

# Official Report (Hansard)

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# Northern Ireland Assembly

Tuesday 27 March 2012

*The Assembly met at 10.30 am (Mr Deputy Speaker [Mr Beggs] in the Chair).*

*Members observed two minutes' silence.*

## Assembly Business

**Mr A Maginness:** On a point of order, Mr Deputy Speaker. Yesterday, during the debate on the emergency service at the Royal Victoria Hospital, the Minister of Health referred to Mr McCarthy, a Member for Strangford, in the following terms:

*"Mr McCarthy, in true style as that of the village idiot, behaved in an opportunistic way and did not make any rational points whatsoever."— [Official Report, Vol 74, No 4, p269, col 1].*

I believe that the use of the term "village idiot" was contemptible, offensive, demeaning and outrageously hurtful. I ask you, Mr Deputy Speaker, to look at the remark, rule on it and, if you find my argument coherent and convincing, ask the Minister to withdraw that offensive remark and apologise to the Member, who is a respected Member of the House and should not be treated in such a shabby way.

**Mr Deputy Speaker:** I remind all Members that they should treat all other Members with respect in everything that they say, particularly in the Chamber. The Member has raised the matter, of which there will be a record in Hansard, and the Speaker will have an opportunity to review it.

**Mr McCarthy:** Further to that point of order — I thank the Member for raising it — I honestly did not hear the comment at the time because I was so engrossed in the subject that we were discussing, which is so important. I think that, when someone resorts to that type of language, they are losing the argument. In fact, on that occasion, the argument was lost.

**Mr Deputy Speaker:** The Member has made his point.

## Ministerial Statement

### North/South Ministerial Council: Trade and Business Development

**Mrs Foster (The Minister of Enterprise, Trade and Investment):** Mr Deputy Speaker, with your permission, I wish to make a statement in compliance with section 52 of the Northern Ireland Act 1998, regarding a meeting of the North/South Ministerial Council (NSMC) in trade and business development sectoral format.

The meeting was held in the offices of the North/South Ministerial Council in Armagh on Thursday 1 March 2012. The Executive were represented by me in my capacity as Minister of Enterprise, Trade and Investment and by John O'Dowd MLA, Minister of Education. The Irish Government were represented by Richard Bruton TD, Minister for Jobs, Enterprise and Innovation. The statement has been agreed with the Minister of Education, and I make it on behalf of us both.

Ministers welcomed the recently appointed chairperson, Martin Cronin, and vice chairperson, Joanne Spain, to their first NSMC meeting. The Council noted the planned retirement of the chief executive officer, Liam Nellis, and thanked him for his commitment and contribution to the work of InterTradelreland.

The chairperson and the CEO updated Ministers on InterTradelreland's performance and business activities. Of particular note in 2011 was the generation of £119.8 million of business value from companies participating in trade and innovation programmes and the fact that 2,576 companies have participated in InterTradelreland trade and innovation programmes and accessed cross-border business information and advice services.

Ministers discussed the recommendations highlighted in an InterTradelreland report, 'All

Island Public Procurement: A Competitiveness Study'. We noted the establishment of a North/South working group to take forward actions to improve the visibility and accessibility of the £18 billion public procurement market — a key driver of demand in the economy — and the capability of small and medium-sized enterprises to win tenders on a cross-border basis.

The Council noted ongoing and future initiatives developed by InterTradelreland to encourage and stimulate greater co-operation to increase applications to European Union framework programmes, including enhanced levels of SME participation. InterTradelreland analysis shows that 137 collaborative applications have proved successful, securing funding of €40 million for 50 proposals.

Ministers welcomed the continued success and development of the US-Ireland Research and Development Partnership, including the recent extension to include telecommunications and energy and sustainability. The Council noted InterTradelreland's draft annual report and accounts for 2011. The Council approved Tourism Ireland's business plan 2012 and recommended that the budget provision for 2012 be €62.7 million. The Council agreed to meet in trade and business development sectoral format in autumn 2012.

I commend the statement to the Assembly.

**Mr A Maginness (The Chairperson of the Committee for Enterprise, Trade and Investment):** I thank the Minister for her very comprehensive report on the meeting. I note the retirement of the CEO of InterTradelreland, Mr Liam Nellis, and take the opportunity to pay tribute to him and his leadership over many years and wish him well in his retirement. I am sure that the Minister shares those sentiments.

InterTradelreland is a very important element in economic recovery. I note the £119 million of value that has been generated from companies associated with InterTradelreland. Will the Minister advise the House whether there was any discussion of how to develop that further so as to increase the impact of trade between North and South and through InterTradelreland?

**Mrs Foster:** I thank the Chair for his comments, particularly those relating to the CEO, who tells me that he is looking forward to spending more time on the golf course. Undoubtedly, he will be with us for the Irish Open.

We had a discussion about how InterTradelreland can add value to the work, in our case, of Invest Northern Ireland and make sure that there is no duplication of the work carried out by both bodies. Subsequent to the Council meeting, I met the new chairperson, Martin Cronin, and he, too, is keen to ensure that the work that InterTradelreland delivers in Northern Ireland will add value, particularly for small and medium-sized businesses that, perhaps, Invest Northern Ireland has not traditionally worked with.

I referred to the amount of value that we were able to deliver through the work of InterTradelreland. For me, the fact that we had 68 companies participating that were first-time innovators is very important, as is the figure of 62 companies exporting for the first time. As the Member will know, we have stringent targets for more exports from Northern Ireland right across the world, but, of course, a lot of our first-time exporters export to the Republic of Ireland, and I am sure it is the same vice versa.

I look forward to working with the new chair and, indeed, with new and existing members of the board. I also look forward to the appointment of the new chief executive, which we hope will take place before the autumn.

**Mr Moutray:** I thank the Minister for bringing the statement to the House. Will she outline how InterTradelreland can further help local companies to procure contracts with the Republic of Ireland?

**Mrs Foster:** That will be done by making sure that our programmes are such that they will help small businesses in Northern Ireland. I am fond of the Go-2-Tender programme that InterTradelreland developed because that assists our companies to look at the public procurement market in the Republic of Ireland. There have been quite innovative ways in which InterTradelreland has tried to assist small companies, not least through trying to develop an app for iPhones. It has developed a version of the app for Android phones, which we hope will be launched quite soon.

We are doing all that we can to ensure that small and medium-sized companies are aware of the opportunities available to them in the public procurement market in the Republic of Ireland. We want to make sure that, in the words we used at the Council meeting, they have visibility and accessibility but also the capability to apply to

those public procurement markets. I hope that InterTradelreland will be able to assist companies to reach all three of those targets so that we can assist them in a very meaningful way.

**Mr McKay:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her statement. I welcome the work that InterTradelreland is doing to increase applications to the EU framework programme. The Committee is looking at that as part of its inquiry into research and development. Some stakeholders said that Enterprise Ireland put greater focus on that than Invest NI in the North. Will Invest NI change that focus and consider working with Enterprise Ireland to carry out work that would be of benefit to both jurisdictions?

**Mrs Foster:** I have no difficulty in saying that Invest NI already works with Enterprise Ireland and has no difficulty in working with Enterprise Ireland in relation to the innovation sector. As I said in my response to the Chairman's question, it is important that bodies do not duplicate the work of each other but instead take forward programmes that we need to take forward.

I am pleased to say that under the auspices of InterTradelreland we have again invited Commissioner Geoghegan-Quinn to Belfast in June, when we hope to have another meaningful engagement with her. Again, we will focus on small and medium-sized companies, as we did on the last occasion that we spoke to her. However, we need to make sure that Horizon 2020 takes account of the fact that small companies have found it difficult to engage with FP7. We are looking forward to that engagement in June, but I say to the Member that it is important that we do not duplicate each other's work and instead take advantage of the value added.

**Mr Nesbitt:** Again, I thank the Minister for the update on the meeting. With regard to procurement and tenders, I wonder whether the Minister had an opportunity at the meeting to discuss an issue raised in a House of Commons report today from the Northern Ireland Affairs Committee on fuel fraud, in which the Committee expressed bitter disappointment that authorities either side of the border have been unable to bring forward a single tender procedure for a marker for rebated diesel?

**10.45 am**

**Mrs Foster:** I know I have great powers, but I do not know how I would have been able to have

a discussion on 1 March about a report that comes out today. It is amazing that the Member should seek to know whether I have discussed a report that is only out today. However, the issue is a serious one. It is an issue that I wrote to the Northern Ireland Select Committee about, because I have had representations from councils about it. I very much look forward to reading the report when I receive it today.

**Mr McCarthy:** I thank the Minister for her statement and welcome the progress made to date. I notice that the Minister said that she wanted to avoid duplication. Of course, we welcome that. Are any efforts being made to reduce bureaucracy and red tape, particularly for new small businesses on both sides of the border?

**Mrs Foster:** I thank the Member for his question. A lot of the effort of InterTradelreland is on trying to make things easier for a lot of our small and medium-sized companies. That is the whole idea behind the development of apps for mobile phones and the new app that we are developing for Android phones. The whole idea behind its programmes, whether it is the Go-2-Tender programme, the Fusion programme or the Acumen programme, is to make things easy for a company.

Some of the framework 7 difficulties have centred on bureaucracy and form filling, and that is an issue that we hope to raise yet again with the European Commissioner when she visits us in June.

**Mr Dunne:** I thank the Minister for her statement. How can InterTradelreland help SMEs to get involved in innovation?

**Mrs Foster:** There are a number of programmes from InterTradelreland that help companies get involved in innovation. I have visited some of those companies and have seen first-hand the benefits of those programmes. The Fusion and Acumen programmes really try to encourage small companies to take advantage. The Fusion programme allows a graduate to work in a firm for a period of time. When I visited Augher creamery, I was told that the company had been able to use the graduate to full effect and had retained the graduate after the programme had finished. Indeed, on many occasions, graduates who are placed as a result of InterTradelreland programmes are kept on in the business, and that is a good indicator of the worth of the programme, because people are retaining that member of staff.

So, there is always much more that we can do. Some of the programmes are working well, and we look forward to working with the new chairperson to identify new ways to help companies to innovate.

**Ms J McCann:** Go raibh maith agat. I thank the Minister for her statement. I want to ask her about SMEs accessing European funding, both North and South. What is the Minister's view on putting a one-stop shop in place, where small businesses could go to get advice and support and be signposted towards European funding for innovation?

**Mrs Foster:** I hope that we have been able to provide some of what the Member has been asking for through the Boosting Business scheme and Invest NI. Again, we come to the point that we should not all want InterTradelreland or Invest NI to do everything; the issue is the two agencies working together and making sure that they complement each other. If Invest NI has someone coming to it and believes that an InterTradelreland programme is better fitted to what they are doing, it should signpost the person to InterTradelreland and vice versa. That is something that I discussed with the boards of Invest NI and InterTradelreland when I came into my position back in 2008. That is working well. Obviously, there is always room for improvement, but I reiterated that to the chairperson when I met him just last week.

**Mr McGlone:** Go raibh maith agat a LeasCheann Comhairle. Mo bhuíochas leis an Aire chomh maith. I thank the Minister for the detail she has provided today. Key to all of this is the InterTradelreland analysis that 137 collaborative applications have proven successful in securing funding of €40 million for 50 proposals, which is extremely welcome. A good part of that is down to information and advice sharing. Given that success, how could that good practice be shared with other Departments to draw down EU funding, engage in collaborative projects and get more advice and assistance out to other businesses in other fields?

**Mrs Foster:** The way in which the North/South procurement group has worked is a good example of how Departments can work together. As I understand it, SIB and the Assembly's central procurement division are working with the central procurement division in the Republic of Ireland's Government — forgive me if that is

not the right title — to share practices within that group. The group has been up and running for over a year and worked quite well. It informs the Go-2-Tender programme and what people need to take account of. We will run more seminars around Northern Ireland and the Republic of Ireland in the coming months to see if there is more information that we can give to companies so that they can avail themselves of it. That is a good model that is working between the Finance Department, SIB and their counterparts in the Republic of Ireland.

**Mr Allister:** The Minister referred to an £18 billion public procurement market. Using whatever are the latest figures that she has, will she tell us what has been Northern Ireland companies' share of the Republic's procurement market and vice versa in respect of our procurement market and companies from the Republic, given that Northern Ireland exports to the Republic fell by 16% last year?

**Mrs Foster:** I thank the Member for his question. I do not have the precise figures in front of me. I will, of course, write to the Member with those figures. I believe that Northern Ireland companies are better off as a result of using the InterTradelreland Go-2-Tender programme than they would be if it were not there. It gives them information, advice and assistance in looking for tenders. Frankly, as small businesses, they would suffer if they did not have that advice and assistance. I am happy to write to the Member with the details.

**Mr S Anderson:** I thank the Minister for her statement. Did the Minister discuss the problem that many companies face in trying to get access to finance?

**Mrs Foster:** I thank the Member for his question. Access to finance took up a considerable amount of time at the Council meeting. We talked about what Invest NI is doing to assist small and medium-sized businesses in Northern Ireland in that regard. When InterTradelreland does its quarterly monitor, it asks questions about access to finance. That helps to inform us whether there have been fundamental changes between each quarter. I hope that it will continue to do that. It is important to reflect the difficulties in getting access to finance so that we, as Ministers, can try to intervene if we think that it is necessary. It will not surprise the House to hear that access to finance is a subject that I raised again at the North/South Ministerial Council.

## Executive Committee Business

### Pensions Bill: Consideration Stage

**Mr Deputy Speaker:** I call the Minister for Social Development, Mr Nelson McCausland, to move the Bill.

**Mr McCausland (The Minister for Social Development):** Amendment Nos 1, 2, 3 and 4 — sorry.

**Mr Deputy Speaker:** I ask the Minister to formally move the Bill.

**Mr McCausland:** Apologies. Perhaps it would assist the House if I take a step back and reiterate what clause 1 does. Existing legislation provides for the equalisation of state pension age for men and women at 65.

**Mr Deputy Speaker:** Procedures, I understand, require that you move the Consideration Stage of the Bill right at the start and then give a further explanation if you wish.

*Moved.* — [Mr McCausland (The Minister for Social Development).]

**Mr Deputy Speaker:** I advise Members that they have a Marshalled List of amendments detailing the order of consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list.

There are two groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1 to 4 and amendment No 7, which deal with changes to the state pension age for men and women. The second debate will be on amendment Nos 5 and 6, which deal with winter fuel payments and a duty to report.

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

#### **Clause 1 (Equalisation of and increase in pensionable age for men and women)**

**Mr Deputy Speaker:** We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2, 3 and 4, which are

consequential amendments, and amendment No 7. The amendments relate to the timetable for making changes to the state pension age.

**Mr Durkan:** I beg to move amendment No 1: In page 1, line 7, leave out “1953” and insert “1955”.

*The following amendments stood on the Marshalled List:*

No 2: In page 1, line 9, leave out subsection (4). — [Mr Durkan.]

No 3: In page 2, leave out lines 5 to 14 and insert

“6th April 1955 to 5th May 1955	6th May 2020
6th May 1955 to 5th June 1955	6th July 2020
6th June 1955 to 5th July 1955	6th September 2020
6th July 1955 to 5th August 1955	6th November 2020
6th August 1955 to 5th September 1955	6th January 2021
6th September 1955 to 5th October 1955	6th March 2021
6th October 1955 to 5th November 1955	6th May 2021
6th November 1955 to 5th December 1955	6th July 2021
6th December 1955 to 5th January 1956	6th September 2021
6th January 1956 to 5th February 1956	6th November 2021
6th February 1956 to 5th March 1956	6th January 2022
6th March 1956 to 5th April 1956	6th March 2022” — [Mr Durkan.]

No 4: In page 2, line 15, leave out “1954” and insert “1956”. — [Mr Durkan.]

No 7: In schedule 1, page 23, line 21, leave out “2018” and insert “2020”. — [Mr Durkan.]

**Mr Durkan:** I welcome the opportunity not only to debate the Bill once again but to move amendments to it. I am pleased to avail myself of this opportunity, particularly because it had been the Minister’s intention to give the Bill accelerated passage. That reluctance to have such an important issue publicly debated and scrutinised now seems strange, given the Minister’s recent assertions that the

Welfare Reform Bill must have full scrutiny and transparency.

We support the rationale behind the Bill. The equalisation of pension age is right and just. It is also common sense that the increase in life expectancy is reflected in an increase in pensionable age. However, we have issues with the current Bill and the impact that it will have on many people here.

The logic behind the Bill is clear and understandable: the qualifying age for pensions should be raised because life expectancy is increasing. People are living longer, and it is assumed that they will be willing and able to work longer. It is also assumed that there will be jobs for people to stay in for longer.

The Bill is being pushed as reformist and progressive legislation that is based on the developing and changing needs of society. Therefore, in our opinion, it is remarkable that it contains such blatant inequalities. The SDLP, as a party that has a core and fundamental principle of equality, sees merit in the equalisation of the pension age for men and women. However, forcing an expectant group of women of a certain age to change their life, plans and futures without considering the challenges that that will pose for them is a far cry from equality.

The time frame within which the pension expectations of those 7,000-odd women will be disrupted is purely a money-saving exercise by the Westminster Government. It is designed to get more money in from people while putting less out, and it is certainly not based on the needs of the individual. It is also particularly unfair to force women to face 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 job in the belief that they could rely on receiving their pension on their sixty-fifth birthday may not have enough savings or resources to live on for a year to 16 months. We have no guarantees that the goalposts will not move again and move often, and we have serious concerns about that as we go forward.

Although some changes were made 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 wider impression that it creates.

Many older people who have worked their entire life and saved 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 these changes, without sufficient time to make adequate provision, is unfair and illogical.

### **11.00 am**

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 the Assembly to accept such a move that would leave us going backwards — a move that 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. It will certainly exacerbate the ever-growing problem we have of youth unemployment. Furthermore, there are implications for sectors in which people are, reluctantly, working longer. They could well become disenchanted, and that may impact on the service or skill that they provide. Instead of stabilising the economy, those measures could create a stagnant and disenfranchised workforce who will feel aggrieved by a Government who have, once again, put the working-class person at the bottom of their mandate. It will also keep people in important jobs for which they are no longer physically fit.

It is accepted, although it should not be accepted by us, that we have a lower standard of living here in Northern Ireland. We have higher rates of poverty and higher rates of disability. The Bill would automatically impact on a person's eligibility for the winter fuel payment and, therefore, increase our struggle in the battle against fuel poverty. People are being told to save for their retirement to supplement their pension, but the sad reality is that so many people here live on the breadline that saving is beyond them.

Although there can be no argument that people are living longer, we need to ensure that they have

a quality of life to match their quantity of years. Last week's Budget in Westminster signalled yet again the Tories' apparently insatiable appetite for attacking the most vulnerable.

The proposed move to index pension increases by the consumer price index (CPI) rather than the retail price index will ultimately devalue public sector pensions by up to 15%. That change will, undoubtedly, hit public sector workers hard, as it will the poorest in society, by making them permanently disadvantaged. Passing this clause in the Bill today will enshrine in law the use of CPI as the minimum legal requirement for pension increase, which means that, even when the deficit is gone, our hard-working public sector workers and the poorest in society will be hit year after year, even when earnings growth has returned.

The Assembly needs to consider its options. We need to recognise the severe detrimental impact the changes will have on individuals in society. One possibility that had been raised in Westminster prior to the Bill receiving Royal Assent was to negotiate a way of using CPI as a temporary measure, for example, for three years, in order to help stabilise the economy. That would represent a fair contribution from benefits and recipients at a time when wage growth is suppressed. Such an alternative would work to reduce the deficit while not unfairly impacting on individuals' incomes over the longer term.

In my view, that is an option that needs much exploration and deserves our attention and consideration. I am hopeful that we can look at this more closely at the next stage of the Bill and thrash out a solution to this complex clause in order to mitigate the harsh reality it imposes, as drafted.

I move my amendments to make the Bill, in our opinion, fairer and more balanced. Acceptance of our amendments would display that the Assembly has a real understanding of, and sympathy for, the hardship being faced by so many of our citizens. We have here an opportunity to mitigate that, even slightly.

We believe that a compromise can be reached between the aims of the coalition Government and the needs of our people. As previously stated, we concur with the thinking behind the Bill, but our difficulty is with the timetable for its implementation. This Bill accelerates too fast the equalisation and increase of pension ages.

It is irrational and unfair for a Government to move the goalposts for individuals who have worked hard and planned for their retirement, leaving them to reorganise and, in many cases, struggle.

I bring these amendments before the Assembly in the belief that we must investigate the options that best serve our constituents. My amended timetable represents a compromise between the existing statute and the proposed acceleration. The current legislation allows for equalisation by 2020 and an increase in state pension age between 2024 and 2026. The proposed legislation accelerates that, envisaging equalisation by 2018 and an increase in the state pension age by 2020. Our amendments still allow for equalisation and an increase in qualifying age by 2020. However, we believe that our proposal to start the reform in 2020 acknowledges Turner's recommendation that adequate time must be given for the affected individuals to prepare for the extra time that they will be without their expected pensions. Our amendments will mean that the Bill can still generate savings and bring equality, but will do so more fairly.

**Mr A Maskey (The Chairperson of the Committee for Social Development):** Go raibh maith agat, a LeasCheann Comhairle. Although I am speaking as the Chair of the Social Development Committee, the Committee has not been able to adopt a position on these amendments. I very much appreciate the short period of latitude that the Deputy Speaker has given me to outline the backdrop to the amendments in the context of the Committee's deliberations.

The Committee considered the Bill at Committee Stage and produced a report, which was published and printed on 8 March. It is fair to say that clause 1, to which the current amendments apply, was the clause that gave the Committee most concern. All members of the Committee had concerns of various natures around clause 1. Clause 1 relates specifically to the equalisation of the pensionable age for women and men and the increase in eligibility to 66 years of age for men and women. Although the Committee did consider this, and took quite a number of presentations and submissions from various stakeholders, it did not go into the business of trying to amend the Bill.

