

Official Report (Hansard)

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They should be sent to:

The Editor of Debates, Room 248, Parliament Buildings, Belfast BT4 3XX.

Tel: 028 9052 1135 · e-mail: simon.burrowes@niassembly.gov.uk

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Northern Ireland Assembly

Tuesday 8 May 2012

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

Members observed two minutes' silence.

Assembly Business

Mr Allister: On a point of order, Mr Speaker. Under section 52C of the Northern Ireland Act 1998, there is a statutory duty in respect of North/South ministerial meetings for a Minister to report as soon as is reasonably practicable to the Assembly. There was such a meeting in institutional format back on 27 April. This is the second week since that meeting that the Assembly has sat. Why has there been no reporting back to the Assembly on that North/South ministerial meeting? That reporting mechanism is something that gives some semblance of accountability in respect of North/South matters.

Mr Speaker: I hear the Member's point of order. There are two issues there. This is a matter for the Executive and for Ministers in the Executive. I assure the Member that I always encourage Ministers to come to the House, when possible, to deliver statements. This is a matter for the Executive. That is where that rests, but I still encourage Ministers, as far as is possible, to come to the House to deliver statements. I see statements as a further method of holding the Executive and Ministers to account, because they give Members the opportunity to contribute and ask questions.

Committee Membership

Mr Speaker: As with similar motions, this will be treated as a business motion. Therefore, there will be no debate.

Resolved:

That Mr Chris Hazzard be appointed as a member of the Committee for Agriculture and Rural Development and as a member of the Committee for the Environment. — [Ms J McCann.]

Executive Committee Business

Pensions Bill: Final Stage

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

That the Pensions Bill [NIA 3/11-15] do now pass.

The Pensions Bill represents a major step towards ensuring the sustainability of the pensions system. Some provisions have generated considerable debate, so it is appropriate that I comment briefly on the main proposals.

Members are aware that the Secretary of State for Work and Pensions and I are required to seek to secure single systems of social security across the United Kingdom. Members are also aware of the economic imperatives underpinning the principle of parity, not least the special funding arrangements that allow us to run the social security system in Northern Ireland. The Bill is a parity measure and corresponds to the Westminster Pensions Act 2011. It contains measures relating to, first, the state pension; secondly, automatic enrolment into workplace pensions; and, thirdly, indexation and revaluation of occupational pension schemes and pension compensation and the operation of the pension protection fund. Many of the proposals are minor and technical, and I will not labour them.

The most contentious matter is, I believe, the increases to state pension age and the implications for state pension and other benefits. That has been the main bone of contention during debates in the House and at Committee Stage. Under existing legislation, the state pension age for women will equalise with men's at 65 by April 2020 and then increase for men and women to 66 by April 2026. Official projections of average life expectancy have been revised upwards since those changes were legislated

for. Projections made in 2008 by the Office for National Statistics indicate that men and women reaching the age of 66 in 2026 are expected to live, on average, one and a half years longer than was projected when the timetable was set. In the light of that, the Westminster Government concluded that the timetable for increasing state pension age was unsustainable. The Pensions Act 2011 introduced a revised timetable in Great Britain, providing for the increase to 66 to be brought forward to October 2020. As a consequence, the pace of equalising pension ages for women and men at 65 will accelerate from 2016 so that women have the same state pension age as men by November 2018, instead of April 2020. The increase in state pension age to 66 must be applied to men and women at the same time to ensure compatibility with directive 79/7/EEC. The increases to state pension age will mean increases in the qualifying age for state pension credit and the winter fuel payment. The upper age limit for receipt of working-age benefits such as jobseeker's allowance and employment and support allowance will also increase.

The Bill introduces a corresponding timetable for Northern Ireland. Although increases in life expectancy are to be welcomed, additional years spent in retirement mean additional financial pressures on state pension funding. The problem is not simply one of increased longevity. Individuals do not have their own pension pot building up in the national insurance fund. The reality is that today's contributions pay for today's pensions, and the proportion of pensioners relative to the total population is increasing. In 1955, there were roughly four people of working age for every pensioner. That figure stands at around three today and is expected to reduce to around two by 2060. Expenditure on state retirement pension in Northern Ireland in 2010-11 was more than £1.6 billion — over £32 million a week. The Northern Ireland national insurance fund is topped up annually by a subvention from the Great Britain fund, and non-contributory and income-related benefits are funded from general taxation.

It is important to remember that the funding arrangements for social security are unique. They operate outside the Barnett formula and are based on actual need. In effect, our benefit costs are fully funded. That funding stream is predicated specifically on the maintenance of parity. Any additional costs arising from a

breach of parity would have to be met from the Northern Ireland block. The statement of funding principles provides for funding to be reviewed if parity is breached. Apart from benefit costs, we would be liable for costs incurred by the Department for Work and Pensions in making the IT changes necessary to maintain different state pension ages for Great Britain and Northern Ireland, assuming that that is possible, along with any additional administrative costs.

A number of, no doubt, well-intentioned amendments tabled at Consideration Stage were aimed at relieving the impact on people in Northern Ireland. They were not accepted, primarily on grounds of cost and the maintenance of parity. Nevertheless, they reflect the concerns felt by Members about the increases in state pension age. I share those concerns and have raised them directly with Iain Duncan Smith.

During the debate, Mr McDevitt referred to the fact that my party colleagues supported similar amendments tabled at Westminster and asked why I argued the contrary in this House. However, as Mr Dickson rightly stated, Northern Ireland simply cannot afford to break parity on this issue, and the proper time and place to seek to effect change is during debate at Westminster. I am not alone in this view. The point was also made by Margaret Ritchie during Assembly Question Time on 2 February 2009:

"I call on those who criticise parity legislation in social security to address the draft legislation when it is processed in Westminster." — [Official Report, Bound Volume 37, p166, col 1].

I must emphasise that Members who believe that we should push the boundaries of parity are playing a very dangerous game. Much has been made of differences in life expectancy and healthy life expectancy across the United Kingdom. I have pointed out that, in the period from 2008 to 2010, average life expectancy for a man aged 65 in Northern Ireland was 17.4 years. That compared with 17.7 years in Wales, 18.2 years in England and 16.8 years in Scotland. Therefore, life expectancy here was broadly similar to that in Wales, marginally lower than that in England and higher than the figure in Scotland. The same is true for women, for whom life expectancy at 65 was 20.2 years in Northern Ireland, 20.3 years in Wales, 20.8 years in England but only 19.3 years in Scotland.

Some Members have argued that there is not necessarily a correlation between living longer

and having good health to enjoy old age. We all accept that, but it is true that, in general, people are staying fitter for longer. It is certainly true that parts of Great Britain have worse health-related problems than we do. Again, I pose this question: could we really expect taxpayers in Great Britain with lower life expectancy than people here to continue to fund our benefit system, if they have to work longer before they get their pension?

I did, however, support an amendment placing a duty on my Department to lay a report before the Assembly on the impact of socio-economic background on retirement pension. That amendment was accepted by the House at Further Consideration Stage, and I hope that the report will prove a useful tool in future debates.

In an ideal world, no one would want to increase state pension age. However, I believe that there is a general acceptance that changes are inevitable. The proposed changes will keep the state pension sustainable by ensuring that those who benefit from increased life expectancy share the additional cost.

Another contentious issue, which was the subject of an amendment tabled at Further Consideration Stage, concerned consequential amendments to several pieces of existing pensions legislation following the Westminster Government's decision to use the consumer price index rather than the retail price index as the measure of inflation for benefits and pension purposes. That amendment was rejected by the House, but it is important to ensure that there has been no misunderstanding. The Bill is not the vehicle that implements the Government's decision to use the CPI; that decision was implemented as far back as 2010. The Bill makes consequential amendments to some relatively minor provisions to ensure that the decision to use the CPI is applied consistently across occupational pension schemes. It amends, for example, some largely peripheral references in existing legislation and ensures that schemes that wish to continue operating by the RPI can do so. My Department has no power to set different revaluation percentages for Northern Ireland. It merely has the power to prescribe the percentages determined by the Secretary of State for Great Britain.

10.45 am

The Bill also abolishes payable uprated contracted-out deduction increments. Those

are paid to people who postponed taking their occupational pension and earned increments on their guaranteed minimum pension. They compensate for the fact that occupational pension schemes are required to uprate GMP increments only after 1988 and only up to a 3% maximum. The average payment is around £1.17 per week, and any award already in payment will be unaffected.

It was perhaps inevitable that the focus would fall largely on the changes to state pension age, but we must not overlook the fact that the Bill contains some important changes to provisions relating to automatic enrolment in workplace pensions. They follow an independent review set up to examine the scope of the automatic enrolment policy. Recommendations were made to ease the burden that employers face in complying with the legislation, while maintaining the key aim of ensuring that low to moderate earners are able to save for retirement. The measures are designed to ensure that automatic enrolment will work successfully to give as many people as possible the chance of a better income in retirement.

A number of technical amendments are made to legislation governing the operation of the pension protection fund. They reflect experience gained in operating the fund since April 2005 and will reduce unnecessary bureaucracy.

I trust that Members are content with the broad thrust of the Bill. I am very aware that some provisions are difficult for us. As I have said before, ideally, none of us would want to increase state pension age, but I think that we all accept that changes are inevitable. With the Bill, we are helping to ensure the sustainability of our pension system. I thank the Chairman, the Committee for Social Development and Assembly Members for the positive manner in which they considered this important Bill, and I commend it to the House.

Mr Brady (The Deputy Chairperson of the Committee for Social Development): Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his comments. When the Committee was first presented with the Bill, it noted that the majority of clauses were extremely technical. I thank the departmental officials who attended every meeting of the Committee's consideration of the Bill and explained, as far as possible, in plain English what they entailed. I would like to

think that we will continue with that approach as and when we consider the Welfare Reform Bill.

It is fair to say that the entire Committee shared concerns about the Bill, as became evident during our prelegislative scrutiny. During that time, it also became clear that there was significant pressure to take the Bill forward through accelerated passage. Indeed, the Minister came to the Committee to indicate that that was his intention. The Committee subsequently discussed how it would approach scrutiny of the Bill. We acknowledged that prelegislative scrutiny indicated, on the face of it, potential financial implications if parity with Great Britain was broken. However, the Bill's provisions were so diverse that the Committee believed that it could not have a full and detailed understanding of the potential to amend unless it proceeded with full scrutiny, as is its statutory responsibility. That said, the Committee did not want further to reduce the time that women in particular would have to plan for retirement, even though, in the scheme of things, any additional delay would have been minimal. Keeping in mind the time pressures, we set out to achieve that within the statutory time frame of 30 working days and not to seek an extension. Therefore, we scheduled additional meetings, and I thank my colleagues on the Committee for their dedication in helping to meet that deadline.

How society pays for pensions — state, public and private — is a matter of huge debate and concern. The reasons for the concern relate to the fact that people, on average, live longer and we have an ageing population. We are told that the current state pension scheme was not structured to deal with such a scenario. The British Government have decided to address the costs associated with the state pension in two ways: first, by equalising the state pension age for women and men; and, secondly, by increasing the state pension age. Those were the two fundamental issues that particularly taxed the Committee. Therefore, although I do not intend to go into much detail, it is worthwhile briefly mentioning them in the context of the Bill.

It is fair to say that clause 1, which relates to the equalisation and increase in state pension age provided most concern. Indeed, the Committee agreed, having taken a vote, that it was not content with clause 1 or the corresponding schedule 1 as drafted. One

can argue that, in the interests of equality, the pension age of men and women should be the same, and the Committee recognises and accepts that. However, members' concerns about that related to when it takes effect. The legislation will bring forward the date at which women will have the same state retirement age as men to November 2018 instead of April 2020. The upshot of that — the Committee and other Members of the House expressed concern about this — is that roughly 7,000 women born between 6 April 1953 and 5 December 1953 will experience a delay in getting their pension of between two and 16 months. The Committee questioned departmental officials on the costs associated with keeping to the original timetable, and the Department informed the Committee that, if the revised timetable was not enacted, the cost to the block grant was estimated to be around £57 million between 2016-17 and 2018-19. We were also informed that there would be additional costs associated with administration, possible additional claims from people living outside the North and issues with not being able to piggyback on the DWP computer system.

The Committee raised the possibility of further transitional arrangements to delay the equalisation of the state pension age but was advised by the Department that it could not make the changes to increase the state pension age until the equalisation of the state pension age had occurred. The Department advised that, should the equalisation of the pension age be delayed until 2020, it could not begin to increase the pension age until after that. The Department advised the Committee that, in that scenario, it would cost around £155 million for the tax years between 2016-17 and 2019-2020.

I move now to the increase in state pension age. The current legislation also ensures that state pension age will increase to 66 for men and women by April 2026, to 67 by April 2036 and to 68 by April 2046. However, the Bill before us will mean that the increase to 66 will be brought forward to October 2020, six years earlier than was originally envisaged. The Department told the Committee that approximately 70,000 women and 69,000 men born between 6 December 1953 and 5 April 1960 would be affected by that change and would see their state pension age increase by up to 18 months. The reasons for the changes have already been touched on and include increasing life expectancy and an ageing

population. However, some members of the Committee were of the view that, although, on average, people may be living longer, they are not necessarily living a healthier life. That had not been taken into consideration in the development of the proposals. That was touched on by Members at Consideration Stage, and the Minister responded to my party's concerns at Further Consideration Stage by agreeing to provide a report on the impact of the changes every two years. That is an important development to ensure we know the effects of the legislation.

The submission received from Age NI stated that, generally, women in Great Britain can expect to have 65·2 years of disability-free life, but women in the North can expect only 62·5 years. The disability-free life expectancy for men in Great Britain is 63·2 years, but it is only 60·5 in the North. Therefore, people in lower socio-economic groups may be forced to work longer or spend more years on working-age benefits but then have fewer years of life and healthy life after reaching state pension age.

There were some knock-on effects, which I will address briefly. Although they are not in the Bill, the Committee questioned the Department on the associated impacts of the changes. There will be knock-on effects for winter fuel payments, for example. Members may be aware that the qualifying age for the winter fuel payments was originally established as 60 for women and 65 for men, in line with the state pension age and as long as they were in receipt of a qualifying benefit. Following a European Court decision, entitlement was established for persons aged 60 and over, regardless of a qualifying benefit. With the proposed equalisation of pension age for women, I am sure Members can see that that will result in payment of the winter fuel payment being delayed. Indeed, the Department estimates that around 124,000 would qualify one year later than they would under current rules and around 15,000 would qualify two years later than under current rules.

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

Fuel poverty rates in the North are well known. It is estimated that over 44% of households here are in fuel poverty, and that rises to just over 60% for older people, according to the NI house condition survey in 2009. The Committee was, therefore, very concerned that the proposed changes would exacerbate the situation and

increase the number of pensioners in fuel poverty. The Department informed us that, where one member of a household has reached a qualifying age, the household will receive the full amount of the award. However, because the Department was unable to provide data on the age profiles of couples in households here, that did not provide a great deal of reassurance to the Committee.

The Committee was also concerned that eligibility for pension credit will increase in line with the state pension age. The Committee heard from stakeholders that that could contribute to pensioner poverty. The recent Budget announced by George Osborne made changes to the state pension and to tax arrangements for pensioners, and it could be argued whether or not those are positive. However, with regard to the benefits to which pensioners are entitled, we know that unclaimed pension credit is estimated to be between £1·2 million and £2·3 million a week, according to research commissioned by A2B on benefit uptake and presented in evidence to the Committee during its consideration of the Bill. I am sure that all Members would like to hear a commitment from the Minister that his Department will redouble its efforts to ensure that all those entitled to claim pension credit do so.

The Committee raised other concerns during its consideration of the Bill that are detailed in the report. However, I have confined myself to the key issues. I thank officials from the Department and from our Committee who supported the Committee throughout the process.

I want to make a couple of comments as an MLA for Newry and Armagh. Obviously, the change in age is equalisation, but bringing the date forward to 2018 and then to 2020 is predicated on the notion that it gives people time to save. However, I argue strongly that, if people are on state benefit or on subsistence level by the Government's own admission, it becomes increasingly difficult for them to save. It is predicated on the notion that you live in an area in which you had reasonable employment and the ability and opportunity to save. In the case of the vast majority of people in the North who will be affected by the Bill, that is simply not the case.

Ms P Bradley: As a member of the Committee for Social Development, I welcome the opportunity to make a few comments at the Bill's Final Stage. Over the past few weeks, Members have had the

opportunity to debate amendments and examine the practicalities and principles of the Bill.

The Bill will primarily do two things. First, it will equalise the pension age in line with the European directive. That aspect was not at all controversial, except for the desire that we could afford to equalise the age down to 60 rather than up to 65, as some members wished. Secondly, the Bill proposes to accelerate the timetable for the increase in pension age, which caused concern for many Members. We examined and debated the prospect of breaking parity, the cost to us economically, the changes that it would mean to our IT system and the legal implications for our region. The Minister made it clear that parity was not a pick-and-mix situation in which we could choose the best and leave out the less desirable. It was discovered that breaking parity was not a viable option. The amendment to review the effects of the Bill will go some way to ensure that the most vulnerable are protected.

We also examined closely the issue of later years poverty and what the Bill would mean for people who are at risk of that. It will ensure that benefits that are pension benefits will continue to be so and that, economically, we can afford to keep supporting the most vulnerable in our society. The provision for raising the age of benefits such as the winter fuel allowance will ensure that, when people access their state pension, they are not worse off. The extension of working-life benefits will ensure that, although people will continue to work for longer, they will not be worse off.

The Bill will ensure that people will continue to have access to a state pension for many years to come, even though it is at a later age than those who have access to it now. With that in mind and given our ageing population and what it will mean for the future, I support the Bill.

Mr Copeland: I acknowledge and accept the progress of the Bill. I thank the Minister for his concise dissection and explanation, which makes a subject that is, in many ways, complex considerably easier to understand, albeit from his point of view. I also pay acknowledgement to Mickey Kelly on behalf of the Chair of the Committee for Social Development and welcome Mr Brady's assertion that, on this occasion, the use of plain English was of some use in addressing the issues raised.

The UK Pensions Act 2011 received Royal Assent on 3 November last year.

It became clear early on in the process that we could not meet an even remotely similar timescale. There was an inevitable lag in enacting the equivalent legislation, and a breach of parity, therefore, occurred to a degree during that time.

11.00 am

Even though Northern Ireland has the youngest population, it has the fastest growing total population of any region in the United Kingdom. However, that population growth has not been evenly spread, and, combined with a decline in mortality rates, the age profile of our population has gradually become older. Overall, it is estimated that changes to the state pension age will affect some 77,000 women and 69,000 men — a not inconsequential number of people. The Department estimates that equalising the state pension age by November 2018 could affect some 7,000 women living in Northern Ireland. It is a matter of regret for us all that they will now have less than the 15 years' preparation time recommended by the Turner commission before the changes take place. It is true to say that approximately £1.6 billion was spent on state pensions in Northern Ireland last year, and, just like many welfare payments, that money goes directly into the local economy.

A number of amendments were tabled: some were wise, in my view, and some were not. I pay particular tribute to the Minister for accepting, albeit at the second bite, an amendment that will, I feel, provide us with some sort of useful socially based information for future consideration.

The origins of welfare — the notion that the state has an obligation to its citizens and that, in some ways, citizens have a reciprocal obligation to the state — has its roots in the early part of the last century. At that time within living memory, children were put up chimneys and sent down coal mines, and women, who in some cases were the main breadwinners in certain cities in Northern Ireland, laboured long and hard in wet spinning rooms, destroying their feet, and in dry spinning rooms, destroying their lungs, only to go home to houses that were bereft of hot and cold running water, washing machines or any of the conveniences that now, thankfully, we can call upon. The change, when it took place, was based on a sense of social justice and economic affordability. We now have a situation where as a nation — I mean the United Kingdom — there are things that we

would like to do and things that we acknowledge need to be done but that we cannot afford in the short term. This, in many ways, is a response to the changing age profile and the changing ability of the state to discharge such obligations.

I am somewhat minded to comment on the fact that were the Government a bank and had the citizens who will now be affected by this entered into a contract with them to pay so much for so many years so that they got a dividend in the form of a pension at the end of the period, they might consider that the policy had, in some ways, been mis-sold. As people are very well aware, there is a good deal of mis-selling coming home to roost with banks that sold employment protection.

As the Minister said, the issue is simple: is it or is it not a breach of parity? In the round, I accept the argument that we cannot expect our citizens to benefit disproportionately from citizens elsewhere, no matter how much we would wish it to be the case. As I said, we, therefore, acknowledge and accept the Bill's passage.

Mr Durkan: I echo the gratitude of the Minister and other Members to the departmental officials and, indeed, to the Committee for their endeavours through what has been an arduous and — dare I say it — complicated process. However, it is with a degree of regret that I oppose the passing of the Pensions Bill today. The regret stems from my belief that the Assembly, in rejecting amendments brought forward at earlier stages of the Bill, has missed an opportunity not only to reduce the negative impact that the legislation will have on so many of our citizens and, indeed, on society as a whole but to show that it is capable of challenging the shackles of parity in a mature and progressive fashion. We have failed to grasp that we, as legislators, have the ability but, more importantly, the duty to deliver for the citizens of the North, and, as a result, the Bill that we debate today barely differs from the Westminster Bill.

Throughout the process, the SDLP has challenged different clauses of the Bill — those that I believe will have a detrimental impact on our older people and, in particular, on women. Not only have we challenged, but I believe that we have put forward realistic, workable alternatives, and it is disappointing that some other parties have channelled their energies into dismissing such progressive arguments rather than into

exploring those options. The Minister and others would have us and the public believe that there are no other options for the Assembly and ignore the idea that we can create those options. The fact that the Minister sought accelerated passage for the Bill was a reaffirmation of his reluctance even to consider challenging draconian measures being pushed across from London before imposing them on people here.

We in the SDLP do not exist in a bubble. We realise and accept the need for pension reform. We are not, however, satisfied with the revised time frame set out in the Bill or the apparent permanency of the change to indexation therein. I am also cognisant of the arguments in relation to parity and what a breach may constitute, but we need to test those arguments and test how far we can go. I do, however, agree with the Minister on the importance of fighting those battles in Westminster, too.

There have been instances when this Government and those of Scotland and Wales have breached parity with Westminster. That is what devolution means — having the power to legislate for our citizens in the context in which we operate. If this Assembly is actually to give meaning to devolution and, indeed, to democracy, we must engage in this debate and not simply roll over when a Minister tells us that it is not our fault and we cannot breach parity.

