increases are commensurate with what is necessary.

**Mr Wilson:** I wish that they were all as easy as this. We have set a new record.

First, I thank the two Members who took part. The fact that there has not been a great deal of comment obviously indicates that the Committee did its job well when speaking to officials about the reason for the fees increases and how those increases are calculated. The Chairman made a very important point: we do not seek to profit from this; we simply seek to recover the costs of providing the service.

It is important that we also look at how we can keep those costs down. It is not a case of simply letting the costs go through the roof and then getting the public to pay for it. We have sought to keep costs down in a number of ways, whether through digitisation of records, which makes searching for records speedier and more efficient; looking at how we can reduce staff as a result of the use of technology; and keeping a record of demand by each district council office, thereby ensuring that only staff who are necessary are employed.

The fees increase is reasonable. I thank the Chairman and Deputy Chairman of the Committee, and the Committee, for their support. I commend the Order to the Assembly.

*Question put and agreed to.*

*Resolved:*

*That the draft General Register Office (Fees) Order (Northern Ireland) 2012 be approved.*

## Mental Health (Discrimination) (No. 2) Bill: Legislative Consent Motion

**Mrs Foster (The Minister of Enterprise,  
Trade and Investment):** I beg to move

*That this Assembly agrees that the provisions in the Mental Health (Discrimination) (No. 2) Bill, as introduced in the House of Commons on 20 June 2012, dealing with company directors should be considered by the United Kingdom Parliament.*

We are here to consider an important issue arising from the Mental Health (Discrimination) (No. 2) Bill, which was presented to Parliament on 20 June 2012. The memorandum was laid before the Assembly on Monday 24 September 2012. The matter is being brought before the Assembly because company law is a transferred matter under the terms of the Northern Ireland Act 1998 but is legislated for on a UK-wide basis.

The Mental Health (Discrimination) (No. 2) Bill is a private Member's Bill sponsored by Gavin Barwell MP. Its passage through Parliament is being supported by the UK Government. The main purpose of the Bill is to repeal various pieces of legislation that discriminate against the participation of those with mental health conditions in public life.

The Government are committed to improving life for people with mental health problems. The current law concerning company directors is out of date. It sends out the wrong message that if you have a mental health problem then your contribution to public life is not valid. The Bill is part of the Government's commitment to improving life for people with mental health conditions, and tackling prejudice and discrimination. It is supported by the Royal College of Psychiatrists as well as by mental health charities such as MIND and Rethink Mental Illness.

The main objectives of the Bill are threefold: the repeal of the provisions of the Mental Health Act 1983 that dictate that the seat of a Member of Parliament who is detained under mental health legislation for more than six months must be vacated; amendment of the Juries Act 1974; and revocation of parts of the Companies (Model Articles) Regulations 2008, which require that a person should cease to be a director of a company due to reasons associated with mental health.

The provisions under consideration today, which fall within the remit of my Department,

are those that remove the requirement in the Companies (Model Articles) Regulations 2008 that a company director's appointment should automatically terminate if his or her rights or powers have been restricted by a court order on mental health grounds. My Department has been advised that such regulations have the potential to act as a discriminatory barrier against people suffering from mental health conditions.

Under the terms of the Companies Act 2006, companies must have a register and articles of association. If they do not have their own articles, then article 20 of the Companies Act 2006 dictates that model articles of association under the Companies (Model Articles) Regulations 2008 apply by default. It is those model articles to which the proposed changes will be made. Revocation of those measures will remove the potential for discrimination and ensure that the regulatory balance continues to exist between Northern Ireland and GB company law.

If the opportunity to avail ourselves of the provisions in this Bill is missed, the existing uniformity of the United Kingdom company law regime could be affected. A legislative gap could be created, thus exposing local businesses to the inefficiencies that differing legal codes could create and preventing company directors in Northern Ireland from benefiting from the modernisation of company law in the Bill.

### 3.15 pm

Termination of directorships on grounds of incapacity will still be allowed under the amended regulations. The model articles already provide that someone ceases to be a company director if a registered medical practitioner who is treating them gives the company a written opinion that they have become physically or mentally incapable and will remain so for more than three months.

As I said, if the opportunity to avail of the provisions in the Mental Health (Discrimination) (No. 2) Bill is missed, the existing legal uniformity of the UK company law regime could be affected. I am sure that the House would not want that to be the case. Maintaining legislative parity helps to ensure consistency and, indeed, reduce uncertainty. Therefore, I urge Members to support the legislative consent motion (LCM) and, in doing so, ensure that Northern Ireland remains in step with other devolved Administrations in delivering improved equality of opportunities for our communities.

**Mr McGlone (The Chairperson of the Committee for Enterprise, Trade and Investment):** Go raibh maith agat, a Príomh-LeasCheann Comhairle, Gabhaim buíochas leis an Aire as ucht an rún seo a thabhairt os ár gcomhair. I thank the Minister for bringing the LCM before us today.

The Committee for Enterprise, Trade and Investment welcomes the LCM on the Mental Health (Discrimination) (No. 2) Bill. On 27 August, the Minister wrote to inform the Committee of the Department's intention to seek an LCM to enable the Department for Business, Innovation and Skills to legislate to revoke those parts of the Companies (Model Articles) Regulations 2008 that require that a person should cease to be a director of a company when, by reason of that person's mental health, a court order is made preventing the person from exercising some or all of their powers and rights, or on the written opinion of a medical practitioner that the person will not be capable of acting as a company director for three months or more.

The Department informed the Committee that the relevant provisions of the UK Mental Health (Discrimination) (No. 2) Bill will amend the Companies Act 2006 and, hence, company law as it applies in Northern Ireland.

At its meeting on 4 October 2012, the Committee received oral evidence on the LCM from departmental officials. The Committee is content that the Bill proposes the removal of the potential for a discriminatory barrier to people with mental illness and the consideration of reasonable adjustments. Having considered the evidence, the Committee agreed to support the Department of Enterprise, Trade and Investment (DETI) in seeking the Assembly's agreement to the UK Parliament considering provisions of the Mental Health (Discrimination) (No. 2) Bill dealing with devolved matters to remove the requirement that a company director's appointment should automatically terminate if his or her rights or powers have been restricted by a court order or mental health grounds. Therefore, the Committee is quite happy to support the Department and the Minister in her proposal.

**Mr Principal Deputy Speaker:** I call Mr Dominic Bradley.

**Mr D Bradley:** Go raibh míle maith agat, a Príomh-LeasCheann Comhairle. I must say, you have taken me unawares. All I can say is that I agree with the Member who spoke previously.

**Mrs Foster:** I thank the Committee Chairman and, indeed, his colleague for supporting him. The Bill will assist Northern Ireland companies, allowing them to operate without discrimination or prejudice. It will, I hope, provide encouragement for businesses to operate in an environment in which people with mental health issues are not discriminated against but actually encouraged to play a full and valuable role. Passing the motion will help to secure those benefits and demonstrate how the Assembly is committed to helping local businesses. I thank the Members of the Committee for their consideration and thank the members of the Executive. I commend the motion to the Assembly.