Even though the Committee voted not to support clause 1, members felt that, rather than prolong the Committee Stage of the Bill, we would leave it to the parties and other Members to bring amendments at the appropriate stage; for example, today. Although concerns were expressed by a range of members — indeed, the Committee rejected clause 1 by way of a vote — nevertheless, we did not consider any of the amendments. Therefore, I will not be addressing the amendments on behalf of the Committee. Thank you, a LeasCheann Comhairle, for allowing me a degree of latitude.

My party will support the amendments moved by Mark Durkan. We very much appreciate that those amendments are, in a way, difficult. We fully understand the arguments around parity. This is, as we have been told, an issue of parity. By the same token, even in the context of the British Government dealing with some of these issues, it was drawn to the Committee's attention that a very clear anomaly would impact on quite a number of women. Those women would be impacted on in quite a negative way by the extension of the age criteria. The British Government did bring forward some transitional arrangements that reduced the number of women that that would impact on, but we understand that it will still have an impact on around 7,000 women. We teased this out with the Department and were eventually told that if, for example, the Executive or the Minister were of a mind to address that anomaly, it would cost somewhere in the region of £57 million.

At least that would have allowed the Minister, the Department and the Executive to consider whether they would be prepared to adopt such an amendment or transitional arrangement on the basis of cost, because they would, at least, have a price tag to consider. However, we were given further information that it would not, in fact, be just £57 million, because there would be other important consequential arrangements: for example, as we do not have an IT system that is fit for purpose, we would have to spend money on that. We were then told that people living elsewhere might want to come here. Someone actually said that people might want to come from Wales to live here because women of a particular age would get a better deal on their pension. When we continued to further tease this out, we were told that the bottom line was that it was an issue of parity that we could not change anyway. My view and that of my party is that we do not believe that the

whole question of parity has been properly and thoroughly teased out and exhausted.

We are not oblivious to the issue of parity, and we are certainly not oblivious to the likely attendant costs if the Assembly and Executive were to take a different view from that directed by the British Government. However, by the same token, we believe that when British Ministers talk about flexibility in the system, and so on, we need to examine what that means. My experience as a member of the Committee for Social Development for almost a year is that I have seen little evidence of that flexibility. I am somewhat disappointed by that, because we keep coming back to the argument that, no matter how many arguments you bring forward, it is an issue of parity and you cannot get round that.

The Committee received a number of presentations during its consideration of the Bill. One was from Age NI, which acknowledged that people were living longer, thankfully, but that did not necessarily mean that they were healthier. In fact, Age NI presented figures to show that the life expectancy of people living here in the North was different from those living in Britain. People's life expectancy here in the North is lower than that of those living elsewhere. Obviously, we will deal with that in more detail later in the debate.

Representatives of NIPSA made it clear to the Committee that it supported the principle of parity, "warts and all", and they elaborated on the reasons for that. I do not second-guess the reasons put forward; I merely make the point that there are those, including us, who are fully aware of the issue of parity. The reason why we are prepared to support Mark Durkan's amendments is because we want to fully consider and exhaust all opportunities to right what we believe to be a wrong. NIPSA introduced an interesting argument, which was that it agreed with the principle of equalisation, but asked why it had to be on the basis of women who could retire aged 60 having to wait until the age of 65 to become equal to men: why could the equalisation not be done in reverse? In other words, why should men not be able to retire at the age of 60 — the same age as women — instead of 65? That would fit into the development profile of some of the points that Mark Durkan made about the fact that people who are unemployed could take up jobs vacated by people who were able to retire earlier.

I do not want to elaborate any further on the comments made by Mark Durkan. Suffice it to say that we believe that further transitional arrangements could be introduced into the Bill. On that basis, although we are not entirely happy with the amendments put forward by Mark Durkan, we think that they seek to improve on that being imposed by the British Government. I say "imposed" with clarity on its meaning. The Bill deals with equalising the age of retirement between women and men up to the age of 65 and then upward to the age of 66. Mark Durkan already made the point, and I made the same point during a previous debate in the Chamber, which is that I have no doubt that, in the time ahead, the British Government will continue to extend upward the age of retirement. On that basis, therefore, Sinn Féin is prepared to support Mark Durkan's amendments.

### 11.15 am

**Ms P Bradley:** No one in the Assembly wants to increase the retirement age for anyone. However, when we were elected to serve our country, we did so knowing that we would at times have to take decisions that we would rather not take. I oppose amendment Nos 1, 2, 3, 4 and 7 on the grounds that all they would do would be to increase the economic cost to the taxpayer while still achieving the same result.

Our country has an ageing demographic, as we have heard again and again in the plethora of debates in the Chamber. Projections by the Office for National Statistics in 2008 indicate that the number of people reaching the age of 66 in 2026 is expected to live for a year and a half longer than originally projected. That is to be welcomed, but it also comes with an added financial cost to the taxpayers of Northern Ireland.

An underpinning policy has been placed on us by Westminster to rebalance the financial burden between those of working age and those of pensionable age. The simple and overriding fact is that Northern Ireland has a commitment to ensure parity with the rest of the UK. That has to be adhered to for two main reasons, the first being economics. Simply put, if we do not equalise state pension age by November 2018, we would have to find the extra economic resources, as not to equalise it would result in significantly increased expenditure on pension or benefits that we would have to find as a devolved region.

Secondly, we would have to look carefully into the area of breaking parity and what that would mean for Northern Ireland. We would have to be sure that we can legally impose territorial limitations on any entitlement to ensure that we are not inundated by people from other regions.

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

**Ms P Bradley:** Go ahead.

**Mr Easton:** Does the Member agree that equalising pension age is a European directive, and that if we fail to do it, we would break European laws and be fined?

**Ms P Bradley:** Yes, I totally agree.

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

**Ms P Bradley:** No, I want to continue. Breaking parity would take economic resources away from our population and may mean that other programmes would suffer.

Finally, the Pensions Bill already has provisions to ensure that the minimum number of people would experience delay when they are entitled to a state pension and that the delay would be kept to a minimum. The transition is accelerated from the draft Bill so that instead of increasing in one-month increments, state pension age increases in increments of three months, which means that the longest delay would be 18 months as opposed to two years. Under the original proposals, approximately 800 women would have experienced a delay of two years, but under the revised proposals, no woman will face a delay of over 18 months. That is to be welcomed.

I cannot in good faith support the amendments. To do so would be to increase the economic burden on our already stretched taxpayers and ultimately delay the inevitable. No matter what we do, the fact remains that the age at which some people will receive state pension will be delayed. As elected Members, it is our duty to ensure that it is done while causing as little pain as possible to the entire community of Northern Ireland.

**Mr Copeland:** I welcome the opportunity to contribute to today's debate. I pay particular tribute to the manner in which the Committee for Social Development conducted the Committee Stage. Everyone was given his or her place, and everyone's opinion was taken into account.

Mr Durkan proposes one primary amendment, and everything that flows from that is consequential. All that is predicated on legislation brought by the coalition Government, but that is also predicated on the actions of a previous coalition Government who, in 1942, in the midst of the greatest conflagration and slaughter that mankind has ever endured, decided that things would have to change.

They had a very simple idea. Everything that we talk about in the Chamber today is predicated on that idea. It was the notion that everyone of working age would be expected to pay a weekly national insurance contribution. In return, benefits would flow from that contribution to the sick, the widowed, the retired and the unemployed, and an element would go to families. Today, we are discussing something that began over 60 years ago.

The truth is that the world has changed to a degree. In those days, the proportion of people in paid work to those who were not in paid work was much greater. Social divisions were as, if not more, pronounced. It was a method by which society could do what could be adjudicated as being right. However, the basis of that notion was that people would work in industry, which was generally heavy industry — in engineering and in steelworks. It was hard graft. Wives would not benefit from washing machines or other modern conveniences of life. Everyone would live until around their mid-60s, with a substantial proportion of people expiring before they were 70 or 80.

Today, longevity has increased greatly. On Sunday, I had the privilege to be around the lower parts of my constituency where I encountered three young children who were all less than seven months old. Yesterday, I learned from a television report that one in three people — in other words, one of those children — will live to be 100 years old. Therefore, it is important that we do something that recognises that fact.

Every fibre of my person wants to support Mark H Durkan's amendment. The fact that it has to be paid for is the difficulty. To the Minister, I repeat my usual mantra: can it be done and, if so, at what cost? Will it breach parity? If so, what will be the cost? Will the Minister take whatever steps he can to ameliorate its outworkings? To a degree, they have already been ameliorated by alterations at Westminster. My position and that of my party will depend on

the arguments that are made by the Minister on the notions of parity and cost.

**Mr Dickson:** I welcome the opportunity to speak in the debate, given the huge impact that it will have on our constituents. I am sure that fellow Members will, like me, have received a volume of concerns from constituents who are understandably worried about the changes, which will alter the entire pension system over the next number of years. As other Members said, we have an ageing population, and one that is living longer. Therefore, we need to ensure that the pension system is structured in such a way that gives promised incomes that can be delivered in the future and that we can avert any crisis that might arise from not making adequate preparations. I share many of the concerns raised about what the most appropriate and fair way is to deal with it.

Although we welcome the equalisation of the state pension age for men and women, key problems are associated with the Government's proposals; namely, the great speed at which the proposals are now to be brought in. Women's state pension age was due to reach 65 by 2020. That timetable had been in place for years. Women who would be affected by it were adjusting accordingly. However, in June 2010, the new coalition Government announced a review of the timetable for increasing the state pension age to 66 by 2020, rather than by 2026, thereby accelerating the process so that women's pension age reaches 65 by November 2018.

My colleague Naomi Long MP was one of many who raised that issue with the Government on behalf of constituents during the passage of the Pensions Bill at Westminster. The Government responded to those calls by amending a clause, which now means that nobody has to wait more than 18 months. That amendment ameliorates the increase in the state pension age for around 245,000 women and 240,000 men, at a cost of £1.1 billion.

That was a positive step forward, and we should welcome it. Although the Alliance Party is sympathetic to those who now find themselves with less time to prepare financially, we believe that the place to fight the Bill's aspects was at Westminster. All parties in the Chamber had the opportunity to do that, and I am glad that my colleague did so. Unfortunately, the Government were only ever going to shift so far. As others said, we need to be realistic, not play populist

politics with the issue. We must accept that Northern Ireland simply cannot afford to break parity on the issue.

**Mr Easton:** I oppose amendment Nos 1, 2, 3, 4 and 7 in group 1, which relates to the equalisation of the state pension age between men and women and the timeline for increasing the state pension age from 65 to 66. Although I and others have concerns about the Pensions Bill, I am even more concerned about the amendments, because money would have to be taken out of other Departments to pay for the proposals. The amendments seem to be ill thought out, with a year changed here and a year or two changed there, there are no costings, and they appear amateurish in nature, maybe reflecting the inexperience of the proposer.

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

**Mr Easton:** No.

Under the amendments, we would see the equalisation of the state pension age between men and women in 2020 rather than 2018. The retirement age for men stands at 65, and the Bill aims to increase the age for men and women to 66 by 2020. Under the proposed amendments, there would be a two-year difference between what happens in Northern Ireland and the rest of the UK, and the Department for Social Development would have to fund that difference — if the money could, indeed, be found — which would have major repercussions on the amount of money we have. Which Departments' budgets would that come out of? Would it mean that we have to close hospitals and schools? Would we see job losses as a result of having to pay for the changes proposed under the amendments? If so, that would have an impact on the Northern Ireland economy.

I urge Members to understand the serious consequences of voting for the amendments and, therefore, oppose them.

**Mr Douglas:** Thank you, Mr Deputy Speaker, for the opportunity to speak this morning. I oppose amendment Nos 1, 2, 3 and 4. Those of us on the Social Development Committee all have concerns. Like all Members of the Assembly, we have senior citizens coming into our offices and, therefore, we know that the elderly have a lot of concerns. One of my concerns is the speed at which the reforms are going through Westminster under the Tory-Lib Dem coalition.

We need to take that into account. For me, this morning is about backing the Minister and the Bill, in respect of the equalisation of the state pension age between men and women.

Last week, I was at a welfare reform seminar in east Belfast. Many people there had concerns, as have many Members in the Assembly, including me. Les Allamby from the Law Centre was there. He recognises that breaking parity would mean taking money from other Departments. Breaking parity would also have an impact on the amount we get for pensions, which is something like £1.9 billion. So, there is a whole question over that. Bumper Graham from the Northern Ireland Public Service Alliance (NIPSA), which I think was mentioned, was also there. He said that he did not want to break parity and he recognises that we cannot do so. He does not like parity, warts and all, but feels, on behalf of NIPSA and its members, that breaking parity would mean that additional money would be taken from the block grant.

When the Minister is responding later, I would like him to give us a rough idea of how much it would cost to implement the changes proposed in the amendments. How much would it cost Northern Ireland if we were to drain money from other areas, as my colleague said? I urge Members to seriously consider the implications —

### 11.30 am

**Mr Copeland:** Thank you for giving way. Think not only how much it would cost, but where the money would come from, which is equally important, because knowing the price of something is one thing but knowing what you may have to give up is equally important.

**Mr Douglas:** Yes, that is a good point that has been made at our Committee and that we all recognise.

**Mr F McCann:** On what Mr Copeland said: we have spent years going through the debate on parity. I know that people are genuinely concerned about what breaking parity may cost. The Member spoke about people living to 100. I think that that is great, but there are parts of this city where people die earlier than expected. Therein lies the inequality: there will be people who die without ever enjoying any return for what they paid into the pension system. That is what we are talking about. There are also inequalities, and that is where we are coming from.

**Mr Douglas:** The Member makes a good point, but I go back to mine, which is that if we do not go with the Bill, if we go with these amendments, it will cost us money somewhere along the line. People will suffer because of cuts in other Departments. I reiterate my request for the Minister to respond to that later. I urge Members to seriously consider the impact of these decisions. Delay is inevitable for us all, so I oppose amendment Nos 1, 2, 3 and 4.

**Ms Brown:** I also oppose the group 1 amendments, which relate to the equalisation of the state pension age between men and women, as well as the timeline for increasing the state pension retirement age from 65 to 66 overall.

As the Bill stands, it ensures that Northern Ireland is brought into line with the rest of the United Kingdom and there is no difference between the retirement age here and anywhere else in the UK. As a unionist, I favour parity with the rest of our nation. I am also concerned that, should these amendments pass, we will see money being taken out of other aspects of the social security system to meet the demands placed on the Department for Social Development by this House. Under these amendments, we will see the equalisation of the retirement age of men and women in 2020 rather than 2018, in line with national policy.

The current retirement age for men is 65, and the Bill aims to increase that to 66 by 2020 for men and women. The amendments would lead to a delay of two years between Northern Ireland and Great Britain, with the new retirement age of 66 being reached by 2020 in GB, but not until 2022 in Northern Ireland. Similarly, the equalisation of the retirement age between men and women will happen in 2020 under these amendments, rather than in 2018, as will be the case elsewhere in the UK.

Given that these amendments embrace national policy, albeit two years later, I do not understand their thrust or purpose, other than to delay the inevitable. They would leave the Department for Social Development to fund the two-year difference. That would have major repercussions on other vital aspects of the Department, which is responsible for administering and running a social security system that is fit for all purposes and assists those in need by securing a safety net for individuals and families.

The reality is that the two-year delay proposed by the amendments could lead to a funding gap

for a total of four years, as equalisation in the retirement age of men and women will occur by 2020 rather than 2018. That would mean the Department having to pay out proportionately more money than GB for women's pensions in that period. A further funding difference will be created by the increase to 66 in the overall state retirement age between 2020 and 2022, as opposed to that occurring two years earlier in the rest of the UK.

I urge Members to acknowledge and understand the repercussions of what they will do by voting for the amendments in this group. They may think that they are doing some a favour by letting some people receive their pension earlier than anywhere else in the UK. The reality is that they are not. In fact, they could harm those dependent on other vital aspects of the social security system.

**Mr McCausland:** Amendment Nos 1, 2, 3, 4 and 7 are concerned with changes to the state pension age. Perhaps it would assist the House if I were to take a step back and reiterate precisely what clause 1 does. Existing legislation provides for the equalisation of the state pension age for men and women at 65 between April 2010 and April 2020, and to increase it to 66 between April 2024 and April 2026. The Bill proposes to phase in the increase in the pension age to 66 between December 2018 and October 2020. That change has been made in response to increases in life expectancy and is intended to ensure that the state pension remains sustainable for future generations.

The pace of equalising pension ages for men and women at 65 will accelerate from 2016, so that women will have the same state pension age as men by November 2018 instead of April 2020. That is necessary because any option that would widen the gap between the state pension age for men and women would run contrary to directive 79/7/EEC, and the increase in the state pension age to 66 must, therefore, be applied to men and women at the same time. These measures correspond to measures in the Pensions Act 2011 and will result in an estimated reduction in expenditure on pensioner benefits in Northern Ireland of £810 million between 2016 and 2026.

I listened carefully to the arguments put forward in support of the amendments. I appreciate that the amendments are intended to ensure

that the equalisation of the pension age reverts to the existing timetable and that the increase of the pension age to 66 should start from May 2020 and be completed by April 2022. That would mean a clear breach of parity, and as several Members queried the extent of the cost to the Northern Ireland block grant of such a breach, I can confirm that it is estimated at £270 million. I know that some Members believe that we can have a kind of “pick and mix” approach to parity and that we can gobble up the goodies that we like and spit out the things that we do not. They seem to expect the Westminster Government or, perhaps more correctly, taxpayers across the UK to pick up the tab. Can we really say to people in Britain that we will happily take the £3 billion that they give us every year to keep our social security system running but that they should not expect us to work as long as them before we can access our pensions? There is an issue of equality and parity across the United Kingdom.

Let us look at the cold facts. According to the Office for National Statistics, in the period 2008 to 2010, the 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 for men here was broadly similar to that in Wales, marginally less than that in England and higher than that in Scotland. The same is true for women, for whom life expectancy at 65 here in the same period was 20·2 years, which compared with 20·3 years in Wales, 20·8 years in England but only 19·3 years in Scotland. Some Members will argue that there is not necessarily a correlation between living longer and having good health to enjoy old age, and I think that we all accept that. However, it is true that, in general, people are staying fitter for longer, and it is certainly true that parts of Great Britain have worse health problems than we do. Can we really argue that it is right to expect taxpayers in Britain with lower life expectancies to continue to fund our benefit system, while they have to work longer than people here before they can get their pensions?

We must remember that the funding arrangements for social security are unique. They operate outside of the Barnett formula and are based on actual need. Therefore, in effect, our benefit costs are fully funded. However, that funding stream is predicated specifically on the maintenance of parity. Any additional costs arising from a breach of parity would have to be

picked up by the Northern Ireland block grant. The statement of funding principles provides for funding to be reviewed if parity is breached.

Only last week, the Chancellor announced his plans to look at the disparity between local rates of pay in the private and public sectors; in short, regionalisation of pay. It is not a seismic leap to fear that a review of funding for social security could trigger consideration of regional rates of benefit. Those Members who say that we should test the boundaries of parity —

**Mr McDevitt:** I appreciate the Minister's giving way. I have been listening very carefully to what he has been saying, and I note that he has mounted an argument that is built around parity. However, that is the opposite argument to the one that his Westminster colleagues mounted when they supported these amendments when they were tabled in Westminster. We have a situation where the Finance Minister in this House, who also happens to be an MP, voted for these very amendments — the same amendments, when they were before the House of Commons — and made the point that people were entitled to the sort of provisions that are outlined in the amendments. The Minister for Social Development has come into this House to argue the contrary. If devolution is to mean something, it should mean that the rights of people who are elected to represent constituents at a regional level should be upheld. The Minister is being a bit disingenuous in arguing for parity when his own MPs supported the amendments that we have tabled in this House.

**Mr McCausland:** The Member has failed to grasp the point that I just made because he does not want to understand it. Let us recall it for his benefit so that he understands. The Chancellor was announcing his plans to look at the disparity between local rates of pay in the private and public sectors; in short, regionalisation of pay. I repeat, for the Member's benefit, that it is not a seismic leap to fear that a review of funding for social security could trigger consideration of regional rates of benefit. So, those Members who say that we should test the boundaries of parity, or push the envelope that bit further, are playing a potentially dangerous game.

I have highlighted already the additional cost of £270 million that we would face and the dangers of breaking down the issue of parity.

The amendments raise a number of other questions.

**Mr Copeland:** Thank you, sir. Can you explain whether this money would have to be found from your budget or from the Executive Budget, and can you give some indication of the scale of the difficulties that would be faced by having to replace the £270 million to which you referred?

**Mr McCausland:** I thank the Member for his intervention. It is a point that he and others made earlier on, and I was going to return to it in due course. However, I am happy to respond at this point. The £270 million commitment would not be a DSD commitment; it would be an Executive commitment. The question, therefore, would be for the Executive to decide whether we take that £270 million out of the education budget or the health budget, but, of course, Mr McDevitt is so busy talking to others that he does not bother listening for that important point. That is the sort of important issue that he does not want to face up to and acknowledge.

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

**Mr McCausland:** I only give way if I am going to hear something constructive, and I have heard nothing.

There are other issues that need to be considered, and the amendments raise a number of those. The first concerns the ability of the DWP computer system to operate different schemes for Northern Ireland and Great Britain. It should be remembered that the upper age limits for working-age benefits are also affected. This would have to be impacted and costed, and any costs would fall to Northern Ireland. The figure of £270 million would then be topped up further by additional costs.

Secondly, whether, in light of the reciprocal arrangements with Great Britain and the fact that there are no residence requirements for entitlement to a state pension, we could legally prevent people who live in any other part of the United Kingdom — any part of Great Britain — from claiming the Northern Ireland pension rather than waiting longer to qualify for the Great Britain pension. Thirdly, in relation to the pension entitlement of European Economic Area workers, here and in Great Britain, will it be necessary or even possible to calculate Northern Ireland pension entitlement on a pro rata basis?