Mr Humphrey: I am grateful to the Member for giving way, and I welcome his agreeing with the Minister's assertion that the battleground is at our national Parliament at Westminster. As he mentions parity, does the Member agree with the comments that his former leader, Margaret Ritchie, made to the House in February 2009, when she said that to break with parity would be a disaster for Northern Ireland?

Mr Durkan: In some circumstances, breach of parity could be disastrous, but we have to test where and how that would be the case. We have to see what flexibility exists, if any. If it does not exist, I will happily concede that it does not, but my party and I are not satisfied that we have channelled enough effort into exploring those alternative options.

Furthermore, it is unfair and misleading for some sections of the House to scaremonger that any breach of parity will ultimately result in hospital closures, etc, because the money must be found elsewhere from the block grant. The option of a breach has not been explored, let

alone negotiated on. It is, I suspect, too late in this case, as I presume that the Bill will pass, but it is not too late for this debate. It is actually timely. With the Welfare Reform Bill looming, the Assembly needs to up its game and establish what we can make work here, economically and socially.

As I have said before, the SDLP supports the rationale behind the Bill. The equalisation of pension age is right and just. It is also commonsensical that an increase in life expectancy is reflected in an increase in pensionable age. However, we do have issues with the Bill and the impact it will have on so many people here due to the inability of some to work longer and the dearth of jobs for people of all ages. For a piece of legislation that hangs its hat on equality, it is remarkable that it contains such blatant inequalities. The SDLP has a core and fundamental principle of equality and agrees with the equalisation of pension age for men and women. However, forcing an expectant group of women of a certain age to change their lives, plans and futures without considering the challenges that that will create for them is a far cry from equality.

The time frame within which the pension expectations of those 7,000 women will be disrupted is purely a Tory money-saving exercise. It is designed to take more money from people and to give less out, and it is certainly not based on the needs of the individual. It is also harsh to force women to undergo two accelerations when men will face only one.

The Bill will throw the retirement plans of many into disarray. Previously stated timescales had indicated that there would be no changes until 2020. Therefore, women who have left their jobs in the belief that they could rely on receiving their pension on their sixty-fifth birthday may not have enough savings or resources on which to live for a year to 16 months. We have no guarantees that the goalposts will not be moved again, and moved often, and we have serious concerns about that.

Although some amendments were accepted in Westminster that mitigated some of the burden facing women, they do not go far enough, specifically for women who will be affected by the changes come 2018. The upper age limit for benefits has been extended to assist older people who cannot get work, but we must consider the wider impact that that has and the

impression that it creates. Many older people who have worked their entire lives and paid into pension schemes simply do not want to go on benefits; they want what they are entitled to and what they have worked for. To force them to accept the changes without sufficient time to make adequate provision is unfair and illogical.

Using the extended benefit qualification as an option flies in the face of what the Assembly is professing to do, which is to cut down on welfare dependency. It would be contradictory of us to accept such a move, as it would leave us going backwards and offers benefits as a lifestyle choice rather than as a short-term lifesaver.

Keeping older people trapped in a job when they may wish to retire will also have serious ramifications. Some people may no longer be able physically to do important jobs, whereas others may become disenchanted and demotivated through having to stay in work reluctantly, and that will undoubtedly affect their output. Furthermore, the longer that people have to stay in work, the fewer the opportunities that will exist for young, fresh, newly qualified people to enter the world of employment, and that will lead to an increase in the number of young people who have to leave these shores to seek work elsewhere. Instead of stabilising the economy, the measures could create a stagnant and disenfranchised workforce that will feel aggrieved at a Government who have once again put the working-class person at the bottom of their list of priorities.

It is accepted, but it should not be accepted by us, that we have a lower standard of living in Northern Ireland than in other regions on these islands. We have higher rates of poverty and disability. The Bill will automatically impact on a person's eligibility for the winter fuel payment and counteract our fight to eradicate fuel poverty. I acknowledge an amendment tabled by Mr Kelly — sorry, Mr Brady — on that, and we were glad to support it. People are being told to save for retirement, but the sad reality is that because so many people here live from hand to mouth, saving is beyond them.

Although there is no dispute that people are living longer, we need to ensure that they have a quality of life to match that quantity of years. At Further Consideration Stage, I proposed an amendment that would have enabled us to have the option of reviewing the move to index pensions by CPI rather than by RPI so that we

are not bound to it in perpetuity. That move will ultimately devalue many pensions, including those of public sector workers, by up to 15%.

Although we will oppose the Bill's Final Stage, I ask the Assembly and the Minister to note that we do so not without having offered suggestions or alternatives. The SDLP's amendments would have ensured a fairer and more balanced Bill. They would have enabled the Assembly to demonstrate real understanding of and sympathy for the hardship faced by so many of our citizens. We have an opportunity only to mitigate slightly that hardship, but the Assembly has failed, or rather, neglected to do so. The Bill does not reflect the needs of the people of the North, and the lack of creativity and commitment from the Assembly has inevitably resulted in us letting down our constituents. We could have reached a compromise between the aims of the coalition Westminster Government and the needs of our people. So, it is more in sorrow than in regret that I concede that we have not done so. The SDLP opposes the passing of the Bill.

11.15 am

Mrs Cochrane: I welcome the opportunity to speak on the Bill as it comes to the House for the final time. Much of the technical detail has already been raised by others, so I will keep my comments brief.

During the various stages of the Bill, the Alliance Party has made its position fairly clear. Due to an equality law ruling in the EU, the state pension age must be equalised for men and women. Also, with an ageing population, we need to ensure that the pension system is structured in a way that ensures that promised incomes can be delivered in the future. We acknowledge that the Bill will raise the state pension age for men and women at a faster rate than was originally planned and that some changes were made at Westminster to ameliorate the situation for some men and women. Although those changes were positive, we are sympathetic to those who now find themselves with less time to prepare financially. My colleague Naomi Long MP fought against such aspects of the Bill at Westminster. I agree with a number of the points that Mark Durkan has made, but we need to be realistic with this issue. On the information that I have, Northern Ireland simply cannot afford to break parity on this and, therefore, I support the Bill.

Mr McCausland (The Minister for Social Development): I want to take the opportunity to comment on a number of the issues that have been raised by Members during the discussion, which I thought was extremely constructive.

A number of points were raised by Mickey Brady. One was in regard to accelerated passage. I listened carefully to what he said. It is fair to say that the Committee acknowledged that the arguments for and against accelerated passage were finely balanced. I simply raised the issue at that point because accelerated passage would have had the benefit of giving people more time to prepare. On the other hand, the detrimental side to that is that accelerated passage does not give the opportunity to scrutinise the Bill as fully. There are pros and cons to that.

I turn to the issue of fuel poverty, which was mentioned, the change in the qualifying age for winter fuel payments and the impact of that on fuel poverty. The increase in the qualifying age for the winter fuel payment is simply a direct consequence of the increase in the state pension age. It is something that we are faced with and we can simply acknowledge that that is the fact of the matter.

My Department will continue to do all it can to ensure that people get the maximum benefit to which they are entitled. Members are aware that the Social Security Agency has a comprehensive approach to benefit uptake consisting of initiatives such as targeted exercises, mailshots and outreach. The purpose of the uptake programme is to encourage people to find out whether they are missing out on any benefits and to provide assistance. Since 2005, around 112,000 invitations have been issued to older people offering a benefit reassessment that looks at what they can gain in a range of other allowances and services. So, there are a number of things that we are doing in that regard to help older folk. If one member of a couple has reached the qualifying age for the winter fuel payment, that household will receive the full award. In April 2011, the Department launched the new fuel poverty strategy, entitled Warmer Healthier Homes, which takes forward energy brokering and the boiler replacement scheme and calls for action on the price of oil imports and on developing a range of initiatives to tackle fuel poverty. In a range of ways, we are seeking to do all that we can to address fuel poverty. We recognise that it is one of the

most significant problems that people face in Northern Ireland.

Mrs Cochrane's comments were extremely constructive and helpful. I said earlier that it is an issue that is difficult for all of us. We need to be responsible in our approach, and the comments that she made were very responsible.

The comments from Mark Durkan show that we are back very much on the same ground as we were before with the SDLP. I cannot get my head round it. The SDLP constantly says that we could do more and that it has great ideas of what could be done and how it should all be done differently. It seems that it is a desperate attempt by the SDLP to make itself different and relevant. Mark Durkan talked about the change from RPI to CPI. That was signed off in 2010 by an SDLP Minister. His party signed it off. If he wants to blame anybody, he should blame his colleagues — his party members — instead of pointing the finger of blame at everybody else. They missed the point. They missed the boat. They are the ones who signed it off. Put the blame where it lies: fairly and squarely with your former party leader, Margaret Ritchie. She signed it off. There are only four words in that sentence. Even Mark Durkan can surely understand a sentence with four words in it. It is a very simple sentence: she signed it off. I hope that that will settle the whole issue of RPI and CPI. Perhaps Mark Durkan will understand the simplicity of the issue: his party did it.

We will move on and look at some of the points that were made by Michael Copeland. He very rightly raised the complexity of parity. I fully acknowledge, as he said, that many of the provisions are highly technical and very complex. I certainly do not underestimate the challenge that the Committee had in examining the detail of some of the provisions. The Member rightly honed in on the fact that the central point in the Bill is parity. We have to face reality. I think that the majority of Members recognise not only the reality but the benefits of parity. We gain; we benefit. We are entitled to the same benefits as every other part of the United Kingdom but we are also bound by the same conditions.

All in all, we have had a useful discussion this morning. We have dealt with many difficult issues around the Bill. However, if we are responsible, sensible and honest about it, we will face up to the fact that we have no

alternative but to pass the Bill today. I commend the Bill to the House.

Question put.

The Assembly divided: Ayes 77; Noes 13.

AYES

Mr Allister, Mr S Anderson, Mr Beggs, Mr Bell, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Ms Brown, Mr Buchanan, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Cree, Mr Dickson, Mrs Dobson, Mr Doherty, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mr Flanagan, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Ms Gildernew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lynch, Mr Lyttle, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Mr McCausland, Mr McClarty, Mr B McCrea, Mr I McCrea, Mr McElduff, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McKay, Mr McLaughlin, Mr McMullan, Mr McNarry, Mr McQuillan, Mr P Maskey, Mr Molloy, Lord Morrow, Mr Moutray, Mr Murphy, Mr Nesbitt, Mr Ó hOisín, Mrs Overend, Mr Poots, Ms S Ramsey, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Sheehan, Mr Swann, Mr Weir, Mr Wilson.

Tellers for the Ayes: Mr McQuillan and Mr G Robinson.

NOES

Mr Agnew, Mr D Bradley, Mr Byrne, Mr Durkan, Mr Eastwood, Mrs D Kelly, Mr McDevitt, Dr McDonnell, Mr McGlone, Mrs McKevitt, Mr A Maginness, Mr P Ramsey, Mr Rogers.

Tellers for the Noes: Mr Durkan and Mr P Ramsey.

Question accordingly agreed to.

Resolved:

That the Pensions Bill [NIA 3/11-15] do now pass.

Private Members' Business

Victims and Survivors

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

Mr Nesbitt: I beg to move

That this Assembly recognises the significant number of victims and survivors who need appropriate help and support to enable them to deal with the legacy of the past; further recognises the important work of the Northern Ireland Memorial Fund in addressing the specific needs of victims and survivors; and calls on the First Minister and deputy First Minister to consider the implications of the European Parliament's proposed legal definition of a victim contained in its draft directive to establish minimum standards on the rights, support and protection of victims of crime.

Mr Deputy Speaker, you will notice that the motion is in three clauses: I will work through those in order. Perhaps, as an over-arching point for those who are wondering why we should have this debate at this time, the reason is simple: this is a critical time for our ability to service the needs of victims and survivors.

I could say that it is another critical time, because victims and survivors are certainly not short of false dawns. However, this is a critical time. Last Wednesday saw the official opening of the new Victims and Survivors Service. The remaining commissioners at the Commission for Victims and Survivors are coming to the end of their contracts, and change there seems inevitable. Meanwhile, the forum that will give victims a voice is finally, I understand, on its way.

11.45 am

The difficulty to date has been with timelines, which have been dogged by delay. The 10-year strategy from the Office of the First Minister and deputy First Minister (OFMDFM) indicated that the Victims and Survivors Service, which opened last week, should have been up and running in June 2010. The forum, which we still await in its fully functioning format, was due to be established in September 2009. I recall from my time as one of the original commissioners at the Victims' Commission going on our first

round of public meetings, which took us to the Northern Ireland Council for Voluntary Action (NICVA) in north Belfast. There, a survivor by the name of Hugh Rowan sat patiently in his wheelchair observing and listening to events. As the meeting came to a close, he made his one, very telling comment, which was to encourage the commissioners to get on with setting up the forum. He had plenty to tell them, and time was not on his side. I regret to say that Hugh Rowan is no longer with us and that the forum has not been established.

It seems to me that four key bodies here represent a circle, or compass, with four key points on the needs of victims. OFMDFM sets the strategy and provides the funding. The Victims and Survivors Service administers and distributes those funds, commissioning services that are appropriate to individuals and groups. The Commission for Victims and Survivors monitors, advises and generally champions the needs of victims. Finally, the forum should take the voice of victims right to the heart of the devolved Government.

A huge number of victims and survivors need appropriate help and support. Sometimes, it is estimated that the number of physically injured people runs at 40,000, although I understand that the WAVE Trauma Centre is about to produce a detailed report, which may give us a more accurate estimate. The number of people with psychological issues is, frankly, countless. It seems to me that, at times, when we deal with the legacy of our conflict, we focus on the dead at the expense of keeping a focus on the living injured and what we can do to make their lives a little easier. For example, the Historical Enquiries Team (HET) will review all deaths but no injuries. There is no dedicated mechanism for the many injured people who have questions about how they came to be a victim or a survivor.

The Northern Ireland Memorial Fund, which will be subsumed by the new Victims and Survivors Service, has been the only body offering dedicated support to individual victims and survivors, particularly those who did not wish to be part of a victims' group. It has given us over a decade of dedicated service as an independent company with charitable status. My party pays tribute to the staff and to the board of the memorial fund for all that it has done over those years. The board has been made up of volunteers who took no reward, not even mileage or any other expense, during

their time servicing the needs of victims and survivors. I was struck by evidence that was given to the Committee for the Office of the First Minister and deputy First Minister recently by Dennis Licence, the chairman of the memorial fund. He said that it had yet to meet the two junior Ministers, who have responsibility for victims. I understand that that position changed last Wednesday at Millennium House, when Mr Licence was introduced to the two junior Ministers at the launch of the Victims and Survivors Service. However, that was a meet and greet rather than a substantive meeting about the way forward in this transitional period, when the memorial fund will be subsumed into the new service.

One of the great outstanding challenges is to reach out to what I call the hidden victims, the many victims who have never come forward to the memorial fund or joined a support group. It is a question of certainty about whether these people are simply unaware of the services that are available to them or whether they are aware but have made a decision that we could summarise as "Thanks, but no thanks". As the new, all-embracing service comes on stream, I hope that OFMDFM and the other parties that are involved in servicing needs will undertake as large an advertising, awareness and marketing campaign as they possibly can so that we can have certainty that all victims are aware of what is available to them and that they have simply made the decision that they do not wish to avail themselves of those services.

The third part of our motion refers to the European Parliament's proposed legal definition of a victim, contained in what is currently a draft directive concerned with establishing minimum standards on the rights, support and protection of victims of crime. Let me refer the House to the 2006 Order, which defines a victim as:

"(a) someone who is or has been physically or psychologically injured as a result of or in consequence of a conflict-related incident; (b) someone who provides a substantial amount of care on a regular basis for an individual mentioned in paragraph (a); or (c) someone who has been bereaved as a result of or in consequence of a conflict-related incident."

Beyond that, with specific reference to psychological injury, it is someone injured as a result of:

"witnessing a conflict-related incident ... or providing medical or other emergency assistance to an individual in connection with a conflict-related incident."

We all know that that is a controversial and contested definition of a victim and survivor.

Do not take my word for it — let me refer you back to Hugh Rowan, no longer with us. His story is very simple. In the early hours of 23 August 1972, he arrived home from work at approximately 1.15 am. After going upstairs to speak to his wife, he went back downstairs to make himself a sandwich and to have a drink. There was a knock on the door. He left his food, he went to answer the door, and suddenly he found himself confronted by two young men pointing guns. He froze as they started shooting. He was hit five times, one bullet entering through his stomach into his spinal column. He gave evidence to the Northern Ireland Affairs Committee, and he said:

"As you are aware there are Victims and there are Innocent Victims. I as a person who has been seriously injured feel insulted to think perpetrators have the same entitlement to victimhood as I and thousands of others who have been killed injured or maimed at the hands of either republican or loyalist paramilitaries. I feel that the families of paramilitaries who were killed injured or imprisoned should not have the same rights to victimhood as the people who were going about their Legal and Lawful way of life when victimhood was bestowed upon them. The majority of people who were to become victims did not want any part of the Troubles until we were dragged into it. We did not choose to be Victims/Survivors."

We ignore this distinction at our peril and at the peril of our children and grandchildren.

Currently, the EU is working on enhanced rights and protections, and within that draft directive is this definition of a victim:

"a natural person who has suffered harm, including physical or mental injury, emotional suffering or economic loss, directly caused by a criminal offence".

And it is the family members of a victim whose death was directly caused by a criminal offence and who have suffered harm as a result.

I call on OFMDFM to examine the significance, the consequences and the implications, should that definition become law. The Ulster Unionist Party accepts the difficulty of articulating an agreed definition of a victim, just as it is difficult

to agree anything about what happened, why it happened, or the language we use to describe what happened. However, there is a moral imperative to accept the distinction between perpetrator and victim, as defined by the late Hugh Rowan.

Mr Deputy Speaker: Draw your remarks to a close.

Mr Nesbitt: I commend the motion to the House.

Mr Humphrey: I support the motion and congratulate the Members from the Ulster Unionist Party who brought it to the Chamber. Like Mr Nesbitt, I attended the meeting of the Committee for the Office of the First Minister and deputy First Minister that was attended by representatives of the Northern Ireland Memorial Fund, and on behalf of the Democratic Unionist Party, I pay tribute to its board and chairman, as I did at that meeting. I thank them for the service that they have given to victims in Northern Ireland over the past number of years and pay tribute to the dedication and diligence they have shown as a board.

I have the great privilege of representing North Belfast in this House. As someone born and raised in North Belfast, I have been very fortunate not to have anyone in my family lost during the Troubles. However, my father was shot by republicans on the Crumlin Road on 15 August 1969, but, very fortunately, he lived.

Twenty-one per cent of the murders in the Troubles happened in the constituency of North Belfast, which was known as the killing fields of Northern Ireland. It is a constituency that has more peace walls and interfaces than any other in Northern Ireland, and it has suffered greatly throughout the Troubles.

I welcome the establishment of a new victims' service, and I know that the process of establishing the new board has begun. The staff are being finalised, and the process of appointing a new CEO will begin shortly. An interim CEO has been appointed in the short term.

It is important that we look at the definition of a victim. Throughout Northern Ireland, there are many victims, whether they were in the Royal Ulster Constabulary, the Police Service, the Ulster Defence Regiment, the Royal Irish Regiment or the regular forces stationed in Northern Ireland or whether they were prisoner officers or members of the public. Those people

were committed to ensuring that, as a society, Northern Ireland remained as normal as it could be, just as others sought to have anarchy manifested in our streets. They protected our community from murder, intimidation and corruption. On behalf of my party, I pay tribute to the police, the Ulster Defence Regiment, the Royal Irish Regiment and, of course, members of the public who simply stood against what was wrong. Those victims, innocent victims — because they are innocent — cannot be compared by any right-thinking person to those who would seek, in a premeditated way, to destroy lives and property, destabilise the state, undermine democracy and murder in cold blood.

Establishing what is right and what is wrong is the benchmark for any decent society and any democracy. We must always set, and indeed maintain, high standards, not just for those of us who have the privilege of living in this generation but for the generations to come. There is no question that Northern Ireland is a better place than it was. Equally, however, there is no question that our peace is not yet a complete peace. The weekend before last, in my constituency of North Belfast, we had the manifestations of those who would seek to take us back; those who would seek to bomb, murder and destroy. They have nothing to offer, and they cannot be allowed to win.

It is, therefore, welcome that the funding that is in place is in place, and it is important that the institutions are there to ensure that victims' groups, innocent victims' groups, are maintained and funded, and funded at a level that allows that work to be done.

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

Mr Humphrey: On behalf of the Democratic Unionist Party, I support the motion.

Mr Molloy: Go raibh maith agat, a LeasCheann Comhairle. As is normal, I thank the proposer for bringing the motion forward. I had some reservations about it but I think that it is important that we have a discussion on this issue today. It is also important to determine whether the purpose of the motion is to support victims or whether it is a divisive motion that is trying to create a hierarchy of victims. If it is the latter, that cannot be allowed to happen.

We have to find a way of dealing with the past, and it is important that we look at that in today's

debate and at how victims are all part of the past and how support services have been put in place to get us out of the situation of dealing with the past.

If there is an attempt to create second-class victims, it will fail, because that is the same as having second-class citizens, which was the main source of conflict in the first place.

Sinn Féin supports victims from all communities, and we support the funding for victims and survivors based on equality of implementation to ensure that everyone gets what they are entitled to. From speaking to them, I know that many victims feel that that is not the way that things were dealt with in the past and that equality of treatment did not always come first.

12.00 noon

The memorial fund, for instance, which is referred to in the motion, did good work, and it should be complimented for that. However, many victims found that it was not easy to access and that it did not deal with the same issues with equality of operation. Many felt that there was a different approach taken to some victims than there was to others. So, I do not share the opinion of the memorial fund that is in Mr Elliot's proposal.

It is also important to read behind the proposal, because Mr Elliot's commentary in the 'News Letter' today is slightly different from the words of the proposal. It is very clear from his commentary in the 'News Letter' that the proposal is an attempt to create two tiers of victims. That is something that cannot be allowed to happen.

We welcome the opening of the Victims and Survivors Service last week and hope that it will continue to support victims and their needs and take that into a new generation.

The theme of inequality of implementation flows right through. Many victims will say, and have said to me in the past, "Where is the difference in the victims?" They say that because they see different funds being put in place for former members of the RUC, RUC Reserve, UDR and other services, despite the fact that members of those organisations were paid to do a job at that time. Despite that, they were paid compensation.

Mr Hussey: Members of the Royal Ulster Constabulary may have been paid for the work

that they undertook, but they were not paid to be shot, they were not paid to be murdered and they were not paid to be treated in the fashion in which they and their families were treated. Therefore, that comment is wrong and should be withdrawn. The RUC did a job and did it exceptionally well, and I also pay tribute to its members for their work.

Mr Deputy Speaker: The Member has an extra minute.