*Question put and agreed to.*

*Resolved:*

*That this Assembly agrees that the provisions in the Mental Health (Discrimination) (No. 2) Bill, as introduced in the House of Commons on 20 June 2012, dealing with company directors should be considered by the United Kingdom Parliament.*

## Private Members' Business

### Banks: Interest Rate Swap Agreements

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

**Mr McKay:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I beg to move

*That this Assembly notes with concern the fact that local banks may have mis-sold interest rate swap agreements to local small and medium-sized businesses; further notes the campaign by Bully-Banks.co.uk to highlight this issue and support businesses that have been directly affected; calls on banks to adequately compensate local businesses that have suffered; and calls on the Minister of Finance and Personnel to engage with the banks to ensure that customers who have been affected by this are treated fairly.*

I bring the motion to the House in response to this issue after learning of it from one of my constituents. I am aware that a number of MLAs are not aware of the issue. Small businesses were unaware of the complicated nature of the product when it was presented to them in the way it was by the respective banks. The genesis of this is from the culture of the time that preceded the recession, when the banks had clearly lost the run of themselves and did not act in a responsible way. They were acting to meet targets, and those targets came before the customer. That is, quite clearly, the case here. It has had a devastating impact on hotels, B&Bs, restaurants and small manufacturers.

This issue has been discussed at length across the water in Westminster. From anecdotal evidence, it is quite clear that it is a big issue for people here. We need to act on it and learn how big an impact it is having on small and medium-sized enterprises (SMEs) and microbusinesses in particular. We need to exert whatever pressure we can on the banks to compensate those businesses. Small businesses have certainly been taken advantage of by the banks when it has come to interest rate swap agreements (IRSAs). They approached the customers initially in quite an aggressive way. It was totally inappropriate for

those complex financial products to be sold to small and medium-sized enterprises.

Like I said, this came to my attention through a constituent. Like a number of other businesspeople, that constituent is a customer of a bank. He is still a customer of the same bank, and he is reluctant to reveal his identity or put his head above the parapet for fear of how the bank may respond. In a lot of situations in which the IRSAs were signed up to, the customer was under a great degree of pressure in seeking and getting further financial assistance.

The organisation Bully-Banks, which was set up in response to this issue, found that members who were joining the group had nearly the exact same story and step-by-step process about how the banks got them to sign up to the products. The banks quite deliberately and consciously conducted a process of mis-selling. That requires some explanation. The Financial Services Authority (FSA) has given a guide to the products. The guide states:

*"The purpose of an interest rate hedging product is to enable the customer to manage fluctuations in interest rates. These products are typically separate to a loan."*

It states that there are four broad categories:

*"Swaps; which enable customers to 'fix' their interest rate. ... Caps; which place a limit on any interest rate rises. ... Collars; which enable customers to limit interest rate fluctuations to within a simple range. ... Structured collars; which enable customers to limit interest rate fluctuations to within a specified range, but involves arrangements where, if the reference interest rate falls below the bottom of the range, the interest rate payable by the customer may increase above the bottom of the range."*

Furthermore, it states:

*"An interest rate swap is a separate contract to the underlying loan agreement. It is an agreement between two parties whereby one type of interest payment is swapped for another; such as exchanging a fixed interest rate payment for a floating payment."*

*In practice, if the floating interest rate payment increases because base rates rise, the customer receives an amount that they can use to off-set the increase in loan repayments. Conversely, if the floating interest rate payment decreases as a result*

*of falling base rates, the customer makes an additional payment to the bank under the terms of the swap, but benefits from lower loan repayments. The customer's costs therefore effectively remain stable."*

That is an overview from the FSA.

Some of these banks created sales teams, and those sales teams were trained to sell the swaps. Each was given a sales target, and those targets were cascaded into branches and their managers. Their first step was to identify who they would sell these particular derivative products to. It is quite clear that they identified the owners of small and medium-sized businesses, who are referred to as "financially unsophisticated" customers. That is not to be derogatory in any way; that was the term used to highlight the fact that this product was in no way suitable for those businesses, particularly when they were not given the correct information or an appropriate overview of the risks involved.

They then identified the moment of sale as that moment when the customer is under a particular amount of pressure, and that was the moment when the small-business owner requested finance for either new facilities or the extension of existing facilities. It is obvious why: the small business depends on the bank for finance. Most of the businesses were sold the swap facility when the bank agreed, in principle, to give finance. That, of course, is the time when the small and medium-sized enterprise is most vulnerable.

In a lot of these cases, the relationship manager advises the customer that the bank thinks that interest rates will go up. That causes the businessperson to worry and to seek some sort of protection against it. The manager would then say that a variety of instruments are available to enable you to fix your borrowing costs, and 96% of the members of Bully-Banks said that the manager introduced the idea of interest rate fixing and that they had no prior knowledge of it or any desire to seek it. They are then introduced by the relationship manager to an expert from the bank's derivatives department for advice and guidance. I think that this is a great breach of trust as well, because a lot of the customers were sold these products in the context of having built a relationship with their bank manager or whoever they dealt with in the bank over a number of years. Of course they invested a great degree of trust in those institutions, and it is a great shame that they were taken advantage of.

Earlier this year, the FSA drew up a pilot scheme to offer redress to companies affected. However, that has come in for criticism from the Federation of Small Businesses (FSB), as businesses have very little detail regarding what is happening. In the meantime, businesses have to pay out while they wait, which is totally unacceptable. The FSA found a range of poor sales practices that included poor disclosure of exit costs; failure to ascertain the customer's understanding of the risk associated with these products; non-advised sales straying into advice; over-hedging; and rewards and incentives being a driver of these practices.

The latest development that I am aware of is that the Federation of Small Businesses and Bully-Banks are due to meet the FSA this week to discuss this issue further. A number of banks locally are affected by this and have been put under the FSA focus, including RBS, Ulster Bank, AIB, Bank of Ireland, Northern Bank and Santander.

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

I realise that I am limited in time, but today we seek support from the House for the motion and to generate some awareness about this, because a number of small businesses that signed into these products do not realise that they were perhaps duped by particular banks. We need to ensure that we, as Members, are made aware of the sort of impact that this has had on the local economy, and particularly on indigenous SMEs. We do not have direct power or great influence over the banks but we have some. Over the past couple of years, we have increasingly had meetings or Committee evidence sessions with the banks, and obviously the Minister has met and tried to influence them as well.

I think that we need to do exactly the same in this case.

**3.30 pm**

To conclude, the SMEs have been taken advantage of. Such derivatives should not have been offered to them in the way in which they were in the first place. In many instances, there has been —

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

**Mr McKay:** — a breach of the trust that the SMEs place in their relationship manager and in their banks. There is a duty on us to act and to

look at the issue that the motion addresses as the start of that programme of work.