## 11.45 am

Those are major issues, with the potential for significant additional costs, and those costs would have to be met out of the budgets of other Departments. Working purely on the additional benefits costs at around £270 million, where is that money to come from? Are we to take the money away from the health service, the education service, or where? In an ideal world, no one would want to increase state pension ages. It does not give me any pleasure to have to resist the amendments, but we cannot bury our heads in the sand. We have to accept the financial realities with which we are faced, and I believe that there is a general acceptance that changes to state pension ages are inevitable.

To summarise, the proposals in the Bill have been made in response to the increase in life expectancy and are intended to ensure that the state pension remains sustainable for future generations. They correspond to measures in the Pensions Act 2011 and will result in an estimated reduction in expenditure on pensioner benefits in Northern Ireland of £810 million by 2026. The amendments, if accepted, are a clear breach of parity and will result in a cost to the Northern Ireland block of some £270 million. That will raise major questions about how and to whom a Northern Ireland pension would be payable.

I will now pick up on points that a number of Members made. First, I noticed Mark Durkan's concerns about the speed of introduction of the changes. In an ideal world, none of us would want to change the existing timetables, but we must accept that people are living longer and that the Westminster Government have decided that the original timetable is unsustainable. That is the reality, however much we may not like it. He was also prone to comment about accelerated passage. In fact, I sought the Committee's views on accelerated passage because I wanted to give women as much time as possible to prepare for the changes. Some members of the Committee argued the importance of the scrutiny role of the Committee, and the Committee's response to me made clear that it believed that the arguments for and against accelerated passage were finely balanced, so I am surprised at the Member's jibe about accelerated passage.

Mr Maskey raised the issue of equalising the pension age at 60. I am sure that many folk

would find that very appealing and attractive. Mr Maskey thinks that that needs to be considered. It was put to him, I think, by some trade union representatives.

**Mr A Maskey:** I merely used that as an example in the spirit of generosity. I was making the point that we understood the whole principle of parity, and I was referring to other people also understanding it. I was not necessarily advocating anything. I was repeating what was given to the Committee.

**Mr McCausland:** I take the Member's point. If I recollect exactly, it was put to him by a lobby group for a trade union, rather than it being a personal viewpoint. Whoever advocates it needs to get a dose of reality. We are facing an ageing population, here in Northern Ireland and, indeed, throughout the United Kingdom. That is a reality. The number of people of working age compared with people of pensionable age, which is called the support ratio, is falling. My understanding is that the ratio is currently 3:1 and will be 2:1 by 2020. In Northern Ireland, the number of people who are aged 65 or over is expected to increase by 25% between 2010 and 2015. Between 2010 and 2025, it is expected to rise by 42%. We cannot bury our heads in the sand about the fact that the number of people of pensionable age is increasing substantially. It is as simple as that.

Michael Copeland raised the issue of the national insurance system and reminded us of its origins. I understand his point about the system and how people have paid in all their lives. Unfortunately — this is, in a sense, a legacy of the original Beveridge scheme — full pensions started to be paid shortly after the system was set up. So, individuals do not have their own separate pension pot building up in the national insurance fund. The reality of the system is that today's contributions pay for today's benefits.

I will finish off by addressing a couple of points that Members raised, one of which was concern about the implications of bringing forward the proposals. I have certainly expressed our concerns to Ministers in London very strongly and clearly. I share many of the concerns about the effects of the proposed changes, and I have made clear to Ministers in London my view that planning for retirement is a long-term process. There is no doubt about that. Changes introduced at short notice do little to inspire

confidence in the pension system or to encourage individuals to make long-term plans. Indeed, in June 2011, I urged Iain Duncan Smith to alleviate the impact of the pension-age changes on women. On 18 October 2011, the House of Commons accepted an amendment to the Westminster Bill to alter the timetable for increase to 66 by October 2020 rather than by April 2020, and the amended proposal provides a maximum increase in pension age of 18 months rather than the two years under the original proposal. That concession eased the impact on the women most significantly affected by the original proposals. However, I emphasise that we have expressed concerns directly to the Government at Westminster and to Iain Duncan Smith.

Alex Maskey asked what the next move might be and whether there will be further changes at Westminster. On 29 November 2011, George Osborne made a speech in which he said very clearly that the intention was, in due course, to increase the age from 66 to 67. The direction of movement by the Conservative/Lib Dem coalition Government at Westminster is, therefore, very clear.

Fra McCann said that not everyone lives to 100. He is right. Some folk do, and some folk live well into their 90s. However, although many people do not reach that age, the fact is that, as I have indicated, the average age is increasing. That is the really significant figure.

I welcome Stewart Dickson's comments. He picked up on the point of an ageing population and said that we should not play populist politics with this. I welcome his comment.

The amendments would have a significant impact, and I have set that out very clearly. They would lead to a breach of parity, a cost of £270 million that would have to be met out of other Departments and major questions about how and to whom a Northern Ireland pension would be payable. For those very strong and substantial reasons, along with the other points that I have made, I urge Members to oppose the amendments.

**Mr Durkan:** I thank all Members who have taken part in this morning's debate thus far. I will go through the contributions and touch on some points that have been raised.

First, we had the Chair of the Social Development Committee, Mr Alex Maskey, who

referred to the Committee's consideration of, and opposition to, clause 1. I would like to take this opportunity to commend Mr Maskey on his chairmanship of the Committee during a very long and complex process. I concur with his assertion that we have not had the exhaustive debate on parity that is required and that will certainly be required as we await the Welfare Reform Bill. We also need to push the boundaries and see what flexibilities we may be afforded. I appreciate his party's support for our amendments, and also welcome the amendments that it has tabled. I will speak about them later.

Paula Bradley spoke largely about the increase in the financial cost to the taxpayer of increasing the pensionable age. I would have thought that given Ms Bradley's professional background, she would be acutely aware that sometimes societal costs should outweigh financial ones. Mr Easton's intervention displayed either a complete lack of attention or a lack of understanding. We are not opposing equalisation, so the talk of the EU directive is a complete red herring. We are not opposing equalisation: let me re-emphasise that for anyone who did not catch it.

The economic burden has to be looked at in the context of the savings that the legislation will realise for the Government as it is. I think the acceleration will realise something like £10 billion over 10 years for the Westminster Government, so the £270 million that we are talking about here today is peanuts, really.

Mr Copeland gave us a timely reminder of the origin of our pension scheme and accurately pointed out subsequent changes in our societal fabric. The fact that we have fewer people in paid employment is a sad reality. I wish that the Government would approach creating employment with the same zeal with which they are attacking the most vulnerable in our society. Mr Copeland also asked about costs. We really do need to look at the costs before passing this punitive legislation.

I welcome Stewart Dickson's remarks and his reiteration of our concerns.

**Mr Copeland:** Sorry for rising yet again. We already have an indication from the Minister that it will cost £270 million. Can you suggest where that might come from?

**Mr Durkan:** I will get around to that now. *[Laughter.]* I think it is unhelpful to be asking where it might come from, and saying things like, "It will have to come from the health budget." However, that might give Edwin Poots someone else to blame for the closure of hospitals, as if he needed someone else.

**Mr Humphrey:** I am grateful to the Member for giving way. Does the Member agree that these are issues of extreme importance? The Minister has set out what is, factually, the financial position. To be fair, you gave way to the Member and he asked you a question. You spoke earlier about flexibility. What exactly do you mean about flexibility, and where will the money come from?

**Mr Durkan:** There is an Executive subgroup set up, we are told, to look at the impact of welfare reform. I would like to see it take something like this —

**Mr Humphrey:** Answer the question.

**Mr Durkan:** There are lots of areas that the Westminster Government, as well as this Government, could look at where more money could be found. Last year or the year before, our party presented a paper with 57 options for raising revenue. I do not agree with all of them — *[Interruption.]* That was tabled, and it has not been looked at —

**Mr Bell:** You were selling an airport you did not own.

**Mr Deputy Speaker:** Could all comments please come through the Chair?

**Mr Durkan:** It is OK to throw back the recommendations in it that would not work or were erroneous, but there were plenty of other recommendations in it that were not. They are silent on them and inactive on them.

I welcome Stewart Dickson's reiteration of our concerns. He pointed out that his colleague Naomi Long had supported these amendments in Westminster, but I must contest his assertion that that is where the fight takes place and here we just roll over. We have to be consistent. The Alliance Party has to be consistent, too, and so does the DUP.

## 12.00 noon

Mr Easton then spoke again. His assessment of the amendments is that they are amateurish and ill conceived. He is certainly at odds

with his party's MPs, who voted for the same amendments. Does that make them amateurish as well? Sammy Douglas spoke about the cost, and he said that he was concerned about how such a move might be financed. They are genuine concerns, and it is something that we have to explore fully. We all have to explore that fully together. Pam Brown also spoke about the repercussions. We need a debate on what the repercussions might be. Will it mean that we have to take money out of health or education? We need to have that debate rather than just scaremongering.

I was glad that the Minister listened carefully to our arguments. He spoke about the cost of £270 million to the Northern Ireland block. Does that figure take into account an increase in the working-age benefits that will be paid? That qualifying age will have increased as well. I understand that that comes from a different source, but we are talking about parity and flexibility. They have to be looked at. We should ask what the additional cost is to the Treasury of increasing the qualifying age for work-related benefits.

**Mr Copeland:** At the establishment of the welfare state, the total cost to the Exchequer, above and beyond what was already being paid for the whole of the United Kingdom, was £80-odd million.

**Mr Durkan:** Thank you for that point of information.

We have a lower life expectancy here, so surely pensions will not ultimately cost as much as they do in other, more affluent areas.

A discussion ensued between my colleague Mr McDevitt and the Minister about parity. The Minister's Westminster colleagues seem to care more about corporation tax, on which they continue to fight for disparity. Is that a dangerous game?

**Mr Humphrey:** I am grateful to the Member for giving way. It is important that the Member gives some clarity to his and his party's position. The Minister has set out the cost to the Northern Ireland Executive of £270 million. The other benefits that he is talking about are paid for by Her Majesty's Treasury in London; they do not come out of the Northern Ireland Executive accounts. Maybe you will clarify the position. Where will the money come from to pay for this? Which Departments? Will it be the Health

Department, the Education Department or DEL? Where will the money come from to pay for the amendments that you are talking about?

**Mr Durkan:** I have already addressed both those points. I recognised that the other benefits come from the Treasury, and I referred to my party's economic document as one area for exploration of where the funding could come from.

The scaremongering around the impact of a breach of parity on other services here is disingenuous, and I have already referred to the health aspect. The Minister spoke about my reference to accelerated passage. He made it very clear that it was his intention to give the Bill accelerated passage during an unannounced visit to the Committee. I wonder whether the Minister has considered whether the increase in pensionable age will have a knock-on impact on eligibility for or entitlement to other benefits, such as free public transport. Maybe he is still of a mind to do away with that altogether.

We could have just come along today to vote against the Bill, but we have come with compromise and with proposals that we believe could be workable. We have said that we will not dance merrily to the Tory tune as some in the House happily do, even though their colleagues and members of other parties support these exact recommendations in Westminster. The Labour Party proposed the same time frame for the Pensions Bill, but, unfortunately, the amendment was not passed. However, it had the support of DUP and Alliance Party representatives over there. The Assembly must ask itself why it is OK for the DUP to vote one way in Westminster on measures that affect Northern Ireland, but, when it actually has the power to change them here, it shies away from doing so.

**Mr Wells:** The Member has mentioned that several times. Had that vote been successful, that would have become Westminster policy and we would not be breaking parity, because we would be following the same policy for the four countries of the United Kingdom.

If we in this Chamber took the head stagers and voted for the amendment and found the £270 million, what would the Member do when the next breach of parity came along in the form of an amendment? How would he hold the line? People would say, "If you are prepared to find the £270 million for this, you can find it for many other issues". Once you break parity, you

go down a very serious road, and I advise him not to do that.

**Mr Durkan:** The Secretary of State has assured us that there are flexibilities that we might be afforded. That is what the Minister has been telling us over the past couple of weeks.

We accept the constraints of parity, but we will not accept from the Executive a lack of creative thinking on and investigation of alternatives for this region. With these amendments, the Pensions Bill would illustrate that, although Northern Ireland accepts its position and cannot deviate from parity lightly, we are testing the flexibilities that Owen Paterson —

**Lord Morrow:** Will the Member give way?

**Mr Durkan:** I have done enough. Come on.

Earlier this month, Owen Paterson clarified that those flexibilities exist. To make parity work as far as we can without bargaining our citizens' welfare, the SDLP seeks to open negotiations on a way forward. Our remit is making government work, not conceding to every Tory-imposed deal simply because we fear challenging it.

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

*The Assembly divided: Ayes 27; Noes 49.*

#### AYES

*Mr Agnew, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr W Clarke, Mr Dallat, Mr Durkan, Mr Eastwood, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McDevitt, Mr McElduff, Mr McGlone, Mr McKay, Mrs McKevitt, Mr McLaughlin, Mr McMullan, Mr A Maginness, Mr A Maskey, Mr Molloy, Mr Murphy, Mr Ó hOisín, Mr P Ramsey, Ms S Ramsey.*

*Tellers for the Ayes: Mr Byrne and Mr Dallat.*

#### NOES

*Mr Allister, Mr S Anderson, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr T Clarke, Mr Copeland, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr McCallister, Mr McCarthy, Mr McCausland, Mr B McCrea, Mr I McCrea, Miss M McIlveen, Mr McNarry, Mr McQuillan, Lord Morrow, Mr Moutray,*

*Mr Nesbitt, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr Easton and Mr G Robinson.*

*Question accordingly negated.*

**Mr Deputy Speaker:** Amendment Nos 2, 3 and 4 are consequential to amendment No 1, which was not made, so I will not call them.

We move on to the second group. With amendment No 5, it will be convenient to debate amendment No 6. The amendments deal with entitlement to the winter fuel payment and requiring the Department to report on the cost of pension provision and life expectancy in different occupational sectors.

**Mr A Maskey:** I beg to move amendment No 5: In page 2, line 17, at end insert

*“(8) This section shall be disregarded for the purposes of determining entitlement to Winter Fuel Payment in accordance with the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000.”*

The following amendment stood on the Marshalled List:

No 6: After clause 1, insert the following new clause:

**“Duty to report on the impact of health inequalities and occupation on the cost of pension provision for various occupational sectors of the population**

*1A. The Department for Social Development shall, within one year of the date on which this Act receives Royal Assent, lay a report before the Assembly on the differences in the cost of pension provision for various occupational sectors of the population arising from health inequalities, including the impact of occupation on life expectancy.” — [Mr A Maskey.]*

**Mr A Maskey:** Amendment No 5 — *[Interruption.]*

**Mr Deputy Speaker:** Order, order. Can we have peace in the Assembly, please? We have a Member speaking, and there is a lot of background noise. I would prefer it if we were able to listen to the Member. Those who wish to leave, please leave.

**Mr A Maskey:** Go raibh maith agat a LeasCheann Comhairle. Arís. Let us have peace in our time at least. I have a piece of paper here somewhere that I need to refer to.

As a member of the Social Development Committee, I thank the officials from the Committee who supported all the Committee members during our consideration of the Bill at Committee Stage. I also thank departmental officials for their support. I thank in particular all the stakeholder organisations that came to the Committee and made their respective presentations.

Obviously, the amendment is very specific. It is quite self-explanatory and relatively simple and straightforward. Clearly, the key issue from the perspective of the members of the Social Development Committee and of my party has been fuel poverty. We were very pleased that the Committee embarked on a ground-breaking initiative by working together with all the other Committees on fuel poverty. Thankfully, the House will shortly have the report from that work to debate. That work involved eight of the Assembly Committees, all of which have some remit or responsibility for scrutinising their respective Departments, which have some role in relation to fuel poverty. I remind the House that we had a working meeting, a conference-type engagement with eight Assembly Committees, eight of the Executive Departments and well over 30 stakeholder organisations. There were almost 100 people, all of whom were relatively senior, if not the most senior, in their respective organisations and agencies, taking part in a wide-ranging discussion on fuel poverty.

One of the main issues that came up in that discussion was the impact that fuel poverty has on our older citizens. Some of the presentations and the figures included in them told us that somewhere in the region of 44% of households in the North suffer from fuel poverty. So, the argument and the logic behind the amendment is simply that a lot of older citizens are more vulnerable and more prone to the effects of cold weather and therefore are more in need of winter fuel support. Everybody has made that point, and no one has dissented from it. On that basis, the logic is that, if we increase the pensionable age from 60 to 65 for women and then from 65 to 66 for everyone, more of our citizens will fall into fuel poverty and into the category of people who need more support to deal with fuel poverty and fuel costs. The Minister has reminded us that the British Government Minister repeated recently their intention to continue the upward spiral of the pension age.

The amendment would disconnect eligibility for the fuel poverty payment from the pension age. If we increase the pension age, we will probably make more people worse off in respect of fuel poverty and increase the need for support. The amendment would break the link and leave things where they are, although that is not specified.

As the Minister explained, he and his Department are seeking to enact the Bill, which has been handed down from London. What we are trying to do is highlight the fact that that is not necessarily a good thing and is one of the more negative consequences of the Bill. I do not think that anyone dissented from the fact that many of our senior citizens are vulnerable to fuel poverty and need additional support. Therefore, the logic is that, if the pension age is increased, the number of people who will be prone to fuel poverty and fall into that trap will also increase.

I commend the Executive for recently extending eligibility for winter fuel payments. In my view, that vindicates the amendment, because the Executive recognise that there is a need for it. The effect of the Bill will be to increase that need. It is a fairly self-explanatory amendment, and I do not think that it needs a lot of debate.

I respect people's views on parity. It is a big issue, and it is not simple. The British Government have made it clear that their proposal to extend the age of pension eligibility is not simply about the fact that, thankfully, we are all growing older and are able to work longer. They have made it clear that it is, by and large, a financial transaction. They also clearly say that the costs of pensions are increasingly unsustainable. That may or may not be the case, and it has to be addressed. We do not have to address the issue here. It is not simply a matter of saying, "We will take the money from here and put it over there". I understand the logic of Members who spoke about that earlier. The state has to look at how we make pensions sustainable in the longer term. I accept that that is a complex and difficult challenge for all of us.

As I said, I respect the point about parity. I heard Members say that they were unionists and, therefore, accepted the principle of parity. I accept their view, and I am not second-guessing it. I do not wish to disrespect that argument, as there is logic in it from their point of view. However, none of the proposals actually addresses local circumstances. That is why

my party wants to make this amendment and supports the previous amendment.

We understand that, in some cases, there may be substantial costs attached. We do not believe that the arguments have yet been fully and properly explored directly with the British Government. We want that engagement to continue much more robustly, because therein lies what we hear from British Government representatives about greater flexibility. Having been the Chair of the Social Development Committee for almost a year, I have seen little evidence of it. However, I would dearly love to be able to explore that more fully and robustly. Who knows what the outcome might be?

I have no doubt that, in the time ahead, there will increasingly be arguments around regionalisation and whether we should deal with certain issues on the basis of parity or in some other way. I have no doubt that those arguments will come to our table in due course, and I do not think that we should necessarily fear them. However, it is incumbent on us, as an institution, to examine critically how we can best represent the interests of the people whom we were elected to serve. There is compelling evidence, which has been pointed out by a range of stakeholders and by the Department, that there are people here whose life expectancy is lower than in other regions. We are also talking about people's quality of life and their health profile, which is not as good a story as it perhaps is in other places. There are a lot of reasons for that, some of which have been rehearsed in the Chamber over recent years, and they will have to be explored further.

### **12.30 pm**

I ask Members to consider the amendment on its own merits. It would simply break the link between retirement and eligibility for winter fuel payments, as opposed to the outworking of the Bill, which means that people will be eligible only when they reach pension age. As we know, the Bill's purpose is to extend upwards the age at which people can retire. Therefore, on the basis of the compelling evidence presented to us, we firmly believe that the consequence of the Bill would be more of our older citizens becoming vulnerable to fuel poverty. That would be a backward step, and I urge Members to support the amendment on that basis.

**Mr Deputy Speaker:** The Business Committee has arranged to meet immediately after the

lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business after lunchtime will be Question Time.

*The debate stood suspended.*

*The sitting was suspended at 12.31 pm.*

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

**2.00 pm**

## Oral Answers to Questions

### Justice

**Mr Deputy Speaker:** Question 8 has been withdrawn and requires a written answer.

#### **Prison Service: Redundancy Scheme**

1. **Mr Wells** asked the Minister of Justice whether he plans to instruct the Prison Service to provide officers who are leaving their posts under the redundancy scheme the option of taking their gratuity payments in the 2012-13 tax year. (AQO 1649/11-15)

**Mr Ford (The Minister of Justice):** One hundred and fifty one staff will leave the Prison Service on 31 March under the terms of the voluntary early retirement scheme. Their compensation in lieu of notice payment and the nine-month severance payment will be made before the end of this month. Their statutory lump sum and compensation payment will be made in April. All payments will be taxed within the 2011-12 tax year. That decision was taken following consultation with the Departmental Solicitor's Office, internal audit and Her Majesty's Revenue and Customs.

**Mr Wells:** That is a very disappointing response from the Minister, because, as he knows, I asked that specific question when officials from the Prison Service came before the Committee. They assured me that tax could be taken in 2012-13. Furthermore, staff were advised by officers in the Prison Service that it would be in 2012-13, and, indeed, some of the written material made it clear that it could be taken in that year. His decision will mean that many prison officers will pay up to £2,000 extra in tax, simply because of the lack of flexibility that has been shown. Finally, HMRC has indicated to prison officers —

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

**Mr Wells:** — that it could not care less when the tax is paid. This is not, therefore, advantageous to his officers.

**Mr Ford:** If there was a question in there, I will attempt to answer it. Mr Wells says that HMRC “could not care less” what year the tax is paid. That is certainly not the understanding I have, which is a clear interpretation of tax law, which is that, since the pay becomes available in the current tax year, the tax is due on the basis of the current tax year.