Mr Molloy: You are entitled to your opinion. I would differ with it and with the way in which it was reached. The point I am making is about the differences in dealing with different groups of victims. Special funds were put in place for people from the services, yet other victims found it difficult to access funding to support them and received no special compensation.

That is despite the fact that many of those organisations were involved in collusion in the murder of Catholics across the North, particularly in my own area, known as the "murder triangle", where there was clear collusion between the UDR, the RUC and the RUC Reserve in the murder of Catholics. The victims of that collusion and their families have received a pittance of compensation and little or no investigation into their cases. Cover-up was the order of the day.

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

The proposed European definition of victims does not deal with the victims of the conflict here. That proposal is in the European Parliament; it may develop and survive in its present form, and it is something that the Ulster Unionists feel is appropriate. I do not feel that it is appropriate, because it does not deal with the same situation that we have here.

We have the whole idea of a peace project. Peace funding was designed for a community coming out of conflict and to bring the community together to deal with the past and support it in doing so. It was not a means as a means of being divisive. If the motion is designed to divide the community and divide victims, it will fail, because there can be no going back to having second-class citizens, and there can be no going back to having second-class victims, even though that seems to be the aim of the proposal from Mr Elliott and his party.

Mr McDevitt: I rise with some concern about the motion, not because of what I am sure is the good intent of those who tabled it — I think there was great intent behind it — but because of the significant introduction of a definition of a victim of crime, which is what the European directive gives. It defines a victim of crime and seeks to harmonise services and support services for the victims of crime across the European Union.

I read a considerable part of the debate that took place in the European Parliament last year on this issue. It does not seek, nor was it ever intended to seek, to address issues of victims of conflict. I could not find in the debate reference to the North of Ireland, Northern Ireland, the Basque country, the Balkans or any other region of conflict within the European Union. I found only a very sincere and genuine attempt by legislators at a European level to seek to define the victim of crime.

Mr Nesbitt: I thank the Member for giving way. Of the roughly 3,500 deaths that we describe as conflict-related, how many does the Member believe were not crimes?

Mr Deputy Speaker: The Member has an extra minute.

Mr McDevitt: Unfortunately, that is the issue, and Mr Nesbitt has just put his finger on it. It is not what I believe were crimes. Mr Eastwood will talk later about this, but, unfortunately for the families of Bloody Sunday, there is a question as to whether or not, in the mind of the state, those who died are victims of crimes. For the families of Ballymurphy, there is an open question in the mind of the state as to whether those who died are victims of crime.

I would be very concerned that we would unintentionally end up excluding people who we all, I think, feel were innocent victims of this conflict because we are trying to shoehorn a European definition intended for one purpose, and that is the harmonisation of support services and other services around victims of crime, into a post-conflict situation. That does not take away from our need to fully debate, understand and resolve to seek to define victims in the context of our local conflict. I absolutely support that, and the SDLP will continue to work hard to do so, but I am unhappy and nervous about applying this definition to our local context in the post-conflict sense.

Mr Allister: Will the Member give way?

Mr McDevitt: Of course, Mr Allister.

Mr Allister: I must say I am puzzled by the Member's approach. If someone plants a bomb, it is patently a crime. If someone is shot on their doorstep, it is patently a crime. If someone is shot in a situation by a member of the security forces and the shooting is unlawful, it is a crime. So, what is the difficulty in identifying that we are here to deal with genuine victims of crime? The real problem, however, is that the present definition equates the victim with the perpetrator and makes the person who planted the bomb and is injured equally a victim, which, of course, is an utter obscenity.

Mr McDevitt: I appreciate Mr Allister's intervention and have no doubt about its sincerity. However, if Mr Allister were to refer to a paper that the Assembly Research and Information Service did on behalf of the SDLP a couple of weeks ago, and which I think is in the Library, he will find that, if you apply just the unlawful test to those killed by state agents and representatives of the state in the context of the Northern Ireland conflict, there are very many people who all of us in the House would, I think, believe to have been the victims of unlawful killings who are not considered so today. That is because the test that was applied at different stages does not meet the standard that we would apply ourselves. Because we may feel it is a crime does not make it a crime. Yet, this definition would require us to abide by a definition that I know would not meet the needs of our region.

Mr Humphrey: Will the Member give way?

Mr McDevitt: Of course I will give way; it is an important issue.

Mr Humphrey: I thank the Member for giving way. He will be aware that, in 2009, my party launched a public consultation on the whole idea of the definition of a victim, and a Bill was brought before this House in 2010. Unfortunately, when it was brought forward, the Alliance Party and yourselves vetoed it. I hope that will not be the case today.

Mr McDevitt: I appreciate Mr Humphrey's comments. I also really appreciated his contribution. I was not aware of his father, and I am very glad that he lived to enjoy what I hope was a full life, if not is still living a full life.

We need to take this from a local starting point, and this is not a local starting point. This is a starting point intended for entirely different purposes.

Colleagues, refer back to the debates of the Council of Ministers in the European Parliament. Refer back to the comments last month of Alan Shatter, incoming president of the Home Affairs Council of the European Union, in which he points out the need to do a huge amount of work on issues of harmonisation for victims of crime in the European Union. Unfortunately, that work will not solve our problems around victims of conflict. My appeal to the House is to reflect on that today and to resolve not to try to shoehorn someone else's definition into our situation but to understand and accept that we have a situation that is more complicated than the draft European directive allows us to deal with —

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

Mr McDevitt: — and think about matters in that sense.

Mr Lyttle: When I speak to victims and survivors, the most fundamental need that is communicated to me is the need to be recognised. Therefore, I welcome the opportunity that the motion provides to recognise victims and survivors in our community and to ensure that the Assembly delivers the care and support that they need. What is also made clear to me when I speak to victims and survivors is that we must continue to attempt to understand the human legacy of the Troubles and never cover over, or attempt to reinvent, the brutal impact of that period in our history.

We can never underestimate the legacy of Northern Ireland's violent past. As someone who was not even old enough to vote on the Good Friday Agreement, the legacy that the next generation has been given as a result of that period makes me very angry. We have heard that, during the Troubles, 3,700 lives were lost and 40,000 people sustained serious injury. The 'Cost of the Troubles Study' in 1997 stated that at least 6,800 people experienced the death of an immediate family member in a Troubles-related incident.

The Alliance Party acknowledges the grief and the deep and lasting impact of the deaths and serious injuries caused by the Troubles. That impact has changed forever what many people

consider normal, everyday life. It has robbed people of their ability to work and their mobility and has caused serious emotional and mental health problems, the full extent of which is just becoming known.

The Alliance Party welcomes and recognises the work undertaken by the Commission for Victims and Survivors in very difficult circumstances to identify the needs of victims and survivors, whether physical, psychological or financial.

Mrs D Kelly: Will the Member give way?

Mr Lyttle: I want to try to get through all the comments; sorry.

The commissioners have advocated strongly for better support for victims and recognition that their needs are complex. I welcome the new Victims and Survivors Service and the opportunity that it provides to deliver better co-ordinated support for victims. In particular, I welcome the fact that victims will receive a holistic assessment of need, which we hope will ensure that every member of this community who requires help will get it.

It is important that we recognise the work of the Northern Ireland Memorial Fund, as the motion states, and also perhaps the Community Relations Council, which, for many years, has delivered vital financial assistance and support to individual victims and survivors, their families and constituted groups. During its time of operation, the Northern Ireland Memorial Fund gave people affected by the Troubles a range of vital practical help, including financial assistance for carers and seriously injured people, disability support, and training and education support. It is worth noting that OFMDFM's slowness of administration and disagreement have, at times, been referred to as making it difficult for that support to be delivered. Hopefully, that will improve with the new service.

The Alliance Party believes that it is essential that the new Victims and Survivors Service develops the knowledge and experience available from that work to help people with the most sensitive and complex needs in our community and that direct support to victims is maintained. The voluntary and community sector has also played a vital role in support of victims and survivors. The WAVE Trauma Centre, which has already been mentioned today, has provided vital assistance and continues to do so.

The Alliance Party believes that high quality support and assistance is fundamental. The 'Strategy for Victims and Survivors' published by OFMDFM in 2009 states that action is required in three areas: a comprehensive needs assessment to inform services; dealing with the past; and building for the future. The Assembly has recognised that it is not for victims and survivors alone to deal with that difficult legacy.

12.15 pm

I was concerned about the motivation behind the motion, and, in my opinion, what has been said in media articles today is not reflected in the motion. That is cause for concern, particularly in relation to the third clause. It is obviously acceptable for the First Minister and deputy First Minister to consider the impact of any European directive. However, we have an established framework in Northern Ireland to deal with our specific circumstances in relation to victims and survivors, and any changes proposed to that should be led by the victims and their needs, not by politicians or for a political end. The new Victims and Survivors Service must be allowed to progress on that basis if we are to continue to deliver for all the victims —

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

Mr Lyttle: — and for a shared and better future for this community.

Mr Weir: I join others in thanking those who tabled the motion for bringing it forward. I also join other Members in saying that I cannot claim to be a victim, nor, indeed, can any member of my family. I lived through the Troubles and lived a reasonably peaceful life in what might be described as the leafy suburbs of Bangor. While it was not untouched by the Troubles, it was less touched than some other areas. However, I am very conscious of the fact that I was able to have, in Northern Ireland terms, a relatively normal upbringing. For that, I owe a great debt of gratitude to the members of the security forces — the army, the police and the UDR. They were on the front line protecting the lives of many ordinary citizens and ensuring that they were able to grow up in a normal fashion. Therefore, it is important that we pay tribute to them.

As Members have indicated, the motion falls into a number of parts. The first couple of parts

deal with support for victims to deal with the legacy of the past and with the Northern Ireland Memorial Fund. I join others in praising the work that the Northern Ireland Memorial Fund has done. A considerable amount of work has gone on and is ongoing in respect of practical support for victims. In recent years, that level of support has trebled. While the Northern Ireland Memorial Fund has done good work, it is right that those services are subsumed into one body providing that delivery. I believe that the establishment of the new victims and survivors' service is a very positive step forward and should be welcomed by all sides of the House.

As Mr Nesbitt indicated, victims come in many different shapes and sizes in terms of their attitudes. Some see themselves as being linked with particular groups; many see themselves as individuals. Some want their issues to be centre stage; others do not want to be disturbed and want to be left alone. The proposer of the motion indicated that we need to make it absolutely clear to people what services are available and that they have the opportunity to avail themselves of those services. However, we should not be surprised if some say that is too painful a part of their life and that they do not want to have to deal with it, or, perhaps, they feel, from a material point of view, that they are able to cope and feel, perhaps wrongly, that to accept help is some form of charity. Therefore, whatever our views on the latter part of the motion, it is clear that we need to give that positive support.

Turning to the final part of the motion, let me make it absolutely clear: there needs to be a distinction drawn in the definition between a victim and a perpetrator. The current definition comes from the 2006 legislation, which was there at the time of direct rule. It originally came from an OFMDFM document from about 10 years ago under a different regime. It is unacceptable. As Members indicated, I brought forward private Member's legislation that tried to change that definition and exclude from it any individual who had been convicted of an offence in connection with a conflict-related incident or being a member of a proscribed organisation. It should be noted that one would expect opposition from the Members opposite. That was not particularly surprising. However, the veto on that Bill could not have been triggered by Sinn Féin alone. Indeed, it was made a cross-community vote because the SDLP signed up to opposing that. When it came to the vote, it was

also not supported by the Alliance Party. I find that disturbing and very disappointing, but we are where we are on that.

Time is very short, but I move now to the European definition. I am disturbed by the line that the SDLP has taken in connection with it. It may not be its intention to do so, but it seems to draw some distinction between conflict-related —

Mr McDevitt: I appreciate Mr Weir letting me back in. The SDLP does not seek to draw a spurious distinction. It tries to say that we should not use the definition of a victim of crime as the catch-all definition of a victim of our conflict, because, as I have said on several occasions already today, there are many innocent victims of the conflict who, through this definition, would not be considered as being victims.

Mr Deputy Speaker: The Member has an extra minute.

Mr Weir: I do not agree with that, because I believe that a crime is a crime is a crime. It is not a question of whether I feel it is a crime, or whether Conall McDevitt or anybody else feels that it is a crime; it is whether it is a crime in criminal law. That is where the distinction is drawn.

Mr Clarke: Will the Member give way?

Mr Weir: No. I am short on time. I want to finish my point, and I have only a few seconds left. The position on that is and should be clear. The problem with the current definition is that it does not draw a distinction between the victim and the perpetrator, which, I think, is grossly offensive. I think that the European definition is a step forward, and to have a degree of consideration to the wording is, at least, a step forward, but I am not 100% convinced that the definition is watertight. I apply the situation oft used of the Shankill bomber. Does the Shankill bomber, for example, who has blown himself up as part of that —

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

Mr Weir: Would a member of his family be a person whose death was caused by a criminal offence? Arguably, he would be, even though the person involved was the perpetrator? I am not, therefore, sure that this is necessarily the catch-all, but I support the motion. I think this is a matter that we need to come back to.

Mr McLaughlin: Go raibh maith agat, a LeasCheann Comhairle. I appreciate the motion being brought forward. I am particularly appreciative of how much care people are adopting in coming towards the debate. I welcome the debate. It would be very easy for us to slip into the groove of our contested history and come at it from our set positions.

Given the time that has passed since the war was declared over and since we agreed the mechanism by which all shades of political opinion would address the social and economic priorities for our community, we should be adopting the same approach when it comes to our contested history. This is shared history, but it is, undoubtedly, conflict-orientated. Our present situation very often reflects that that conflict continues, even in debates in the Chamber. We may not have examples of open, outright warfare on our streets with the same kind of ferocity that we had, but there are still people who are intent on revisiting that situation. If we do not address the opportunity that we have in here to maintain the forward momentum, we are, in a sense, joining those who would attempt to destroy the compact that we have all agreed.

I start from the position that we were all victims. We were all victims. Some people do not accept that, but you have to ask yourself where the conflict of the past 30 years came from.

Mr Allister: Will the Member give way?

Mr McLaughlin: No, I will not give way to you, if you do not mind, because I know exactly what you are going to say. We have to consider whether people are going to depend on arguing that every republican is a murderer or complicit in murder, or that every RUC officer is a bigot and has been involved in state oppression. I do not start from that position. I was a member of the civil rights movement. I was out on 5 October 1968. I got a broken elbow for my trouble, but I do not argue, and I never have, that every single RUC officer I have met has been a sectarian bigot. In fact, and I say this as a republican, on many occasions, I was treated with courtesy and professionalism. Having a black and white approach that everybody on the other side of an argument is bad and the people who are on our side are good, is not the way to proceed.

If we go back to 1968, we will see that we did not create the divisions that existed in our

society, so we were all innocent victims. People, including members of the British security services who were involved in commissioning murder, responded to that. Now, the fact that they were wearing uniforms and the fact that they were using guns that were legally authorised by Westminster did not detract from people's perspective that they were being —

Mr McNarry: Thank you for giving way. I am always interested to hear what Mr McLaughlin says, because he comes at it from an approach that helps me to understand. I wonder whether he could help me understand further. When he talks about the war, can he tell me — a unionist — who he believes republicans had a war against in Northern Ireland?

Mr Deputy Speaker: The Member has an extra minute.

Mr McLaughlin: Thank you. David, I thank you for the question, but I will resist that temptation if you do not mind. If you want to use your own time to develop that concept, you can. I am not the person who described it as a war. Read the British Government's statements; read the RUC's statements; read the unionist leadership's statements as well as listening to my words. Anybody who would describe what happened to our society and the convulsion that our society went through as anything other than a war does not agree with the broad international opinion —

Mrs D Kelly: Just very briefly in relation to the definition of a war, if it was a war, should the Geneva Convention not apply and the act of causing of people to disappear not be treated as a war crime?

Mr McLaughlin: Perhaps people might want to explore that as well, and I invite you to do the same, although I do not know how far that will take you. The point that I am making is that we could have avoided that, and we could avoid it in the future.

President McAleese stated in the past year that we cannot change the past; however, we have a responsibility to change the future. Some of the attitudes and discussions that we will have in the House today will demonstrate that this is a very challenging issue. I say with some regret that some of our representatives in the House are not up to that challenge. They are not prepared to go there or to look. When they point the finger and say that those irregulars — those

who were not members of the security services — who took up guns were criminals, and that those who were wearing uniforms were not, irrespective of their actions, you cannot hope to get agreement on that approach. The issue of trying to differentiate between victims really is continuing the divisive conflict of the past. Our responsibility is not to continue that conflict but to find ways of bringing forward genuine reconciliation and adequate and appropriate responses for those who have been traumatised as a result of the conflict, which is what the Victims and Survivors Service is about. However, if we do not start on the basis that the conflict —

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

Mr McLaughlin: — itself represented a failure of politics, that is a challenge for us to make politics work for the future.

Lord Morrow: I, too, commend those who tabled the motion, because it is very appropriate and timely that we should debate the issue.

I listened to the comments made by Mitchel McLaughlin and Conall McDevitt, and to say that they are confusing and difficult to understand may not be true, maybe that is just par for the course. Members of the SDLP have to make up their mind on the issue: they cannot be both, and that is exactly what they are trying to do. It is unfortunate that they take this allegedly high moral ground and this holier-than-thou attitude, but when it comes to actually stepping down on the one side or the other, they are the typical fence-sitters. Of course, they will also insist that their members go to the funerals and applaud those who get a full paramilitary send-off. They do not see any anomaly in that. They say that that is the right thing to do. They also campaign vigorously for the release of people like McGeough. Who is Mr McGeough? I will tell you who he is for those who may be confused here, and there is obviously confusion in the SDLP. Mr McGeough is a convicted terrorist. He was convicted for the attempted murder of Councillor Sammy Brush, one of my colleagues on Dungannon and South Tyrone Borough Council. Thankfully, Sammy Brush had the presence of mind to return fire and repel those who were coming to take his life. Yet, the SDLP vigorously campaigns for the release of that sort of person.

12.30 pm

Mr McDevitt: I appreciate Lord Morrow letting me in on this point. I think that this highlights the importance of being quite accurate about definitions here and of not using language loosely.

There are a couple of issues. First, it is absolutely right to get a definition of victim. Anyone innocent who died during the Troubles should be a victim, and a crime should be a crime. The reality is that if certain things that are very obviously crimes by today's standards had been considered crimes at the time, we would not have had whitewashes and the legacy of the perception that the state applied different standards. That is the historical reality.

Secondly, on the definition of war, I think that it is very important to reflect on the fact that the British Government and the IRA never allowed the conflict to be defined as a war; they engaged in the rhetoric of it. All parties knew that if they allowed it to be defined as a war they would be subject to the Geneva convention. I would be very happy had the Geneva convention applied here. However, we have to be precise; and that, unfortunately, was not the case because neither the British Government nor the IRA would ever allow it. I think that Lord Morrow makes some very important points, but they need to be thought about in that context.

Mr Deputy Speaker: I remind Members that interventions should be brief. The Member has an extra minute.

Lord Morrow: Mr Deputy Speaker, I will not need to be reminded again about what to do when Mr McDevitt asks me to give way. That was a slight abuse. However, I do try to give way to Members when they ask. I heard what he said. That is the type of rhetoric that people are, quite frankly, a bit disgusted with and a bit fed up listening to.

Sinn Féin also has much further to go on the issue. Of course, Mitchel McLaughlin tried to say that we are all victims and that the awful society in which we lived made us all victims. When he got a crash across the elbow, he was very magnanimous and said that he took it as the way things were and that he did not blame every member of the RUC. That is despite the fact that he and his organisation campaigned vigorously for the destruction of the RUC, which unfortunately happened, and we know the consequence of that.

There have been other failures in this whole attempt to address the issue, not least the Eames/Bradley report. Mr McLaughlin is coming from exactly that background. If you read the Eames/Bradley report carefully, you will find that it also states that we are all guilty. The terrorist who pulled the trigger, fired and executed a member of the security forces is no guiltier than the member of the security forces or the unfortunate individual who was murdered by a terrorist bomb while standing at a bus stop. According to the Eames/Bradley report, the person standing at the bus stop was just as guilty as the person who planted the bomb. How disgraceful and obnoxious. Is it any wonder that we have difficulties defining a victim?

Let us make something very clear. Mr Molloy mentioned the murder triangle. I know the murder triangle very well, because I lived in the centre of it. We were at the cutting edge of it, and we know exactly what was going on there. The impression that Mr Molloy seemed to give is that the security forces were in cahoots with those from the loyalist side. However, let me remind Mr Molloy and the whole House today that the greatest majority of unsolved murders are the ones that were committed by PIRA.

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

Lord Morrow: That should never be forgotten. Resolution has been quite high on the other side; that has not been the case on the Provisional IRA side.

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

The Business Committee has arranged to meet immediately upon the lunchtime suspension. I therefore propose, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business after lunch will be Question Time.

The sitting was suspended at 12.34 pm.

On resuming (Mr Speaker in the Chair) —

2.00 pm

Oral Answers to Questions

Office of the First Minister and Deputy First Minister

Forum for Victims and Survivors

1. **Mr Swann** asked the First Minister and deputy First Minister for an update on the victims and survivors' forum. (AQO 1867/11-15)

Mr M McGuinness (The deputy First Minister): Mr Speaker, with your permission, I will ask junior Minister Anderson to answer the question.

Ms M Anderson (Junior Minister, Office of the First Minister and deputy First Minister): Go raibh míle maith agat. The forum is a statutory duty of the commission and, as such, its operation lies entirely within the discretion of the commission. We have been informed by the victims' commissioners that they have appointed 25 individuals to serve as members of the forum for victims and survivors for a two-year period. A registration meeting took place on 26 April, when prospective members were briefed on the forum's operating procedures. A two-day induction workshop will take place in May, and the first formal sitting of the forum will be held in Belfast on 21 June. The membership of the forum will be publicly announced in advance of the first meeting.

Mr Swann: It is unfortunate that the junior Minister answered rather than the deputy First Minister, because where I wanted to go with the supplementary was in regard to the victims and survivors' forum and the right for the truth. Does she know, with the deputy First Minister's recent naming in the Smithwick tribunal and his role in the IRA, whether he can inform the House whether he will give evidence to that tribunal?

Mr Speaker: Order. Once again, I warn Members from all sides of the House that supplementary questions must relate to the original question that is down in the Order Paper. Some Members continually rise in their place and knowingly ask a supplementary question that has no relevance whatever to the question. I have seen

that over the past number of weeks. Members deliberately rise in their place, knowing that the question that they are asking has nothing to do with the question on the Floor. I warn Members that, if they continue to do what they are doing, they will not be called to ask a supplementary question for some time in the House when it comes to Question Time. I will leave it to the deputy First Minister as to whether he wants to answer, but the supplementary question does not relate to the original question in the Order Paper. I am going to move on.