**Mr Girvan:** I thank the Members who tabled the motion for doing so. Like the Member who spoke previously, I do not have a lot of knowledge of the issue. I am aware that banks have a commercial identity and that they wish to make as much money as they can. However, they came up with an inventive way of scaremongering.

I understand that this process has been in place since 2001. Banks have forced a number of people who have perhaps been, for want of a better term, suffering from cash-flow problems to be sold the idea that if they take the approach that the process offers, they will at least have a programme and a way forward that they can manage. Unfortunately, the argument about the interest rates that was being put forward in 2001 means that the people who went into the scheme early are still paying an interest rate that is higher than one that they could negotiate now, even through an overdraft, never mind a loan ad. As a result, the arrangements have had a very big impact on small to medium-sized businesses.

I appreciate that banks may want to call these agreements "products", but the problem has been selling them to and targeting them at those who were calling on the banks to help them through cash-flow situations. What some people were using as a working overdraft has been converted into agreements that are now being called "interest rate swap arrangements". However, they are slightly more than that, because the people involved are signing an agreement with the bank. As has been said, the exit fees that some individuals and small businesses have to pay can be very prohibitive.

I am not saying that the product was mis-sold on every occasion; it did and does suit a number of businesses. However, the concern is for those businesses that feel that it was mis-sold. I appreciate that the FSA has a key role to play in the matter, but the Federation of Small Businesses said that it is not overly happy with the regulation that the FSA introduced on the arrangements. I feel that, as far as selling the product to businesses is concerned, those whom it was felt could be tied in for the longest term possible were definitely targeted so that as much money as possible could be screwed out of them.

As soon as I saw the motion in the Order Paper last week, I said, "What on earth is an interest rate swap arrangement?" Therefore, not having a great knowledge of the subject, I took the

opportunity to contact one gentleman in business about the matter. He said that he has a small business that was running with an overdraft that increased as he went through the year but that it was always cleared around Christmas because he had a very good Christmas trade that did that for him. The bank came to him during the middle of the year and told him that it could reorganise that situation for him. He entered into one of these interest rate swap arrangements and, unfortunately, he has had to pay quite a hefty sum as a result of the interest rate being locked in for a number of years. That has caused him some difficulty, although it did not put him out of business. However, I can tell you that businesses are saying that they can borrow at a lower interest rate than they did previously and that they are looking for the opportunity to get out of these arrangements. Unfortunately, however, that is not being offered to them.

It is welcome that a number of the local Northern Ireland banks have voluntarily entered into a scheme with the FSA to investigate this matter. It is up to the business to actually request that that investigation takes place. It really falls to the business owner to investigate whether they can get some compensation from those schemes. I appreciate that there is an agreement for some form of compensation if it can be identified that it was mis-sold.

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

**Mr Girvan:** The pressure that was applied in the selling seems to be a key issue in relation to those who had targets to meet and bonuses to make.

**Mr D Bradley:** Go raibh maith agat, a LeasCheann Comhairle. When reading up on the background to the interest rate swap agreements, I was struck by the similarity between the way in which they were sold and the way in which PPI was sold. There are similarities. In many cases, the owners of small and medium-sized enterprises were placed under duress by the banks and lenders. In some cases, the implication was that if the borrowers did not enter into a swap agreement to cover possible interest rate rises, the loan would not be forthcoming. The small or medium-sized enterprise owner quite often depended on their bank for working capital, loans and overdraft facilities.

The swap arrangements are extremely complicated financial products, and the borrowers entering into such arrangements

would have needed quite sophisticated financial advice to understand exactly what they were letting themselves in for. They did not receive that advice and, quite often under duress, they entered into positions that they ill understood. Bully-Banks, the advocate for the beleaguered borrowers, described those swap arrangements as gambles on interest rates, with the banks acting as the bookies. The only problem was that the borrowers were never told that they were gambling with their own money and possibly gambling with the future of their businesses. They thought that they had bought some form of insurance against interest rate fluctuations, only to find that they were paying through the mouth with no added advantage.

I have read about the way in which those products were sold, and it shows very clearly that everything was stacked against the borrower, with the bank having the leverage of either granting or refusing a loan. The whole process of sale was tantamount to entrapment for the borrowers, with them being left wide open for loss, while the lenders' risks were secured, both in respect of the loan and of the swap arrangements. If the original loan was secured, the bank's risk was well protected without the need for additional protection. The swap arrangements were indeed money-spinners for the banks and were pushed on people who were in a vulnerable position by people who masqueraded as advisers when, in fact, they were salesmen working to increase their own commission and the banks' profits.

I have studied the 14-point plan produced by Bully-Banks in its paper 'The Case Against the Banks — The Mis-selling of Interest Rate Swap Agreements', and I agree with most of the proposals contained in that plan. I am interested to hear from the Minister what he can do here to establish the extent of that issue and what practical influence we can bring to bear on the banks to help ensure that the situation is addressed and rectified on a fair and equitable basis. I have no doubt that the Committee for Finance and Personnel will do all in its power to help address the issue.

**Mrs Cochrane:** I welcome the opportunity to speak to the motion. In the run-up to Christmas, when the financial toll of the festive season can have a significant impact on all in our society, it is important that we try to focus on economic issues, not least on our small and medium-sized enterprises on which the motion is centred.

I welcome the motion and the work that was undertaken by Bully-Banks, which so aptly lends itself to this debate. There is a need for a

measured analysis of the extent of interest rate swap agreement mis-selling in Northern Ireland.

In the motion, the proposers raise the concern:

*"local banks may have mis-sold interest rate swap agreements to local small and medium-sized businesses".*

Although the statistics for and evidence of mis-selling in practice across the UK is well documented, we should be careful about pointing the finger at any local bank without having the full details from the FSA's findings. A large number of banks that operate across Northern Ireland and GB are cited by the Bully-Banks survey as having mis-sold these products, but, conversely, at least one prominent local bank — Northern Bank Ltd — has been found not to have sold any such products to its customer base.

Other Members mentioned the UK-wide report that was published by Bully-Banks, and that provides an unnerving depiction of IRSA mis-selling over the past decade by a variety of banks. In each instance, there appears to have been a concerted and deliberate effort on the part of the banks to take advantage of the prevailing economic uncertainty to maximise profit margins.

As we heard, in the face of an increasingly competitive and cut-throat financial system, banks have set about creating new products and services to sell to existing customers, interest rate swap agreements being one such product. These IRSAs were subsequently marketed to small and medium-sized enterprise owners by many high street banks, often on a conditional basis and in most instances as an incidental when granting new or extending existing loan facilities.

That reality is reinforced by the statistics that have been mentioned and which show that 85% of customers were sold an IRSA in connection with their loan facilities. Perhaps more startling than that exploitation, however, is the way in which customers, who rely on banks for guidance and support all the more deeply during such fraught economic times, were advised and managed in relation to this mis-selling.

Other Members gave some startling figures on the advice that was given to SMEs, with the majority of customers perhaps wrongly assuming that this advice would be in their best interests. Instead, structured and targeted advice was provided in an effort to encourage customers to enter into various forms of IRSAs.