Mr Wells talks about prison officers potentially losing up to £2,000 because of this decision. It is certainly the case that some prison officers will lose in the region of £2,000 or, perhaps, slightly more because tax is liable in this tax year. However, it should also be made clear that, as a result of negotiations between the Prison Service and HMRC, a number of prison officers will save up to £5,000 through legitimate ways of dealing with the tax issue, as opposed to what would have been regarded by HMRC as tax avoidance.

**Mr P Maskey:** Go raibh maith agat, a LeasCheann Comhairle. Can the Minister inform us whether he has seen the legal advice? Can he confirm that it is lawful to place a restrictive covenant on the award of severance packages to prison officers?

**Mr Ford:** I struggle to find the connection between the original question and that. As I said to the House yesterday — I am not sure whether Mr Maskey was present — I have not personally read the advice. I do not need to read the advice in all cases.

**Mr Hussey:** I thank the Minister for his answers. Mr Wells asked a question to which I did not hear an answer, so I will ask again: were prison officers given advice that the outworkings of the gratuity payments would be in the 2012-13 year? My understanding is that they were, but I ask the Minister whether they were given that advice.

**Mr Ford:** It is certainly my understanding that information was conveyed, at one stage, to members of the Justice Committee that payments would be taxable, potentially next year. I believe that was said in November last year. That was corrected at a meeting of the Justice Committee in February this year. I am not in a position to say what information may or may not have been supplied to officers.

It is regrettable that that mistake was made at a Committee meeting last year, but it was corrected subsequently.

**Mrs D Kelly:** Given the success of the gratuity scheme, in that 500 serving prison officers applied to leave the service, how will they be facilitated? What is the time frame for the appointment of the replacement personnel?

**Mr Ford:** I thank Mrs Kelly for the question. The only information that can be given specifically at this point is that 151 officers are leaving this week, and, because of the wrong pension calculations in the Department of Finance and Personnel, a further six will leave during April. It is not possible to give a firm date when others will leave; that will depend on the needs of the service. Also, as I have pointed out, officers could lose their compensation in lieu of notice if they are given notice.

It is expected that, in the autumn, the first of the 200 new entrants who applied last month will come into post and will be fully operational by the end of the year.

**Mr Deputy Speaker:** As Mr Mitchel McLaughlin is not in his place, we will move on.

### **Office of the Police Ombudsman: Accounting Officer**

3. **Mr G Kelly** asked the Minister of Justice to outline the role of his Department in changing the position of accounting officer within the Office of the Police Ombudsman.

(AQO 1651/11-15)

**Mr Ford:** The accounting officer for the Office of the Police Ombudsman has always been the chief executive. Accounting officer responsibility changed from the acting chief executive to the interim chief executive following his appointment at the end of January this year. My Department's role was to designate formally the incoming interim chief executive as accounting officer for the Office of the Police Ombudsman. My permanent secretary, as departmental accounting officer of the DOJ, wrote to the interim chief executive on 30 January 2012 to confirm the change of accounting officer role from the acting chief executive to the interim chief executive.

**Mr G Kelly:** I thank the Minister for his answer so far. He will be aware of the interference in the Office of the Police Ombudsman. Indeed,

his Department was criticised about that. Does he understand why the interim chief executive being put forward by the Department of Justice will further worry people about what might be still going on in the office? Have any changes been made, especially structural changes or the regrading and demotion of senior staff, by the interim chief executive?

**Mr Deputy Speaker:** Could we have the question, please?

**Mr G Kelly:** That is the question.

**Mr Ford:** I am not aware of interference in the office by my officials. The interim chief executive was not put forward by the Department of Justice. The ombudsman sought the assistance of the Department of Justice in identifying an interim chief executive of an appropriate grade. The permanent secretary of my Department contacted the head of the Civil Service and DFP about that. I cannot see how that constitutes interference.

**Mr Campbell:** Will the Minister of Justice assure the House and the wider community that the interim chief executive and others in the Police Ombudsman's office will not be subject to political pressure, as has certainly been the case in the past four or five months, particularly from members of Sinn Féin?

**Mr Ford:** Unfortunately, it would be a foolish Minister who came to the House and suggested that any public official would not be subject to political pressure. I can assure the House that, to the best of my knowledge, the interim chief executive will resist any such pressure.

**Mrs Dobson:** The McCusker report found that the accountability arrangements for the accounting officer role needed to be clarified. Are the changes representative of the issues highlighted by Tony McCusker?

**Mr Ford:** I thank Mrs Dobson for her question. The long-term arrangements will have to be determined by the new ombudsman when he or she takes up post. At this stage, the issue is that the interim chief executive carries certain responsibilities. However, it is clear from the McCusker report that issues about the grading and staffing of the office as a whole will have to be addressed. That can be carried through only when the new ombudsman is in a position to make those decisions.

**Ms Lo:** The Minister's answers so far make it clear that his Department has acted entirely properly and in the best interests of an effectively functioning Police Ombudsman's office. Does he agree that those who are swift to accuse his Department of wrongdoing should be just as swift to acknowledge when his Department acts in an entirely appropriate fashion, as it has clearly done in relation to this matter? I do not mean now.

**Mr Ford:** That would be nice. I am not necessarily sure that, in the Chamber, any Minister gets recognition when things are done right, but we can certainly expect the kicks when things are done wrong.

As far as I am concerned, the Department of Justice has acted entirely properly in seeking to ensure the continuity of the ombudsman's office, given the difficulties that the office has been in. I welcome my friend's suggestion that that is right and should be acknowledged by all parts of the House, although I am not holding my breath.

**Mr Deputy Speaker:** As Mr Seán Lynch is not in his place. We will move on.

## Prison Reform

5. **Mr Lyttle** asked the Minister of Justice to outline his prison reform objectives for the next six months. (AQO 1653/11-15)

**Mr Ford:** As I stated yesterday, the pace of prison reform is accelerating. Over the next six months, we plan to build on the foundations that have been laid. My objectives focus on four main delivery areas: structural reform in the Prison Service; increasing the skills and capacity of staff in NIPS; preparing the way for cultural change in NIPS; and developing a more efficient and effective justice system.

Measures for delivering structural reform include the transfer of healthcare staff to the South Eastern Trust on 1 April; ensuring improved accountability and governance arrangements; and a number of pivotal reviews, including those of corporate governance and of learning and skills for prisoners. I also plan to publish a new prison estate strategy next month.

To increase the skills and capacity of staff in the Prison Service, we will develop a range of fit-for-purpose training programmes for new and existing staff on which a truly professionalised

service can be built, and we will delayer the current seven-tier management structure down to four to improve accountability. Other measures will begin to effect cultural change and include letting go long-serving staff who do not want to be part of a reformed NIPS; the recruitment of new custody officers, with the first appointees expected to be operational by the new year; and the introduction, by the end of June, of a new disciplinary system for uniformed staff.

Other measures will improve the wider justice system and include work to ensure that the prison reforms are properly aligned with the approach being taken by the Department to offending right across the justice system; the publication of a strategic framework for reducing offending; the introduction of a faster, fairer justice Bill before the end of the year; and further consideration of statutory time limits by the Criminal Justice Board.

**Mr Lyttle:** I thank the Minister for his answer and for the progress made in the past six months. What arrangements have been put in place to oversee what is clearly a complex programme of work?

**Mr Ford:** The key issue in the oversight of that programme of work is the set-up of the group that I chair as part of the recommendations of the prison review team. It will meet quarterly and includes independent members. It had its first meeting last month and will meet again in May. Given the experience of those who serve on the group, I believe that we have a very sound way of ensuring that oversight is maintained in the process. After each meeting, the group will ensure that a report is submitted to the Justice Committee so that it can also play its role in the proper oversight of the Department. There will also be a departmental reform group, which will be led by the permanent secretary and include participation by the probation service and DHSSPS. The Department has also scheduled a number of workshops, working with other Departments throughout the spring of this year to consider cross-cutting and strategic issues.

**Mr McCartney:** Go raibh maith agat a LeasCheann Comhairle agus buíochas don Aire as an fhreagra sin. I thank the Minister for his answers.

The Minister mentioned his statement to the House yesterday on his objectives for the next six months. Does he feel that he will be able

to deliver the full-body scanners to Maghaberry and other prisons in the next six months?

**Mr Ford:** I thank Mr McCartney for his question. I can state only what I said yesterday, which is that we are not sure what the timescale will be, because the timescale for some of the processes is dependent on licensing arrangements that have to be considered at UK national level. However, I repeat my assurance to Mr McCartney that we will work as fast as we can in the Northern Ireland Prison Service to move on the issue of full-body scanners and get pilots under way.

**Lord Morrow:** There is a thought abroad that the Minister's prison reforms have more to do with looking after the comforts of criminals than looking after and delivering justice to victims. Does the Minister accept that it is vital that the general public have confidence in anything that he does, that everything that he does is seen to be fair, open and transparent and that the reforms also consider victims' needs?

**2.15 pm**

**Mr Ford:** Yes, I certainly consider it necessary that everything should be fair, open and transparent. On the specific issue of victims, the Department has been doing a lot of work around the needs of victims and witnesses, some of which Lord Morrow will know from his time as Chair of the Justice Committee. A lot of that depends on the work currently being done by the Justice Committee around meeting the needs of victims, which will inform the work to be done by the Department in the coming months.

**Mr A Maginness:** The Minister referred to the oversight body. It is right and proper that there be such a body to look after the conduct of the reforms, but the Minister chairs it himself. I suggest that it might be better if there were an independent chair instead, in order to validate the independence and give that body more power.

**Mr Ford:** I see where Mr Maginness is coming from, but any suggestion that the personalities who serve on that oversight committee would somehow be overly leaned on by me as chair was not shown to be the case at the initial meeting, and I do not expect it to be the case going forward. The Member is a member of the Justice Committee, which will receive a report after each meeting of the oversight group. That will enable the Committee to also hold the Department to account. I think those measures

are sufficiently open and transparent to ensure that the oversight work is done correctly, but it will be up to him and other members of the Committee to hold me and the oversight group to account.

### **Office of the Police Ombudsman: Criminal Justice Inspection Report**

6. **Mr Boylan** asked the Minister of Justice what progress has been made in relation to the implementation of the Criminal Justice Inspection report on the Office of the Police Ombudsman. (AQO 1654/11-15)

**Mr Ford:** On publication of the Criminal Justice Inspection report, I made clear the need for the Office of the Police Ombudsman to take swift and robust action in response. The office developed an action plan to implement the recommendations in full. It also committed itself to seeking independent validation of the implementation process from CJINI. Since publication of the report, I have received regular updates from both the ombudsman's office and Dr Michael Maguire on the implementation of the recommendations.

I am pleased to advise that there has been progress on a number of fronts, particularly in reforming the processes around the investigation and reporting of historic cases. Criminal Justice Inspection has also confirmed that the proposals for the development of the historical directorate are sensible and provide a basis for a more robust approach to the investigation of historical cases. Further work is required in order to implement the recommendations fully, and that will take some further time. However, I have been assured that the ombudsman's office recognises the challenges and importance of delivering on the action plan in a timely manner, and I am pleased that priority is being given to this work.

**Mr Boylan:** Go raibh maith agat, a LeasCheann Comhairle. I welcome the Minister's answer. Will the Minister spell out who will lead any review of the confidential unit included in the suggested work, and when it will be completed?

**Mr Ford:** The simple answer is that the new ombudsman, who I believe is close to being appointed, will lead that work. That appointment has been at ministerial level with the First Minister and deputy First Minister. The new ombudsman will, I hope, be in post as soon as

can be and will have the responsibility of leading the work around the confidential unit.

I am also pleased to tell the House that the business case has been agreed to grant another £10 million to engage in the historical work of the ombudsman's office, which will ensure that staff are in post when the new ombudsman is able to take up responsibilities to deal with these historical cases which have been blighting the work of the office for so long.

**Mr Givan:** The Minister will be aware that the report highlighted the fact that police confidence in entrusting the ombudsman's office with highly confidential information required the establishment of the confidential unit. Does the Minister share my concerns that any reduction in that confidentiality could lead to a loss of police confidence, which is vital to the success of any ombudsman's office?

**Mr Ford:** The Committee Chair highlights the importance of Police Service confidence in the ombudsman's office. It is also absolutely clear that we need to ensure that there is public confidence. There is no benefit in having confidence on one side and not on the other. I trust that that will be something that the new ombudsman can take up. I recognise the points that he has made about the operation of the confidential unit in dealing with those difficult cases.

**Mr Kinahan:** One of Criminal Justice Inspection's recommendations was for a skills and competency audit of staff. Has that been taken forward? If not, why not? When will it be complete? If it has been carried out, what did it find?

**Mr Ford:** The best answer that I can give is that I understand that a skills and competency audit has been carried out. However, it is not part of my function to know exactly what the detail of it is. I will see what information is available in the Department and write to the Member if necessary.

## Prisons: Strip-searches

7. **Mr D Bradley** asked the Minister of Justice what measures he intends to take to reduce the frequency of strip-searches in prisons.

(AQO 1655/11-15)

**Mr Ford:** Following the review of the full-body searching of prisoners, which was published in December 2010, and the August 2010

agreement, the frequency of full-body searching in our prisons has already been significantly reduced.

In its final report, the prison review team concluded:

*"Full-body searching is a procedure which is intrusive and invades the privacy of all prisoners, but is justified as proportionate and necessary to prevent the smuggling of contraband or weapons."*

It goes on to say:

*"If other less intrusive and more effective electronic methods become available, they should be piloted, and their use considered."*

In line with that, the Prison Service has subsequently conducted a further review of full-body imaging scanners for potential use in prisons. On the basis of that review, as I have previously said, I intend to initiate a pilot of full-body imaging scanners as soon as the necessary authorisation for use of that technology in prisons is obtained. The outcome of such a pilot, when it is introduced, may reduce the frequency of full-body searching.

**Mr D Bradley:** Go raibh maith agat a LeasCheann Comhairle agus gabhaim buíochas leis an Aire as an fhreagra a thug sé ansin agus ba mhaith liom an méid seo a fhiafraí de.

I thank the Minister for his answer. In the meantime, will he help to recommence dialogue between prison officials and republican prisoners in Roe House in order to bring that continuing dispute to an end?

**Mr Ford:** I certainly share Mr Bradley's desire that we should bring the dispute to an end. Certainly, as I understand it, the offer of a prisoner forum has been made to those in Roe House, both in Roe 3 and Roe 4. However, prisoners have been unwilling to engage in that form of discussion, which, I believe, would be the best way, given that it is in line with the August 2010 agreement, to carry forward discussions on the management of Roe House. The important issue for me is to ensure that we provide the best possible regime for all prisoners in custody, commensurate with their human rights and the need to provide safety and security for staff and prisoners.

**Mr McCarthy:** Can the Minister confirm my understanding that the agreement reached with separated republican prisoners related only to

searching within the prison and that the aspects of that agreement relating to searching have all been implemented in full?

**Mr Ford:** Yes. The August agreement was concerned with internal movement. The issue of searching prisoners on entering and leaving prison remains the same in every prison in Northern Ireland, as it is, as I understand, in England, Wales and Scotland. At present, full-body searching is the best arrangement that we have. However, as I made clear in the answer that I have just given to Mr Bradley, we are seeking technological solutions that would meet that need.

**Ms J McCann:** Go raibh maith agat, a LeasCheann Comhairle. Given that, in answers to previous questions, the Minister said that he was committed to putting in place full-body imaging scanners, can he communicate that to prisoners in some way so that they know about his intention to do that?

**Mr Ford:** I would have thought that the number of times that I have answered questions in the Chamber on that issue would have made it fairly clear publicly. It has certainly been reported in the media. However, I have no difficulty in ensuring that anybody who is aware of and concerned about the needs of prisoners is aware of our intention to move to a technological solution as soon as we can find a suitable one.

**Mr Copeland:** Can the Minister outline the nature of the pilot of the full-body imaging scanner that he intends to initiate, the cost of the exercise and, how, at the conclusion of the exercise, a decision will be taken to assess its success or otherwise?

**Mr Ford:** I think that Mr Copeland goes a bit beyond the precise detail of the pilot. I will happily inform the House when we have some understanding of what technological solutions can be piloted, after taking into account potential licensing issues, what is being done and the potential cost, although I suspect that it would be only an estimate at this stage. We will then have to ascertain how effective the process is compared with the existing search arrangements, and that will require a detailed study. If we simply discussed it at this point, I suspect that the discussion would not be particularly well informed.

## Crime: Victims

9. **Mr Lunn** asked the Minister of Justice for an update on the measures he is taking to address the needs of victims of crime.

(AQO 1657/11-15)

**Mr Ford:** Addressing the needs of victims and witnesses of crime has been high on my list of priorities since I became Minister. I have published a code of practice for victims of crime, two new guides to the criminal justice system, a handbook for adult victims of sexual violence and guidance on achieving best evidence. I have also brought forward legislation to expand the availability of special measures for vulnerable and intimidated witnesses. Victims' champions have been appointed for each of the criminal justice agencies, and I have met them to discuss how we can best work together to provide a more seamless and responsive service for victims.

I am encouraged that the latest Northern Ireland victim and witnesses survey statistical report, which was published on 15 March, shows that victim and witness satisfaction has increased from 67.9% to 70% since devolution. Although that is a modest increase, it is statistically significant and indicates that the measures that have been taken so far are having a positive effect.

Later this year, I plan to publish for consultation a new five-year strategy for victims and witnesses. I have given a commitment that the proposed new strategy will be substantially informed by the outcome of the Justice Committee's recent inquiry into the services provided to victims and witnesses of crime. I look forward to receiving the Committee's report in the near future.

Work is also under way on a number of new initiatives, including the development of a victim impact scheme, the establishment of witness care units and the introduction of a witness intermediary service. It is my sincere hope that all those measures will help to improve the victim's journey through the criminal justice system, and I will personally oversee their delivery.

**Mr Lunn:** I thank the Minister for his very full answer. He referred to the appointment of victims' champions. Can he expand on the role of those champions and say from where the idea came?

**Mr Ford:** I thank Mr Lunn for his supplementary question. The initial proposal came from Criminal Justice Inspection, when it carried out its thematic inspection report on the care and treatment of victims and witnesses. As a result of that, I wrote to the different agencies across the criminal justice system shortly before Christmas inviting them to nominate a victims' champion at senior level for their organisation.

The role of victims' champions is to provide an organisational focus on the way each organisation treats victims and witnesses and, hopefully, where necessary, to challenge attitudes and behaviours. A couple of weeks ago, I had a useful meeting with victims' champions across the different agencies, and we had a very productive discussion on working collaboratively to improve services for victims and, indeed, to establish an amount of collaborative work, which is already under way. I will seek regular reports from the victims' champions to ensure that that progress is maintained.

**Mr B McCrea:** Minister, are you aware of the deficiency in a number of court buildings where victims of crime regularly come into contact with those accused of committing the crime? Will he undertake to review the court infrastructure?

**Mr Ford:** I assure Mr McCrea that the issue of court infrastructure is under review at the moment. One of the key issues is to ensure that we provide better facilities for victims and witnesses, including, where necessary, facilities to separate them from perpetrators or alleged perpetrators of crime. It is not easy given the current state of the estate, which consists of many buildings that, although beautiful and historic, are not adequate for modern needs.

## Regional Development

**Mr Deputy Speaker:** I must tell Members that question 1 has been withdrawn. A written answer will be provided.

2.30 pm

### Gritting: Lyndhurst Gardens, Belfast

2. **Mr Humphrey** asked the Minister for Regional Development if Lyndhurst Gardens, Belfast, can be included in the Roads Service gritting schedule. (AQO 1664/11-15)

**Mr Kennedy (The Minister for Regional Development):** As I have previously advised the Member, Lyndhurst Gardens does not meet the criteria for inclusion in the salting schedule. There are alternative routes, such as Westway Drive, that are treated and can be used to provide access to the main road network. The Member will also be aware that Roads Service has provided two salt boxes at that location for use by the public on a self-help basis.

Nevertheless, I empathise with the residents of the area and appreciate the difficulties that they encounter during severe wintry weather. I am prepared to look at the issue again and will discuss it with the divisional roads manager prior to meeting the Member. I hope that that may lead to an outcome that is satisfactory to all parties.

**Mr Humphrey:** I thank the Minister for his welcome reply. It may perhaps seem strange that I am asking about gritting on a day such as today, but I commend the Minister for his answer. I have previously raised the point with departmental officials that the route through Westway Drive does not provide access to the estate. The area is at the top of the Black Mountain, and it has a steep gradient that provides considerable difficulties to the significant number of senior citizens who live in a settled community there. I very much welcome such a meeting with the Minister, and I thank him for his response.

**Mr Kennedy:** I am grateful to the Member for his supplementary question. I also pay tribute to him for the doughty way in which he has pursued the issue, even in today's pleasant weather conditions.

Being mindful of wintry conditions, I think that it is important that we look at all aspects of winter preparation. I can inform the House that, on a yearly basis after the winter period, Roads Service reviews how it has performed and assesses whether there are any outstanding issues. Clearly, the Member has raised one such issue. We will look at it and meet him at some stage to discuss it further.

**Mr Ó hOisín:** Go raibh maith agat a LeasCheann Comhairle agus gabhaim buíochas leis an Aire don fhreagra sin. What are the Minister's intentions about increasing cross-border co-operation about increasing cross-border co-operation in the gritting of roads, perhaps by bringing councils together, North and South?

**Mr Kennedy:** I am grateful to the Member for his supplementary question, albeit that it seems a long way from Lyndhurst Gardens. *[Laughter.]* When there is common cause, we will co-operate. However, my understanding is that, in the system that is operated in the Republic of Ireland — I would be very grateful if the Member would pay some attention to the answer to the question he posed — there are differences in emphasis and approach that may not be easily reconciled. We are happy to look at instances in which meaningful co-operation can be operated successfully.

**Mr McDevitt:** Does the Minister believe that the current gritting policy is fit for purpose? Is it perhaps time to carry out a significant review of the management and provision of gritting services, particularly in our towns and cities? I am sure that the Minister knows that the experience in the city of Belfast is less than satisfactory. Many large urban residential areas are left ungritted and, the residents would argue, without access to proper gritting services.