Mr Eastwood: I ask the junior Minister, I think — I am not sure whom I am asking — whether she will give us an assurance that the forum will be provided with permanent fiscal and financial security to ensure that it can meet the needs of victims in the medium to long term.

Ms M Anderson: I can definitely give you that assurance. The costing for the forum will be £92,000 for year 1 and £92,000 for year 2. That money has been ring-fenced for that reason.

Mr Molloy: I thank the junior Minister for her replies so far. How will members be appointed to the forum? How have they been processed so far?

Ms M Anderson: The First Minister, deputy First Minister and the Department have no recommendation or approval role in the appointment process for the victims' forum. In convening a forum, the commissioners have acted in accordance with article 6 of the Victims and Survivors Order 2006, which established a duty to make arrangements for a forum, and article 3 of the 2006 order, which defines a victim and survivor for the purpose of the commission. Twenty-three of the 25 members are deemed to be victims and survivors by the commission in accordance with article 3 of the 2006 order, and two individuals are deemed to be associated members.

Mr Speaker: Question 8 has been withdrawn.

Institutional Child Abuse Inquiry

2. **Mr P Maskey** asked the First Minister and deputy First Minister for an update on the inquiry into historical institutional child abuse. (AQO 1868/11-15)

Mr M McGuinness: We have made significant progress towards its establishment. It is a very involved and detailed process, and it is

absolutely crucial that we get it right. We are taking every care in finalising the details to avoid delays at a later stage that could cause further hurt to victims and survivors of abuse. The First Minister and I, junior Ministers and officials have had and continue to have in-depth discussions with victims and their representatives. There has been consultation with experts on this type of inquiry, and their advice and insight have been invaluable. Junior Ministers are in ongoing discussions with a potential inquiry chair about the terms of reference and set-up of the inquiry. Acknowledgement forum panel members are in place, and they are developing their structures and protocols. Suitable accommodation has been identified in Belfast, and we are working to secure premises in Derry, so that victims and survivors can access an acknowledgement forum in either location. An inquiry secretary and office manager have also been appointed.

Mr P Maskey: Go raibh maith agat. I appreciate all the work that has been done by the Department up to this stage. Is the deputy First Minister confident that the inquiry will receive full co-operation from all the institutions involved?

Mr M McGuinness: It is my fervent hope that that will be the case. In other inquiries that looked at the role of the religious in child sex abuse, there has been a tendency for them to be less than co-operative. In July last year, Enda Kenny said:

"Because for the first time in Ireland, a report into child sexual-abuse exposes an attempt by the Holy See, to frustrate an inquiry ... And in doing so, the Cloyne report excavates the dysfunction, disconnection, elitism ... the narcissism ... that dominate the culture of the Vatican to this day."

He went on to say:

"The rape and torture of children were downplayed or 'managed' ... Far from listening to evidence of humiliation and betrayal with St Benedict's 'ear of the heart' ... the Vatican's reaction was to parse and analyse it with the gimlet eye of a canon lawyer".

I noted following a meeting between the victims group Savia and the Catholic Church that the church made it clear that it would co-operate fully with the inquiry. In order to guard against anyone not fully co-operating, we will ensure that the inquiry has full power to compel people and documents.

Mr Campbell: Given that such a considerable number of people have come forward claiming that they were abused through the Roman Catholic Church and the institutions thereof, what steps will be put in place to ensure that the wider community does not end up paying hundreds of thousands, if not millions, of pounds to compensate people who were abused in such a way?

Mr M McGuinness: We are in the early stages of putting in place a very important inquiry into institutional abuse. Ongoing discussions are taking place between junior Ministers and the prospective chair of the inquiry, who is an eminent legal figure. All these matters will have to be considered very seriously in the context of the terms of reference. However, there can be absolutely no doubt in anybody's mind that, as we go forward, we have a duty and responsibility to stand by those who were very cruelly sexually abused and, indeed, raped through institutional abuse. These are matters that we will have to contend with in the time ahead, and I think that all of us in the House recognise the importance of the issue. We have seen in the last short while how important that matter is.

Mr Hussey: Will the deputy First Minister affirm his call for Cardinal Brady to reflect on his position after he failed to act on information that he had regarding the alleged abuse of children in the 1970s?

Mr M McGuinness: I am a practising Catholic, and I love my church. I absolutely respect the rights of all others to believe in whatever they want to believe in and respect their beliefs and churches also. However, I love my church, and I believe that the Catholic community throughout the island of Ireland is absolutely dismayed and, indeed, angry at what it has heard in recent times. Over the past couple of days, an attempt has been made, in my opinion, to deflect attention from the failings of the Catholic hierarchy, and we are all very conscious that, in the past couple of weeks, we have been told that a number of progressive priests have been silenced by the Vatican. I regard the attempt to deflect attention from the failings of the Catholic hierarchy on these matters as an attempt to silence politicians also, and we have no intention whatsoever of being silenced. Politicians all over this island have spoken out with great clarity about how they feel about the total mismanagement of these important

issues, which are of great relevance to victims and survivors.

Of course, the issue of Cardinal Brady's position in all of this is important for a lot of people. However, of more importance to me is the attitude that pertains in the Vatican. The major failing that exists within the Catholic Church resides in the Vatican. I have first-hand experience of that. I went to the elevation of Seán Brady as cardinal in Rome, and, in the aftermath of an event held that evening, I spoke to a Monsignor who railed against the people of Boston. They, he said, ran Cardinal Bernard Law out of Boston because of his failure to confront child abuse in his diocese. So I know where the problem resides, and I absolutely agree with Denis Bradley, who, over the past number of days, recognised that the issue of Cardinal Brady was of less importance than the attitude of the Catholic Church in the Vatican —

Mr Speaker: I remind the deputy First Minister of the time limit.

Mr M McGuinness: — and how it has miserably failed the victims of child sex abuse.

Mr Dickson: The current evidence indicates that abuse within the Catholic Church was not confined to institutional abuse but extended to wider abuse, particularly against young people, outside institutions and in parishes. Therefore, can we be assured and can the House be satisfied that any inquiries will also take into account all those matters?

Mr M McGuinness: This particular inquiry is specifically to deal with institutional abuse. We have seen, over the past couple of days, what I consider to be a very important intervention by Archbishop Diarmuid Martin of Dublin. He has emerged from the mess as a colossus within the church, someone who understands absolutely what is going on and what is required to put it right. He has called for the establishment of a commission of inquiry, North and South, into the Fr Brendan Smyth case to establish exactly the role of the churches, bishops and the statutory agencies, such as the Garda Síochána in the South and the RUC in the North. We have to take that on board. The trail of destruction, which, it appears, lasted from well before 1975 right through to the early 1990s, raises all sorts of questions about how this monster was handled by the church.

As a Catholic, I was appalled to hear that, nine years after the investigation by Cardinal Brady — then Fr Brady — and other churchmen, at the behest of the bishop, powers of confession and mass were restored to Fr Brendan Smyth. That absolutely atrocious, diabolical decision undoubtedly left many more young people open to being preyed on by that serial and habitual rapist.

Play and Leisure Strategy

3. **Mr Lyttle** asked the First Minister and deputy First Minister for an update on the development of a play and leisure strategy for children.
(AQO 1869/11-15)

Mr M McGuinness: Mr Speaker, with your permission, I will ask junior Minister Anderson to answer this question.

Ms M Anderson: Go raibh míle maith agat.

Play and leisure is being delivered through an implementation plan that was approved by the Executive and published in March 2011. The implementation plan is evidence of collaborative working between the statutory, voluntary and community sectors. It contains 37 actions due to be delivered by 2016. The Office of the First Minister and deputy First Minister leads on 22 of those actions, and other Departments lead on the remaining 15. Many of the actions assigned to OFMDFM need local council and community involvement. Therefore, during 2010 and 2011, councils were offered funding of up to £10,000 to assist them in setting up partnerships. Some 14 councils availed themselves of the offer and received a total contribution of £125,000 from OFMDFM. Engagement with the remaining 12 councils is continuing, and our aim is to have partnerships established in all council areas by March 2012.

One year into the plan, we are reviewing the progress that has been made. We are also working on the delivery of actions due to be completed in the next two years. I will not name them all, but, for instance, one is to run a pilot project focusing on the play and leisure needs of children with disabilities by June 2013. The future delivery of the plan will be taken forward under the Delivering Social Change framework.

2.15 pm

Mr Lyttle: I thank the junior Minister for the answer. It is good to hear of progress that is

being made. How does the strategy link in with the 0-6 early years strategy? How important is play and leisure to the development of our children and young people?

Ms M Anderson: It is crucial. The strategy links in very well. As the Member probably knows, under the UN Convention on the Rights of the Child, there is an obligation that applies to all bodies, including all 26 councils and not just the 14 that I have referred to that have set up the partnership. Under article 21 of the UN Convention on the Rights of the Child, every child has the right to engage in play and recreational activity. In the work that Jonathan Bell and I have been doing as junior Ministers with responsibility for children and young people — we had a brief conversation with you about Delivering Social Change — we believe that play and leisure are crucial not just to the child poverty action plan but to the work that we are taking forward in OFMDFM and collaboratively across Departments.

Mr I McCrea: Will the junior Minister outline any specific reasons why the councils that have not engaged so far have failed to do so? Do you feel that, as this progresses, additional funding will be made available?

Ms M Anderson: We have been working with the other councils to encourage them to enter into a partnership. As I said, every council has a statutory obligation. We are providing the funding to enable and assist them to establish a partnership. Members who have a relationship with or are involved in any of the council areas — we can give you the 12 that have not participated in the scheme so far — should encourage their council to fulfil its statutory obligation. We are doing a business case at the moment. We are reviewing it so that we can provide assistance to councils that have yet to avail themselves of the opportunity to come forward. The work of OFMDFM is to facilitate; it is up to councils to deliver on their statutory obligation.

Mr D Bradley: Go raibh míle maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire sóisearach as an fhreagra a thug sí. I thank the junior Minister for her answer. Is Newry and Mourne District Council one of the councils that has engaged with her Department? If so, what progress has been made with the partnership in that area?

Ms M Anderson: You will be pleased to know that Newry and Mourne District Council has been engaging with us, as have 13 others. Jonathan Bell and I met PlayBoard last week. We have discussed with PlayBoard and others the need for a forum to bring all the councils together so that we can assess the work that has been done. There are some models of good practice. It would be remiss of me not to say that one of the models that we are looking at is in my constituency of Derry.

Mrs Overend: Will the junior Minister tell us how much of the £1.5 million funding for children and young people over the 2012-13 period will be allocated to the implementation of the play and leisure policy?

Ms M Anderson: Our baseline for children and young people is more than that, when you consider that £12 million has been allocated for childcare, for instance, and money has been allocated for SIF. We have been working with the business case that is being reconsidered because, as junior Ministers, we did not think it was robust enough when we looked at it with the officials. We believed that we could do more. That is work that we are doing.

The answer to your specific question of how much of it will be allocated is that we believe that more could be allocated than what was in the original case, hence the reason for the review and reconsideration of the work that we have done thus far.

OFMDFM: Brussels Visit

4. **Mr Sheehan** asked the First Minister and deputy First Minister for an update on the recent visit by the junior Ministers to Brussels.

(AQO 1870/11-15)

Mr M McGuinness: As there is considerable speculation that junior Minister Anderson is going off to a posting elsewhere, we have decided to increase her time span during Question Time. I will ask her to answer this question.

Ms M Anderson: Go raibh míle maith agat. Of course, I will not add to that speculation at all.

Junior Minister Bell and I led a delegation of senior officials from all Departments to Brussels between 27 and 29 March. This intensive and comprehensive programme of engagement with Europe and European Commission officials was part of the Barroso task force process.

The purpose of the programme was to take stock of the progress made to date against the Executive-agreed priorities that have been raised. We looked at other issues, particularly the Executive-proposed strategic priorities, with the Commissioner and the Barroso task force members.

We will make a detailed statement, or Jonathan may with whomever — me, perhaps — to the Assembly in the near future concerning the programme, and our officials are drafting a report to be placed in the Assembly Library. In the meantime, with your permission and indulgence, I will give an overview. There were 54 meetings over three days. They took place with Commission officials from 14 directorates general. The programme included a plenary session held in our Brussels office with a keynote speaker, Walter Deffaa, the newly appointed director general of the regional policy directorate. This provided an opportunity to discuss the challenges that face our region and the wider European economy, as well as the emerging regional and European policy priorities.

The Brussels programme also provided Minister Bell and me with the opportunity to progress other areas of importance, including a future Peace IV programme, the peace-building and conflict resolution centre and the forthcoming Irish Government presidency of the Council of the European Union, and to meet our MEPs. The programme represented a further step up in our European engagement, providing our Departments with unprecedented access to the Commission —

Mr Speaker: The Minister's time is up.

Ms M Anderson: — and allowing them to follow across a range of policies and programmes.

I felt it was important that you all heard that.

Mr Sheehan: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. What input will the Executive have during the 2013 presidency of the Council of Europe?

Ms M Anderson: As the Member will no doubt be aware, Dublin will take over the presidency of the Council of Europe in 2013. During that period, there will be critical negotiations on the major policy areas in Europe, such as the future of the common agricultural policy and the cohesion policy. We have been keen to

ensure that our interests are fully taken on board and represented in Europe, and, to that end, we have had a number of discussions with Dublin, both through the North/South Ministerial Council and our engagement with the Irish permanent representative to the EU to explore the opportunities for co-operation. We have seconded an official to the Irish permanent representative in Brussels to assist with the 2013 presidency, and we will continue to explore the potential of this further by looking at other secondments.

Mr Weir: As time limits tend to be tighter in Brussels than they are here, will the Member briefly outline what preparation was put in ahead of the summit to bring Departments together to ensure that there was a co-ordinated approach to maximise funding?

Ms M Anderson: Junior Minister Bell and I had meetings with officials, particularly the more senior officials across all the Departments. Initially, some reluctance was shown by one or two Departments about the opportunities that could be maximised when attending the meetings that we and others had scheduled for them in Europe. It was only when they got there that there was a realisation across the Departments that we needed to go to Europe, because Europe was not going to come to us.

Mr A Maginness: I do not think that it is premature to congratulate the junior Minister on her elevation to Europe, but I remind her that she is not the first Derry person to represent Northern Ireland in Europe. *[Laughter.]*

Was there any discussion with the European Commission about Horizon 2020? It is important that we get the criteria right so that local companies can obtain funding from Europe to develop their business.

Ms M Anderson: The Member's congratulations are, of course, premature, although it would be an honour and a privilege to bring Brussels back to the Bogside.

Jonathan Bell had a number of meetings, and we raised the issue of Horizon 2020, particularly once we discovered that the Irish Government officials had brought over 100 small and medium-sized enterprises (SMEs) during Horizon 2020's developmental stage so that they could be informed about what was coming down the line and have better information about access to funding. That is the kind of work that the

Assembly needs to do to maximise the funding opportunities that are available in Europe.

OFMDFM: Funding Allocations

5. **Mr B McCrea** asked the First Minister and deputy First Minister what procedures have been put in place to ensure that ministerial approval is obtained before their Department issues letters of offer or allocates funding to projects. (AQO 1871/11-15)

Mr M McGuinness: The First Minister and I take very seriously the responsibility to have all expenditure properly approved. In the light of that, OFMDFM introduced a grants manual in July 2011 specifying the procedures that staff must follow in the administration of grants to directly funded organisations working in the voluntary and community sector.

The guidance specifies that ministerial approval must be obtained for the approval of any new programme or scheme, and it must be renewed on each occasion that the scheme is launched. To strengthen governance structures further, a new governance unit was set up in the equality and strategy directorate in October 2011. The unit performs a verification check on all grant-funded groups, ensuring compliance with the terms of their letters of offer. I can assure the House that procedures have been put in place to ensure that ministerial approval is obtained for all schemes before letters of offer are issued.

Mr B McCrea: I am somewhat surprised that the deputy First Minister did not let the junior Minister deal with this question as part of her training programme. Given that there are some issues in the north-west, will he explain exactly how seriously the matter is being taken? There is perhaps a feeling that this is just an administrative error and it will be put right, but quite significant sums of money are involved.

Mr M McGuinness: More stringent measures have been put in place to ensure that this does not happen again. I absolutely agree with the Member that it is an important matter. Internal audit intends to carry out a follow-up exercise on the 2010-11 report to provide evidence of compliance with the new procedures in 2011-12. Directors complete a quarterly stewardship statement, which provides assurance to the Department's accounting officer that policies and procedures are being adhered to. The

Department will look at the matter very carefully indeed.

Mr A Maskey: Go raibh maith agat, a Cheann Comhairle. I thank the deputy First Minister for his responses so far. He has outlined a number of the measures that have been put in place to prevent this type of thing happening again. Given the recent events, which further highlighted the problem, can he advise the House whether any other measures have been taken, particularly where other organisations are breaking rules that they should not break?

2.30 pm

Mr M McGuinness: As I said, new procedures have been in place since July 2011. They have been further strengthened by a new governance unit, which was put in place in October 2011. The procedures set out the circumstances in which the different levels of approval, including ministerial approval, are required and the steps to be taken to achieve that. Ministerial approval must be granted on each occasion that a scheme is launched or relaunched. As I also said, internal audit will carry out a follow-up exercise on the 2010-11 report to provide evidence of compliance, and directors will complete a quarterly stewardship statement to provide assurance to the Department's accounting officer that policies and procedures are being kept to.

We have had to deal with other situations in recent times and we are all conscious that we are dealing with public money. Where there has been a lapse in the pattern of behaviour within individual areas of responsibility, we are determined to ensure that we have processes in place to ensure that that does not happen again.

Regional Development

Mr Speaker: Questions 5 and 12 have been withdrawn and require written answers.

Translink: Finances

1. **Mr Ó hOisín** asked the Minister for Regional Development for his assessment of Translink's five-year strategic plan and the implications for its employees. (AQO 1882/11-15)

6. **Mr Hamilton** asked the Minister for Regional Development for his assessment of the projected future financial performance of Translink.

(AQO 1887/11-15)

8. **Mr Cree** asked the Minister for Regional Development how his Department is working with Translink to tackle the serious financial challenges that it will face over the coming years.

(AQO 1889/11-15)

10. **Mr McCarthy** asked the Minister for Regional Development to outline his Department's plans to ensure that Translink does not go into deficit in the next two years.

(AQO 1891/11-15)

Mr Kennedy (The Minister for Regional Development): With your permission, Mr Speaker, I will answer questions 1, 6, 8 and 10 together as they relate to similar issues.

Each year, Translink produces a three-year corporate plan, which is discussed with my Department and has to focus on the year ahead. Under the Transport Act (Northern Ireland) 1967 and the Companies Act 2006, Translink is obligated to consider going-concern issues and must, at least, break even year on year. Plans are drawn up that take account of that obligation, including funding, costs incurred by Translink — staff and fuel costs are key — fare income and levels of service. Although I have endorsed the position for the current year, I have not done so for the following two years as there is more work to be done.

I recognise that the funding position for Translink in 2013-14 and 2014-15 is more constrained. Combined with cost pressures on fuel and existing wage agreements, that means that a financial deficit is projected by Translink at this stage. I expect Translink to develop plans to address that, and I will be asking my officials to look at funding. In addition, following two earlier efficiency reviews of Translink as part of the programme for the reform of public transport, my Department is in the process of initiating a further efficiency review. The Committee for Regional Development will be fully engaged during that process and kept informed as plans are progressed.

It is important to recognise that any planned reviews of budgets or future in-year monitoring rounds could impact here. Although a plan can be drawn up for that, we need to recognise that that will require time to develop and will be subject to change. As regards employees,

there are no current plans for any compulsory redundancy schemes. Translink continues to ensure that staff members are deployed as efficiently as possible.

Mr Ó hOisín: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for his answer. Does he agree that there is considerable concern among drivers and other staff about redundancies? There have been some voluntary redundancies this year, and there is concern about the introduction of compulsory redundancies in years 2, 3, 4 and 5. There are also concerns about a reduction in services, particularly in rural areas.

Mr Kennedy: I am aware of the issues that the Member has raised. Translink will take those issues forward, and I will be interested in their outcome, as indeed departmental officials and, I am sure, the wider Assembly and Executive will be. Over the past number of years, changes have evolved and efficiency measures have taken place in Translink. Those have been brought forward in the absence of compulsory redundancies. Hopefully, that course of action will remain open to us in the future.

Mr Hamilton: I am sure that the Minister was as concerned as the rest of us when he heard about Translink's projected £2 million profit being turned into a £11 million loss inside a year. Does he agree that perhaps that points to a more systemic problem in Translink? Although I welcome the efficiency review that he announced, will he consider having the performance efficiency and delivery unit carry out that work, to help him stave off further fare increases?

Mr Kennedy: I am grateful to the Member for his question. Indeed, at some point in the future, he may be uniquely placed to assist with the financial arrangements for not only my Department but Translink. I look forward to when his early interest in regional development and in Translink in particular may yield additional moneys for us.

Translink and the Department have looked closely at bringing forward efficiency savings, and, as far as we can, we will continue to do that. I will consider the Member's suggestion. However, I inherited the reality of the Department's budget, which is challenging in later years. By working together — including with the Finance Minister, and possibly with

his successor — we will seek to improve the situation.

Mr Cree: Rather than tinkering with savings and cutting costs, does the Minister agree that there is an opportunity to look at the overall operation of the whole business?

Mr Kennedy: I am grateful to the Member for that supplementary question. His point is well made. We continue to review, on an ongoing basis, the funding that is available to Translink and how Translink operates. In effect, it is a business that has to, at least, break even year by year. It remains to be seen whether we can look at wider-ranging or fundamental change in how it is governed. Bearing in mind that it is responsible for providing an efficient and effective public transport system, I am slightly wary of how the introduction of private operators would impact, particularly on rural services. That has to be balanced against the obviously very strained financial situation in which we find ourselves. However, we will certainly look at and take every opportunity to improve the situation.

Mr McCarthy: That was to be my very question: will the Minister assure the Assembly that rural and country routes will not be sacrificed in the interests of saving money? At this moment, community rural transport is under pressure. In fact, some operators have not even got this year's funding allocation. So, the rural routes need to be safeguarded as much as possible.

Mr Kennedy: I am grateful to the Member for his question. I am now always cautious when responding to him, lest I say anything that would offend him or for which I might have to apologise in private. *[Laughter.]*

Mr McCarthy: You are all right.