What remains evident in all this is the seemingly unethical tactics that were employed by banks to sell their products aggressively and their manipulation of customers through the advice that they offered.

I have stressed the need for a measured analysis of the extent of the mis-selling in Northern Ireland. When this information becomes available, we would, of course, ask that banks adequately compensate local businesses that have suffered. It is important to state our case to the Minister of Finance and Personnel so that he may engage with the banks further to ensure fair treatment for those customers who have been affected. However, as banking is not a devolved matter, I assume that Westminster will ultimately decide how the issue is addressed.

I welcome the motion because it does much to highlight a worrying practice in an equally worrying financial climate. I commend the Members responsible for bringing attention to such a critical issue. The Alliance Party supports the motion, the awareness it raises and the engagement that it seeks.

**Ms Fearon:** Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to table this motion along with my party colleagues. Although it is a reserved matter, it is important that we highlight the seriousness of the issue in the Assembly. I welcome what appears to be support across the House for the motion, which is encouraging.

We can take this opportunity today to show solidarity with small businesses across the North that have been affected by this scandal. I recognise that although the products were mis-sold, that was not always the case and that some were sold to businesses that required them.

It is vital that banks are held to account for their actions, and it is essential that we do what we can to avoid such future abuse of our SMEs, which are the backbone of our economy. We have witnessed irresponsible and predatory behaviour by banks towards the SME sector. Interest rate swap agreements were sold, or rather mis-sold, in many cases in an aggressive manner to small businesses that are now paying heavily for that. Many who were mis-sold interest rate swaps either did not understand them or were forced to buy them as part of loans. I know personally of one small firm that was affected.

**3.45 pm**

The issue has been investigated by the Financial Services Authority in Britain. In June, a motion on the matter received widespread support from MPs who debated it. It was hoped that the outcome of the FSA review would be that the assistance that SMEs needed and deserved would be provided to them. However, although the review accepted that these products were mis-sold, and an agreement was made with the banks on how to progress, unsurprisingly, the banks failed to deliver. It is yet another banking failure and another failure on the part of the FSA.

I must acknowledge, though, the good work done by those involved in the Bully-Banks campaign. It is a clear testament to how widespread the issue is. I accept Mrs Cochrane's point that we need a measured response to know exactly the extent of the issue in the North.

Local small and medium-sized businesses that have fallen victim to this scandal wondered what their options were. Quite often, when complaints were made to the Financial Ombudsman, they were not taken seriously, which left legal advice as one of the few remaining options. However, the outcome of that cannot be guaranteed. It ensures only that further costs are incurred by the businesses. Local small and medium-sized businesses do not usually have the required legal resources at their disposal to go down that path.

It is important to note that even after being exploited and locked into these unnecessary product agreements, a sense of fear still resides among local small businesses. Many were concerned about speaking out for fear of damaging their reputation and putting their own banking facilities at risk. Many small businesses rely on banks for financial assistance, further credit arrangements and, ironically, advice.

Small businesses already face tough economic times. It does not take much to see the extent of that, with one in five shops vacant across the North. It has to be recognised, though, that positive steps have been taken by the Executive to assist businesses. Just two weeks ago, we discussed the extension of the rate relief scheme. That is just one example of the good work taken forward in that regard.

It is clear, however, that banks have failed to adequately compensate affected businesses and that that has had detrimental knock-on effects. The exit fees have effectively crippled some businesses' finances, thus hindering any prospects for expansion. Banks have put

themselves first and their clients second. As already mentioned, we are limited in what we can do here. However, it is vital that the Minister does what he can to engage with banks to ensure that those genuinely affected are given adequate compensation and assistance. I support the motion.

**Mr McCallister:** I apologise to the House for not being here for all of the debate. I had an important constituency issue to attend to.

Although we do not have direct control over this issue — it is very much an issue for the Financial Services Authority — it is important that we at least have this debate to highlight it. It is important that Members have a chance to make the points that are important to the companies and businesses affected. I am sure that the Minister, too, will tell us about the work that he has been involved in to highlight the issue to the FSA. It is important that there is genuine support across the House for ensuring that we do as much as we can to ensure restitution to the businesses affected. We must make sure that we work towards a resolution so that the issue is not allowed to continue.

The Ulster Unionists support today's motion.

**Mr Wilson (The Minister of Finance and Personnel):** I thank all Members who took part in the debate. It is an important issue that has clearly affected a number of businesses in Northern Ireland. Nearly all Members who spoke gave examples of businesses affected in their constituency.

First, I recognise the importance of a healthy banking industry in which people in Northern Ireland can have confidence. The economy cannot work without an effective banking industry that people can put their trust in. One of the reasons why this is an important debate is that it is important that the banking industry quickly deals with the issues that arise from this particular matter, simply to ensure that trust.

Secondly, I have meetings with the banks on a regular basis to discuss a whole range of issues. At Question Time and during other debates in the Assembly, I outline some of the discussions that I have with them. The Enterprise, Trade and Investment Minister and I are having a round of meetings with the banks to discuss a range of issues, and we will continue with that, because that constant engagement with individual banks and with the British Banking Association is important for the economy.

Turning to the particular issue in the motion, a number of Members have already indicated that they understand that it is a reserved matter. It is not devolved to Northern Ireland, and, therefore, the responsibility really lies with the Financial Services Authority. So, the role for this Assembly is limited. The proposer of the motion indicated that one of the reasons why he wanted to raise the issue in the Assembly was that, first of all, it had been drawn to his attention. Members are quite right to use the Floor of the Assembly to bring attention to issues that are relevant to their constituents. Secondly, he wanted to raise awareness of the issue. Mr Bradley and Mr Girvan made the same point, saying that debates like this could raise awareness.

Can I give an assurance on this issue, Mr Deputy Speaker? The role of raising awareness of this issue does not need to rest with this Assembly. If the requirements of the Financial Services Authority are properly carried out, it is the role of the banks to make their customers aware of this. The instructions from the Financial Services Authority are, first of all, for the banks to review the particular selling of this product. As the Chairman of the Committee pointed out, where businesses were deemed to be non-sophisticated — in other words, too small or without the expertise in the business to appreciate what they were being sold, whether it was appropriate for them, etc — the banks were to contact each one of them to ask whether they wanted their case to be reviewed.

Samples were redone — I cannot remember the exact number, but it was somewhere in the briefing I was given. I think there were to be 10 sample cases, looking at the kinds of things that Members have talked about. Was the product mis-sold? Was undue pressure brought? Were all the details not given to the business? Sometimes, the products were totally inappropriate. The insurance, or the "hedge" as it was called, was sometimes longer than the loan itself. That was a bit like paying for insurance for your motor car, and you still keep on paying for it even after you have got rid of the car. The point was to look at those kinds of issues. Then, of course, the bank would ask the customer whether they wanted their case to be reviewed.