**Mr Kennedy:** I am grateful to the Member for his supplementary question. I refer him to the answer that I gave some moments ago. On an ongoing basis, Roads Service reviews the practices that are engaged in over the winter season, and we will continue to do that. However, the priority has to be the main strategic roads network, and it is not economically viable or possible to grit every road, lane-way or footpath. So, we have to make the available resources count to the best advantage. I am happy to continue to look at the situation. I can say that salting 28% of the road network covers 80% of the main traffic movements. Since becoming Minister, I have instigated dialogue with and have had a very good response from local government on the subject of footpaths and town centre areas. I hope to build on that in the future so that we can make as much progress as possible in a sensible and cost-effective way.

## A6 Randalstown to Toomebridge

3. **Mr McLaughlin** asked the Minister for Regional Development for an update on the A6 Randalstown to Toomebridge dualling scheme.  
(AQO 1665/11-15)

**Mr Kennedy:** Roads Service has advised that this scheme was subject to a public inquiry in 2007 and, in response to a recommendation

in the inspector's report, officials have been examining alternative junction proposals for Bellshill Road and Annaghmore Road, Castledawson. These alternative proposals were the subject of a further public inquiry, which took place on 13 and 14 February 2012. Roads Service hopes to complete statutory procedures for the scheme later this year. However, I should explain that there is no allocation for this scheme in the current Budget period up to 2015 to allow the scheme to proceed to construction. On that basis, and subject to the outcome of the public inquiry and funding determined by the investment strategy for Northern Ireland 2012-2021, it is anticipated that any work on the ground will not commence before 2015-16 at the earliest.

**Mr McLaughlin:** Go raibh maith agat, a LeasCheann Comhairle. Having apologised to the Minister, I apologise to you, Mr Deputy Speaker, for missing my question to the Minister of Justice.

I thank the Minister for his detailed answer. He has anticipated the issue that I intended to follow up on, which was whether he believes that he can secure the funding for the scheme. He has outlined the timeline, and I thank him for that. Is he confident that the funds for the scheme are still secure?

**Mr Kennedy:** The Member will want to consult Hansard to see the reply that I gave him. I will repeat that it is anticipated that any work on the ground will not commence before 2015-16 at the earliest, but that, of course, is subject to the outcome of the public inquiry and funding, which will, largely, be determined by the investment strategy for Northern Ireland (ISNI). The ISNI strategy, he will know, has been consulted on and is now subject to further work. It has not yet reached the Executive table for approval and, obviously then, approval by this House, but its content will be key in bringing forward this scheme and other schemes of this nature.

**Mrs Overend:** Does the Minister agree that it is somewhat disingenuous of Members, particularly Sinn Féin Members, to complain about the delay or deferral of major roads schemes such as the A6 project, when the Budget 2011-15, which was proposed by the former Minister last January and voted for by them, clearly set out that this and other worthy schemes would not proceed until 2015 at least, because of the decisions to prioritise other roads?

**Mr Kennedy:** I thank the Member for her supplementary question. She makes a very fair point, in that having agreed at Executive level the various economic programmes, the Programme for Government and, presumably, at an early stage, the ISNI strategy, it will be incumbent on Members to bear that in mind when they particularly advance the cause of projects or schemes in their areas. It is all very well to play populist politics — many people have built a career on that, and I do not exclude myself from that either — but we need to be cautious that we do not exceed ourselves and make promises that we cannot realistically keep.

**Mr McGlone:** Go raibh maith agat a LeasCheann Comhairle agus mo bhuíochas leis an Aire chomh maith. I thank the Minister for his response. I am concerned principally, although not exclusively, about the part of the road that is in my constituency. I heard Mrs Overend's point that a number of parties in this House voted for that Budget, and we are, perhaps, living with the consequences now. A number of environmental concerns were expressed by residents on the south Derry side of the proposed extended route of the thoroughfare. Can the Minister provide assurances that those environmental concerns, and, indeed, further concerns were expressed, but they are, obviously —

**Mr Deputy Speaker:** Question, please.

**Mr McGlone:** — part of the public inquiry. Will those be factored into consideration of the route and the sensitivities of the environment on its way through?

**Mr Deputy Speaker:** I am sure that the Minister has got the gist of that question.

**Mr Kennedy:** Yes, I just about got that, Mr Deputy Speaker. I thank the Member for his supplementary question. I assure him that due consideration will be given to all the points that he raised, particularly through the public inquiry stage and the outcome of the inspector's report, which will be dealt with not only by my officials but by me.

**Lord Morrow:** Is the Minister yet in possession of the public inquiry into the A5? If so, is he prepared to share it with the rest of us?

**Mr Kennedy:** Lord Morrow has leapfrogged the mountain to go to the A5 rather than Randalstown and Castledawson. I am happy to say that the inspector's report on the A5

has been received. Officials are working on that. It has not yet reached my desk. I will be very pleased to inform Lord Morrow about the outcome of my deliberations on that when I am in a position to do so, and I might even wait for some advice that, in the past, has not been forthcoming from him regarding his clear view on the A5. I am happy to deal with that in due course, and I do not wish to raise the temperature or for Lord Morrow to be excited unduly. We will give it careful consideration, and, in due time, he will learn its outcome.

## Road Fixtures

4. **Ms Brown** asked the Minister for Regional Development what action Roads Service is taking to clean and repair broken road fixtures.

(AQO 1666/11-15)

**Mr Kennedy:** Roads Service carries out regular inspections of all public roads and footways to ensure that essential response maintenance is identified and completed as necessary. During those inspections, all defects are noted, including, for example, defective signs and signs needing cleaning to improve their visibility. The frequency of the inspections depends on the type of road and the volume of vehicular and pedestrian traffic. Town centres and major traffic routes are inspected monthly, while all other roads and footways are inspected at either two-monthly or four-monthly intervals.

In addition, to maintain street lighting and sign illumination equipment in good condition, Roads Service carries out ongoing cycles of night-time scouting and follow-up repairs. Lighting inspections are undertaken every two weeks during winter and every four weeks in summer. Any defects that are found are programmed for remedial action and are normally repaired within five working days. That will also include the cleaning of the equipment, when appropriate. Repairs to traffic signals are carried out under Roads Service's traffic signal maintenance contract. The contract also provides for the cleaning of traffic signal lenses and a quarterly inspection at each traffic signal installation. Any reported damage or operational faults will have remedial work carried out by the maintenance company, in accordance with response times specified in the contract.

**Ms Brown:** I thank the Minister for his answer. I am sure that he and other Members may have noticed that, over the past number of months,

road signage, in addition to street light boxes, on major commuter routes have been in a state of disrepair, posing safety concerns. What is the Minister doing to ensure that such problems are seen to efficiently, which will secure the safety of all road users?

**Mr Kennedy:** I am grateful to the Member for the supplementary question, and I confirm that Roads Service takes very seriously the maintenance of signs and signals and all the issues that I referred to in the original answer. That remains the case.

#### 2.45 pm

**Mr Lynch:** Go raibh maith agat, a LeasCheann Comhairle. Like Mr McLaughlin, I also apologise for not being here. I can only put it down to confusion around the new summer time. Minister, given the very mild winter that we have had, how much additional funding is available for road repairs?

**Mr Kennedy:** The clock seemed to spring forward there fairly dramatically in terms of the licence given to the question.

It is not a matter of saving money or having money in reserve because of winter maintenance. The winter preparations are put in place in the expectation that those resources will be required, and, therefore, it is important that they are in place. We have had a very mild winter, and about 46,000 tons of salt have been used to salt the road network. I pay tribute to all the staff who undertook those duties in very unsocial hours on behalf not only of the Department but of the wider community. As I said, we will continue to review the winter practices. I cannot indicate that there are no savings accrued. Simply, we continue to learn lessons and apply good practice in all our winter preparation.

**Mr A Maginness:** If the Minister cares to visit north Belfast, he will see that there is not very much maintenance of roads signage, and I do not share his rosy assessment of the way in which the Department is carrying out its work. What moneys are being spent on the repair and upgrade of roads signage and safety barriers throughout the North? When I say "the North", I do not just mean north Belfast.

**Mr Kennedy:** You meant Northern Ireland I assume. You did not, presumably, mean the

occupied Six Counties. *[Laughter.]* It is a long time since anybody said that, thank goodness.

I am concerned at the Member's earlier remarks about his perception of the condition of signage in north Belfast, and I am happy to look at particular instances. The contract for maintenance of road signs, traffic lights and lamp posts is undertaken on a Northern Ireland basis, and, if possible, we will extrapolate those figures and provide them to the Member.

#### Narrow Water Bridge

5. **Mrs McKeivitt** asked the Minister for Regional Development for an update on the proposal to build a bridge at Narrow Water between County Down and County Louth. (AQO 1667/11-15)

**Mr Kennedy:** I can advise the Member that the proposal to build a bridge at Narrow Water between County Down and County Louth is being taken forward by Louth County Council in association with Newry and Mourne District Council, and my Department has no direct involvement in the project. In those circumstances, I am not in a position to provide an update on the proposal.

**Mrs McKeivitt:** Given that the Programme for Government has outlined the importance of tourism and job creation in the tourism sector, and given the important role that our road infrastructure has to play to help deliver that, what attempts has the Minister made to help deliver that important North/South cross-border tourism bridge project?

**Mr Kennedy:** I am grateful to the Member for her supplementary question, and I understand that she and colleagues have been pressing for the project. As I said, my Department has never, at any stage, been the lead Department on the project, and I confirm that that was the case even under my predecessor, the former Minister, the Member for Newry and Armagh. I have had meetings with and had representations from Newry and Mourne District Council and Louth County Council recently, and I have met members from the local chambers of trade and commerce in Warrenpoint, Kilkeel and Dundalk, and I understand the emphasis that was placed on the project from a tourism point of view. However, as roads Minister, it is my chief responsibility to improve the overall strategic road network. That is best served in this area by bringing forward the southern relief

road from Newry, which is now in its early stages of preparation. I hope that the Member will support that project as we move to improve the infrastructural main strategic road network all over Northern Ireland.

**Mr Nesbitt:** Perhaps you would expand on your previous answer, Minister, and give us your assessment of the economic benefit of the bridge compared with, for example, the Ballynahinch bypass, which would also benefit County Down, or, more broadly, with additional finance for the road maintenance budget.

**Mr Kennedy:** I am grateful to the Member for his question. He raises a challenge that all Members should consider when talking about upgrading the strategic road network, and, indeed, projects such as the Ballynahinch bypass. The Member has organised meetings for me to attend in Ballynahinch so that I might understand the strength of feeling on that issue. I pay tribute to him for that. In comparison with other schemes, it is largely a tourism project, like the bridge project at Narrow Water. Of course, money is tight. We are waiting for the investment strategy to be published and agreed, and many of the key decisions will depend on that. Improving the overall road infrastructure remains my key objective. Tourism projects might best be served by the tourism Minister.

**Mr W Clarke:** Go raibh maith agat, a LeasCheann Comhairle. The Minister believes that it is not his responsibility to provide road infrastructure to enable tourists to get to their destination. I disagree with that. I believe that the Minister has a responsibility. If the Minister did not have the resources in his Department, did he bring a paper to the Executive seeking a contribution from his ministerial colleagues?

**Mr Kennedy:** Although I am grateful to the Member for raising the question, it begs a further question from me on why his party colleague, the previous Minister for Regional Development, Conor Murphy, who was four years in post, did not bring such a paper or seek such approval.

### Roads: Omagh to Enniskillen

6. **Mr McElduff** asked the Minister for Regional Development what steps his Department is taking to reduce travel times between Omagh and Enniskillen. (AQO 1668/11-15)

**Mr Kennedy:** I am pleased to advise that Roads Service has committed to the construction of

two major road improvement schemes along the A32 Omagh to Enniskillen route. Those are at Drumskinny, which has an overall estimated scheme cost of £1.8 million and is now nearing completion, and at Shannaragh — I hope that I got that right, otherwise I will be criticised — which has an overall scheme cost of £7.3 million. Work on that has just recently commenced, with a view to completion in March 2013.

Together, those schemes will improve the quality of the route, enhance road safety and reduce travel times. However, the delivery of any further schemes along the route will be determined by the investment strategy for Northern Ireland 2011-2021, consultation on which concluded recently.

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. Is his Department in discussion with the Department of Health, Social Services and Public Safety about the strategic importance of the A32 in relation to, for example, the regular ambulance traffic between Omagh and Enniskillen? Will he give a bit more detail about future schemes?

**Mr Kennedy:** I am grateful to the Member for his supplementary question. He will recall that the former Minister of Health, Social Services and Public Safety, my party colleague Michael McGimpsey, did indeed make a contribution to the A32 scheme — the Cherrymount Link scheme — which commenced in October 2011 and remains programmed for February 2013. The total value of the priority schemes that are listed in the A32 strategy is in the region of £20 million. However, as I have said, the progression of the remaining schemes that are identified in that strategy is dependent on the availability of funding and the satisfactory completion of the statutory consultation process.

**Mr Byrne:** I thank the Minister for his answer. Does he accept that the ambulance travel times for patients from Omagh to Enniskillen are not really acceptable given the nature of the road? Will he state what target times are expected, given the improvements that he outlined?

**Mr Kennedy:** I am grateful to the Member for his concern. This issue has been raised by him and others. We continue to look at the situation through Translink and initiatives that are supported by the rural transport fund. There is some desire to improve accessibility to hospital appointments etc. The Member will

know that we are working on it and will continue to see how things can be improved. It is not simple or straightforward; there are financial considerations. A pilot scheme is envisaged for getting to appointments at Altnagelvin Area Hospital. We will continue to work on that and make progress.

**Mr Elliott:** I thank the Minister for that. Given that the A32 is a priority regarding the hospital provision, obviously, another priority in extension to that would be the Enniskillen southern bypass. Does the Minister have any plans to progress that quickly?

**Mr Kennedy:** I thank the Member for raising again with me the Enniskillen bypass. It is very close to his heart as well as being in his constituency. We are bringing forward the scheme in its preparatory stages, but much of the finance that we can allocate to it will depend on the outcome of the ISNI. I am aware of that scheme and others around Northern Ireland; I think of schemes like the A6, the Dungiven bypass, the A26 and the bypasses for Ballynahinch, Magherafelt and Cookstown. There are any amount of projects that I, as roads Minister, want to bring forward subject to the available finance. I will look for support from Members of the House and members of the Executive as we seek to achieve that.

### Roads: Grass and Weeds

7. **Mrs Hale** asked the Minister for Regional Development what discussions his Department has had with the Housing Executive and local councils about the co-ordination of grass cutting and weed control. (AQO 1669/11-15)

**Mr Kennedy:** Roads Service cuts grass in areas that are deemed to be part of the public road to prevent overgrowth onto carriageways and footway surfaces and to prevent the obstruction of sight lines and traffic signs. Such grass-cutting operations are carried out for road safety reasons and not for cosmetic or amenity purposes. In contrast, grass cutting that is undertaken by the Housing Executive and district councils is primarily for cosmetic or amenity purposes. Therefore, different standards are applicable, with the frequency of grass cutting that is carried out for cosmetic or amenity purposes being significantly greater than for Roads Service's road-safety-related activities. Roads Service also has a number of partnerships with district councils. Some

councils wish to have a higher standard of grass cutting in some urban areas for aesthetic or amenity purposes than that provided under the Roads Service policy. In those cases, councils accept responsibility for the work and are reimbursed for the number of cuts that are required under the Roads Service policy, which is five cuts a year in urban areas. I got there eventually, I think.

All weed spraying that is required on publicly adopted roads is carried out by Roads Service contractors. On occasions, there may be some communication with councils regarding areas that require additional attention. I am keen to identify any potential efficiencies that can be achieved through enhanced collaborative working between Roads Service, councils and the Housing Executive. I plan to meet my counterparts the Minister of the Environment and the Minister for Social Development to explore the options.

3.00 pm

## Assembly Commission

### Assembly Commission: Forward Programme

1. **Lord Morrow** asked the Assembly Commission to outline its forward programme up to 2015, including an estimate of costs.

(AQO 1678/11-15)

**Mr Weir:** The Assembly Commission has a statutory responsibility under section 40(4) of the Northern Ireland Act 1998 to:

*"provide the Assembly, or ensure that the Assembly is provided, with the property, staff and services required for the Assembly's purposes."*

To meet that statutory obligation, the Assembly Commission recently agreed a corporate strategy for the next four years. That strategy has been copied to all Members and is available on AssISt.

The Commission sees an Assembly that builds a better future for the people of Northern Ireland through fostering a peaceful, stable and prosperous society. Our vision is to best serve the Assembly in that task by being at the forefront of providing outstanding and progressive parliamentary services. The corporate strategy sets out three distinct aims:

first, to provide outstanding parliamentary services; secondly, to influence, enable and deliver change; and thirdly, to be an effective and progressive organisation.

The strategy will be delivered through directorate business plans for each functional area in the Assembly secretariat and through a number of investment projects, such as the e-Committees project, the roof replacement project and the replacement of IT systems. The Commission's running costs budget is set to fall by 8.9% from £48.4 million in 2010-11 to £44.08 million in 2014-15. However, the Commission recognises the need to offer political leadership in prudent financial management and will seek to deliver the same high-quality services to the Assembly and its Members but with that reduced budget.

**Lord Morrow:** I thank Mr Weir for his fairly detailed response and for outlining in some detail the four-year programme that the Commission has undertaken. I note that he said that spend will fall by some 9% — I think that he said 8.9%. In these austere times, I suspect that that is something that the House will welcome. Can he assure the House that the Commission is, in fact, fit for purpose and that it has adequate resources to carry out this programme of work over the next four years?

**Mr Weir:** I can give that assurance to the Member. Obviously, the Commission, and, indeed, the Assembly itself, should not sit in some sort of ivory tower. In circumstances in which there are cutbacks to the overall block grant in Northern Ireland, the Assembly has to take its share of the pain. However, the Commission has introduced an organisation-wide review of all business areas to ensure that services are delivered in the most efficient manner. It is entirely possible that the nature of the delivery of some services in some areas will change as a result of the reviews, but the programme for those reviews means that nothing will happen without wide-ranging consultation with Members as the Commission's key stakeholders.

**Mrs Overend:** How does the Commission value the Assembly roadshows that were held recently? Does it intend to promote those again in the future?

**Mr Weir:** There are no direct plans to repeat them at the moment. However, I think that there is a wider issue with outreach from the Assembly, and I think that it is important that we get both community understanding of what

happens in the Assembly and community buy-in. We have to look at how we promote it in the most cost-effective way, and there are a range of ways that that can be done. For example, the recent revamping of the Assembly website to try to make it a lot more user-friendly and much more of an educational tool is one area where that has been done and should be embraced. All options will ultimately be considered, but, obviously, in tighter financial circumstances, we may be in the position where we can do fewer things than we would like to, in an ideal world.

**Mr Allister:** Does the Commission have any plans to restore some of the works of art and artefacts that are shamefully stashed away in storage? Is there any prospect of them seeing the light of day, and, particularly in this jubilee year, will the portrait of Her Majesty be restored to the Building? That would be a most fitting tribute in the year that we are in.

**Mr Weir:** Obviously, we will be looking at whatever methods we can to create a welcoming environment for everyone in Northern Ireland.

One of the aims must be, obviously not simply from a Commission point of view, looking after the Members and the direct services to the Assembly Members themselves, but also looking at the ways they interact with the public and help attract people into the Building. Therefore, what we put on display will obviously be an issue that the Assembly Commission will deal with.

I do not think that there is any attempt to hide away any artefacts in that regard. Obviously, one of the issues that we will face in the Commission as we move forward will be to consider the best way that we can have displays in the Assembly that maximise the number of people that we are getting through the doors. The message needs to go out to everyone in Northern Ireland that this is somewhere to visit and somewhere that everyone should come to see in action. Public displays can play a useful part in that.

**Deputy Speaker:** Questions 9 and 10 have been withdrawn and will be answered in writing.

## Parliament Buildings: Videoconferencing

2. **Mr F McCann** asked the Assembly Commission what videoconferencing facilities are available in Parliament Buildings.

(AQO 1679/11-15)

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle. Videoconferencing facilities are currently available in Room 30, which is one of the Committee Rooms, and Room 54, which is an Assembly Education Service Room. The videoconferencing unit was installed in Room 30 in February 2010 and, in Room 54, it was established in October 2010. The videoconferencing facility is only available in Room 30 if a television screen has been requested for use, as a permanent television has not been installed in that Room. It might be of interest to the Member that no records have been kept on the use of the videoconferencing in Room 30; however, it has been used by at least two Committees since its installation.

**Mr F McCann:** I thank the Member for the information. Can he tell me whether videoconferencing facilities are available to individual Members?

**Mr McElduff:** I thank Mr McCann for his question. Videoconferencing facilities are available to individual Members, and, in some cases, have been booked by party administrations for their use by contacting the Education Service. The key point is that you should contact the Education Service directly. That is not a bad idea if you want to organise a videoconference with a community or voluntary group in your constituency. That is the type of thing that it is there for.

**Mr Campbell:** The Member has confirmed the availability of videoconferencing facilities. Given the austere times that we are in at the moment, everyone is looking to initiate cost-saving measures. Does this mean that Ministers will be able to avail themselves of videoconferencing, for example, if they wanted to liaise with their counterparts in the Irish Republic?

**Mr McElduff:** You are keeping well yourself, Gregory? *[Laughter.]*

The same argument could be applied on an east-west basis, but I think there might be a churlishness in the question. Videoconferencing facilities are available to individual Members. The Assembly Commission essentially serves Members, as opposed to the Executive. However, I am sure that, if Ministers seek use of this facility, it will be granted to them. I have no doubt about that.

**Mrs Dobson:** When will adequate Wi-Fi facilities be available in Parliament Buildings?

**Mr McElduff:** If the Member does not mind, I will address that in my answer to a later question that relates to the upgrade of ICT equipment.