Mr Kennedy: Anyway, I refer the Member to my answer to my colleague Leslie Cree from North Down, and I assure him that protecting services, particularly those in isolated rural areas, is fundamental, regardless of how Translink is funded.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answers so far, in particular the latter one, in which he said that he will seek to protect rural services. Further to that, will he assure me that there will be no reduction in services to such areas or any increase in the cost of using rural or any other services, as a consequence of the bit of hokey-

cokey that we have seen from Translink in its recent profit and loss announcements?

Mr Kennedy: I am grateful to the Member for his question. I am never one for hokey-cokey, in politics anyway. It is important that we understand the financial position that we find ourselves in and about which I have to be realistic.

I have indicated strongly my sense of the importance of retaining, in particular, rural services in isolated areas. Nevertheless, the budget that I inherited is challenging. To make things work, Translink will have to consider all options. I am not and will not be a prophet of doom, but we will seek to work with Translink to ensure that services are maintained to the required level and that, where possible, efficiencies are driven through so that we can have a cost-effective but fully resourced public transport system.

Mr Allister: The Minister referred to an efficiency review. Will that consider an examination of why Translink spends tens of thousands of pounds per annum — strangely, given that it runs a public transport system — on taxi fares for its staff? Will it look at the efficacy of the chief executive's £200,000 salary?

Mr Kennedy: I am grateful to the Member for his supplementary question. Clearly, he has been on the happy pills again. *[Laughter.]*

Translink regulates the use of taxis by its staff. Taxis are used only when they are the most economically viable solution and not to use them would result in significant overtime costs. The annual costs are small in relation to the costs and inconvenience that would be caused should services have to be cancelled because staff were not in the correct location at the correct time. Translink will continue to monitor all operations to ensure that they are as efficient as possible. I know of some public comment on the salary of the chief executive, who has been in post for a number of years, predating my term as Minister. These are contractual issues, and I am always loath to enter discussions that centre on personalities. Neither am I into the politics of envy.

Mr Speaker: Question 2 has been withdrawn.

Buses: Derry

3. **Mr Durkan** asked the Minister for Regional Development whether he will consider the creation of bus priority measures in and around the Derry City Council area. (AQO 1884/11-15)

Mr Kennedy: In recent years, Roads Service has delivered a number of bus priority measures throughout the Derry City Council area. These include bus-turning circles, improved mounting and dismounting facilities, red bus markings and kerbside build-outs at various locations across the city. In addition, the 125-space park-and-ride facility constructed at the city end of Drumahoe incorporates bus boarding on either side of the A6 Dungiven Road and serves the intercity Goldline service 212. The facility, which cost £230,000, currently operates at 70% capacity. More recently, consideration has been given to the development of a quality bus corridor to run from Bridge End via Buncrana Road and Strand Road to Foyle Street and then via the expressway to Craigavon Bridge, Duke Street, Glendermott Road and Dungiven Road to Drumahoe. This is like reading out a bus or railway timetable.

A study is being undertaken to consider the potential of such a corridor, and I expect a report within this financial year. As part of this development, my Department will progress legislation during this financial year to introduce bus lanes from Foyleside roundabout to Carlisle Square roundabout and from Pennyburn roundabout to Maybrook Mews. Further to these schemes, Roads Service proposes to develop suitable bus priority measures at signalised road junctions along the routes. Delivery of the schemes will depend on the successful completion of the statutory process. My Department will also take forward work to determine the potential for further bus priority measures on the corridor running from Bridge End to Drumahoe. This will include consideration of the conditions necessary for it to work.

Mr Durkan: I thank the Minister for his answer, particularly his commitment to exploring the option of bus corridors throughout Derry city. Does he accept that creating bus corridors would establish the only conditions under which people will get out of their cars and on to buses, namely when people see that buses can get them where they want to go more quickly and

recognise their economic and environmental benefits?

Mr Kennedy: Yes.

2.45 pm

Mr Campbell: The Minister outlined that issue in great detail, particularly as it relates to the rural area of Londonderry out towards Drumahoe and beyond to Claudy. Have the Minister or Translink taken account of the possible implications of the dualling of the aforesaid road junction and the difficulties that that might entail, assuming we get the go-ahead in the not-too-distant future for that roadway?

Mr Kennedy: I thank the Member for his very cleverly designed question. The answer, of course, is that all these matters are subject to funding, and Roads Service officials are perfectly aware of the need to improve the infrastructure there. I also am aware of the representations made, and we will seek to make progress subject to funding being provided to us. As part of that, we are waiting on the outcome of the investment strategy for Northern Ireland, which will indicate the allocations to my Department, in particular, and others. I can confirm to the Member, who is a former Minister for Regional Development, that I have carried forward the argument for additional funds for roads infrastructure and regional development to the Finance Minister and to Executive colleagues.

Titanic Quarter Rail Halt: Fraser Pass

4. **Mr Douglas** asked the Minister for Regional Development what plans his Department has to upgrade the Fraser Pass walkway leading from the Newtownards Road to the new Titanic Quarter rail halt. (AQO 1885/11-15)

Mr Kennedy: Roads Service has been working closely with the East Belfast Partnership board, Belfast City Council, Sustrans and others to provide enhanced pedestrian and cycle measures between east Belfast and the Titanic Quarter. Additional facilities recently provided include new toucan crossings at Kings Road and at Dee Street, in the Comber greenway, and new toucan crossing facilities incorporated within signal-controlled crossings at the junctions of Short Strand, Bridgend and Middlepath Street on the Sydenham bypass, with connecting cycle linkage through the adjacent car park. Traffic-calming measures at Island Street and

Ballymacarret Road, incorporating dropped kerbs, tactile paving and an extended road hump at the junction with Fraser Pass, are also nearing completion.

My Department has no specific proposals to upgrade the route linking the Newtownards Road with the Titanic Quarter rail halt along Fraser Pass. However, I understand that consultants had identified the Department for Social Development (DSD) as the key driver in providing that element of the project. Officials from Roads Service would be willing to meet their DSD counterparts to assist with the development of proposals if that were deemed appropriate. I further understand that the East Belfast Partnership board is investigating, along with Belfast City Council, the potential for creating a pedestrian/cycle link through the adjoining Pitt park.

Mr Douglas: I thank the Minister for his very comprehensive response. I must pay tribute to his officials for the work that they have done to date. Does the Minister agree that upgrading the walkway and the linkages between the Titanic Quarter and the Newtownards Road/Ballymacarret area will encourage tourists to visit east Belfast and to look at the many attractions that are now in vogue, including the yardmen project at the bottom of the Newtownards Road?

Mr Kennedy: Yes.

Mr Copeland: As the Minister knows, part of the access to the Titanic Quarter railway halt comprises a tunnel. Tunnels are widely used to access and egress some public transport systems in particular. Could the Minister give some detail as to what thoughts he has had about making those places more useable and attractive for members of the public, because they can be dark and quite off-putting for those who use them?

Mr Kennedy: I thank the Member for his supplementary question, and I agree that there are situations that we would seek to avoid in providing tunnels and underpasses. I can confirm that underpasses are constructed, in accordance with specific design standards, to minimise the risk to users, to reduce antisocial behaviour and to include the provision of lighting to and within such structures. Of course, lighting is one of the key features. Ongoing maintenance checks also identify any surface defects and ensure that the structures are kept

in serviceable conditions, and, obviously, routine maintenance is carried out to action any repairs.

Mr Speaker: Question 5 has been withdrawn, and question 6 has been grouped with question 1.

Parking Fines: Town Centres

7. **Mr McNarry** asked the Minister for Regional Development what assessment was made of the damage to town centre trading resulting from his recent 50% increase in fines for illegal street parking. (AQO 1888/11-15)

Mr Kennedy: I thank the Member for his question. As he will know, I inherited the proposal to introduce on-street charging in towns across Northern Ireland from the previous Regional Development Minister. However, as he and other Members will be aware, in September last year, I announced that I would not be proceeding with the proposal. Prior to making that decision, I met elected local representatives and traders' representatives, including the Northern Ireland Independent Retail Trade Association (NIIRTA), and I listened carefully to the concerns they expressed about the potential impact on city and town centre trading across Northern Ireland. I am, therefore, very aware of the pressures faced by traders in the current difficult economic climate. However, I am also aware of the problems caused by illegal parking, which adversely impacts on shoppers and retailers and generally results in unnecessary inconvenience for commuters. Therefore, in my recent briefing to the Committee for Regional Development, I indicated that I have approved an increase in the amount of the penalty charge notice. That increase has not yet been implemented, but I consider that it is necessary to act as a strong deterrent to those who park illegally. I believe that it is those people who should contribute more towards the considerable cost of providing parking services. I should stress that that increase will not affect those who park legally and properly and abide by the law.

Mr McNarry: I appreciate the Minister's detailed response to my question. He will know that Mary Portas recently recommended an end to parking charges in town centres. Given that the number of vacant shops is increasing on a daily basis, has the Minister consulted with his counterpart Minister McCausland on the merits of the Portas report?

Mr Kennedy: I am grateful to the Member for his supplementary question. I can confirm that we are interested in looking at the recommendations of the report by “Mary Queen of Shops”, Mary Portas. I am particularly interested in that. Somebody said, “Hail Mary, Queen of Shops”. I was not quite sure about that description.

This issue is very important. I have indicated to members of the Regional Development Committee and to Executive colleagues that I want to have discussions with, and have agreed to have discussions with, Executive colleagues, including the Minister for Social Development and the Minister of Enterprise, Trade and Investment, as well as, presumably, the Finance Minister. I want to ensure that the Executive, in the corporate sense, are addressing town centre issues, particularly traders’ issues, because far too many units are becoming vacant and have “To Let” signs up. Given that the economy remains the Executive’s priority, it is important that the Executive address this issue in a comprehensive way. I intend to follow through on those discussions, and members of the Regional Development Committee will, of course, be interested in their outcome as well.

Mr I McCrea: One of the criticisms of the implementation of parking fines is the failure of the “red coats” to warn people that they need to move on or at least have a conversation with them to encourage them to move on before going straight out with a ticket. Therefore, will the Minister consider some form of team-building exercise for the “red coat” teams to ensure that those who are carrying out their job properly and are trying to encourage people to move on can pass that knowledge on to those who go out specifically to ticket?

Mr Kennedy: I am grateful to the Member for his supplementary question and for the suggestion he has made. I am not sure whether he is volunteering his own services or those of his father, who could sing to them and put them in better form. *[Interruption.]* I will not repeat what your colleagues are saying.

Obviously, there is significant training offered already. The job of a parking attendant is not easy and is not without its challenges. On average, one ticket is issued every two hours. I have had representations from many people, not only political representatives but traders and people from traders’ organisations, who

feel that some people employ an overzealous attitude. However, those are the facts of the situation. Allowance is made, and there are some methods by which enforcement officers exercise caution before they issue tickets. That training will continue. As with all things, commonsense is the best thing that can prevail.

Mr Flanagan: Go raibh maith agat, a Cheann Comhairle. I hope that the Minister does not advocate that my father starts singing.

I was interested to note the UUP Member for North Antrim trying to blame the former Sinn Féin Minister for the recent elevation in parking charges. Surely, the Minister would be better placed to act on some of the car parks where prices went from 30p for three hours to 40p an hour. One such car park is in Quay Lane South in my constituency, where the level of revenue generated in six months dropped from £18,000 to £15,000. Will the Minister assure us that where parking charges have increased in some car parks and a reduction in revenue has occurred, the decision to increase the charges will be reversed?

Mr Kennedy: I am grateful to the Member for his supplementary. He raises a number of issues. I have never heard his father sing, so I cannot comment on that.

The other issue that is important to remember is the one that he mentioned himself. If the policy of the then Regional Development Minister, his party colleague Mr Murphy, had been implemented, on-street car parking charges would have been implemented in towns throughout Northern Ireland. That is a fact. After consultation and having spoken to political representatives and, in particular, trading representatives, I sought to ensure that that decision was not implemented. However, plans for the introduction of on-street charges were so advanced that they effectively left a hole of £8 million in my budget. That is what I am seeking to plug now.

I understand that these are difficult and challenging issues, but it is a bit rich for members of parties who agreed to those budgetary changes and who proposed alternative and equally restrictive charges for car parking in town centres to lecture those of us who are left trying to grapple with the outcome of their decisions.

Translink: TaxSmart

9. **Mr Hilditch** asked the Minister for Regional Development for his assessment of the TaxSmart initiative. (AQO 1890/11-15)

Mr Kennedy: Department of Finance and Personnel (DFP) corporate human resources, in conjunction with my Department, has been developing a TaxSmart scheme for the Northern Ireland Civil Service. TaxSmart is a salary sacrifice scheme that allows staff tax and national insurance savings by paying for their annual bus travel card from their gross salary over the year. The development of the scheme is at an advanced stage, and it is planned that the scheme will be launched in the coming weeks. I attach great importance to encouraging more of the general public to travel by public transport, and I support the TaxSmart initiative.

Mr Hilditch: I thank the Minister for his answer. Will he, through the Department, consider supporting an extension of the scheme to include rail users? Will he encourage greater usage and greater uptake from Departments?

Mr Kennedy: I thank the Member for his supplementary question. I am happy to look at the suggestion that he makes. Much of this will, of course, be dependent on finance and all those issues. I will seek to reply to the Member in writing.

Mr Rogers: Minister, thank you for your responses thus far. What are you doing to ensure that employees and employers know about this scheme?

3.00 pm

Mr Kennedy: We are trying to notify staff about the scheme, and arrangements are in hand to promote it, pending its introduction. It is evident that DRD and DFP staff will be facilitated first, with the other Departments following on a phased basis. However, all staff in the Northern Ireland Civil Service will be in a position to participate in the TaxSmart initiative by the autumn.

Mr Speaker: Question 10 has been withdrawn. The Member is not in his place for question 11. Question 12 has been withdrawn.

Roads: Mount Eagles, Belfast

13. **Ms J McCann** asked the Minister for Regional Development when he expects work to begin on the unfinished roads at Mount Eagles, Lagmore, Belfast. (AQO 1894/11-15)

Mr Kennedy: Roads Service has advised that it is arranging a CCTV survey of the sewers in the Mount Eagles development. Roads Service will consider the results of the completed survey to determine a time frame for the commencement of the works necessary to bring the roads up to adoption standard. As I advised at my recent meeting with the Member, it is anticipated that adoption works will commence by the end of the summer.

Ms J McCann: I thank the Minister for his answer. We met the Minister recently and raised this issue. The people in Lagmore have been waiting and hearing for years that this work will be brought forward quite soon. I really press the Minister for a time frame of when that work will start, because it is a health hazard to the people in that community.

Mr Kennedy: As I indicated, I have been informed that the adoption works will commence by the end of this summer. I will undertake to confirm that in writing to the Member.

Social Development

Mr Speaker: Question 4 has been withdrawn.

Housing Executive: Capital Assets

1. **Mrs Dobson** asked the Minister for Social Development to outline the capital value of the Northern Ireland Housing Executive stock expressed as land, domestic dwellings and other assets. (AQO 1897/11-15)

Mr McCausland (The Minister for Social Development): I am advised by the Housing Executive that, at the end of March this year, the capital value of its stock was as follows: the housing stock, which is approximately 90,000 units, has a value of £3.4 billion; the land it holds has a value of £72.3 million; and other assets stand at a value of £68.8 million.

Mrs Dobson: I thank the Minister for his response. When Housing Executive properties are transferred to housing associations, in what manner is the Executive's corporate debt

apportioned? In other words, does the debt transfer with the property?

Mr McCausland: The transfer of properties to housing associations is something that we are taking forward. There has been only one example of that so far, which was the case of Rinmore in Londonderry. In future, we intend to take a substantial number of properties across. The arrangements for that have not yet been formalised with the Housing Executive. We have asked it to identify a number of properties, but the detailed arrangements of that have still to be worked out.

Mr Durkan: Is the Minister of the opinion that the sizeable asset that is the Northern Ireland Housing Executive could be utilised as a means of attracting investment, thus enabling the building of more, much-needed social housing?

Mr McCausland: The Member is straying into the area that I have referred to on a number of occasions recently, and that is the forthcoming housing strategy. It is important that we maximise the potential for building new homes in Northern Ireland, and if there are ways in which you can lever in additional money using, for example, the sort of approach he is talking about, that is the sort of thing that we may consider in a strategy.

Mr Agnew: The Minister stated in answers to Assembly questions to me that approximately 6,000 houses require multi-element improvements. Given that there is in Rinmore, as he pointed out, a pilot scheme where those have been transferred to housing associations that, by my estimation, would represent up to £200 million of public housing stock. Would he see it as good value for money for the majority, if not all, of that stock to be transferred to housing associations?

Mr McCausland: When we do not have the capital money in the budget to do the sort of work that is being talked about to meet the requirements for multi-element improvements to Housing Executive stock, the only way in which that can be funded is through transferring properties across to housing associations, which can then borrow money to undertake the work. The choice is between not doing the work and going down that road. It has proved popular with the residents of that estate in Londonderry. It is now increasingly recognised that that is the way forward for major improvement programmes. If we can improve the quality of the homes — I

am sure that the Member will agree — and improve, for example, their energy efficiency to address issues of fuel poverty, it is imperative that we go down that road. I think that it will be successful.

Jobs and Benefits Offices: Staff

2. **Mrs McKevitt** asked the Minister for Social Development whether he plans to retain all current staff positions at all the existing locations of jobs and benefits offices.

(AQO 1898/11-15)

Mr McCausland: I am committed to maintaining a network of front line offices throughout Northern Ireland that meets the needs of customers. I have no plans to close any jobs and benefits offices. The Social Security Agency is working with relevant impacted government organisations to consider how best to deliver a range of services through jobs and benefits offices as a result of the changes brought about by the reform of the welfare system.

Central to the planning of all those changes is the need to ensure that customers continue to have access to the necessary advice and support channels that they will need as the changes are introduced. That includes ensuring that there is the right number of staff with the right skills in the right places to help meet the needs of our customers. Work is also under way to consider the organisational and staffing considerations for each of the reform initiatives, although it is too soon to determine the staffing requirement in detail.

The agency must continue to modernise to better position its services to deal with future change, including universal credit. To that end, my Department is considering how best to complete the roll-out of the Customer First initiative after it was successfully introduced in the north district and the Belfast west and Lisburn district. Customer First ensures the ongoing viability of the network, safeguards and modernises service delivery, and provides a better position to allow the agency to sustain future change. No staff will lose their employment as a result of Customer First.

Mrs McKevitt: Given the fact that most Members' constituency offices have been inundated with concerns from customers, does the Minister have any plans to increase the support services offered by the front line advice

centres in the wake of the implementation of welfare reform?

Mr McCausland: The proposed changes to the welfare system represent the most radical changes to the welfare system since the Beveridge report of the 1940s. My Department is working with the Department for Work and Pensions to consider impacts for Northern Ireland customers of all proposed reforms to working-age and disability benefits. As the Member will know, an Executive subcommittee has been set up to help minimise, where possible, the negative impacts of the Welfare Reform Bill for Northern Ireland.

This is all work in progress. We continue to review the different measures to ensure that we understand the impact of the policy on people in Northern Ireland. It is important that we do not cause unnecessary concerns among people, many of whom are among the most vulnerable in our society.

I can assure the Member that it is very much in our minds to ensure that we are adequately staffed to meet future demands.

Mr A Maskey: Go raibh maith agat, a Cheann Comhairle. Specifically on the proposed abolition of the Department for Employment and Learning (DEL), has the Minister expressed any preference for any jobs and benefits function currently discharged by DEL to be transferred to the Department for Social Development?

Mr McCausland: There are arguments for and against various possible permutations. However, a little more thought is required, and that is under way. I could not, and do not want to, give an answer to that this afternoon. As the Member will understand, there are arguments for aligning certain services. Keeping together and bringing together jobs and benefits is a good thing in itself. That is why we have jobs and benefits offices. It sends out the message that they do not simply deal with handing out benefits; they also facilitate people and support and help them back to employment. The two belong together in many ways.

Mr Campbell: The Minister outlined the scale of the potential change for welfare reform and the Housing Executive. Will he reassure the House and the community that, in doing that, organisations such as the Housing Executive, the Social Security Agency and the old Child Support Agency will be at the forefront of

his mind? Those agencies had a systematic under-representation in recruitment from the Protestant community. Will the Minister ensure that as we go forward, in whatever format, there will be equality in recruitment to the Civil Service?

Mr McCausland: The Member refers to an issue that he has quite rightly raised on a number of occasions. It is important that there is a fair employment pattern in respect of employment practices and representation across the public sector workforce. It is something that has been on my mind. I have thought about it and considered it, and it will be taken into account because it is important that we follow the general pattern in society today of focusing attention on issues of fair employment. It is something that others have highlighted for many years in regard to other organisations, and the public sector should not be in any way exempt from that.

Mrs Cochrane: I thank the Minister for his responses. Many constituents are concerned about welfare reform changes, especially because of the way they are being communicated through the media. Will any of the current staff be dedicated to specifically communicating the changes to current benefit recipients in a clear and understandable manner to help to try and alleviate some of those fears?

Mr McCausland: I welcome the Member's concern about the issue of accurate and factual information. A lot of the information put out in the past has been inaccurate, unfounded or ill-founded. In one case, a public representative claimed in the media that 90% of people in a particular area were being turned down for a particular benefit when they were assessed. However, when the figures were checked, they were very different. It was a gross exaggeration. That sort of misinformation is extremely unhelpful and creates unnecessary fears. There are genuine concerns, and we all share them. There are well-founded concerns, and we share them, but there is no place for alarmist talk and exaggeration. It is important that we get accurate information.

Our staff are doing all that they can to ensure that we get the accurate information out there through briefings and through disseminating information to the media in particular. The media pick up on a lot of the misinformation and the ill-founded and unfounded information, and they

simply regurgitate it. Then it gets out there into the ether and is repeated again and again.

Social Housing: Strabane

3. **Ms Boyle** asked the Minister for Social Development how many social housing units are planned for the Strabane area in the current financial year. (AQO 1899/11-15)

Social Housing: North Down

4. **Mr Dunne** asked the Minister for Social Development, following the announcement of 4,600 new social homes, to outline the new homes that are planned for the North Down area. (AQO 1900/11-15)

Mr McCausland: With the Speaker's permission, I will answer questions 3 and 4 together, as both questions relate to the social housing development programme. As Members are aware, I have published plans to deliver 4,600 new social homes over the next three years as part of our Programme for Government commitment to deliver 8,000 new social and affordable homes by 2015. By that time, we will have delivered up to 6,000 new social homes and at least 2,000 new affordable housing opportunities.

The social housing development programme was published recently and is available for all to see on the Housing Executive website. The Housing Executive has not identified any specific housing need in Strabane over the next five years. However, the programme includes a 30-unit supported housing scheme for elderly people in the Strabane area.