As some Members have said, some customers were afraid about the impact this would have on them as a customer of the bank. Would the bank have it in for them now that they had raised the whole issue? Even when they sat down with the bank, would they have the necessary expertise to deal with it, and

everything else? The independent reviewer, of course, could sit in on that meeting. So, awareness should not be an issue. However, again, I point out that of course the Floor of this Assembly should be used to raise these kinds of things that are of general concern. However, it is not absolutely necessary for this debate to be the catalyst for making businesses aware that there is some opportunity to have their cases looked at and to ascertain whether there needs to be any redress.

Judith Cochrane made this point: let us not run away with the idea that everyone who bought that kind of service was mis-sold it. Indeed, the arrangements are still being sold by the banks even today. There will be occasions when it is absolutely appropriate for a business, when taking on a loan, to say, "I do not know what the future will hold, but I want to safeguard myself against the cost of any big increases in interest and, therefore, I want some protection from it." However, it is important that if a customer enters into that arrangement, they are not pressurised and they understand the full details of the product, what they are getting into and that if they want out early, the penalties that might be involved. They should also have some advice on how appropriate that is in their circumstances.

I will finish on this point. Members have asked what we, as the Department, and I, as Minister, can do. The Department is not involved in this, and the Executive do not have responsibility for it. The Financial Services Authority has responsibility for it.

Local banks came into it late. They volunteered to come into it and were not coerced into doing so, and they came into it on the basis that there was not an assumption that mis-selling had taken place. Nevertheless, because local banks came in late, there is an element of catching up to be done.

The first thing that I will undertake to do is to ensure that in my meetings with local banks, I press on them that, first, as was the case with the banks that were initially brought into this by the FSA, they have an obligation to make sure that they do not drag their heels and that they catch up as quickly as possible with all the arrangements that have to be put in place for notifying customers, reviewing the cases and looking for redress.

Secondly, I will make the FSA aware of today's debate in the Assembly, of the concerns raised by Members, and of the need to make sure that the FSA, which is the responsible authority, ensures that banks do not drag their heels and

that, where it is deemed important, proper redress is made, whether that involves doing away with the arrangements and not requiring people to pay for the arrangements any longer or giving them financial compensation.

Thirdly, it will be important for Members to get feedback on the actions that have been taken in cases in Northern Ireland. Apart from anything else, it will show the effectiveness of the arrangements that have been put in place. From our point of view and that of the Members who took the time to stay here until 4.00 pm to listen to me on a Tuesday afternoon because they are interested in this issue, we should have some result from today's debate.

I thank all Members for the way in which the debate has been conducted. It is a complex issue but one that was important to discuss.

**Mr Mitchel McLaughlin:** Go raibh maith agat, a Cheann Comhairle. I thank all contributors to the debate and the Minister for his interesting response. Members will appreciate, if this is not a devolved matter, that our Ministers have nevertheless sought opportunities to impress on the banks a more responsible approach and one that maybe takes local economic factors into account.

#### 4.00 pm

The investigation that the Financial Services Authority is engaged in on this matter and the work that has been done by the Bully-Banks organisation have identified that, in the UK, 28,000 small and medium-sized businesses have been affected. Pro rata, that could mean that anything between 500 and 700 of our small businesses have been affected, and it may even be more. Daithí alluded to an invidious set of circumstances where someone goes into a bank and negotiates a loan and the bank then opens up a second discussion about how it can provide protection against interest fluctuations. It can be very difficult to say to the person who you are hoping will give you a loan that you will go somewhere else to look for that protection. If that were investigated, we might find ourselves in an interesting situation.

I, too, came on to this through my constituency service with a client who had negotiated a loan for £770,000.

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

**Mr Mitchel McLaughlin:** Of course, yes.

**Mr Wilson:** It is just on that point, and I know a number of Members raised it. One thing that there did not appear to be a great deal of evidence for was the pressure once people decided that they were going to take a loan. There is a question over whether they were given the full facts, but there does not appear to be great evidence that people were pressurised into this.

**Mr Mitchel McLaughlin:** Thanks very much, Minister, and I want to come back to that point because we should explore the realities, even in the context of this not being a devolved matter.

I was making a point about a client who had negotiated a loan for £770,000. With the interest rate dropping, this person went back to the bank, which he had been dealing with for some considerable years, and he has a number of business interests. He was told that it would cost him £100,000 to buy out of the scheme, and this eventually culminated in a dispute between him and the bank, with which he had had a fairly sensible arrangement for many years. Eventually, it cost him £119,000 to get out of the arrangement. He also found that his other businesses were drawn into the argument. His facilities were reviewed.

That should be of concern to the Assembly. What started off as a loan to facilitate one small business operation then put a number of other successful businesses in jeopardy because of the disagreement or the cost factor involved in protecting that loan. The bank raised the question of sending in an administrator. We are dealing with some aggression here, and, at the very least, an impersonal kind of response from the banks when people raise concerns.

That really brings us back to what we can do. The Minister and other contributors acknowledged that this is not a devolved matter, but the Assembly cannot be disinterested about it. It is an unusual enough arrangement that an issue be dealt with by a joint Committee here, and that shows the seriousness with which it was taken by the Assembly. The Committee for Enterprise, Trade and Investment and the Committee for Finance and Personnel have met the banks on a number of issues over the years. That, in conjunction with the work that the Minister has done and which I applaud, is a demonstration that we can attempt to influence the situation beneficially.

If we were to consider convening that joint Committee again, and, maybe, Minister, working with you and your colleague in the

Enterprise Department and meeting with the Federation of Small Businesses, we could start to quantify the problem, that is, raise awareness of it. If there is a chill factor and if people are feeling intimidated or concerned about how a bank might respond if they were to flag up concerns, maybe we can develop a case file that can then be passed on to the FSA to show what the circumstances are.

The FSA started off with the intention of investigating four banks. That was expanded when seven more voluntarily joined, so that is 11 banks. I will not name the bank now just to score a point, but the parent bank of that local bank is involved in that investigation, and the local bank is not contributing or co-operating. That is something that, at the local level, we could address. I suggest that we consider, through the Committee Chairs, and with you, Mr Wilson, and your colleague Arlene Foster, how we can compile a case that can be passed on to the FSA to give the small and medium-sized business sector here some reassurance. The powers may not be devolved, but we are not powerless, and we will do our best to influence the situation in SMEs' interests.

I thank all the Members who spoke for their support, and I particularly want to recognise the ongoing work that the Minister has been doing.

*Question put and agreed to.*

*Resolved:*

*That this Assembly notes with concern the fact that local banks may have mis-sold interest rate swap agreements to local small and medium-sized businesses; further notes the campaign by Bully-Banks.co.uk to highlight this issue and support businesses that have been directly affected; calls on banks to adequately compensate local businesses that have suffered; and calls on the Minister of Finance and Personnel to engage with the banks to ensure that customers who have been affected by this are treated fairly.*

*Motion made:*

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

## Adjournment

### Suicide: Moyle

**Mr Deputy Speaker:** The proposer of the topic will have 15 minutes. The Minister will have 10 minutes to respond and all other Members who are called to speak on this occasion will have up to eight minutes.