**Mr Deputy Speaker:** Question 3 has been withdrawn.

### Parliament Buildings: Fairtrade Food and Beverages

4. **Mr Brady** asked the Assembly Commission what percentage of food and beverages sold in Parliament Buildings is of Fairtrade origin.

(AQO 1681/11-15)

**Mr P Ramsey:** I thank the Member for the question. Since 2007, the Northern Ireland Assembly Commission and its current catering contractor have been supporting Fairtrade through a range of marketing products and incentives within Parliament Buildings catering outlets. Indeed, during that time, the Northern Ireland Assembly Commission has also participated in Fairtrade Fortnight, which was promoted mainly by Members and Building users through a postmaster as well as promotional table talkers in all catering outlets, and in meeting, function and Committee Rooms.

The most recent Fairtrade Fortnight was held from 27 February to 11 March 2012. The latest percentage of Fairtrade food and beverages sold in all Parliament Buildings outlets is 13.6%.

**Mr Brady:** I thank the Member for his answer. Are there any plans to increase the number of Fairtrade products sold in Parliament Buildings?

**Mr P Ramsey:** I thank the Member for his supplementary question. An extension of the range of Fairtrade products is always open for review and renewal, and the Commission endeavours to do that. A number of products are available in 2012 that were not previously available. A range of chocolate is available in the shops, including chocolate raisins and Buttons. I am not sure whether the Member wants me to name them all, but I will.

**Mr F McCann:** I thought you were off them all, Pat.

**Mr P Ramsey:** I am, but somebody else can be tempted by them. There are butterscotch and mini-muffin selections, KitKats and various other products.

## Parliament Buildings: Visitors

5. **Mr Wells** asked the Assembly Commission whether it has undertaken any assessment of the impact of the increasing number of visitors on the fabric of Parliament Buildings.

(AQO 1682/11-15)

**Mr P Ramsey:** I thank the Member for his question. The Assembly Commission has not carried out any formal assessment of the impact of the increasing number of visitors on the fabric of Parliament Buildings. However, the Member can be assured that the building services branch in the facilities directorate regularly monitors the condition of the building and carries out a wide range of planned and reactive maintenance work to ensure that the heritage of the building is protected.

**Mr Wells:** As the Member for Foyle knows, Parliament Buildings is a listed building, and, from my experience with the National Trust, it should be treated with considerable care. We certainly should not put a ghastly computer terminal in the Great Hall, as is the case at the moment. What steps are being taken to monitor the extent of damage as a result of the welcome but hugely increased number of people visiting the property, particularly damage to the floor of the Great Hall, which is clearly beginning to show the results of much use over the past 14 years?

**Mr P Ramsey:** I thank the Member for his supplementary question. In 2009, there were 59,200 visitors to the Building. In 2010, we had 70,318 visitors. Last year, with the six-week period of the elections, we had almost 70,000 visitors, so the numbers are gradually increasing. However, the Member can honestly be assured that we have specialist teams to care for the fabric of the building. The building services branch has suitably and adequately qualified staff who have years of experience dealing with the maintenance of historical buildings.

The Member made a point about the computer terminal. If there are genuine concerns about the fabric of the floor, I will take them up with the facilities directorate and senior officers.

**Mr Elliott:** Does Mr Ramsey agree, given the last question, that this is a public building that should be open to the public to use its facilities? Assembly Members should welcome those who wish to use the Building and its facilities, irrespective of the wear and tear.

**Mr P Ramsey:** That is a valid point. Earlier, a Member asked a question about the outreach work involving roadshows and other events. The Education Service operates a successful programme to get primary and post-primary schoolchildren to visit Parliament Buildings. It is important that they have access to it and to see that it is a working environment at, for example, Question Time. There are not many people in the Public Gallery now, but a number of schools were here this morning. I agree with the Member that we need to increase those numbers and make Parliament Buildings fresh and open to everyone.

## Parliament Buildings: Agrifood

6. **Mr Molloy** asked the Assembly Commission to outline how it promotes the agrifood sector in Parliament Buildings. (AQO 1683/11-15)

**Mr P Ramsey:** I thank the Member for his question. As part of the current support services contract, the Northern Ireland Assembly made its commitment to using local food produce clear, when it stated in the specification of the contract that:

*"The use of local produce should be considerable."*

The current catering contractor endeavours to purchase produce from local sources when possible and is committed to providing the Assembly with products sourced from Northern Ireland. The contractor has given the Assembly an assurance that it will support local farming, and that is audited by the support services office. As well as the economic and environmental benefits of buying locally sourced foods, the contractor takes an active part in supporting the local farming industry.

The Member will be interested to note that 100% of the fresh beef is sourced within Northern Ireland, as is up to 80% of the fresh seasonal produce. In addition, a number of local farmers supply fresh fruit and vegetables, meat and fish to nominated distributors. The root and green vegetables and potatoes are all Northern Ireland sourced. In the fresh meat range, 100% of the poultry, 100% of the beef, 100% of the pork and approximately 50% of the lamb is UK and Northern Ireland sourced. Furthermore, all dairy and bread products are from local producers.

**3.15 pm**

**Mr Molloy:** I thank Mr Ramsey for his reply. It is very good that so much local produce is being used in the Assembly. Is there an opportunity to ensure the promotion of local produce as well through displays? I was in Brussels recently, and there was a great display in the Executive's office of Comber potatoes, Bramley apples and Lough Neagh eels. Would there be an opportunity to have the same type of promotional display of local produce in the Chamber or the Great Hall?

**Mr P Ramsey:** I thank the Member for his question. That is a reasonable request, and it is something that the Commission would look at favourably to showcase local produce, such as that identified by the Member. I will take forward that initiative for him.

**Mr McCarthy:** I thank the Member for the information he has given. I was slightly disappointed that fish has not been mentioned. I come from the premier resort that provides fish such as Portavogie prawns. Comber spuds have been mentioned, but is Glastery ice cream, for instance, on your menu, Mr Commissioner?

**Mr P Ramsey:** I thank the Member for the question. It is obviously on your dinner plate on a Sunday. *[Laughter.]* We do source local fish; I can assure the Member of that. At all the catering venues in Parliament Buildings, the pork, fish, beef, lamb and poultry are all bought from Northern Ireland sources.

**Mr Swann:** I will put in an advert for Bushmills whiskey before I ask my question. What plans are there to promote local enterprise and the creative industries in the Assembly shop?

**Mr P Ramsey:** It is always challenging to be at the forefront of promoting local industry and enterprise. It is a matter that is always challenging for us in such difficult times. If the Member has any suggestions on the way forward or is aware of companies that could avail themselves of such promotion, he should come forward, and maybe we could have a conversation with senior officers.

**Mr G Robinson:** Can the canteen in the Building serve as much low fat food as possible to comply with health considerations?

**Mr P Ramsey:** I agree with the Member. We all have to be very clear about healthy eating. For a number of months, a number of Members

participated in a diet, and some of them lost considerable weight.

The Assembly made its commitment to healthy eating clear when it stated that the catering contractor should provide healthy eating and encourage a reduction in salt, sugar and fats and an increase in foods high in dietary fibre. Compass/Eurest has a full commitment to healthy eating to ensure a good work/life balance. For example, Compass/Eurest has implemented a Balanced Choices programme to ensure that users can make sound nutritional choices depending on their own dietary control. However, the Member can be assured that, like any other organisation, the Assembly Commission will be challenging and bringing forward, along with the contractor, as much healthy living as possible when it comes to the food variety in the establishment.

**Constituency Offices: IT Provision**

7. **Mr Byrne** asked the Assembly Commission what plans there are to upgrade IT provision in constituency offices. (AQO 1684/11-15)

**Mr McElduff:** I thank Mr Byrne for his question. The current ICT equipment was purchased in 2007 and was expected to have a useful lifespan of four years. In 2011, in light of economic circumstances, the Assembly Commission extended the life of the equipment to six years. A project to determine replacement ICT needs and provision will begin next year and be implemented in the 2013-14 financial year.

A multifunctional printer is also part of the constituency allocation, and that tends to be where the greatest problems are. Due to increasing failure rates with those devices, a printer replacement programme is being brought forward; it is planned for later in 2012. In addition, a procurement exercise is ongoing to update the broadband internet services provided to constituency offices. In respect of computer software, the Windows operating system and the suite of Microsoft Office programmes were upgraded recently to Windows 7 and Office 2010.

To respond to Mrs Dobson's question: the Commission is looking at ways of improving Wi-Fi access in the Building. The director leading that exercise is Gareth McGrath. The Commission wants to acknowledge that there is a real issue there.

**Mr Byrne:** I thank Mr McElduff for his comprehensive answer. Does he recognise that, although the current printers are multifunctional, they are also very costly to maintain? Is it the Commission's intention for us to have less complicated printers that might cost less to run?

**Mr McElduff:** I thank Mr Byrne for his supplementary. This is one of the reasons why we are ensuring that the printer replacement project is prioritised and does not have to wait until a later date. A review of existing equipment effectiveness was undertaken by the IS Office in late 2011. It identified the main pressures in the whole equipment fleet as being on the printer side of things, particularly those allocated to MLA constituency offices.

The number of printers being reported as faulty is increasing by the week, and there are very few spare printers available as replacements. That puts an urgency on this aspect of the project. As the printers are more than four years old, they are out of warranty. The IS Office has had difficulty finding suppliers who are willing to provide extended support and maintenance. That is why this aspect of the project has been brought forward from 2013 to 2012.

**Mr B McCrea:** Some Members may have a multifunctional printer, but I have a printer that has no functionality at all. Somebody's head will roll if we do not get that printer fixed. *[Interruption.]*

**Mr Deputy Speaker:** Order. Come to your question, please.

**Mr B McCrea:** I ask Mr McElduff, that well known expert on matters scientific, whether he advocates the use of iPads or similar instruments. Why is the Assembly the last to adopt this technology when other councils throughout Northern Ireland have them already?

**Mr McElduff:** I point out that this is a regional Assembly and not another council. Understand that.

One of the things under consideration is the provision of tablet devices to Members. Keep taking the tablets. *[Laughter.]* It might be useful for me to spell out what additional ICT equipment will be provided for constituency offices, for example.

**Lord Morrow:** Will they increase the dose?

**Mr McElduff:** Aye. *[Laughter.]*

The Assembly Commission determines the allocation of computer equipment and software to all Members during their time of office. Under the current arrangements, Members are entitled to four computers in total: one desktop PC in Parliament Buildings; one desktop PC in the constituency office; and up to two others, which can be either laptops or desktops and are generally used in constituency offices. In light of the outcome of the electronic Committee packs pilot project, the IS Office may also consider the provision of tablet devices to Members. Each Member is also entitled to one broadband line service.

The Member mentioned my expertise in scientific matters. There is an ongoing attempt by the Member to get me to join the all-party group on science.

**Mr Campbell:** The Member spoke about printer cartridges. Is he ensuring that the Commission is keeping under wraps their cost? In the Irish Republic, some other members of Sinn Féin were exceptionally excessive in their use of printer cartridges in the Dáil.

**Mr Deputy Speaker:** The Member may wish to confine his answer to the region that we are responsible for.

**Mr McElduff:** I have noted what the Member said. *[Laughter.]*

## Young Artists

8. **Mr Sheehan** asked the Assembly Commission to outline its efforts to showcase and promote young artistic talent through events and receptions. (AQO 1685/11-15)

**Mr Cree:** The Commission is constantly looking at ways to engage with the community. Thousands of young people come to Parliament Buildings every year through the Education Service programme, primarily in school groups. There is an onus on Members to encourage groups to visit Parliament Buildings, and the majority of functions and many tours in Parliament Buildings are directly sponsored by Members. A number of events and receptions that have been sponsored by Members have showcased the talents of young people, whether for artistic or other endeavours. The Commission will be pleased to consider any suggestions that are put before it to encourage young people's artistic talent.

The Speaker's art competition for primary schools has just closed. Members may recall the launch of the competition, when young people came and painted in the Great Hall. The themes of the competition were "Titanic" and "My World". Judging has just finished, with winners from each of the education and library boards. Presentations will be made on 30 March, and the winning pictures will be exhibited in Parliament Buildings.

**Mr Sheehan:** Gabhaim buíochas leis an bhall as an fhreagra sin. In my constituency of West Belfast, there are a number of traditional schools of music, most notably the Andersonstown school of traditional music and Loch Lao school of traditional music. Can any effort be made to bring those traditional music schools to Parliament Buildings to showcase their talents?

**Mr Cree:** I thank the Member for his supplementary question. The simple answer is yes. The Speaker has encouraged and invited many such groups, and it is open to the Member to invite them himself. Recently, on Commonwealth Day, we had an intercultural evening, which was excellent. There were many groups, from far-out Asia to Northern Ireland. Therefore, I do not see any difficulty in organising that. The Member can take that up, and he will get support from the Commission.

**Mrs McKeivitt:** Will the Commission consider sponsoring an annual event in Parliament Buildings to showcase the best of our artistic talent as part of the outreach programme?

**Mr Cree:** That is something that the Commission will consider. As the Member probably knows, through the Speaker's art advisory group, under the chairmanship of the Principal Deputy Speaker, Mr Francie Molloy, there have been a number of exhibitions in the Great Hall. Those have been pilot exhibitions, and they have been very successful. Any exhibitions policy will be considered by the Commission, and we will be pleased to take that forward on a firmer basis in the future.

**Mr Humphrey:** I declare an interest as a member of the Scout Association. Will the Commission consider working with state youth providers — namely, the Boys' Brigade, the Girls' Brigade, the Scouts and the Girl Guides — and include those organisations? There are tens of thousands of members across Northern Ireland working weekly with committed leaders,

and they are often forgotten in this society and in this place.

**Mr Cree:** I identify with the Member, but he has the answer at his fingertips. I am quite sure that he can organise that. If he wants someone to co-sponsor him, I will be pleased to do so. However, youth organisations are very important, and I would like to see more of them through here because, after all, it is their Parliament Buildings.

**Mr Deputy Speaker:** Questions 9 and 10 have been withdrawn.

Mr McCartney is not in his place, Ms McCann is not in her place and Alex Maskey is not in his place.

**3.30 pm**

### **Assembly: Art and Artefacts**

14. **Mr Allister** asked the Assembly Commission whether it will arrange an exhibition in Parliament Buildings of all the items of art and artefacts that belong to the Assembly and which are currently in storage or on loan.

(AQO 1691/11-15)

**Mr Weir:** This is an unexpected bonus for the Member.

The Assembly Commission has not, to date, considered holding an exhibition of the items of art and artefacts that belong to the Assembly. However, the Commission will hold a special meeting in April to look at the broader issue of good relations. Matters relating to what is displayed in the Building may well be among the items to be discussed as part of that agenda.

**Mr Deputy Speaker:** Sadly, there is not time for a supplementary question. *[Laughter.]* Members should take their ease for a minute or two while we make changes at the Table.

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

## Executive Committee Business

### Pensions Bill: Consideration Stage

Debate resumed on amendment Nos 5 and 6, which amendments were:

No 5: In clause 1, page 2, line 17, at end insert —

*'(8) This section shall be disregarded for the purposes of determining entitlement to Winter Fuel Payment in accordance with the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000.'*  
— [Mr A Maskey]

No 6: New Clause, after clause 1 insert —

***'Duty to report on the impact of health inequalities and occupation on the cost of pension provision for various occupational sectors of the population***

*1A. The Department for Social Department shall, within one year of the date on which this Act receives Royal Assent, lay a report before the Assembly on the differences in the cost of pension provision for various occupational sectors of the population arising from health inequalities, including the impact of occupation on life expectancy.'* — [Mr A Maskey]

**Mr Easton:** Amendment No 5 refers to the increase in state pension retirement age, which is not connected in any way to the winter fuel payments currently payable to vulnerable groups in society. The Bill brings equality to the retirement age of men and women and increases the retirement age to 66 years by 2020.

Pensioners are just one of many vulnerable groups entitled to receive the winter fuel payment, but the amendment could cost the Northern Ireland Executive millions of pounds. I know that the Members opposite mean well, but can they give a clear indication of where the money would come from? In the last debate, we asked the SDLP where the money would come from, but they were not able to tell us. They referred to some policy document but could not even tell us what was in it. It would be helpful to know this.

Some 1,600 people who were born between 6 February 1954 and 5 April 1954 will, in fact, get their winter fuel payments a year earlier.

Amendment No 6 creates a new clause calling for the Department for Social Development to present a report once a year on:

*"the impact of health inequalities and occupation on the cost of pension provision for various occupational sectors of the population".*

It creates an extra layer of bureaucracy, and there would be an associated cost with that. It is not clear that it is even possible to produce such a report within a year. I suggest that it would take several years, rather than one year, to produce such a report on the Bill's impact on health inequalities.

**Mr Copeland:** I welcome the opportunity to speak on the legislation.

The first amendment is very close to my views and is worth making. However, I must place a caveat on that, which is the potential cost associated with it, referred to by Mr Easton. Again, I will wait until the Minister has answered.

I also seek guidance from the Minister on whether strict cash payments are always the best way of approaching fuel poverty. I know of cases in the past when, although the actions were well intentioned, they led to more than one payment going to the same house. Presumably, you can, in many respects, heat two or three people as effectively as you can heat one. Again, we are back to what the cost of the first of the two amendments would be. I guess, in some ways, that it may not be a simple argument about breaching parity, because I do not think that this would be a breach of parity. Albeit that it would go above and beyond parity, it would still have an associated cost and, in some ways, create the same difficulty.

I am curious about the Minister's assessment of the actions that have been taken thus far to tackle fuel poverty. I welcome the event held by the Committee for Social Development, in which we all participated. That really brought the issue to the forefront, and, in fairness, the Minister did react. He brought forward a raft of measures, including double glazing. I seek an assessment of whether those measures have, at this stage, gone any distance towards achieving the goal of reducing, if not eliminating, fuel poverty.

On the first amendment, for us it is largely a question of whether it breaches parity. Does it go beyond parity? Does it test parity beyond the

sensible bounds that we try to adhere to? What will the cost be? And the critical thing is this: what else might have to be given up to fund this, should it be taken up?

The last amendment is one that the Ulster Unionist Party is minded to support. It has often been said in the Department for Social Development that the journey from Sandy Row to Finaghy will cost you eight years of your life. There is something wrong in life expectancy, like educational achievement, being dictated at the date of a child's birth by the postcode of its birth. We can never make society level and regular for everyone. We can never completely smooth out the differences in the lifestyle choices that people adopt. However, we need to be seen to at least make the effort to establish how those differences arise and how they can be addressed.

I have said that my constituency, which I am honoured and privileged to represent, has, side by side, some of the wealthiest and some of the poorest wards in the Province. It was formerly an industrial behemoth, with two of the largest shipyards in the world — both in Ballymacarrett in east Belfast — the largest aircraft factory and the largest ropeworks, all of which have gone. Work needs to be done to redress the damnable fact that to travel eight miles from Belfast city centre to the outskirts of the city costs a year of life expectancy for each of those miles.

As I said, we await comment from the Minister regarding the first amendment, but we are minded to accept the second.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. Amendment No 5 is very welcome. Indeed, the SDLP continues to prioritise the elimination of fuel poverty in the North. The amendment would protect those who will face a delay in their pension from losing out on their winter fuel payment. It is embarrassing that the Pensions Bill should suggest that our elderly accept a delay in receiving the winter fuel payment in line with the increase in pension age. It is notable that many of our elderly already struggle to stretch what is, in some cases, the meagre amount of money that they get. Given the increase in the pension age and the delay that that could cause, many will simply be plunged further into poverty, where paying for fuel will not be an option.

I commend the Members who tabled the amendment, one that the SDLP has tirelessly

advocated at every opportunity. That has been most evident in the Social Development Committee. I particularly commend our spokesperson, Mark Durkan, for his role in that.

Given that the elimination of fuel poverty is a priority for our party, for the Assembly and, importantly, for the Executive, as committed to in the Programme for Government, it would certainly be a contradiction for the Minister or the Executive to force more hardship on the largest societal group currently living in fuel poverty in this region. Therefore, I support the amendment.

**Mr McCarthy:** I will be brief. Given that we have significantly less competition in the utilities market here, fuel costs are traditionally a lot higher. Therefore, we have a higher proportion of over-65s living in fuel poverty. One third of elderly clients here have to make a choice between heating and eating. Given the huge percentage increase in fuel prices since 2003, with prices looking likely to continue to rise for some time due to the investment required to replace an ageing infrastructure and the impact of high oil prices, we support the amendment. However, although winter fuel payments are of significant benefit to older people, they do not provide a long-term solution to fuel poverty. We believe that tackling energy efficiency in homes should be a key priority for the long term.

**Mr F McCann:** You mentioned the long-term strategy for fuel poverty. Do you not agree that the present Chair of the Committee for Social Development led the way by pulling together all the Departments and all the people and stakeholders who were involved in trying to work out the strategy that you are talking about?

**Mr McCarthy:** As this is the last plenary sitting before we go off on our well-earned break, I will not disagree with the Member: I congratulate the Chairperson.

I support the amendment.

**Mr Weir:** Despite the fact that this is our last day before the Easter recess, I will not quite join in the bonhomie and equanimity of the Member who spoke previously.

We oppose amendment Nos 5 and 6. Amendment No 5 is of greatest substance. We have already had the debate this morning about the equalisation of the pension age and the subsequent proposed rises in the state pension

age. The winter fuel payment has, historically, been linked to the age at which a person becomes a pensioner; that is, when they are entitled to claim a state pension. For a number of years, that discriminated against men, with women qualifying at 60 and men at 65. That resulted in a challenge to the European Court of Justice under equality legislation, which, ironically, is the same legislation that we have to comply with for the equalisation of the pension age. Both men and women were then given the winter fuel payment at the lower pension age of 60. In my view, the winter fuel payment has always been and should always be a pensioner benefit. If the state pension age rises, it is only right that an individual's access to pensioner benefits rises also. There is a clear linkage there.