In north Down, housing need over the next five years is projected to require 770 homes, so there is clearly a need to be met. For that reason, our social housing development programme for the next three years contains a total of 363 units for the north Down area. However, the provision of new social housing cannot and will never be the only answer in meeting housing need.

Each year, we allocate approximately 9,000 homes to new tenants from our existing stock, and that contribution is often overlooked. It is also worth highlighting that we must create more housing opportunities that will inevitably have to be outside the social sector, as we do not have unlimited resources. The private

rented sector, for example, plays an important role for many in Northern Ireland. As part of my forthcoming housing strategy, I plan to introduce new measures that will support those living in that sector.

3.15 pm

Ms Boyle: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answer. When does the Minister envisage the complete version of the draft three-year build programme for Strabane? Can he elaborate and give us an indication of what that will entail?

Mr McCausland: We have published the social housing development programme, and it is on the Housing Executive's website. As I indicated, it includes a 30-unit supported housing scheme for elderly people in the Strabane area. In the past three years, we have started 44 new homes in the Strabane area, and our existing stock allowed us to make a further 176 allocations. While I appreciate Members wanting to focus on the new housing plan for their constituency, we must not lose sight of how the existing stock is managed and re-let to meet housing need.

Mr Byrne: I thank the Minister for his answer. What does the Minister hope to do to get more social housing to meet the needs of people of the future in such towns as Strabane, where there is now a very large private rented sector and where tenants do not always enjoy security of tenure?

Mr McCausland: I thank the Member for his question, but I go back to the point I made earlier in my initial answer. The provision of new social housing cannot be, and will never be, the only answer to meeting housing need. The situation in Northern Ireland is no different to that in England, Scotland or Wales. Housing need will be met in part by social housing, but it will also be partly met through affordable housing and the private rented sector. We should not simply cast aside the private rented sector. It is a very substantial and important sector. It is, therefore, important that we ensure that the proper protection is there for landlords and tenants, so that the rights and responsibilities of landlords and tenants are recognised and it is a good functioning sector.

The private rented sector is a significant contributor to meeting housing need and should not be simply dismissed on the basis

that it is not good enough, so everybody has to get a social house. We are no different from England, Scotland and Wales, where the private housing sector is a major contributor to housing provision, and we should not expect it to be any different. Let us work together to get a better private rented sector, so that the people in it have a good experience.

Mr Speaker: Question 4 has been withdrawn.

Housing

5. **Mr Eastwood** asked the Minister for Social Development for an update on the review of the Northern Ireland Housing Executive.
(AQO 1901/11-15)

6. **Mr Doherty** asked the Minister for Social Development to outline his plans for the future of housing associations. (AQO 1902/11-15)

13. **Mr Sheehan** asked the Minister for Social Development whether he has any plans to review the workings of the housing division within his Department to ensure that it is fit for purpose. (AQO 1909/11-15)

Mr McCausland: Questions 5, 6 and 13 are interconnected and, with your permission, Mr Speaker, I propose to answer them together. I plan to bring forward a new housing strategy in the coming weeks that will seek to address the wide range of challenges we face in the housing sector. Critical to that new housing strategy will be making sure that we have the best structures in place to deliver our strategy in the coming months and years. That means that we need to critically examine the current structures in the Housing Executive, the housing association movement and, of course, my Department's housing division, which has policy oversight for all of this. The fundamental review of the Housing Executive is completed, and I hope to announce a way forward shortly.

The Northern Ireland Federation of Housing Associations has recently appointed a new chief executive officer. I understand that a programme of reform and greater collaboration is already under consideration and that my Department's procurement strategy is a key part of that. As I said earlier, with a new housing strategy soon to be announced, our focus will turn to delivery, and if the current structures or arrangements cannot meet that challenge, I will act quickly and decisively to change them.

Mr Eastwood: I thank the Minister for his answer. What is the Minister's assessment of the recommendations of PWC to create a single social enterprise landlord to drive housing reform?

Mr McCausland: The PWC report was initiated under my predecessor. I always like to give credit to those who did things prior to my arrival in the Department. Members over there will notice that I do that quite often. It was a PwC report. We are now at the stage of producing detailed recommendations, which will be taken forward through the normal process. It will go through the Executive and then be brought to the Assembly. It would be premature of me to comment on those in advance of that process. I am sure that the Member will recognise that it would be somewhat inappropriate.

Mr Doherty: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answer so far. Does he agree that there are too many housing associations?

Mr McCausland: It is not necessarily a question of the size of the housing associations. Certainly, there is a case to be made that, with larger housing associations, there is an economy of scale. Nevertheless, some of the smaller housing associations provide a very good local service. At a time when we are seeking to lever in as much money as possible to provide social housing, and the larger the scale of housing association the easier that probably is, there is a strong argument to be made for greater collaboration, at least, and co-operation across the housing associations. That sense of collaboration and co-operation and the introduction of procurement groups are a movement in the general direction. I know of a number of housing associations that are engaged in a process of consolidation. Three or four housing associations in my constituency are seeking to amalgamate into one, and I know of another in the constituency that is in the process of being merged into another housing association. A process and a tendency are emerging — in some degree, even from the housing associations themselves.

Mr Sheehan: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. Will the Minister give us an idea of what form the new structure will take?

Mr McCausland: If the Member is referring to the new structure of the Housing Executive, which I assume he is, my response is the same

as that to a previous question. The package, in regard to the Housing Executive, will be brought forward to the Executive — that is, the Executive of the Assembly — and then to the Assembly in due course. Until we do that, it would be premature to deal with it in questions on the Floor of the Assembly.

Ms Lo: Is shared housing included in the review? If not, how is the Minister going to gauge the developmental need for shared housing?

Mr McCausland: For me, shared housing can mean a number of different things. It depends on different areas and how it works out on the ground. Of course, shared housing should never be seen in isolation from other sharing. Housing is just one part of life. Where I live will be influenced by the school that I can send a child to or by the social or recreational facilities that are available in an area. It is wrong to simply take out housing and look at it in isolation. We should be looking at how we improve the process of sharing across a range of services, and I particularly think about education. The availability of local appropriate education is one of the key factors in determining where people live. You have only to look at the impact on an area of housing if a school closes in that area and the way in which people might move away from that area. Let us look at these things in a more joined-up way. Certainly, the issue has been in my mind.

Mr Speaker: Some Members may have difficulty in rising in their place to ask a supplementary question. I will try to encourage them.

Mr Kinahan: Thank you very much, Mr Speaker. Point taken.

Can the Minister confirm that the mutualised model is no longer an option and, if not, why not? While I have got you there: when are you coming to New Mossley?

Mr McCausland: First, the questioners keep trying to draw us down a particular road of saying in advance the outcome of our deliberations. I commend the Members for their tenacity and perseverance. It is very commendable, but I am afraid that it will be unsuccessful. We will announce those things in due course and take them through the process in the proper way.

As the Member will be aware, I have had a number of requests to visit New Mossley from

him and from members of my party. I am sure that I will take that up at the very earliest opportunity.

Mr Speaker: Question 6 has already been answered.

Housing: Shared Room Allowance

7. **Mr Brady** asked the Minister for Social Development for his assessment of the additional discretionary funding for the shared room allowance in helping people who apply for it to remain in their accommodation.

(AQO 1903/11-15)

Mr McCausland: The shared room allowance changes were implemented in January 2012 as part of welfare reforms. At the end of March, the Housing Executive awarded discretionary housing payments to 213 tenants affected by shared room legislation, which came into effect in January 2012. So, over a period of three months, 213 tenants came forward. We have increased the support available through discretionary housing payments from £1.713 million in 2011-12 to £3.426 million in 2012-13. It will increase again to £6.944 million in 2013-14 and to £5.939 million in 2014-15 before falling back to £4.431 million for the next two years.

Although the funding is not allocated to specific areas of change, such as the increase in the age threshold for the shared accommodation rate, it is intended to provide the housing sector with enough flexibility to sustain tenancies where additional support is needed in vulnerable cases. Although that will undoubtedly enable more people to be assisted in the short term, the added funding is not regarded as a means of mitigating the necessary changes being implemented. That means that some people will have to find more affordable accommodation.

Mr Brady: I thank the Minister for his answer. You mentioned the increase, of which much has been made. As you are aware, even if a person qualifies, it lasts for 13 weeks only. So, there is still a possibility that such people will become homeless, because the payment just prolongs the time when they are not homeless for a further 13 weeks. It is also quite difficult to get payments in some cases because they are made at the discretion of local housing managers. I wonder whether that has been factored in.

Mr McCausland: On the first issue of the shared rate's impact on people, it is worth noting that, according to the Northern Ireland Housing Executive, between 5,000 and 6,000 claimants are likely to be newly affected by the age change. The average housing benefit reduction payable to each of those claimants will be an estimated £27.78 a week. If you look at the number of people who will be affected and at the number who have come forward for the discretionary housing payment, it would seem that, in a significant number of cases, people are absorbing that increased cost themselves.

The Housing Executive wrote to each of the claimants advising them individually of the estimated reduction in award and the effective date of reduction, and it provided advice on the possibility of assistance from the discretionary housing payment scheme. So, everyone was notified of the scheme, but not everyone has taken it up.

The matter is clearly set out in the title of the scheme: it is a discretionary scheme. The Housing Executive takes the following factors into account: are people vulnerable; have they any other resources; have they any debts; are people's living expenses unreasonably high; were people aware that housing benefit was unlikely to meet the rent; is alternative cheaper, suitable accommodation available; has the landlord commenced eviction proceedings; and what is the likely outcome if a discretionary payment is not paid? That list is not exhaustive, and there are other exceptional circumstances. However, the criteria are extensive and allow the Housing Executive to respond to a wide range of situations in which there is a shortfall between the rent charged and the level of benefit. I accept the fact that it is discretionary; there is no doubt about that. However, it is probably better if it is discretionary and has some flexibility built in, because the criteria and the factors taken into account address the more difficult cases.

Mr Gardiner: Will the Minister confirm that the funds available to him will match the need?

3.30 pm

Mr McCausland: We have doubled the amount of discretionary housing payment available this year from last year. Last year it was £1.713 million; this year it is £3.426 million. It doubles again next year, so it will have been quadrupled

in a two-year period, up to £6.944 million. The indications at the moment are that it will be adequate, and if there is any change, we will certainly keep that issue before us, but, at the moment, it does seem to be adequate.

Housing Executive: Double Glazing

8. **Mr Moutray** asked the Minister for Social Development what schemes are scheduled for the Upper Bann constituency, over the next 12 months, to replace single-glazed windows with double-glazed windows. (AQO 1904/11-15)

9. **Mr I McCreagh** asked the Minister for Social Development, in planning the roll-out of double glazing in Northern Ireland Housing Executive properties, if he will ensure that the standard of installation meets quality standards and represents value for money. (AQO 1905/11-15)

Mr McCausland: With the Speaker's permission, I will take questions 8 and 9 together, as they both relate to the double glazing programme. The installation of double glazing in all social housing is a priority of mine in order to tackle the thermal efficiency of individual homes. The Programme for Government, therefore, contains the commitment to improve the thermal efficiency of Housing Executive stock and ensure full double glazing in all its properties.

In the financial year 2011-12, because of additional funds provided in-year through the monitoring rounds, the Housing Executive has already installed double glazing to approximately 5,100 properties. The Housing Executive's initial assessment was that 48,000 properties would require some form of work, at a cost of £120 million. However, it is now estimated that work is required to only 30,000 properties, although the Housing Executive is still unsure on whether that will be the final figure. I intend to ensure that the cost of that work will represent value for money.

Following discussions with those in the glass and glazing industry, I now have considerable concern about the value for money of the Housing Executive's current specification to contractors for window installation. I believe that significant savings could now be made, ensuring that we deliver on that commitment, while maintaining industry standards. I have, therefore, asked the Housing Executive to rigorously review the entire glazing specification. Until that review is completed, all further

double glazing installations are to be held until the new contract provisions, to include any revised specifications, can be put in place. The only exception to that would be where a current Egan contractor has a contract placed with a supplier for delivery of frames and any cancellation would mean nugatory expenditure. I am, therefore, unable at this stage to provide a list of schemes scheduled for the Upper Bann constituency over the next 12 months.

My concern is that the current process used by Housing Executive contractors is extremely and unnecessarily expensive, in that it involves the removal of plaster from around the windows, replastering, damage to tenants' decoration, with a resulting redecoration grant, and the form of hinges that they use cost five times the cost of industry standard hinges. For all those reasons, it is well worth looking at, because a substantial amount of money could be saved on the figure previously quoted by the Housing Executive.

Culture, Arts and Leisure

Mr Speaker: Questions 5, 7, 10 and 13 have all been withdrawn and require written answers.

Music: Community Sector

1. **Mr McCarthy** asked the Minister of Culture, Arts and Leisure, in light of the closure of 'AU Magazine', to outline her Department's plans to encourage the local community-based music sector. (AQO 1912/11-15)

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): I thank the Member for his question. The Arts Council funds a wide variety of community-based music organisations, for example, the Nerve Centre, the Oh Yeah music centre and a range of traditional arts organisations, like Andersonstown Traditional and Contemporary Music School, the Armagh Rhymers, and many bands supported through the musical instruments for bands scheme. In addition, the Arts Council is developing a music strategy to enable more people to experience and participate in music. The Arts Council strategy will continue its support of community-based music organisations through its community arts strand. The Department of Culture, Arts and Leisure (DCAL) and Invest NI published a new music strategy in November 2011. That focuses on the commercial and

export focus potential of the sector. The potential of the traditional music sector has also been highlighted. The Arts Council music strategy will complement the commercially focused strategy developed by DCAL and Invest NI.

Mr McCarthy: I thank the Minister for her very detailed answer. She will know that 'AU Magazine' has been going for nine years and has contributed enormously to the provision of the community music sector. Will the Minister give the Assembly or, indeed, 'AU Magazine' any alternative methods to continue to promote the locally based community music sector?

Ms Ní Chuilín: I thank the Member for his question, particularly the part about the 'Alternative Ulster' publication. As he knows, it was not successful in 2012 and 2013, and the application to the Arts Council for funding failed. My understanding is that it has not put in an appeal and has not applied for Lottery arts project funding. It would perhaps be worthwhile even to talk to groups such as Arts and Business, which has been very successful in helping community-based arts organisations to get sponsorship and support. You could perhaps even talk to Belfast City Council about its corporate sponsorship and arts support for such groups over the years. Those two examples come to mind.

Mr Ó hOisín: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. Was there any specific reason why the Arts Council refused the funding for 'AU Magazine'?

Ms Ní Chuilín: That round of funding was very specific in that it required certain criteria to be met. The application failed to reach the required level of ranking against the three programme criteria at stage 1 moderation and, therefore, as has been the case for many applications, could not proceed to the financial recommendation stage of the process. It appears that the application was particularly weak in areas of governance and financial management, and as I said to Kieran in response to his question, 'Alternative Ulster' has not put in an appeal to the Arts Council and has not applied for project Lottery funding either.

Mr Eastwood: As probably one of the only avid readers of 'Alternative Ulster' magazine in this House, I am sorry to see it go. Can the Minister outline specific funding sources that are available to the community-based music sector?

Ms Ní Chuilín: Most groups in the community-based music sector have applied to the Arts Council previously and to their local councils. There are demands on them to meet certain criteria to protect the public purse and the investment and to make sure that the initial reason for funding being awarded is to reach those in most need and to reach as wide an audience as possible. It is challenging for many groups. Those are the two main funding bodies for the community-based music sector.

Ulster-Scots Academy

2. **Mr Gardiner** asked the Minister of Culture, Arts and Leisure to outline her Department's vision or concept for the Ulster-Scots Academy.
(AQO 1913/11-15)

Ms Ní Chuilín: Following an economic appraisal, a ministerial advisory group on the Ulster-Scots Academy was established in March 2011. The ministerial group is responsible for building a broad understanding of the Ulster-Scots tradition in Ireland and further afield; promoting a greater impact and coherence in the sector; and securing the broadest possible support for that work across the community in the North. It also promotes research, knowledge and understanding of Ulster-Scots language, history and cultural traditions. The group has been allocated almost £2 million for the period from 2011 to 2015.

Mr Gardiner: I thank the Minister for her answer. How does the withdrawal of funding from the academy affect the long-term delivery of targets and assist the reduction in budget to Libraries Northern Ireland?

Ms Ní Chuilín: The ministerial advisory group had a particularly big underspend. Almost £500,000 was surrendered, and there was an underspend as well. I have received reassurance that that will not happen in future comprehensive spending review (CSR) periods, but when there is an underspend and money is surrendered, you look to see where the priorities are. At that stage, it was libraries. I would have much preferred that the money was spent but, on that occasion, it was not. I made sure that it was put to good use.

Miss M McIlveen: The Minister referred to the underspend of the Ulster-Scots ministerial advisory group, and, to date, the excuse has been that it is a new body. I am not sure how

much longer that excuse can be used. However, can she assure the House that Ulster Scots is a priority and that she will ensure that the money is spent in future?

Ms Ní Chuilín: I will take the last point first. It is a priority for me, and the money will be spent in the future. I hope that the ministerial advisory group can spend the money, but if it becomes clear that it cannot, I will make arrangements to make sure that the money goes straight out to the community.

Mr Sheehan: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire. Will the Minister explain why the total academy budget was not spent last year?

Ms Ní Chuilín: The ministerial advisory group on the Ulster-Scots Academy was unable to spend its full allocation because there was not the required time to second suitable staff, develop business cases and secure the necessary approvals for proposed projects. As I mentioned earlier, almost £500,000 was surrendered in the January monitoring round. A further underspend of £245,000 was identified in February.

The group has taken action to ensure that its future budget allocation will be spent over the rest of the CSR period, and that includes preparing draft research and development, a strategy and a grant scheme. The proposed grant scheme will fund projects that promote high-quality research to open up access to information and expand the appreciation of Ulster-Scots cultural traditions. It is a concern for everyone that such a large amount of money, allocated for a specific purpose, was not spent and, equally, that an additional underspend was incurred. Therefore, my officials and I will be closely watching and monitoring progress, particularly on that matter, because there is a big community out there waiting on services to be delivered. We need to make sure that that happens.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. Arís, gabhaim buíochas leis an Aire. I thank the Minister for her answers. The original question referred to the vision or concept for the Ulster-Scots Academy. I welcome that development. Will the Minister advise whether Ulster Scots, which many argue is a dialect, will be incorporated into that? I do realise that it is recognised as a language. However, will the Gàidhlig na h-Alba — that is,

the Gaelic that many of the people brought with them from Scotland during the plantations— be incorporated into that, as a part of that vision and a part of the academy?

Ms Ní Chuilín: I have not seen any specific examples. However, I assure the Member that, even at the most recent sectoral meeting of the British-Irish Council, which took place in Gweedore, a separate group, the Ulster-Scots Agency, along with Foras na Gaeilge, was party to the launch of Slí Cholmáille, which looked at the connections between the Irish language and people living in the north-west who went to Scotland and vice versa. We heard how not only the language but the culture that has been enriched, separated, enriched again and shared is taken forward. However, on the Member's supplementary question about the ministerial advisory group, I am not sure whether that specific aspect of the Scottish Gàidhlig language will be part of the proposed schemes.

Sport: Shared Services

3. **Mrs Cochrane** asked the Minister of Culture, Arts and Leisure whether she would support proposals for the provision of shared sporting services. (AQO 1914/11-15)

Ms Ní Chuilín: I fully support proposals for the provision of shared sporting services, which would greatly help to develop sports and improve relations in sport in the North. Under my Department's strategy for sport, Sport Matters, I am already promoting the provision of shared services and spaces for sport and encouraging all stakeholders to identify opportunities for greater sharing of sports facilities. Sport Matters also proposes, under its "places" pillar, the provision of multi-sports facilities and services that promote community integration. Furthermore, given the present financial climate, with resources becoming increasingly scarce and greater challenges put on them, there is a bigger focus on sharing existing facilities. I am sure that the Member agrees that that makes economic sense.

Mrs Cochrane: I thank the Minister for her answer. Following a proposal from some north Belfast schools — St Malachy's, St Patrick's and Belfast Royal Academy (BRA) — I wonder whether the Minister has had discussions with her counterpart in the Department for Social Development about the provision of some

shared sporting facilities on the Girdwood Barracks site?

Ms Ní Chuilín: I have had discussions with the three schools that the Member mentioned, as has the Minister for Social Development and most Members for North Belfast. They are very exciting proposals. However, the Member should be aware that those schools are currently sharing their facilities, so they are not waiting for the development of Girdwood. They, and other schools not mentioned, are sharing facilities; namely, the Belfast Boys' Model School, Belfast Model School for Girls, two of the Irish schools and the Irish primary schools. They are all sharing facilities. North Belfast has set a good example by showing other areas how that can be done, particularly given the challenging times that the area faced.

3.45 pm

Mr I McCrea: The Minister may be aware that Derrytresk Gaelic club outside Coalisland recently intended to carry out a road safety event as part of its programme of working with the police and the Fire and Rescue Service. Some local residents attempted to protest to stop that event happening and, unfortunately, they were able to do that. Will the Minister join me in condemning those who tried to stop that progress taking place? Will she try to ensure that such events continue to happen?

Mr Speaker: Order. The Member is certainly outside the original question, which was about shared sporting facilities. The Member is outside the remit of the original question, and we should move on.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I congratulate two Derry men, Darron Gibson and James McClean, on their selection. Will the Minister outline the progress that she has made with the relevant authorities through her Sport Matters strategy?

Ms Ní Chuilín: All politics is local. I commend the Member for getting that in. Hopefully, his statement will be in the 'Derry Journal'. Well done, Raymond.

The Sport Matters strategy focuses on sport, physical activity and physical recreation. We are only two years into its implementation, but there are signs of progress. The stakeholders include sporting bodies, the district councils

and the Department of Education. They have all signed up to the strategy and are co-operating in developing a shared and cross-cutting delivery of arrangements. Sport NI has also worked very closely with the Department of Education on the development of a policy that will support some of the issues that Members have raised in the past about opening up and sharing schools' sports facilities, particularly when school has finished. That will greatly benefit the rest of the community. We hope that that will be completed by the end of the summer, which, I am sure, will be most welcome.

Mr Copeland: Has the Minister engaged with her Executive colleagues to examine the possible relationship between education and local government in taking a strategic view of sports provision?