**Mr McKay:** Go raibh maith agat, a LeasCheann Comhairle. This is the last debate of the year, and I start by wishing all Members a very happy and safe Christmas and new year.

I recently visited a group in my constituency called Surviving Our Loss After Suicide (SOLAS). It is in the process of setting up a facility to service the needs of the community in Moyle. It is always good to see such services being set up, especially in the community and voluntary sector. You have to realise the amount of work that is invested in those groups. People give of their time for no financial benefit whatsoever; rather, they do so in response to the needs of their community. That is something that we need to recognise and support, especially financially.

SOLAS was set up in response to the rising suicide rate in the district of Moyle, in particular over a four- or five-year period when there was a significant spike in the number of suicides. In 2006, for example, the number of suicides in Moyle per 100,000 people was 24·2, compared with an average of 16·7. In 2007, it was 24, as against an average of 13·8; in 2008, it was 23·7, as against an average of 15·9; and, in 2009, it was 23·7, as against an average of 14·5. Therefore, the number of suicides there was significantly higher than the average rate of suicide across the North. Indeed, out of the 26 districts, it was the third highest, coming behind only Belfast and Strabane.

In 2010, the year after the rate per 100,000 people was at 23·7, the group was set up, and it has since delivered education and training and hosted a series of public talks on mental and emotional health. Its primary focus has been on health and well-being and it has provided accredited suicide-awareness and prevention training. That approach is very holistic. It creates a sense of community and encourages longer-term involvement. It helps

to reduce any individual sense of stigma and overcomes any reluctance to engage. It assists individual capacity-building and limits dropout rates, with a consequential positive and sustainable impact on community health.

Of course, Moyle is very much a small rural community. It is a smallish district by population size when compared with that of the North. It is to be welcomed that the suicide figures have reduced in the past two years, but we cannot be complacent. We need to look at the service provision there and at what we are doing right and then build on it. We need to ensure that there is more awareness of suicide so that people might be able to spot the telltale signs. In particular, what many find in rural and farming communities is a reluctance among many males in particular to open up and discuss their problems. I am sure that the Ulster Unionist Member is aware of that as well. We need to address and change that culture so that we can reduce the occurrences of suicide.

I believe that the voluntary organisations that deal with suicide and assist in maintaining people's mental health need all the help that they can get from the Assembly, the Department of Health, Social Services and Public Safety (DHSSPS), and any other sources of finance. I received training in suicide awareness from the Public Initiative for the Prevention of Suicide and Self-harm (PIPS) in Belfast a number of years ago, and, from a personal perspective, I thought that it was excellent. It gave me a greater awareness and understanding of suicide, and it enabled me to identify the telltale signs, including the fact that, when people talk about taking their own life, you always have to take that seriously and act on it. That training and that body of work needs to be rolled out across the North, particularly to our young people, as that is key to changing the culture.

Of course, we have to consider the present economic situation. As we discussed today, a lot of businesses and a lot of people are under stress and cannot see a way out of their situations, which could be related to social or business situations. Ultimately, that puts enormous pressure on their mental health. Therefore, the services that organisations such as SOLAS provide are all the more important.

We have seen a startling rise in the number of suicides across the North over the past 20 years. In 1991, the number of suicides was 148. It more than doubled in 2010 to 313, and that is quite alarming. The services provided in Moyle, whether through SOLAS, the suicide prevention development officers who also carry

out good work, the Northern Trust and others, are all important. However, we need to ensure that they get all the support that they need and that they receive adequate support from the Department of Health in particular.

SOLAS plays a key role in that. It is a relatively young organisation, but it is making an impact in Ballycastle and the wider Moyle area and is still growing and developing. I know that there are other services related to suicide prevention that it wants to establish, but it is not in a position to do that yet. It will need support from public agencies to be in a position to do that in the near future, and I sincerely hope that it gets the support to do that. It is also tying in with the Hope Centre in Ballymena, which other Members will be aware of. The Hope Centre has a particular focus on drugs, a problem that is intertwined with the mental health issue.

It is important that relationships are built up between organisations and that there is that degree of flexibility. Ballycastle and the Moyle area are pretty much cut off from the rest of the North, and it is important that we have imaginative solutions to service provision in that area.

I thank the House for giving me the opportunity to discuss this issue. I recognise the fact that the Minister has put a particular focus on the issue of suicide. However, we need to ensure that, in rural areas such as Moyle, where we have seen a significant spike in the rate of suicide in recent years, support is given to organisations such as SOLAS. That support needs to be sustainable and it should guarantee that that service, which is at the heart of Moyle and Ballycastle, is built on and supported in the years to come.

#### 4.15 pm

**Mr Swann:** I thank the Member for North Antrim for securing this important Adjournment debate.

Members have had a bad press recently because so few have attended some debates in the House. I want to send out a message to the representatives of SOLAS, who I think are in the Gallery, and to the people of Ballycastle that this is no reflection on their work or on the seriousness with which we take the issue. It is important that we can use the Adjournment debate facility to raise important and specific constituency issues such as this.

Daithí has already recognised that Moyle has the third-highest suicide rate in Northern Ireland per hundred thousand of population. That is

taken on a five-year rolling average between 2006 and 2010. It is a sad statistic. We can quote other statistics, and I know that they have been quoted. Northern Ireland had the highest suicide rate, compared with Scotland and the Republic of Ireland, in 2010. There were 128 registered suicides in Northern Ireland in 1992, and that rose to 313 in 2010, which was an increase of 145%.

Those are the statistics and numbers that are often used in information packs and debates such as this. However, when we talk about suicide, we have to realise that each one of those figures is an individual. It is a family; it is a wider community; it is a church group; it is a young farmers' group; it is every group and individual that that person affected during his or her life. This place, and we as MLAs, have to support, and should be supporting, the work of SOLAS and other organisations as they take forward their important work.

SOLAS was established in 2010. The way in which it measured the suicide rate was a barometer of poor emotional health, and that is what challenged SOLAS. So far, it has delivered education and training and promoted good mental and emotional health. To date, SOLAS has run yoga sessions, SOLAS walks and exercise boot camps, and it has accredited its volunteers into the training and advice that has been mentioned. We have to acknowledge that: they are all volunteers.

My party colleague Councillor Sandra Hunter, the chairman of Moyle District Council, has paid particular interest and has been very supportive of the group. Wayne Soutter is also looking to do a bit of fundraising for SOLAS. He was the first man to swim from the Mull of Kintyre to Kenbane Head in Ballycastle. That was quite a challenge. With that sort of support behind it, SOLAS will hopefully be able to raise its profile and much-needed funding. As I said, the people involved are doing it completely voluntarily.

As a fledgling group, SOLAS has shown a mature approach to what it is doing, because it has looked for the partnership, for instance, of the Hope Centre in Ballymena in my North Antrim constituency, which I recently visited. A good friend of mine, Joe Boyd, is a director of the Hope Centre. When we consider the work that it is doing in comparison with and in conjunction with what SOLAS intends to do, we see that changes in the funding arrangements for voluntary organisations are having a dramatic effect on their provision.