There is no evidence that the amount of money that men or women spend on fuel in their home rises dramatically on their sixtieth birthday. It has tended to be the fact for women that, as their income falls, they move on to pensions from a working income, which then raises the percentage that has to be spent on fuel. With women working to 65 or 66, that drop in income is subsequently delayed, and, therefore, it is right and just that the help that the winter fuel payment provides is targeted at those who most need it: those who are on pensions. The winter fuel payment has always been linked to the state pension age. That linkage should not change simply because that age is rising.

Already, some pensioners are not able to receive the winter fuel payment at 60. I know of an incident where a man turned 60 on 9 December 2010 but was unable to claim the winter fuel payment until winter 2011. There will always be a cut-off point. Maintaining the link to the state pension age is the best way to maintain that cut-off. The need to protect the elderly has been mentioned, and we all share that view. To turn to someone who is 60 — there are Members in the Chamber who are 60 or are rapidly approaching 60 — and consider them as elderly in today's society is —

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

**Mr Weir:** Yes, I will give way.

**Mr McGlone:** We are not seeking to get into the age argument; we are seeking a fuel payment for people who are vulnerable. The vulnerability of people who have reached pension age is well established. However, I want to make one point. We could have a situation where someone may

be eligible for a fuel payment one year and yet, through a quirk of the legislation, may not be eligible the subsequent year. That is a concern I have with the legislation. In other words, their entitlement is established already, but the following year they may be disentitled.

**Mr Weir:** I take the Member's point. However, if we are looking at the issue of vulnerability, at the moment this is an age-related situation and it has been linked in with the pension age. The reality is that there are some very elderly people who are not in any way vulnerable, yet they will receive the payment. Linking it to pension age seems to be a fairly sensible way to do it. We have to accept reality.

### 3.45 pm

There is also the practical reality of cost. If we were to break the link with pension age — I look forward to confirmation on this from the Minister later — the impact of this amendment alone would cost the Northern Ireland Executive around £30 million. Any money spent is an opportunity cost elsewhere. With the best will in the world, the money would have to come out of other budgets. Would it come out of the hard-pressed health budget, education or a range of other things? This is a revenue budget; it would not be hit in capital terms. It would affect health, education or a range of those other issues. There is no way around that. If you spend £30 million of your block grant in one area, you cannot spend it elsewhere, and that would have severe consequences for a lot of people. We believe that the Bill that is going through, if used as a base to determine the pension age, would be very defensible on that basis. Consequently, although I am sure this is a well-intentioned amendment, it is, I believe, ill thought-through and will be extremely costly to the Executive and a range of other services. Dire consequences would arise from it.

I briefly turn to amendment No 6, which proposes a new clause. To be fair, I have a little more sympathy for the intentions of this amendment, but, again, I think it is slightly ill judged. It is right to have monitoring of and reporting on the situation, but I do not think that the amendment has been particularly well drafted. If we do a report within one year, we may find that there is very little data to base judgements on. A year is far too short a period in which to look at the long-term implications, and, in one year's time, we could simply end up with a report that

absorbs the time and energy of government officials to no purposeful effect. Although I understand the sympathy that various parts of the House have shown for the amendment, we have to think of the consequences of our actions. If we simply produce a report for the sake of it, it will not do any good. If we produce a report that leads to proper monitoring of the situation, that is a different matter, but I do not believe that the time frames that have been put forward are in any way long enough to provide that level of judgement.

There are long-standing systemic issues, as Mr Copeland mentioned. The differences between some of our poorer areas and our more affluent areas have a major impact, but this will not be determined on a snapshot. Mr Copeland referred to the situation in East Belfast, and I think all of us can pick out similar situations in our own constituency. We know of great disparities in our society between more affluent areas and those that are poorer.

**Mr Copeland:** Do you agree that the basic tenet behind the amendment is quite sound? If we can agree on that and accept that a year is not a sufficient or appropriate length of time to tie ourselves to at this stage, could we perhaps return to it at Further Consideration Stage with a timescale that is doable?

**Mr Weir:** The sensible route, therefore, would be for the House to reject the amendment today. If it is rejected today, there is an opportunity for something of a slightly different nature to be brought back at Further Consideration Stage. I have no doubt that those who tabled the amendments were well intentioned, but, to use the old expression, the road to hell is paved with good intentions. Although I do not expect that this will quite take us down that route, it is certainly not something that I think will be of benefit to the legislation. It needs to be looked at, and, if the House does not accept it today, the Department could seek a better formula for a more meaningful way of monitoring. There is no point in saying that we can produce a glossy report in a year's time —

**Mr A Maskey:** Will the Member give way?

**Mr Weir:** I will give way in a second.

There is no point in saying that we can produce a glossy report in a year's time if the data is not substantial in nature and we cannot draw proper conclusions from it.

**Mr A Maskey:** I thank the Member for giving way and for giving particular attention to this amendment and accepting the bona fides of it. We suggested the report could be done within a year because we are not looking for a long-term exercise; we are looking for a collation of data that is currently in existence. We do not think it is at all difficult to produce such a report within a year. However, that can be tweaked in due course. I advocate that the Assembly adopts the amendment, which can be tweaked, if needs be, at Further Consideration Stage, after further discussions with the Department.

**Mr Weir:** I suggest that the amendment is either withdrawn or, indeed, not moved at this stage. I would have thought that we could reach consensus on something that provides meaningful analysis. It is not just about collecting current data; it is about looking at the impact in a wider context and at where we are going with all of this. Simply producing something in a year's time will not produce something meaningful. If that amendment is not accepted today, something meaningful could be tabled at Further Consideration Stage around which the whole House could unite.

Obviously, I have strong reservations about amendment No 5 because of the impact that it would have on the Northern Ireland block grant. Due to practicalities, I oppose amendment No 6. I urge the House to oppose both amendments.

**Mr Brady:** I rise to support amendment Nos 5 and 6. In deference to the previous speaker, I will try to avoid any bonhomie.

As my colleague Alex Maskey said, amendment No 5 is a straightforward amendment that would protect the older people who are already identified as the most vulnerable to fuel poverty and whose status as pensioners will be delayed by changes to the state pension age. Already, 23% of pensioners live in poverty, a figure that is much higher than that for anywhere else in Britain. The increase in the pension age will mean that many of our most vulnerable older people will, because of ill health or the rigorous demands of the labour market, be left dependent on less generous unemployment benefit, when, prior to the changes, they would have been entitled, as pensioners, to greater support.

It is reasonable to suppose that those who are identified as vulnerable to fuel poverty and are in receipt of the more generous state pension

will continue to be in fuel poverty when they are reclassified as unemployed and are in receipt of a less generous benefit. We should not forget that, as has already been mentioned, in the past year, 756 older people in our community died from cold-related illnesses. Many of them could not afford to heat their house. That is an appalling statistic, and we should not forget it.

I will move on to amendment No 6. The Bill is very much built on the notion that increasing the pension age is reasonable because a rise in average life expectancy means that we all live longer. Mr Copeland mentioned that he had come into contact with three children in his constituency, at least one of whom could expect to live to 100 years old. I must say that it is gratifying to know that, if you come into contact with Mr Copeland, it can put years on you. *[Laughter.]* That is possibly a different matter.

There is a blatant misrepresentation of the reality that lies behind the statistics. It ignores persistent health inequalities that prevail in certain disadvantaged groups. Conditions here in the North differ significantly from those in Britain, particularly in the wealthier, more privileged south of England, where experience continues to dominate social policy proposals and advances that are applicable everywhere. One of the most glaring anomalies has to be life expectancy. The greatest improvement in life expectancy is in the south of England, particularly in London, with some of the wealthiest boroughs — Kensington and Chelsea — enjoying the greatest improvement in average life expectancy, even if they have not got the best football teams. The North of Ireland is among the areas that suffer the worst average life expectancy. A recent report that was highlighted in the ‘Belfast Telegraph’ revealed that men who live in Belfast city centre can expect to die 10 years earlier than those who live in south Belfast. The example was given that, if you get on the bus in Donegall Square and go to Finaghy, you will live longer. Obviously, after having read that report, a lot of people are moving to Finaghy. Women who live in the city centre can also expect to die six years earlier.

Those are shocking levels of health inequality between regions and even within relatively small geographical areas. They expose the inadequacy of using an average rise in life expectancy to determine policy. Recent statistics have revealed that the gap between the average life expectancy of the rich and the poor is widening,

not narrowing. By the same token, those who are most likely to enjoy the greatest longevity are less prone to suffer the chronic ageing conditions associated with more disadvantaged groups.

The operation of parity continues to thwart the Assembly’s ability to craft social policy to properly address the needs of people who actually live here. British Tories are keen to promote regional differences when it comes to proposing cuts but are less keen to recognise such differentials when it comes to addressing greater need. Conducting a study and laying its findings before the Assembly is a small undertaking, but it is not insignificant. If conducted with due diligence, it would reveal the reality of life expectancy and the patterns of health inequality in the North, providing vital information on which the Assembly could craft its own social policy intervention. I urge the Assembly to support the amendments. It is interesting to note from all we heard here today that, instead of celebrating the fact that people live longer, we are talking about penalising them.

**Mr McCausland (The Minister for Social Development):** I listened carefully to the arguments put forward in support of the amendments. I preface my remarks with a little quotation. I am delighted that Mr Durkan, who was missing from the Chamber a little earlier, has returned. The quotation for him is this:

*“It is essential that the Pensions Bill should be subject to accelerated passage. It is not something that I do lightly. There are various reasons for it; all of this is underpinned by the principle of parity, so there is little option in this.” — [Official Report, Bound Volume 25, pCS11, cols 1-2].*

That statement was made by one Margaret Ritchie back in 2007, when she was the Minister for Social Development. Just note those words. It is an interesting quotation that I hope the Member finds very informative.

The proposed amendment to clause 1 in respect of the winter fuel payment disregards changes to the timetable for increasing state pension age for the purposes of entitlement to the winter fuel payment. If that amendment were accepted, the existing timetable for increasing the state pension age would continue to apply. As a result, the winter fuel payment would be payable to men and women under state pension age, and that position would continue until winter 2025-26.

Originally, when the winter fuel payment was introduced, it was payable at pension age — 65 for a man and 60 for a woman. So, from its very inception, it was clearly a pensioner benefit. However, following a judgment of the European Court, the age of entitlement had to be made the same for men and women. One way of doing that would have been to increase the age of entitlement for men and women to 65, but that would have left women of pension age with no access to a winter fuel payment for the first five years of retirement. Instead, the then Government decided to pay it to men and women from age 60 on the clear understanding that the age of entitlement would rise in line with women's state pension age. The policy intention was and remains that the winter fuel payment is a pensioner benefit. It is an integral part of a complex system of benefit provision that can be broadly divided into working age and pension age.

A failure to increase the qualifying age in line with state pension age would introduce new age inequalities for people of different working ages, without any objective policy rationale for doing so. For example, if 60 had been retained as the qualifying age for the winter fuel payment after it ceased to be women's state pension age, there would be no grounds for excluding people aged 59 or, indeed, any other age from entitlement. The continued link with the women's state pension age is consistent with the objective of targeting resources on pensioners and reflects what has always been the policy intention underpinning the winter fuel payment.

Financial modelling is difficult. Where one member of a couple has reached the qualifying age, the household receives the full award; however, where a couple have both reached the qualifying age, the amount is divided between the two. Assuming that all those affected would be entitled to the £200 maximum, it is estimated that the amendment could cost the Northern Ireland block up to £30.5 million. As I made clear when I spoke to the earlier amendments, in an ideal world, no one would want to increase the pension age, with its knock-on consequences for entitlement to the winter fuel payment.

However, we have to face the reality of the position that we are in.

#### 4.00 pm

Earlier, I spoke at length on the parity implications of the proposed amendments to clause 1. Although in this case the costs to the Northern Ireland block grant are somewhat lower at up to £30.5 million, they are, nonetheless, significant. I do not think that it is necessary for me to rehearse all the arguments and the very real dangers of agreeing to such a serious breach of parity.

When I or my Department bring forward legislation, Members quite rightly insist that we consider the equality impact of our proposals. I believe that we must also cast a similar light on the amendments. Amendment No 5 would, in effect, discriminate against people of different working ages without any objective policy rationale for doing so. For example, if we were to accept the amendment, we would still be paying a winter fuel payment to those who are under the state pension age in the winter of 2025-26, some 14 years after the Bill had been introduced. For the reasons that I outlined, I believe that we have no option but to resist amendment No 5.

Before I turn to the second amendment in this group, I want to pick up on some of the comments that were made. On the point that Alex Maskey made, the fuel allowance payment that was provided by the Executive this year to help with fuel poverty was quite separate from the social security system. That ensured that we did not compromise the principle of parity, which is crucial. Michael Copeland raised a point about parity, and amendment No 5 is a clear breach of parity. The Member is right in that regard and I agree with him and endorse what he said. Winter fuel payments are an integral part of the package of pension benefits that includes state pensions, state pension credit, attendance allowance, etc, and that are specifically designed to support pensioners. I have dealt at length with the dangers of breaking parity, and I do not see a particular need to rehearse those again. Picking up on Patsy McGlone's point, no one who is already entitled to a winter fuel payment will lose out as a result of the Bill.

I want to make another point about winter fuel payments, and that is on the issue of fuel poverty. Fuel poverty is an important issue for the Executive and the Assembly. It has a number of causes that are built around the cost

of fuel, the level of income in homes and, in particular — it is the one over which we have most control — the energy efficiency of homes. Therefore, it is important that we look at that issue for a moment.

The increase in the qualifying age for the winter fuel payment is a direct consequence of increases in the state pension age. It is important to note that, as I indicated, when one member of a couple reaches the qualifying age, households will receive the full award. In April 2011, the Department launched a new fuel poverty strategy called Warmer Healthier Homes. The strategy takes forward energy brokering and a boiler replacement scheme, and it calls for action on the price of oil imports and the development of a range of initiatives to tackle fuel poverty. A primary aim of the strategy is the targeting of available resources to those vulnerable households that are most in need of help, and older people are identified as a vulnerable group in it.

The Department also continues to fund the warm homes scheme, which offers a range of insulation and heating measures to vulnerable householders. That scheme is the Department's primary tool in tackling fuel poverty and, under it, in excess of 80,000 households have been helped with insulation and/or heating measures since it commenced in 2001. The pilot boiler replacement scheme that was launched in June last year offers a grant of up to £1,500 to householders to replace old and inefficient boilers, and £2 million has been allocated to that scheme to replace 1,330 inefficient boilers. I had the opportunity of visiting one home, and the gentlemen who lived there told me that, over a year, he had saved a complete fill of oil because he had a new boiler. Those replacements can mean major savings, particularly if the boilers are very old, and many pensioners have such boilers in their homes.

The Department is working with the Housing Executive, Kingspan Renewables and Carillion Energy Services to develop a pilot pay-as-you-go option for people who rely on oil to heat their homes. There are a range of interventions that we make in relation to fuel poverty, and it is better to make the investment in energy efficiency rather than in a single payment, because the single payment is then gone, whereas year-on-year energy efficiency house improvements, as was the case for the particular gentleman whom I mentioned, mean

that families, couples or individuals can make year-on-year savings.

The second amendment in this group proposes to insert new clause 1A into the Bill. The new clause would place a duty on my Department to lay, within one year, a report:

*“on the differences in the cost of pension provision for various occupational sectors ... arising from health inequalities, including the impact of occupation on life expectancy.”*

It is not clear what the exact purpose of such a report would be. However, my Department does not currently have access to the necessary information. Obtaining it would require a major analytical project and, perhaps, new legal gateways to allow access to information held by other Departments and Her Majesty's Revenue and Customs. Meaningful results could take several years, and the necessary work would have significant resource implications. It is difficult to see any scope for our having different pension ages in Northern Ireland, and there is a strong argument that the available resources are better directed to the ongoing work around welfare reform.

It is, however, the case that we are, on average, living longer and healthier lives than in the past, and although there are long-term differences in life expectancy between parts of the United Kingdom, life expectancy has risen in all regions. Between 2004 and 2006, and 2008 and 2010, a period of four years —

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

**Mr McCausland:** Yes.

**Mr Copeland:** If I am following your thought processes, Minister, you are, to a degree, agreeing that the piece of work is worth doing, but saying that the time frame is somewhat constrained. Would you be minded to acquiesce when the Bill comes to Further Consideration Stage and give some indication as to the sort of time frame that may be necessary and the results that could be achieved after some further consideration?

**Mr McCausland:** I thank the Member for his intervention. Yes; a longer reporting period would be of much better statistical value, and would, hopefully, get for us a better picture. I am happy to take that suggestion that we bring the proposal back at Further Consideration Stage,

with a longer reporting period than one year, as was stated in the amendment.

I will conclude with some comments on life expectancy. Over that period of four years between 2004 and 2006 and 2008 and 2010, the life expectancy for a man aged 65 in Northern Ireland rose from 16·7 years to 17·4 years. There was an increase of 0·7 years — just over six months —

**Mr F McCann:** Will the Minister give way?

**Mr McCausland:** Yes.

**Mr F McCann:** I will be brief. I understand that statistics work in many ways for many different people, but there are areas in the North — Mickey used the Finaghy analogy — and areas in Belfast that do not reach those standards, where health and life expectancy are poor. When we talk about trying to deal with those issues, those are the people we are talking about. NISRA provides annual or biannual statistical data that allows us to tap into a rich source of information.

**Mr McCausland:** There are two points there. I will deal with the reference to life expectancy first. Yes, there is a variation from place to place in Northern Ireland, just as there is a variation from region to region in Great Britain. It is the same in England, Scotland and Wales; it is the case in every country that there are variations. We could get more detailed information about particular areas or the demographic profile of life expectancy.

Nevertheless, over that period of just four years, there was an increase of 0·7 years in life expectancy — average life expectancy, admittedly. That suggests that some people who might not have lived as long will live longer. They are average figures because you cannot deal with any figures other than average figures in this regard.

He made a point about the information that is available from the Northern Ireland Research and Statistics Agency (NISRA). Undoubtedly, there is a lot of information available from NISRA, but there are other areas of information that would make this piece of work much more informative and valuable, and it is worth taking up the proposal that we bring this back at Further Consideration Stage to see exactly what would be a reasonable timescale to get the best value out of the work. There is no point in doing

it just for the sake of it. Let us ensure that whatever is done gets for us the best outcome and the best value. Projections indicate that the upward trend in the average lifespan is set to continue. Between 2010 and 2025, the number of people in Northern Ireland who are aged 65 or over is projected to increase by over 40%. To try to take into account differences in life expectancy by varying the state pension age for regions, socioeconomic groups or occupations would make the system very complex and difficult or impossible to administer.

I urge Members to reject amendment No 1 and to agree that we bring amendment No 2 back at Further Consideration Stage after further consideration has indeed been given to it. Amendment No 1, if accepted, would, clearly, breach parity and have serious funding implications. Amendment No 2, if accepted, would be resource intensive and, in its current form, the proposal would be unlikely to effect any meaningful changes or produce any really significant information. Therefore, I commend that we bring it back at Further Consideration Stage, having given it some more thought.

**Mr A Maskey:** Go raibh maith agat, a LeasCheann Comhairle. I will seek to keep this very brief, because I do not intend to rehearse all of the points and arguments that were made by a variety of Members. First, I will refocus on amendment No 5. As I said earlier, and as other Members revisited, the purpose of the amendment is to alleviate the difficulties that many of our older citizens, in particular, will suffer as a result of the increase in the pensionable age — both, for women, from 60 to 65, and, everyone having been equalised, first to 66 and upwards to 67 and 68 in due course.

There is a clear body of compelling evidence that tells us that a number of our citizens, particularly senior citizens, are very vulnerable to fuel poverty. Therefore, there has been a requirement for this type of support in the past, and, indeed, up to now. The increasing of the pensionable age is, primarily, a cost-saving exercise by the British Government. That may well be reasonable and all the rest of it to some people, but, nevertheless, there are negative consequences to that, and this is one of the negative consequences. As I said earlier, a lot of evidence tells us that, in increasing numbers, people are suffering and will suffer as a result of this provision in the Bill. I accept that there is

an argument around parity and that, of course, there will be a price tag to this.

I draw attention to the Minister's comments, and he is the lead Minister in the Executive on the question of fuel poverty. It is clear that, if a cogent and sustained fuel poverty strategy were embarked upon with a proper implementation plan and appropriate levels of investment, surely, in the longer run, we would make people less dependent on fuel poverty support, because we would have been systemically reducing the problem of fuel poverty. The Minister outlined a number of the measures that would be required to do that. If, in the time ahead, you were to invest in measures to mitigate fuel poverty, you would not necessarily eradicate the problem but you would certainly reduce it considerably, thereby making people less reliant on fuel poverty support. It is not necessarily logical at all to say that, by allowing people to receive fuel poverty payments which are not connected and directly linked to the pensionable age, you will be paying them in perpetuity, because, at any given time in the future, it is up to us to say that we have significantly tackled the problem of fuel poverty so we can discontinue the payment. I do not think that an endless pit of money would be required to be paid out.

#### 4.15 pm

I stress that the issue of parity, particularly on an issue such as this, has not been properly and robustly challenged enough in our view, and that is why we want to continue to press ahead with the amendment. There is compelling evidence to support the amendment, and we think that it is worth challenging the Government directly on that issue. That is the primary purpose behind the amendment.

I will move on to amendment No 6. I have heard Members across the Chamber, including the Minister, suggest that the Minister or his Department would be open to a discussion on this, and, if that is the case — the Minister repeated that in his closing remarks — I and my party are prepared to withdraw the amendment for today so that we can have a reasonable and rational discussion with the Department and the Minister to ensure that we have a further amendment at Further Consideration Stage. At an appropriate point, we will table a further amendment, which hopefully, we can agree on.