Ms Ní Chuilín: The answer that I gave to Raymond is a strategic approach to sports provision. Through the Executive, the Department of Culture, Arts and Leisure (DCAL) is tasked with developing a funded strategy for physical activity and sporting provision. Most local government bodies have been involved in the development of the sports strategy; indeed, they are on the sports monitoring group, which I chair. It is not the case that they come to the meeting to pass time; they come in a proactive way and bring forward ideas and examples of where we could all have a better and more joined-up approach. I am sure that the Member agrees that that is the only way in which we can deal with the issue.

Mr McDevitt: In the spirit of the question, I share Mr McCartney's best wishes for the two local men who were called up at the weekend. I express our best wishes to everyone competing at the highest level this summer in sports. It is going to be a great summer for sport across Europe.

Will the Minister indicate what specific targets or objectives she is working towards in shared sports services? Can she share with the House any numbers or specific priority areas?

Ms Ní Chuilín: I can write to the Member. There is a huge list of targets that have been met so far, and there are targets that have yet to be met. I am reassured by the approach and the can-do attitude that people are bringing to the table in relation to sports provision. Local government, in conjunction with DCAL, Sport NI, schools and disability sport, have been creative

in making sure that people who were left out or who were furthest removed from sport and physical activity are brought in. Given the problems that we have and the challenges that we face, particularly in relation to mental health and well-being, suicide prevention, obesity and diabetes, the health indicators that might have been a second thought or an afterthought in the past are now right in the middle. The previous Committee for Culture, Arts and Leisure delivered a report on those issues. They have been brought firmly into the middle and into focus. I am very impressed with people's commitment to date.

Sport: Youth Participation

4. **Mr Dickson** asked the Minister of Culture, Arts and Leisure what plans her Department has to develop a cross-departmental strategy to increase youth participation in sport.

(AQO 1915/11-15)

6. **Ms Brown** asked the Minister of Culture, Arts and Leisure what her Department is doing to promote sport and exercise among young people as part of a healthy lifestyle.

(AQO 1917/11-15)

Ms Ní Chuilín: With your permission, Mr Speaker, I will answer questions 4 and 6 together.

In 2009, my Department published Sport Matters, a 10-year strategy for sport and physical recreation that was approved by the Executive. It contains a number of targets specifically designed to increase participation in sports across the population, including young people. To ensure that the targets are delivered, a DCAL-led Sport Matters monitoring group, chaired by me, has been established to oversee the implementation of the strategy, including its sport participation elements. As I mentioned earlier, that group includes senior representatives of DCAL, the Health and Education Departments, the Department of Agriculture and Rural Development (DARD), the Department for Social Development, the Department for Employment and Learning and the Environment Agency, as well as representatives from local government. As part of the process, a Sport Matters action plan has been developed and published, which sets out detailed actions that are being taken forward to ensure that all the targets set out in the strategy, including those relating to young

people and participation in sports and exercise, are achieved within its lifetime.

Mr Dickson: Thank you for your reply, Minister. What action are you taking to deal with obesity among young people? Does she agree that it is a vital, cross-cutting issue that needs to be dealt with by her Department as well as the Education and Health Departments?

Ms Ní Chuilín: I am sure that the Member heard my response to Conall McDevitt. That seems to be almost a repeat of his earlier question. Obesity, better physical health and well-being, mental health and physical activity are right in the middle of the strategy, the action plan and its implementation, particularly for children and young people.

We need to make it easier, not more difficult, for children to participate in sport. Certain issues have been raised by young women, and older women said that sport at school put them off involvement or participation in sport for the rest of their adult lives. We all want to make sure that that does not happen. All the health and well-being indicators, as well as the social ones, are in the middle of the action plan.

Ms Brown: I thank the Minister for her response. As already mentioned, and as the Minister is aware, obesity is a very serious issue facing the health and well-being of future generations. Will the Minister tell me how she is working with the Ministers of Education and Health to ensure that children in particular benefit from a healthy and active lifestyle?

Ms Ní Chuilín: I am sure that the Member heard me list the Departments earlier, all of which have high-level representation in the monitoring group. I also sit on the children and young person's ministerial group, and a lot of these targets and actions overlap, which I think is a good thing. No Department should work in isolation. Through attending the ministerial subgroup on children and young people, I bring to other Departments information on what DCAL does to end exclusion and provide better opportunities. The Sport Matters strategy is one such issue, and crossover with other Departments and bodies working on our behalf is essential.

Mr Humphrey: I appreciate the opportunity to ask the Minister a question. She mentioned working across Departments and consulting. I agree entirely about sharing facilities, as she

mentioned earlier in reference to North Belfast, as that is important when working with councils, universities, private clubs, and so on, to ensure that there is no duplication. I hope that, when the Minister consults, she does not leave out those involved in working with young people, not just clubs and youth clubs, but state youth organisations such as the Boys' Brigade, the Scouts, the Girls' Brigade, the Church Lads' Brigade and the Girl Guides.

Ms Ní Chuilín: I am aware of the Member's work in this area in North Belfast. The strategy has been in progression for two years. The feedback that we got, particularly about the community empowerment partnership (CEP) model in north Belfast, was very good, because the organisations that the Member listed were not just involved in traditional activities, particularly around the Scouts. They provided children with opportunities that they would not normally have had, which is very important.

I mentioned young girls earlier. Just recently, at Queen's University playing fields, five sports were represented that children, particularly young girls, would never have had the opportunity to play. Those children came from GB, Girl Guides and club backgrounds and would never normally, for example, have had the opportunity to play camogie. The girls from camogie clubs might never have had the opportunity to play hockey or rugby, and they got involved in that, which was very good.

It is important that the groups that emerge and develop and those that have been working for a long time do not become invisible to departmental strategies, because that is where people feel excluded and alienation creeps in.

Mr Speaker: Questions 5 and 7 have been withdrawn. Question 6 has already been answered.

Fracking: Fish Stocks

8. **Mr Agnew** asked the Minister of Culture, Arts and Leisure whether she has any concerns that fracking could have a damaging impact on fish stocks. (AQO 1919/11-15)

Ms Ní Chuilín: It was hard to flick through that very quickly.

I have great concerns about the potential impact of fracking on the natural environment and habitats. I have ensured that DCAL's inland fisheries group is notified of all hydraulic

fracking applications as part of the consultation process. All hydraulic fracking applications — I will just call it fracking — are submitted to the Department of Enterprise, Trade and Investment (DETI) under section 11 of the Mineral Development Act (NI) 1969. DCAL officials will make an assessment of the potential impact of any fracking activity on fisheries, and this will be considered in the overall assessment of each application. DETI has recently established a shale gas forum to address recent interests and concerns about fracking. DCAL's inland fisheries group is represented on this forum.

Mr Agnew: I thank the Minister for outlining the significant concerns that there are about fracking and the potential impact on fish stocks. She mentioned the shale gas forum. Would she support proposals to make that forum more open and transparent, given the significant level of public interest and concern around this issue, and to assure the public that Departments are working in the wider public interest?

Ms Ní Chuilín: I support what the Member is asking for. All Departments need to provide clarity and transparency, and there certainly needs to be clarity and transparency around this issue. The shale gas forum has representation from other stakeholders — the Department of the Environment, planning, environmental policy, the Environment Agency, the Health and Safety Executive, DARD and NI Water. Those are just a few examples of public bodies sitting on the forum.

We all have a section 75 duty to make sure that it is inclusive, but if the Member has identified any gaps, perhaps he would forward them to the Minister of Enterprise, Trade and Investment. I agree that, particularly where new fora have been established, people question, even if not in a critical way, the representation on the boards and how the work of the boards is transparent to people in the community.

Mr Flanagan: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her answers so far. She will be well aware of the importance of the lakes and waterways to people and to tourism in Fermanagh. What are the potential risks to fisheries in Fermanagh, given that the company behind these plans seems to think that it can lift as much water as it wants from lakes such as Lough Macnean if fracking goes ahead?

Ms Ní Chuilín: Any potential threats to fish would be the same regardless of which lake they were in, but I take the Member's point about

Fermanagh. The fracking process requires large amounts of water, which may be abstracted from water bodies in the vicinity. This could result in a lowering of the water levels, which would have a detrimental effect on fish populations.

Over 50 different chemicals can be used in the fracking process, and although much of the water and chemicals are collected during the process, they have the potential to pollute ground water that could, in turn, seep into surface waters, resulting in fish kills. Only a small amount of the water used for pressurisation can be reused in the operation, but almost 60% will be stored on site, which could become a potential pollutant source.

4.00 pm

Mr Kinahan: The Minister said that every fracking application will be based on an assessment of the harm that it would do to fish stocks. However, to know what harm fracking will do to fish stocks, we need a baseline. When will the Minister have a baseline for the stocks of fish in all our rivers and loughs?

Ms Ní Chuilín: I commend the Member for weaving that question in, but our baseline for fish stocks is really about conservation. It is a bit ridiculous to suggest that I would know how many fish there are in each lake, and I do not, for one moment, think that the Member is suggesting that.

Mr Lynch: He is.

Ms Ní Chuilín: Maybe he is. Perhaps I will go and count them myself. *[Laughter.]* I take on board what the Member said, and I acknowledge his concerns about fracking.

Mr Speaker: Order. That ends Question Time. I ask the House to take its ease as we move into the next item of business.

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

Private Members' Business

Victims and Survivors

Debate resumed on motion:

That this Assembly recognises the significant number of victims and survivors who need appropriate help and support to enable them to deal with the legacy of the past; further recognises the important work of the Northern Ireland Memorial Fund in addressing the specific needs of victims and survivors; and calls on the First Minister and deputy First Minister to consider the implications of the European Parliament's proposed legal definition of a victim contained in its draft directive to establish minimum standards on the rights, support and protection of victims of crime.
— [Mr Nesbitt].

Mr Kinahan: I am very pleased that we are debating this motion. I start by reiterating what my party leader said earlier: this is a critical time for all victims. That is really what we should concentrate on today.

None of us wants to see victims, and we never want to see it happen again. Yet, as we look in our newspapers, we see that groups are still stirring and trying to fight their causes. Those groups should put all their energy into helping their communities in other ways and should channel their energies elsewhere. We may not have a perfect system in the Assembly, but it is much better than what we had in the past 40 years. We need to do things better in the Assembly, and that will require leadership from us all. While certain parties are still pushing for a united Ireland or for other issues, our failings give fuel to their dreams and to those who feel that we are not achieving. However, they will not achieve their aims through us. There will always be trouble and, therefore, we will always have victims. So I reiterate that it comes back to leadership, and all of us need to be involved. We have the Good Friday Agreement and a good way forward. Let us make sure that every party is leading the way forward.

When you look at the motion, you think of the number of victims of the Troubles; we have heard about the 40,000 and many more victims. I draw Members' attention to a very good book that came out last week, which highlights, in shared memories, some of the awful stories and

the bravery of members of our Wounded Police and Families Association. However, that is just one area; there are many other areas in which people still suffer. The loss to family life and communities and the torture and pain, whether emotional or physical, is appalling. At the same time, we need to remember to thank all the carers. Therefore, I go back to where I started: none of us wants to see it happen again, and it is up to us to reach out and to try to find a way forward.

The third part of the motion is driven by the regulations and guidelines of the EU. There is a new definition of and a new assessment for victims that we should be ready for.

So, as an Assembly, let us make sure that we get ready for it.

Mr McDevitt: Will the Member give way?

Mr Kinahan: I will give way.

Mr McDevitt: Does Mr Kinahan accept that the definition of a victim of crime that is offered in the draft EU directive is the definition of a victim of crime that is currently that used in the jurisdictions of the Republic of Ireland and the United Kingdom? The directive will not change anything for us; it simply seeks to harmonise that definition in the EU.

Mr Deputy Speaker: The Member has an extra minute.

Mr Kinahan: Thank you very much. Yes, I realise that that is what the directive does. However, I would also like to point out that, while the EU discusses these matters, we have a chance, as a body, to lobby it and to make sure that the definition and the assessments that we want as a body are included, so that we can ensure that no more victims are created in the future.

We have our chance to influence the directive. The time that we have to do that is very short. We probably have only a year before the EU passes it. So I go back to my point: we need to use our MEPs, our four Assembly representatives and the power and influence of all our Departments. A look at what happened in Strangford lough and the EU fines that are threatened over the mapping in the Department of Agriculture and Rural Development (DARD) shows that we do not have a good history of engagement with Europe. The EU will adopt the directive, but we have a chance to change it and we will then have three years in which to get ready.

Let us make sure that we are ready and have a system in place that ensures that we can look after our victims properly and that we have the resources there. That is because we are not talking just about terrorism today; it is also victims of human trafficking, of organised crime, of violence in close relationships, of gender-based violence and much more. We must get ready, which is something that the Assembly has not been good at. So let us make sure that we focus, engage and get all the right systems in place, because that is what we should be doing today. We owe it to all victims.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. My party colleagues Mitchel McLaughlin and Francie Molloy stated the Sinn Féin position that there must be no hierarchy of victims and survivors in this society as it emerges from conflict; that we must not create any such hierarchy; and that Sinn Féin is opposed to the creation of a two-tier or multi-tiered system of victim status. I am absolutely for the provision of proper support systems, mechanisms and services for victims and survivors of the conflict, but I am not prepared to support the exclusion of the victims of British state violence or their relatives from any service or any definition.

Before I make my next point, I acknowledge the hurt and suffering on all sides of the conflict and the truism that the protagonists in the conflict came from all sides. I have no desire to cause offence to anyone, and I know that my remarks will be seen from different perspectives. I want to record that today — Tuesday 8 May — marks the twenty-fifth anniversary of the deaths at Loughgall, County Armagh, of eight IRA volunteers and Anthony Hughes. This evening, there will be a commemoration for those men in Cappagh, County Tyrone, and a mass that I and many others plan to attend.

I wish to record the fact that the men's families and a wide section of the community where I come from were traumatised by the deaths of these nine men, who were loved and respected by their families and their community. To the families of those killed at Loughgall, I express Sinn Féin's support for their pursuit of truth and answers to their entirely legitimate questions around that shoot-to-kill operation by the British Army. I want support services for victims and survivors to be inclusive.

Again, I preface my final remarks with an appeal for unionist MLAs to accept that we approach this subject from different perspectives, experiences and community sensitivities. In the debate, unionist MLAs should not set out to dehumanise Irish republicans or nationalists in this conflict. Earlier, Maurice Morrow, I am sure quite correctly from his perspective, made certain remarks about a political prisoner called Gerry McGeough in Maghaberry prison. In my view, he is a supporter of the peace process and is a qualifying prisoner for immediate release under an agreement between the British and Irish Governments.

I also want to take issue with last week's inquest findings, which sought to justify the British Army killings, also near Loughgall in a separate and later incident, of Dessie Grew and Martin McCaughey. There was no such justification, and I record my support and Sinn Féin's support for those families.

Mr Eastwood: I am disappointed that the Ulster Unionist Party decided to table this motion. We need to understand that the proposed definition of a victim does not meet the needs of many of the victims of our dreadful conflict. In fact, the SDLP supports the European Parliament's attempt to harmonise across all member states the definition of victims of crime. It is absolutely clear that this definition was never meant to be applied to victims of conflict. From reading the transcript of the debate in the European Parliament, it is clear that that definition was never intended to be applied to issues of civil conflict here or anywhere else in the EU. It is unfortunate that the Ulster Unionist Party is attempting to narrow the definition of victims in our conflict. However, the motion highlights that we still have no comprehensive mechanism for dealing with the past.

Mr Kinahan: Thank you very much for giving way. In article 21, we are told that the text currently states that particular attention should be paid to the victims of human trafficking, terrorism, organised crime, violence and others. Therefore, it does intend that.

Mr Deputy Speaker: The Member has an extra minute.

Mr Eastwood: Thank you for the intervention, but your party has stated already that this proposed definition will apply only to victims who have been included as part of a so-called crime. We all think that a crime is a crime is

a crime, and I agree with Mr Allister on that. Unfortunately, in the eyes of the law, that is not the case for many of the victims of our very troubled past. We as a party believe that real peace and reconciliation will be achieved only when we acknowledge and account for the past and address the suffering of all victims and survivors. Truth, healing, justice and dealing with our past will be stalled if those who know the most and did the worst over the years of the conflict fail to step forward in openness and honesty. This is the work that we must be engaged in and which we must be getting on with to truly deal with the past and truly bring about reconciliation for all our people.

It was only last week that the new Victims and Survivors Service was opened. This organisation should be allowed to do its work and should not be hindered by narrowing the scope of its work. Many of the victims of our conflict would not be included if we used only this narrow definition. During our troubled history, many people were killed here who would not be included. I would ask the proposers —

Mr Allister: Can the Member give an example of someone who is killed as the product of the carrying out of a criminal act who would not be included as a victim of crime?

Mr Eastwood: I am coming to that. Do not worry.

I ask the proposers of the motion to consider the fact that many people who we know as victims were not, technically, killed as the result of a crime. I ask the proposers and Mr Allister this question: does the fact that no one has ever been charged with the murders of 14 people on Bloody Sunday in Derry in 1972 and that no criminal prosecution or investigation is yet under way mean that the Bloody Sunday families would not be included in this definition, after all that they went through and given that people across the world have now realised that that was a crime and was unlawful?

I hope that the motion was not tabled to create a hierarchy of victims, and I appeal to the Ulster Unionist Party to remove that part of the motion and support a wider definition of victims for all those who were killed in the conflict. Rather than coming in here to create political arguments over the past, we should all dedicate ourselves to finding an all-encompassing mechanism for dealing with the past and meeting the needs of all victims.

4.15 pm

Mr G Robinson: This debate gives the opportunity to acknowledge the ongoing and everyday struggle that victims and survivors endure on a daily basis, whether through physical or hidden injury. We must not forget that theirs will be lifelong struggles, and we must support the provision of mechanisms for every individual if and when they require help. There are numerous individuals with physical and hidden injuries in Northern Ireland, including former members of the security forces; the RUC, the UDR, the B-Specials, prison officers and members of Her Majesty's armed forces, and innocent civilians from both communities — and I stress that I said both communities — many of whom gave up their spare and family time to protect this country from total anarchy.

Mr Humphrey: I am grateful to the Member for giving way. Earlier in my contribution, I paid tribute to all those who served in the security forces throughout the Troubles and continue to serve here in Northern Ireland. Does the Member agree that those who served in the Royal Ulster Constabulary and continue to serve in the police, and those who served in the UDR and the Royal Irish Regiment and continue to serve, particularly those from the Roman Catholic community, are among the bravest of the brave, because, on returning to their homes, they and their families did not have the protection of barracks or stations or those guarding them at night?

Mr G Robinson: I agree entirely with my colleague.

It is my firm belief that someone who perpetrates the acts that caused injuries to innocents must in no way be equated with the victims and survivors of terrorism. That would be the greatest insult to the innocents whose lives were taken and those who were left with injuries to deal with daily. For me, to compare the two would be the greatest insult imaginable. We must never compare the bomber or gunman with those whose life they took or destroyed. That should be clear and unable to be misinterpreted in legislation.

DUP MEP Diane Dodds put it eloquently:

"it is vitally important that no individual who was/ is a member of a proscribed organisation as listed by the sovereign government of a member state at the time of the offence should be equated with the same status of their victims."

Diane also drew attention to the need to support those in Northern Ireland who are suffering due to the impact of terrorism on their mental health. Thankfully, that is increasingly being recognised. I commend my colleague for her stance and agree with her wholeheartedly.

I want to make it clear that I support the introduction of victims' legislation. I must, however, stress the need for services to be delivered by suitably qualified organisations and people. Money is scarce, so we must use it wisely and target it responsibly.

In conclusion, I pay tribute to the families who lost loved ones and to those who will forever carry the scars, visible or otherwise, of what we call the Troubles. They deserve and need our support, but let us make sure we give it in a way that does not equate perpetrator with victim.

Mr A Maskey: Go raibh maith agat, a LeasCheann Comhairle. I would like to say a few words on the motion, but I must first apologise for not being here to hear the earlier part of the debate. However, even from the little part of the debate that I have heard thus far, I think it is fair to say that we have come a little bit of the way towards dealing with these things on a more mature and rational basis.

From our party's point of view, and I think from the view of many others, there should be no hierarchy of victims as has been described. We have to acknowledge, as the motion suggests, that there are a significant number of victims and survivors who need appropriate help and support to enable them to deal with the legacy of the past.

I have no hesitation in saying that one of the singular failures of our process to date is that we have not managed to grapple with how to deal with the legacy of the conflict. However, to echo Danny Kinahan's earlier remarks, it is important that we acknowledge that we have come a long way: we have, to all intents and purposes, put the conflict behind us. Although there are still some difficulties, none of which I want to minimise, we have, by and large, laid the conflict to rest, and we are in a much better place than we were a number of years ago. Again, that is not to suggest for one second that we are complacent or that we do not recognise that we have not properly grappled with the effects of the past and our conflict and with how that has impacted on many of the people we

represent; people who have been victims of the conflict from all sides and from all perspectives.

Certainly, as I said, our party's view is that there cannot and will not be any hierarchy of victims. Everyone who has lost a loved one or who has been injured is a victim of this conflict, no matter who the perpetrator may have been. We can rehearse all the elements from which the conflict came, the cause of the conflict, the working out of the conflict and all that. However, I was a bit more encouraged by the fact that I heard people address the issue this afternoon without descending into what might have been described some time ago as a vitriolic tit-for-tat response. We have not really seen that today, and that is very encouraging.

I hope that victims and survivors of the conflict will take some encouragement from the fact that, most importantly, we have, by and large, laid the conflict to rest and that we are still working to make sure that we make the peace process successful and beneficial for everyone. I hope that, in the time ahead, those people get the support that they need from us. As Danny Kinahan said earlier, they require the kind of collective leadership that will continue to move this society forward and that will enable us to make progress on the political front and the peace front and ensure that there will be no other victims. It is essential that we tailor support to the needs of victims and survivors as individuals or in groups. If they choose to work within groups or with friends and colleagues, that is their choice. We have to take them at face value; we cannot say that we have a victim-centred approach if we do not take heed of what victims say, whatever perspective they present themselves from.

I was very pleased to hear the more positive contributions today. Again, I stress that, as far as we are concerned, it is perhaps useful and wise to look at other examples, whether from the European Parliament or in a European directive. We should look at those examples, if they are enacted, to see if they are applicable to here. If they are, let us benefit from that. If they are not, let us ensure that the current definition of victim is at least retained, if not built upon, in the time ahead.

On behalf of the party, I want to re-emphasise a number of points. First, there cannot be any hierarchy of victims, because, at the end of the day, there are people who are suffering as a

result of our conflict and they are not going to ask, "Who caused my conflict?" or "Who caused my pain to be greater than somebody else's?" People who have suffered know that their pain is the same as everybody else's. In many cases, many victims have shown tremendous courage and leadership by enunciating that type of ethos over the years. They have shown leadership themselves. In the quest to lay the legacy of the past to rest, we have to make sure that, as we move into the future, we provide a collective and mature leadership and that we give our support to victims —

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

Mr A Maskey: — as they need it in the time ahead.