Earlier, we talked about changes in economic welfare and the upcoming changes to social welfare. They will put a greater stress on the most vulnerable in society. That is where the provision and support mechanisms of SOLAS and the Hope Centre are able to support the vulnerable in the community and their families. They need support, before and after, as well.

We spoke about other backup organisations and the service provision that is needed. We spoke about the suicide prevention officers in the Northern Health and Social Care Trust and the contribution of the Department of Agriculture and Rural Development to addressing rural poverty. It is about getting that joined-up approach — we often talk about that here — so that we can deliver and support the most vulnerable in society. It is about the wee touches by voluntary organisations such as SOLAS and Good Morning Ballycastle. That phone call in the morning can often make a difference to one person's life. As they sit there, they realise that somebody out there cares and is listening to them.

Before coming to this place, I was director of an organisation called Rural Support, which was set up at the time of foot-and-mouth disease, specifically to provide signposting for farmers who felt that they were under increased financial and mental stress. I worked through cases brought in by the volunteers, and it made me aware of the stresses, strains and hardships facing individuals and families at the time. Usually, they were the individuals and families below the surface, people whom you do not notice in everyday life. A farmer stands in a corner of the market yard, laughing and joking, but, inside, he is really hurting and struggling with what he has to deal with every day. He then takes that stress back to his family, who know what is happening, and there are pressures at home as well.

I will finish by thanking the Member for securing this Adjournment debate. I thank the Minister for attending and listening and for the support that he has given, and I thank Members for coming into the Chamber. I pay tribute to the volunteers and organisations who give up their time to try to make a difference in people's lives.

**Mr McDevitt:** It is a great honour to be able to join colleagues from North Antrim for this debate. The SDLP is temporarily absent from the House in a representative capacity for that constituency, but I am sure that we will put that right in the fullness of time.

I thank Mr McKay for securing a debate on suicide. No matter what government do or how hard government work, it would never quite be enough. However, what is notable about the past decade here in Northern Ireland is the number of local groups and initiatives that emerged from the communities most affected by suicide. Notable, too, is the power of those groups to identify at-risk individuals, to put support frameworks in place and to be a visible and present bulwark against the conditions that lead people to want to take their life. From what I have heard this evening, SOLAS seems to be such a group. It is a group rooted firmly in its community, with a deep commitment to its community, to community safety and to the protection of its members from self-harm and, obviously, suicide.

It is always worth remembering that suicide is the last link in a chain of failures. When you look at any case of suicide, the failures are often not just by the state, by the family, by the individual or by society. The failures are complex and often involve many people just not stepping up to the mark when they should have. It is very difficult to live with such a failure, and practically everyone in the House, given the jobs that we do, has been touched at some point by an encounter that caused us to reflect because, months later, we hear of an individual making a bad decision and possibly taking his or her life.

I join Mr McKay in acknowledging the support that several NGOs provide to us through training and capacity building. Their support means that we are at least better able to deal with issues such as suicide and slightly more able to identify very vulnerable people when they come into contact with us.

It seems right, in a debate on suicide, to talk a little bit about some of the practical obstacles that still exist at government level. One that remains important to me concerns coronial services, specifically the coroner's role and the determination of death by suicide. I know that the Minister feels quite strongly about that, and I welcome his commitment. However, I hope that he will take the opportunity, in his response to the debate, to update the House on any progress being made on trying to iron out the issue because settling the cause of death can be a complicated and difficult period for the surviving members of a family.

Another really important issue is that of moving all those groups that sprung up all over the region in the past decade from being voluntary groups, which have the best of intentions at heart and bid for basic funding to be able to get

through the week and the year, into groups that actually have the capacity to do a bit more and to move to the next level and to think about how we can tap into the social capital that is out there. Again, when you read 'Transforming Your Care', you see a great opportunity to tap into that social capital and to be able to provide groups that are active at community level with the ability to be involved more formally in the provision of health and social care services in the future. So many groups that are involved in suicide awareness and protecting people from self-harm are great candidates for that. Undoubtedly, however, there is quite a bit of work to do to be able to identify individuals in those groups who might wish to take on a more structured and professional role, and then to ensure that the support and resources are available for them to be able to fulfil that role in the future.

Essentially, those were the points that I wanted to make. It really is a pleasure to come to the House for an Adjournment debate. I am never surprised that so many Adjournment debates deal with health issues. It reminds us just how important the NHS and all the social care infrastructure around its edges, provided by the state and voluntary organisations, are to people. I simply thank the House for giving me the opportunity to participate.

**Mr Storey:** I apologise to the Member who brought the Adjournment topic to the House for not being present at the commencement of his contribution. I thank him for tabling the debate this evening.

When we come to this issue, it is a solemn and sad reminder to us all that life is a small, thin thread. Regrettably, in the media this week, there was the very public example of the death of the lady who worked in the hospital in London. It is a sad reminder to us that we are dealing with something that is immense in its impact and devastating to a family and to those who are associated with that family. With great sympathy and understanding, as the previous Member to speak mentioned, we can all give examples from our own experience of people who have seen no other way but to end their lives in that manner. It is coming up to Christmas now. Christmas Day two years ago was probably one of the most solemn that I have spent. A young man from the village of Dervock tragically took his own life. He was buried in my constituency, in the Moyle District Council area. His name was Billy. It reminds us all of the family and circumstances that were so affected by that particular tragedy.

I was somewhat alarmed to see that the comparators show Moyle to have the third highest rate in Northern Ireland, behind only Strabane and the Belfast City Council area. We wait to hear what the Minister has to say about the work that has been done or is ongoing to try to ensure that we do not just read statistics. Over the past 20 years, the suicide rate in Northern Ireland has risen. That is of great concern to us all. When you come to a specific local area, such as Moyle or North Antrim, you need to ask what we are doing to ensure that we access those who are near to or would contemplate taking their own lives. That is why the work of Solas and a variety of other organisations is so important.

#### 4.30 pm

I also think of the work carried out in our schools through pastoral care, and as the Chair of the Education Committee, I speak with some degree of insight and, I trust, interest. I think of the example of the postbox system used in Ballycastle High School, which is a very good process for identifying young people with particular problems and issues, which, if unaddressed and ignored, would ultimately lead to their taking their life.

We need to ensure that this is an issue not just for the Health Minister, who, I am glad, is with us this evening. I do not say this because, politically, it is about sharing the responsibility or blame; what we need to have in Northern Ireland is an assurance that our Departments, whoever the Minister is or whatever political party has responsibility for a Department, are working collectively to ensure that whatever the strategy is, it is implemented in the most effective way to deliver the right outcome. That is why I thank the Minister for his support for suicide prevention, including the £6.7 million for the suicide prevention fund, £2.2 million of which goes to the work of the community and voluntary sector.