Ms M Anderson (Junior Minister, Office of the First Minister and deputy First Minister): Go raibh míle maith agat. I thank all the Members who took part in the debate, in particular for the way that they contributed; they did so in a very sensitive and caring manner.

Providing appropriate help and support for victims and survivors remains, without doubt, a key priority for the Assembly and the Executive. As the lead Department in providing support for victims and survivors, the Office of the First Minister and deputy First Minister has been working to raise awareness of and co-ordinate activity on issues affecting victims of the conflict across Departments and throughout the North of Ireland in general.

As Mike Nesbitt said when he opened the debate, the Victims and Survivors Order 2006 gave the Victims' Commission a statutory duty to establish a forum. The victims' commissioners have recently appointed 25 individuals, and neither the First Minister nor the deputy First Minister made recommendations or had an approval role in their appointment.

There was a registration meeting of the forum, as we said during Question Time, on 26 April. That will be followed by a two-day induction meeting, with the first formal sitting on 21 June. I want to be clear on an issue raised during the debate: the two junior Ministers are more than willing to meet with forum members.

A new Victims and Survivors Service has been established and, as Colum Eastwood said, should be allowed to do its work. The service is

a new arm's-length body of the Office of the First Minister and deputy First Minister. It opened its doors on 2 April and was officially launched by Jonathan Bell and me on 2 May.

Mike Nesbitt, Francie Molloy, Chris Lyttle and others want the new service to reach out to a group of people described as "the hidden victims." We assure them that there is a stream of work being undertaken to increase the awareness of the services available. Since the new service opened its doors, it has had almost 200 callers, many of whom had not approached existing providers.

The service has been tasked with the co-ordination of the delivery of services to meet the needs of individual victims and survivors of the conflict, as defined by the Victims and Survivors Order 2006, which Alex Maskey just referred to. As Peter Weir said, efforts were made to change the definition, but they did not get the support required. It is my personal view that the current definition, which was arrived at after much consideration, is fit for purpose. As Barry McElduff and Colum Eastwood said, it is wrong to attempt to create a hierarchy of victims.

Mr Allister: Will the Minister give way?

Ms M Anderson: No, I would prefer not to.

Mr Allister: I wonder why.

Ms M Anderson: I would prefer the debate to be conducted in a very serious and caring manner — *[Interruption.]*

Mr Deputy Speaker: Order.

Ms M Anderson: — as has been the case thus far.

William Humphrey asked whether the service will have enough funding. During 2012, it is planned that the Victims and Survivors Service will take responsibility for the administration of all the current funding that is provided to groups that work with victims and survivors through the Community Relations Council's victims unit and to individuals through the memorial fund. That will continue and build on the work carried out by those organisations.

The service is committed to improving the standard of services that are provided to victims and survivors. It will do that by making sure that all service providers and services meet the minimum practice standards, as published by the Commission for Victims and Survivors. The

service now offers individual assessments of the needs of victims and survivors in relation to their physical and mental health and well-being, personal development, social support and advocacy. Those assessments have already begun. When needs have been assessed, the service will create an individual package to best fit the needs of the individual.

For the sake of Members here and the board members of the memorial fund, I want to be clear that junior Ministers are more than willing to meet representatives of the memorial fund. Regular meetings between representatives of the memorial fund and officials from our office have taken place. In fact, officials met representatives from the memorial fund to discuss the transfer of function plans three times last week.

Many Members mentioned the importance of the memorial fund and how it has addressed the specific needs of victims and survivors by providing them with help and support in a practical and meaningful way through the provision of direct financial assistance based on assessed individual needs. Over the past two years, £7.3 million of funding has been channelled through the fund, providing direct financial assistance to individual victims and survivors, including those suffering from psychological injury. A further £3.4 million has been awarded for this financial year.

That will provide support for victims and survivors across a wide range of schemes, including financial assistance, chronic pain management, care for carers and disability support.

4.30 pm

The memorial fund has delivered a vital lifeline for victims, providing them with sensitive and critically important support in their own communities. Further to the help and support that the memorial fund has provided, OFMDFM has provided funding for victims' groups through the Community Relations Council, and we acknowledge the work done.

Over the past two years, the Department has provided in the region of £13.7 million of victims' funds through the Community Relations Council's strategic support fund and development grants scheme. A further £7.3 million has been allocated for this financial year. That funding allows groups to provide invaluable services to victims and survivors. It takes

cognisance of the needs of victims as identified by the commissioners' comprehensive needs assessment: health and well-being; social support; individual financial need; truth, justice and acknowledgement; welfare support; trans-generational; and personal and professional development.

The victims' programmes administered by the memorial fund and the Community Relations Council will be subsumed into the new service over the coming year. It is our intention that those groups and individuals in receipt of funding will not be adversely affected by the changes or see a difference in the service provided.

With regards to the European Parliament's proposed legal definition of a victim, the Department is aware of the draft directive referred to in the motion. The directive refers principally to the rights of victims in the legal process and therefore is not directly comparable with the objectives of the victims' service in the North of Ireland, which relate specifically to the everyday psychological and social needs of victims of the conflict here.

If it were to apply, the definition proposed by the directive might severely restrict those who may be able to avail themselves of the current services, as the directive relates to the rights of all victims, primarily in the context of criminal proceedings, as opposed to the Department's objective, which is the provision of services and support to victims and survivors of the conflict in the North on assessed needs. The victims and survivors of the conflict may have a view on that, and it is, of course, essential, as Chris Lyttle said, that their views are heard and taken into account.

With regards to the interpretation of what constitutes a family member, the draft directive interpretation is much wider and therefore could, perhaps, present a challenge. Again, because the directive relates to the rights of all victims, that widens the focus that we currently have on the provision of services and support to victims and survivors of the conflict here. However, Ministers will, of course, without doubt, take due consideration of any relevant section should the directive come into force, and we will liaise with our colleagues in the Department of Justice if we need to do so.

It is sad but true that we cannot change what happened here during the conflict, but through a process of leadership, as Danny Kinahan said,

through a process of reconciliation and healing, we can work together, I believe, to build a better future for all.

Mr Elliott: I thank all those who contributed to the debate. Clearly, I was listening to party leader Mike Nesbitt who, opening the debate, highlighted the issues around the motion and its three sections. I was moved when he referenced Hugh Rowan, who highlighted clearly a number of the deficiencies and failures of the current process, maybe without saying it in those terms.

Mr Nesbitt and other Members paid tribute to the staff and board members of the Northern Ireland Memorial Fund, a group that has carried out work but often gone unnoticed as victims in society. Although I appreciate that you cannot force people to accept help, there are people who are not involved in any group or organisation but who need help.

I noted and appreciate Mr Humphrey's support for the change in the definition of a victim. Lord Morrow continued in that vein and also highlighted the differences in the SDLP position. He was rightly concerned that the SDLP cannot continue to sit on the fence. I was more than surprised at Mr McDevitt's contribution, which I would term as an anti-European Union speech. I am surprised at what appears to be Mr McDevitt's and Mr Eastwood's opposition to people being defined as victims because they have been subject to a criminal offence. I cannot for the life of me understand why they would object to or not support such a definition.

Mr Eastwood: Will the Member give way?

Mr Elliott: I am quite happy to give way.

Mr Eastwood: Maybe the Member missed what we said. Will he accept that we said that the SDLP completely supports the European Parliament's attempt to harmonise the definition of victims of crime across member states? That is the reason for the debate and the proposed draft directive. However, what we also said was that that does not imply that it should be used in a post-conflict situation such as ours or any other across the European Union. It would be a bit disingenuous for the Member to say that we did not say that.

Mr Elliott: What I am hearing is that it is right for some but not others. You cannot pick and choose. You are either a victim of a crime or

you are not. I have to say that Mr Eastwood has failed to identify that. I heard —

Mr Allister: Will the Member give way?

Mr Elliott: OK.

Mr Allister: The Member puts his finger on a critical point. We have heard much talk today about a so-called hierarchy of victims. Does the Member agree that there are indisputably two categories? There are victims, and there are victim makers. It is because the perverse legislation that we have equates the two that we have the absurdity of the present situation and the perversion that the person who responds to this debate on behalf of the Government is herself a victim maker and a convicted terrorist.

Mr Elliott: I thank the Member for that. I was going to come on to at least some of those points. Mr Maskey came in at the end of the debate and said that we had come a long way in dealing with these issues and laid the conflict to rest. It was quite obvious that Mr Maskey had missed quite a large part of the debate, because Mr Molloy, who spoke earlier, changed its entire tone. All that Mr Molloy could do — Mr McElduff was not far behind him — was criticise me, the British establishment and the British security forces. What way was that to take the debate forward? We were trying to have a genuine debate on victims issues in Northern Ireland, but those Members on that side of the House lowered the entire tone. Mind you, I suppose that I would not expect anything better from some of those Members.

Mrs D Kelly: Will the Member give way?

Mr Elliott: Very briefly.

Mrs D Kelly: First, I am sure that the Member will accept that the SDLP was never a victim maker of any description. Secondly, when defining people as victims, do you accept that there were also victims of state violence, including the families in Ballymurphy?

Mr Elliott: I accept that the SDLP, as far as I am aware, has not been a victim maker. Members talked about not allowing a two-tiered system or a hierarchy of victims. There is a hierarchy of victims already. If I were a real innocent victim, I would not think it fair for the people who caused me to be a victim to be classified in the same vein as me.

I would be very surprised if anybody here, especially from the SDLP Benches, would actually accept that, because I do not. That is why there is already a two-tier system.

Mr Eastwood: Will the Member give way?

Mr Elliott: I am sorry, Mr Eastwood, I will not give way any more. That is why we have to get a system that is fair and equal. That is what the victims of this society are calling out for, and we do not have it at present. If Sinn Féin Members have moved on as far as they often tell us they have moved on, I would be really surprised if they do not recognise the hurt that there is in all communities.

It was almost implied that we are all perpetrators to some degree, but I do not accept that. There may have been perpetrators from all sides, but only some people were the actual perpetrators. The offenders who went out and murdered and maimed people of this society, whether they were members of the security forces or the general public, should not be allowed to be classified in the same vein as the people whom they made the victims.

I agree with Mr Allister. I have to say that it makes me very uncomfortable that the junior Minister who was responding on behalf of the Department today was allowed to make what I suggest was almost a Sinn Féin rant as opposed to a ministerial response. That is very concerning to me and I am sure to many others in this House.

Mr A Maskey: Will the Member give way?

Mr Elliott: I will give way very briefly.

Mr A Maskey: I ask this question genuinely. You opened your remarks by saying that you wanted to keep the debate on a level playing field and at the most mature level. You criticised Francie Molloy and Barry McElduff, and that is fine. That is your choice to do that. I am not saying that you are a victim maker. I did not level that allegation against anybody in this Chamber today, or indeed, against anybody. However, does the Member not understand that he comes from a UDR background, and it may be difficult for some people to think that they are being lectured by someone who was a member of an organisation that was detested by a lot of people in one section of our community? I ask you to reflect on that. I do not even want you to

respond to it because I have not accused you of anything.

I liked what I heard from Danny Kinahan, who talked about showing leadership to keep moving this process forward. If that was your plan, I advise you and urge you to stick to it.

Mr Elliott: Mr Maskey should reflect on his own history and on the history of those in his party before he starts lecturing me and others. Clearly, he has not moved on to witness who the real victims are. *[Interruption.]*

Mr Deputy Speaker: Order. All remarks should be made through the Chair, please.

Mr Elliott: Mr Maskey and some of his party colleagues have not moved on to recognise that, if there are real innocent victims in this society, they should be recognised as such and not those perpetrators —

Mr Campbell: I thank the Member for giving way. Does he accept that, in general terms, whatever oversight or overreaction may have occurred in a tiny minority of occasions in terms of security forces personnel cannot be compared to deliberate, pre-planned, pre-organised intent to murder on the part of terrorists? The two things are not equal.

Mr Elliott: There is recognition of that. If there is not open recognition from all sides, I am sure that there is private recognition. When you have witnessed the number of people who were murdered by paramilitaries and terrorists in this society, it speaks volumes. It says more than I can ever say in this debate today, and it says more than anybody else in this House can say. You need to listen to the real victims of this society. You need to listen to the people who have had their loved ones murdered in cold-blooded circumstances. Even to this day, if you visit the homes of some of those people —

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

Mr Elliott: — you hear how they brought up young families under those circumstances because of the cruel, callous murderers and terrorists in this society.

Question put and agreed to.

Resolved:

That this Assembly recognises the significant number of victims and survivors who need

appropriate help and support to enable them to deal with the legacy of the past; further recognises the important work of the Northern Ireland Memorial Fund in addressing the specific needs of victims and survivors; and calls on the First Minister and deputy First Minister to consider the implications of the European Parliament's proposed legal definition of a victim contained in its draft directive to establish minimum standards on the rights, support and protection of victims of crime.

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

4.45 pm

Motion made:

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

Adjournment

Lisnevin Prison Service Site, Millisle

Mr Principal Deputy Speaker: The proposer of the topic will have 15 minutes, the Minister will have 10 minutes to respond and all other Members who wish to speak will have approximately eight minutes.

Mr Easton: I bring forward this Adjournment debate because of deep concerns from residents living in Millisle. For many months, they have been hearing alarming rumours about the future of Lisnevin.

I suppose I should start with a brief history of the Lisnevin site. It was a family summer home, turned young offenders' home, and it is now the Lisnevin training school, a prison officers' training centre. Lisnevin school was an industrial school and was sometimes called Millisle borstal after it moved to its location in 1931. It closed as a detention centre on 7 October 2003.

On a humorous note, it is apparently haunted by ghosts, which still walk the halls. The story is that a butler threw a maid off the rocks, just off the shore at the borstal, after killing her and dragging her through an underground tunnel that has now been blocked. I do not know if that is true, by the way, but that is the story.

Rumours started to surface about the future of Lisnevin when I was approached in August last year by the Millisle Community Association, which had been given information that works were under way on the site. They had been informed that there were plans afoot to put category C prisoners on the site. As a result, I decided to enquire of the Justice Minister what was going on. I did so by way of Assembly questions. I asked several questions and wrote several letters. One of the questions related to Woburn House on the site. The Minister replied that there were no plans to house

prisoners at the Woburn House/Lisnevin site in Millisle. I received a letter from the Minister on 24 September, and he confirmed that there were no current plans to use the complex to detain dissident republican prisoners or to house prisoners or youth offenders at any of the buildings on the site. A further letter on 1 February stated that there were no current plans to house women prisoners in the Lisnevin site.

Mr Ford (The Minister of Justice): Will the Member give way?

Mr Easton: No, the Member will not give way.

Those replies were of some comfort at the time. However, rumours persisted, and I was very surprised at the response to a question that I submitted for written answer on the subject of Lisnevin shortly after receiving that letter from the Minister. He said that the prison population had risen sharply in recent times and that an estate strategy had been prepared to address the population growth and the associated overcrowding issue. As part of the strategy, he said that consideration was being given to a number of sites that may offer the potential to provide additional continuing accommodation and that those sites included Millisle.

We can see what happened with regard to Lisnevin in the space of several days. We thought we had clear answers on the issue of housing prisoners on the Lisnevin site in Millisle, but that changed, and we were told that plans were being considered to house prisoners of some description on the Lisnevin site. I feel very disappointed with the Minister. He gave so many reassurances, and then, within a short space of time, those changed.

To make matters worse, one newspaper alarmed many residents in Millisle when it mentioned the prison review. It stated that a private US firm was being lined up to run a new women's jail in Millisle and that 60 women were to be transferred from Hydebank. It also said that prison chiefs and the prison review team were looking at moving 380 low category inmates from Magilligan to other parts of the Millisle site. You can see why residents of Millisle were becoming more and more concerned as that went on.

Today, Minister, you have a chance to explain why there have been conflicting answers from you and the Department and explain what your Department's plans are for the Lisnevin site.

If those plans are to house prisoners on the site, I assure you that that will be met with stiff opposition by me and the residents of Millisle.

The residents of Millisle had to endure years of concern when the site was used as a young offenders' home and there were numerous escapes and escape attempts. If there are to be changes on the site, will the Minister give a guarantee that there will be a public consultation and that he will listen to the views of the residents of Millisle? This, Minister, is your chance to put the rumours to rest. I hope that you will step up to the mark and put an end to these conflicting reports, which emanated partly from your office.

Mr Cree: Sorry, Mr Principal Deputy Speaker. I was at a meeting of the Commissioners, so I was sort of short-changed.

This matter has been going on for a long time. In fact, I was looking back, and one-time Member of Parliament James Kilfedder raised the issue in 1982, and Des Browne raised the issue of the future of the Lisnevin site in 2002. It is nothing new in that sense, and stopgap measures have been put in place in the meantime. However, there is considerable disquiet now because of what may happen at the site. As the previous Member who spoke said, there have been mixed messages. Certainly, from the raft of questions that was submitted and the Minister's answers, it looks as if something is planned, but it is not quite clear what. Of course, the estate strategy is not helpful in that regard. Therefore, it is a good opportunity for the Minister to clear up the situation if possible. If not, he should tell us exactly what the options may be at this point.

Mr Weir: I thank the Member for securing the debate. This is an opportunity to get clarity. Obviously, as has been indicated, concerns have been floating about Millisle for some time with regard to rumours, much of which I suspect are wild speculation. However, in the absence of facts, rumours tend to take root. For those who have a long memory of the former juvenile detention centre in Millisle, also known as the borstal, there are bad memories. From time to time, the sirens sounded when somebody had absconded from the site. Consequently, the perception or the fear of what may go there is very pertinent and, therefore, people are looking for reassurance.

When the estate strategy was published, it made reference to the training side. As soon as Desertcreat comes on stream, the intention is that the training side will be sold off. However, there was silence around the issue in the report. Indeed, the one pertinent paragraph was the issue of a contingency facility for a prison overspill. When officials attending the Committee were pressed, they gave us some examples: if there was a fire in one of the buildings of an existing prison or, which is slightly more worrying as it is the most likely occurrence, if there was a spike in the prison population — there have been variations of up to 9% in the prison population at times — and there was a need for an overspill, the lowest-category offenders could go to some contingency institution. When pressed, their indication was that this was something that would be carried forward and that someone would be appointed in July with the intention of finding an appropriate location, probably by the end of this year or early next year.

When pressed specifically on Lisnevin, officials indicated that Lisnevin and Massereene had been the two particular facilities that had already been looked at. As part of that, they used the phrase that they were “unpromising” or that they were not ones that were seen to be particularly fit for purpose. Although that does at least send out a signal that Lisnevin is unlikely to be the choice for a contingency location, the fact that it has not been formally ruled out creates and helps to fuel the concern of the local community. The fact that it will take time for the Department to produce a final report on the location means that residents have uncertainty and worry hanging over their heads.

I join the other Members who have spoken so far in appealing to the Minister. Millisle's location is slightly remote, as it is very close to the most easterly point in Northern Ireland. An awful lot of work would need to be done to the facilities to make them fit for purpose. Indeed, I wonder whether part of the facility might be sold off to another public sector body or to the private sector. I do not know how that could sit side by side with some sort of refurbished contingency prison. It strikes me that Lisnevin is completely the wrong place for this. I appeal to the Minister to kill off the speculation by giving an assurance today that Lisnevin will not be put to such use and that other locations will be sought instead. Give people that peace of mind.

Mr A Maginness: It is not my intention to speak at length, but Mr Easton raised a number of pertinent questions about the future of Lisnevin. He quite properly raised local people's concerns and worries. So this is a right and proper subject for an Adjournment debate. It would be very easy for us to say that people are overreacting and that there is too much speculation, etc. However, people need reassurance. So it is right and proper that the debate provides the Department and the Minister with an opportunity to give that reassurance to local people.

Mr Weir referred to the Justice Committee's consideration of the outline estate strategy. As far as this aspect of the prison estate strategy is concerned, there does seem to be a gap. There seems to be an intention to divest the estate of some part of the complex and not to bring prisoners to it. However, that was immediately contradicted by the inability to give an absolute reassurance, because there could be a contingency situation that requires prisoners to be brought there. I think that that is very unfortunate and that it is necessary for people to be given a clear view of what will happen. If prisoners are to be brought there, people need to be told that that will happen and which category of prisoners will be held there, be it women prisoners, younger prisoners or whatever. That ought to be done, and that is, I think, the purpose of this Adjournment debate, which Mr Easton secured. It appears that the Department is playing it both ways, and I would like that to be resolved. That is very important. I will leave it there and look forward to hearing what the Minister has to say.

Mr Ford: Given that the outline estate strategy is just about to go out for consultation, I cannot believe that Members expect me to give a hard and fast answer on the future of any part of the prison estate. There is not much point in having a consultation if a Minister prejudges it. In the absence of any firm position, we are clearly in danger of debating something that may never happen. Such a position is simply not possible when the estate strategy is about to be consulted on.

Mr A Maginness: Will the Minister give way?

Mr Ford: I will.

5.00 pm

Mr A Maginness: I do understand what the Minister is saying — that it is a draft strategy that is going out to consultation, and so forth — but even within a draft strategy, there should be very strong indications of what the Department and Minister feel about the particular strategy. So, it is not unreasonable and unfair for people in Millisle to ask what the thinking of the Department is — it may not be its definitive thinking — in relation to that complex.

Mr Ford: In response to Mr Maginness's point, I say that he and others who were present at the Justice Committee's consideration of the outline strategy — indeed, anybody who reads the Hansard report of it — will see the clear line of thinking that was put forward by officials, not as a firm position but as an indication of thinking.

The reality is that, since last September, I have had 18 items of formal business correspondence or Assembly questions relating to the future use of the Millisle site. I had three letters from Peter Robinson MLA; an Assembly question for written answer from Peter Weir; a letter from Jim Shannon MP; a letter from Lady Sylvia Hermon MP; a letter from a member of the public; and 11 items from Alex Easton, comprising five letters, one request for a meeting — he has not responded to an invitation to meet me — four Assembly questions for written answer and one Assembly question for oral answer.

On every occasion, the answer has been given that there are no current plans for the Millisle site. Although it is clear that there is an issue of the estate strategy needing to be open at this stage, the indication has been that there are no current plans. I really think that it would be better if the House judged me by the words that I give and the words that senior officials of the Department give, rather than writings in the 'Sunday World'. If there are plans, they will be subject to the usual full consultation, and Members of the House, residents of Millisle and of every part of Northern Ireland will have their opportunity. Until then, there is nothing I can say.

Adjourned at 5.02 pm.



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