It is easy for us to come to the House and give such figures. However, as my colleague the Member for North Antrim said, behind all those figures are real people and real lives. In Ballymena, in the southern part of the North Antrim constituency, we know all too well the devastating impact of suicide on young people of school age. That was a very trying and difficult time for us all a few years ago.

We come to the House this evening with a sense of humility. This issue is very serious and needs to be dealt with in a sensitive way. It needs to be debated, and I welcome the fact that very early in the new Assembly term, on

Suicide Prevention Day, Mr Rogers from South Down tabled a motion that got the support of the House. So, the issue is not being ignored.

Going back to the local scenario, the work carried out by Moyle community safety partnership is to be welcomed. I think that more needs to be done on a local basis. That is why it is important that the Minister listens to people in areas where there are particular needs. Through the work of the trusts, the voluntary and community agencies, the council and public representatives, we continue to ensure that those statistics are not repeated and are, in fact, reduced; that we have proper means and methods in place to address the concerns; and that, as the Member for South Belfast said, the last link in the chain of failure is broken.

**Mr Poots (The Minister of Health, Social Services and Public Safety):** First, I apologise for not being here at the outset of Mr McKay's speech. I have had a very busy and trying day. I thank the Member for proposing this topic for the Adjournment debate. I have been impressed by the valuable contributions this afternoon, and I hope to respond to some of the issues raised.

Despite my Department investing £32 million in suicide prevention over the past six years, suicide in Northern Ireland remains stubbornly high, at around 300 deaths per annum. The expert view is that, had we not made that investment, we would be in a considerably worse place, so I welcome the fact that we did make that investment because it is essential. We need to be wise about how we use that investment to ensure that we get the best value for money and it is most effective in reducing the number of suicides in Northern Ireland each year. The investment supports a range of evidence-based interventions to prevent suicide. I have no doubt that lives have been saved. The situation would have been worse had we not done that.

Suicide is a complex issue and has many influencing factors. Although front line services to help people who are in emotional distress or are actively suicidal remain vital, significant inroads into our high suicide rate will be made only when we successfully address the social factors that contribute to suicide. That means addressing social deprivation, ensuring that every child has the best possible start in life, reducing substance and alcohol misuse and violence, improving community cohesion and enhancing the psychological resilience of those in vulnerable groups.

Suicide rates are generally highest in urban areas, especially in deprived urban areas, but rural areas face specific challenges as well, including social isolation, difficulty in accessing services, growing emigration and increasing deprivation as a result of the recession. Many people in rural communities coming from an agricultural background face difficulties that others do not face through unexpected incidents on their farms. There are a lot of financial pressures and troubles and burdens that they do not wish to share with others, which can often end up with people making that wrong decision that suicide is the only way out.

It is also generally acknowledged that the stigma associated with mental illness remains stronger in rural communities than urban communities. Between 2005 and 2009, 18 deaths due to suicide or undetermined intent were registered in the Moyle area. That is a high number of deaths for an area with a population of just 17,000. That meant that, over that period, Moyle had the highest average annual suicide rate of any local government district in Northern Ireland.

Suicide statistics are derived from the General Register Office death registration system. Suspected suicides are referred to the coroner and take time to be investigated. On average, it is up to two years after the suicide has occurred that it is registered. That means that most of the suicides registered between 2005 and 2009 for the Moyle area occurred between 2003 and 2007. For most of that period, we did not have a suicide prevention strategy to inform the response to the situation in Moyle. I have no doubt that that response could have been better.

Fortunately, the situation in Moyle seems to be improving, though one suicide is one too many. Annual average suicide rates for a more recent period are now available. The Moyle rate for 2009 to 2011 is now below the Northern Ireland average; it is fourteenth highest in suicide rates by local government district. I should clarify that that measure is per 100,000 of population and not by Moyle just as a council area, so it is genuinely fourteenth highest. The welcome reduction in suicide in Moyle appears to be continuing in the current year, but these things are hard to assess.

The Public Health Agency is charged with implementing the Protect Life suicide prevention strategy. The refreshed strategy, published in June, contains actions aimed specifically at rural dwellers. They focus on providing access to community-based physical and mental health checks, including signposting

to advice services on mental health-related issues. The Public Health Agency has been providing health checks at farmers' markets and has been working with the Agriculture Department to deliver the maximising access in rural areas project, which aims to improve the health and well-being of rural dwellers by increasing access to services, grants and benefits for vulnerable households.

I have frequently said that the approach to suicide prevention must be rooted in partnership working, which Mr McDevitt mentioned, and maximising community involvement. That is exactly the approach that the Public Health Agency has been taking in the wider Northern Trust area, which of course covers the Moyle District Council area. The agency has established a partnership with community groups and networks to help communities promote mental health and prevent suicide. It funds a number of suicide prevention posts to support that work. One post holder works with the North Antrim Community Network to build the capacity of local groups to be involved in suicide prevention and tackling drug and alcohol misuse. The Public Health Agency has assisted community groups in Moyle to apply successfully for funding from the agency's suicide prevention small grants scheme.

That approach has recently been independently evaluated. I launched the evaluation report at an event in Greenmount College in October. The results were very positive. The evaluation stressed that the community network approach in the Northern Trust area has brought suicide prevention and mental health awareness into the heart of local communities and to some of the most marginalised people. It has also enhanced the capacity of communities to deal with the issues. The partnership approach developed by the Public Health Agency and the community networks in the Northern Trust area is clearly helping to deliver real change and improved outcomes in local communities. Local communities are best placed to know the issues facing their people and the resources that are available, or that need to be enhanced, to deal with them. The community network model, with support from specialist suicide prevention officers and access to relevant funding, will continue to be the model for suicide prevention in the Northern Trust area.

We will continue to keep a watchful eye on all of this. We will continue to work with groups. There are opportunities to extend the work that we are doing with the volunteer groups, groups that are so keen to ensure that others do not suffer as they have suffered. To help ensure

that that is the case, we are keen to work with those groups to ensure that we harness their skills and desires correctly and that the support that they give can make a real and meaningful difference. We need to keep driving down suicide rates in Northern Ireland. Thankfully, a dip was indicated last year, after there having been a constant rise for five or six years. We really need to work to ensure that that continues to be the case. I do not know what has happened this year. We hear reports of suicide and about pockets of suicide, but we will not know for a time whether those represent an actual increase or not. Nonetheless, we really need to focus on working with those people who are so keen to help us deliver for our communities.

I attended the funeral of a 10-year-old boy today. Last night, I visited the Spence family. I know the impact that death has on people. Sometimes, people can see no other solution for themselves but suicide. However, the hurt and the harm and the pain for those left behind by that separation from someone whom they loved so much is a very, very cruel thing to deal with, with so many unanswered questions. We need to do so much to get to those people before they take their own life. We need to let them know that they are a valued partner in their home and family and a valued member of our community. We need to let them know that people do care for them and that there are lots of better options out there than suicide. We need to get that message out very clearly. I thank all who help to get that message out.

*Adjourned at 4.44 pm.*







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