The essence of the amendment is to say that the upward increase in the age of eligibility for state pension is an arbitrary figure, and I have no confidence that the British Government will not continue to move the goalposts. That being said, the measures are simply to address, not so much the issue of greater longevity, but the sustainability or cost of running a pension scheme. I do not ignore the difficulties with that, but, nevertheless, the measures do not in any way take into consideration the health profile of the population. Therefore, amendment No 6 was primarily designed to say that we hear all that the Government have been saying but none of it is linked to people's health profile and their ability to continue working at an older age. We want an amendment to be accepted and passed by the House and accepted by the Department so that we can have a proper, meaningful debate in due course on the basis of proper and up-to-date data.

The Minister has said — I appreciate him doing so and taking this on board during the debate — that we can have a discussion on an appropriate amendment that allows us do precisely that, and, if that is the case, whatever about the time frame, we will be happy to withdraw the amendment this afternoon so that we can have that discussion and, hopefully, come back with an agreed position. Failing that, I have to say for the record that we would resubmit our amendment to the House at a later stage.

*Question put, That amendment No 5 be made.*

*The Assembly divided: Ayes 34; Noes 45.*

#### AYES

*Mr Agnew, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr W Clarke, Mr Dallat, Mr Dickson, Mr Durkan, Mr Eastwood, Mrs D Kelly, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lynch, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Mr McElduff, Mr McGlone, Mr McKay, Mrs McKeivitt, Mr McLaughlin, Mr McMullan, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr Molloy, Mr Murphy, Mr Ó hOisín, Ms S Ramsey, Mr Sheehan.*

*Tellers for the Ayes: Mr Brady and Mr F McCann.*

#### NOES

*Mr Allister, Mr S Anderson, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton,*

Mr Elliott, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Ms Brown and Mr Easton.

Question accordingly negatived.

Question put, That the clause stand part of the Bill.

The Assembly divided: Ayes 45; Noes 30.

### AYES

Mr Allister, Mr S Anderson, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Ms Brown and Mr Easton.

### NOES

Mr Agnew, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr W Clarke, Mr Dallat, Mr Durkan, Mr Eastwood, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Mr McGlone, Mr McKay, Mrs McKeivitt, Mr McLaughlin, Mr McMullan, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr Molloy, Mr Murphy, Mr Ó hOisín, Ms S Ramsey, Mr Sheehan.

Tellers for the Noes: Mr Brady and Mr F McCann.

Question accordingly agreed to.

Clause 1 ordered to stand part of the Bill.

Amendment No 6 not moved.

Clauses 2 to 34 ordered to stand part of the Bill.

### **Schedule 1 (Equalisation of and increase in pensionable age for men and women: consequential amendments)**

Amendment No 7 not moved.

Schedule 1 agreed to.

Schedules 2 to 4 agreed to.

Long title agreed to.

**Mr Deputy Speaker:** That concludes the Consideration Stage of the Pensions Bill. The Bill stands referred to the Speaker. I ask Members to take their ease for a few minutes, please.

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

## Private Members' Business

### Serious Organised Crime and Police Act 2005

**Mr Principal Deputy Speaker:** The Business Committee has agreed to allow up to one hour and 45 minutes for the debate. The proposer will have 10 minutes in which to propose the motion and 10 minutes in which to make a winding-up speech. Two amendments have been selected. The proposer of each amendment will have 10 minutes in which to propose and five minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

Before we begin, I want to say to the whole House that I am conscious that the motion refers to matters that have already been before the courts and on which judgement has been given. However, the Speaker cannot be expected to know what other cases of a similar nature may come before the courts in the future. I therefore caution Members to be very careful in everything that they say today to avoid the risk of prejudicing any such proceedings. I hope that that is clear.

**Ms J McCann:** I beg to move

*That this Assembly registers its concerns in relation to the quality and reliability of evidence provided by assisting offenders under the Serious Organised Crime and Police Act 2005, as witnessed in the recent supergrass trial, and the subsequent undermining of confidence in the administration of justice; believes that it is essential that the criminal justice system operates in a transparent manner which respects the rights and entitlements of all citizens and engenders maximum public confidence in our policing and justice systems; and calls on the Minister of Justice and the Attorney General to use their powers to call for an immediate review of the operation of the legislation.*

Before I open the debate, I am very conscious of the English family, who were directly affected by the recent trial and, indeed, of other families who have lost loved ones and may also be affected by what is said in today's debate. I ask all Members, including myself, to be conscious of that when speaking in the debate. In the

first instance, all those families are entitled to justice and truth, and some of them have been waiting a very long time to get it.

Today's debate is about highlighting the serious concerns that some of us have about justice and the delivery of justice, which is the bedrock on which any democratic society is built. There is a responsibility for the police, the prosecution service and the judiciary to deliver justice to those who need it. When it comes to delivering justice, there can be no half measures or short cuts. We must all be satisfied that those who are at the heart of the justice system are working impartially and have confidence that the criminal justice system has been transformed in the way set out by the peace process and the Good Friday Agreement.

Our party is opposed to the use of supergrass evidence. We opposed it in the 1980s and oppose it today because there are insufficient safeguards in the legislation. There is a fear that supergrass trials will be used to cover the role of police agents and their Special Branch handlers, and public confidence in the judicial system will be diminished if it becomes clear that a cover-up is taking place in any case brought before the courts. That has also been reflected in other cases, and I want to mention briefly the murders of David McIlwaine and Andrew Robb, whose families still believe that the legislation was used to cover up and conceal the identities of those who were involved in their murders. That cannot work, and it will corrupt and contaminate the new dispensation in policing and justice to which we have all signed up and to which we all aspire.

Justice has to be the product of careful, painstaking, deliberate and probing investigation by the appropriate agencies: the police, the prosecution service and the judiciary. All those agencies exist on a lifeline of support from the public, which arises from a contract of obligation and an affirmation of approval — an endorsement between the people and the justice system.

The use of supergrass testimony fatally undermines the pursuit and delivery of justice, as it depends and revolves around people looking out for themselves. In this recent case, it was said by the trial judge, and consequently by others, that the assisting witnesses were of bad character and yet were deemed as witnesses of truth for the prosecution. The

fact is that their evidence centres on their immunity from sentencing and not some road to Damascus conversion whereby their consciences made them come forward. That involves a deal for a shorter time in prison, which leads people to lie. Those lies are then carried by the police and passed on to the prosecution service, which then passes them on to a judge, thus undermining any kind of public confidence in the whole judicial process.

That was very obvious during the 1980s, when hundreds of people were put in prison on the basis of supergrass testimony. What was not so obvious then was where the lie began, how directly involved the police and the prosecution service were, and how much the judge knew about the origins and authors of the lie. Those questions were never satisfactorily answered. The likelihood is that we will never be able to get them answered fully. What we do know is that the police, the prosecution service and the judiciary were badly damaged in the public's mind by the use of supergrass testimony back then. My party wonders why anyone would want to bring us back to those times of controversy and public doubt about the whole justice system.

We need to look at how the system has been tainted. We also have to understand that, in the North of Ireland today, there are Diplock courts with one judge and no jury. We also have to look at that. The legislation states that there is no clear procedure to address what happens to accomplices when they knowingly tell lies. We have seen that in the past number of weeks.

Today, we ask the Minister to bring forward a review of the legislation. There is a new era that requires all agencies to reflect the change. That is especially true of the police, the Public Prosecution Service and the judiciary.

**Lord Morrow:** I am struck by the fact that the Member has talked here, on a number of occasions, about the new dispensation that we have moved into and how she is concerned lest the new dispensation become tainted. Does the Member agree with me that there is more moving on to be done by those whom she and her party claim to represent? We have the continual running sore of the disappeared. Those people and their families are also entitled to justice. The Member may speak about this later. I may have pre-empted her, and I hope that I have not. However, I ask her to tell us, in

a clear and stark manner, how she proposes to deal with that issue, which is a running sore for those families who have had to suffer so much. Will she address that issue in her comments today?

**Ms J McCann:** I say to the Member very clearly that those families are entitled to justice and truth. I have no problem saying that very clearly.

It has already been accepted, even by the Minister, that this case has dented public confidence. Therefore, I ask every Member in the Chamber to support the motion.

**Mr B McCrea:** I beg to move the amendment No 1: Leave out all after 'offenders' and insert

*'in the recent trial which used evidence under the Serious Organised Crime and Police Act 2005 and the subsequent undermining of confidence in the administration of justice; recognises that assisting offenders can be a powerful tool in the fight against serious and organised crime; believes that it is essential that the criminal justice system operates in a transparent manner which respects the rights and entitlements of all citizens, protects the public against criminals and engenders maximum public confidence in our policing and justice systems; and calls on the Minister of Justice to ensure that there are positive working relationships between the Police Service of Northern Ireland and the Public Prosecution Service in the operation of the legislation and that adequate accountability measures are in place.'*

In proposing amendment No 1, I will detail the concerns that I have with the main motion and amendment No 2. I appeal to my colleagues in the SDLP on an issue that I tried to discuss with Alban Maginness at the Justice Committee. The issue with the main motion is the use of the word "supergrass". That is a pejorative term that brings us back to the 1980s. This is not the 1980s: we are 30 or 40 years on.

What is a society entitled to expect from a judicial system? It is that bad people go to prison. We must find whoever is responsible for the crimes that were committed. There were 25 new murder inquiries conducted. No one was found guilty of the crimes, but those people were killed. Surely we ought to get a frame of justice that tries to find some sort of satisfaction in the law for that purpose. When Members propose this as some sort of catch-all in respect of supergrass trials, it seems to me to deny the vast majority of the public the basic

support and help that they should expect under the law.

Where you have serious organised criminals who use sophisticated techniques to avoid detection and prosecution, then surely if you can get evidence from one of their own — an accomplice — that evidence should be used to put those criminals behind bars if at all possible.

### 5.00 pm

Some complaints were made about this particular case as a lot of money was spent. It was certainly very high profile, and, ultimately, there were no prosecutions. The question comes up: should the case have been brought in the first place? Well, all parties, apart from Alliance, were represented on the Policing Board, and they will be aware of the reasons for setting up the independent panel. It was a live criminal case, and there were certain areas of confidentiality that could not be explained then and which I do not choose to explain now. However, as chair of the Policing Board's Human Rights Committee, I will say that —

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

**Mr B McCrea:** I will indeed.

**Mr Craig:** I question how much information the Member can actually give on this. There were certain privileged circumstances under which some of this was discussed at the Policing Board, and I ask the Member to bear that in mind. I also ask him to bear in mind that a Member from this party vigorously opposed some of the recommendations that were made to the Policing Board.

**Mr B McCrea:** I thank the Member for his intervention. I was in the process of explaining that there are things that cannot be said because of confidentiality. Nevertheless, it is worth stating that the European legislation — specifically article 2(2) of the European Convention on Human Rights — talks about how you investigate situations where the state is accused of being involved in murder. I will say to you, if you understand the point, that the police have the legal right to take life. It is a really strange undertaking, but that is a legal right in certain circumstances. However, if they do take life, you have to have an independent inquiry.

We have talked in the past about the whole issue of independence. Mr Craig might be

interested to know that when we talked about the independent panel being set up, it was not to do with this case; it was to do with the Stephen Lawrence case. In the past, there was absolute agreement that the family of those involved should be kept informed about proceedings. Therefore, there was precedent for why it was done. The Policing Board took other steps to ensure that it had oversight of what was going on, but confidentiality does not permit me to say what those steps were.

People are calling for an open and transparent process, but actually that process took place, and all parties should be aware of that. Although the Alliance Party has no members on the Policing Board, I presume that the Justice Minister and the Alliance Party will also be familiar with that.

I have to say to the people who brought this motion forward that I am surprised that they have issues with the concept of using evidence, where evidence is found to be satisfactory, to put bad people behind bars. In essence, that must be a good thing. In certain specific cases, a judge or court will look at evidence and say that it is not admissible or that they do not accept the veracity of the witnesses, or whatever. A number of cases have happened in other jurisdictions similar to this one where that has been found to be the case. However, that surely proves the point that the judicial system actually works. Even though there is a case to be made and a case to be answered, you are able to say that in a certain case, it was found to be wanting.

I will put on record what I know. In the Hansard report of evidence from the Public Prosecution Service (PPS) to the Justice Committee, Mr McGrory stated that there was some justification for bringing the case, because, even at the halfway stage, the judge said that there was still a case to answer. That justifies the position that the PPS took.

**Mr Allister:** Is it not the case that the test for prosecution is not whether there is a prima facie case — a case to answer — but whether there is a realistic prospect of conviction, which is informed by an examination of the evidence, including the evidence's credibility? Therefore, when the director said on public radio that it was right to bring this case, because there was a prima facie case, he was not, in fact, reflecting the proper legal test, which is this:

is there a realistic prospect of conviction? Had that test been applied, given the inherent and known flaws in the brothers' evidence, it is a prosecution that would perhaps not otherwise have been brought.

**Mr B McCrea:** Loath as I am to cross swords on a point of law with the Member to my right, I will quote from the Hansard report of the Committee meeting. Mr McGrory said:

*"There is a reasonable argument that the evidential test was met."*

That is what he says is his test. He continued:

*"Indeed, in his evaluation of the evidence after cross-examination by 12 QCs over a protracted period of weeks, the trial judge took the view that he could still convict and that there was a credible basis on which there could be convictions at that stage and so did not stop the case at what we call the halfway stage."*

All that I can say is that it is a point of law that goes back and forward. There is an evidential test; there is a public interest test; there is a judicial review; there is a system in place. Whatever the outcome of that, I think that the system works.

Time is pressing on, but I will say in this argument that I am not happy with a motion that tries to put all so-called supergrass trials in the same league. There is an issue with bad people —

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

**Mr B McCrea:** I am sorry, but I do not have the time. There are situations in which bad people are in organised criminal gangs, which are incredibly destructive to society. When we get evidence from people who are accomplices, it should be pursued. They should be brought before the courts of justice, and the courts will decide the appropriate way of dealing with the matter.

I come now to amendment No 2. Although I have a certain sympathy with the reason that the DUP tabled it, there are certain issues to do with the independent oversight panel, and I have explained that to DUP Members. When you look at the Stephen Lawrence arrangements and various other things, you will see that, in principle, it is right and proper that you adhere to the legislation as laid out in the Human Rights Act. I look at that and say that the DUP's amendment goes too far. The basic principle that we are arguing for here is —

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

**Mr B McCrea:** Amendment No 1 makes the best of a difficult situation, and I genuinely ask Members present to vote for amendment No 1 as the right way forward.

**Mr Givan:** I beg to move amendment No 2: Leave out all after "2005" and insert

*"in the Tommy English murder trial and the subsequent undermining of confidence in the administration of justice; believes that it is essential that the criminal justice system operates in a transparent manner which respects the rights and entitlements of all citizens and engenders maximum public confidence in our policing and justice systems; and calls on the Minister of Justice and the Attorney General to use their powers to call for an immediate review of the operational decisions taken in the aforementioned murder trial and the role of the independent oversight panel in the police investigation."*

The difficulty that we have with the motion is that it puts a question mark against the very principle of using accomplice evidence to secure a conviction, which is a principle that has been long established. Justice Gillen cited in his judgement the comments made by the court in the Blackburn case of 2007. I support those comments, and I think it beneficial to repeat them. In that case, the court said:

*"There never has been, and never will be, much enthusiasm about a process by which criminals receive lower sentences than they otherwise deserve because they have informed on or given evidence against those who participated in the same or linked crimes, or in relation to crimes in which they had no personal involvement, but about which they have provided useful information to the investigating authorities. However, like the process which provides for a reduced sentence following a guilty plea, this is a longstanding and entirely pragmatic convention. The stark reality is that without it major criminals who should be convicted and sentenced for offences of the most seriousness might, and in many cases, certainly would escape justice ... The solitary incentive to encourage co-operation is provided by a reduced sentence, and the common law, and now statute, have accepted that this is a price worth paying to achieve the overwhelming and recurring public interest that major criminals, in particular, should be caught and prosecuted to conviction."*

We support what the Ulster Unionist Party has put forward in its amendment, but we believe that our amendment goes further and

addresses the very serious issue of the role that the independent oversight panel had and continues to have in the police investigation associated with Operation Stafford, which included the Tommy English murder trial, and I will elaborate on that shortly.

The need for a review of the work of the Historical Enquiries Team and the Public Prosecution Service in the case of the Tommy English murder trial is clear when you consider the judgement made by Justice Gillen in respect of the credibility of the Stewart brothers, who were relied upon to provide the key evidence in this case. He said:

*“both Stewarts in the past at least were ruthless criminals, unflinching terrorists and men of profoundly bad character conducting their lives very often in a haze of alcoholic stupor and illegal drug abuse. Their lives were chaotic and devoid of normal moral scruples. They lived in a place where powerful criminals, such as themselves, were subject to few or no rules, where the voice of civilised reason was silenced and where it was difficult for the innocent to complain. Their admissions in 2008 to a plethora of criminal offences committed over a lengthy period of time presented an overpowering and piercing image of unspeakable random violence and mean spirited deceit from which decent men and women would instantly recoil and which even for the court made wincing listening. ... My concern was that despite their assertions of change and professed commitment to do the right thing, these were the same men merely wearing new suits.”*

Justice Gillen also said that:

*“The supportive evidence relied on by the prosecution has fallen far short of repairing these defects”*

in the Stewart brothers' evidence.

The question that must be asked is this: why, after 330 interviews, during which the brothers also lied, was the decision made to take the case to trial? That decision resulted in a failure to secure convictions through accomplice evidence, allowed the Stewart brothers to receive a minimal sentence when they should have been given a severe sentence, cost the taxpayer millions of pounds and damaged public confidence in the administration of justice. Indeed, figures have come to light today that show that, so far, almost £6 million has been spent on this case, and that is before the fees for barristers and solicitors claimed through legal aid are added to the total cost, which

could add a further £5 million to £6 million to the final bill, doubling the current amount.

An issue that needs to be resolved is the process for reviewing the sentences given to those who have turned Queen's evidence but who subsequently fail to tell the truth and who, as in this case, are found to be liars. Alarming, the Director of Public Prosecutions has admitted that the SOCPA legislation is silent on that matter, which further damages confidence as it can only give rise to the view that individuals can become assisting offenders and have a reduced sentence without any consequences if they fail to tell the truth. In cases of this nature, when the testimony that will be relied on is from individuals who, by the very fact that they are accomplices, will be of bad character — in this case, they were of profoundly bad character — a higher test must be met by the Public Prosecution Service before deciding to prosecute.

I turn to the serious questions that need to be answered with regard to the role of the independent oversight panel in the police investigation of this case and those associated with Operation Stafford. At the Justice Committee, the Minister and his officials confirmed that an independent oversight panel for the police investigation entitled Operation Stafford, which included this case, is in existence. Subsequently, in the House of Commons, the membership of the panel has been confirmed to consist of Baroness Nuala O'Loan and Richard Harvey, a London barrister. In response to a question from Ian Paisley Jnr, Mr Hugo Swire MP revealed that the panel was established in November 2010 to receive regular and comprehensive briefings on the progress of the PSNI's Operation Stafford.

My concern emanates from the fact that Operation Stafford stems from the Police Ombudsman's report on Operation Ballast, which caused huge controversy at the time of its publication in 2007. The report was rejected by the Northern Ireland Retired Police Officers' Association, which issued a rebuttal of the statement made by the ombudsman, including a particular response to the allegation of collusion:

*“The misuse of the word ‘collusion’, without any legal anchorage, has led to it being used as a political catchphrase. As a result, police officers who have served their country and community with integrity and bravery have been vilified in the court*

*of public opinion. On every single occasion where the word 'collusion' appears in the Statement, the 'finding' is entirely groundless."*

### 5.15 pm

My suspicions have also been heightened following the BBC 'Spotlight' programme. Someone who contributed said that criminal prosecutions are needed against those who handled agents either in the police, intelligence agencies or the army. Jennifer McCann earlier alluded to the real agenda for those in the republican community; namely, attacking the Royal Ulster Constabulary, particularly those who served in Special Branch.

Given the context around Operation Stafford, which stemmed from Operation Ballast, I think it is understandable that questions about the independence of this oversight panel have been raised. We need to know its terms of reference, the process that was used to appoint members, the remit of the panel and what recommendations or observations it has made and to whom in respect of the police investigations.

**Mr A Maginness:** Thank you for giving way. You raised an issue about Operation Ballast and the oversight of this particular case. Are you saying that, had there been no oversight, you would have no problems with this case going ahead? You seem to be conflating the two issues.

**Mr Givan:** The issue of having some type of oversight of a police investigation is not unheard of; the issue, though, is the nature of its independence. Operation Ballast was penned by the Police Ombudsman who now sits on the oversight panel of the police investigation. That has rightly led to questions about the independence of that oversight panel.

**Mr A Maginness:** Will the Member give way?

**Mr Givan:** Not at this point again.

The Minister of Justice stated that the formation of this panel is "unusual". The Secretary of State said in response to the creation of the panel:

*"we must be very careful to respect the independence of the police in operational matters".*

Therefore, I am calling for a full inquiry into the role of the oversight panel in order to answer the questions there are around its role and independence. In no way do I see how this independent panel is necessary to comply with

some article of human rights legislation, as Mr McCrea seemed to suggest. I do not see how my and the party's amendment would in any way be a particular problem. What we are asking for is an inquiry into its role. We need to have confidence that Operation Stafford is being conducted properly, and there are question marks over the independent oversight of that particular body. That is why this party proposed the amendment, which we will support at the vote.

**Mr Eastwood:** I welcome the motion. My party will offer its full support. Supergrass trials are highly sensitive, as we know, given their history in Ireland. It is worth noting that this history extends beyond the memory and experience of our recent Troubles here in the North. This Assembly cannot hope to properly and fully comment on supergrass trials without grasping this broader history; a history that acted to erode so much confidence in certain judicial processes and the state's advocacy of them.

This is part of the wider issue of our reformed policing and judicial institutions. Given the findings of the recent 'Peace Monitoring Report', one of which was that the policing deal is not secure, I suggest that the retention of public confidence in all these intertwined matters is foremost in our consideration of the motion today.

I think it can be safely claimed that recent public events have not helped garner public confidence in the Serious Organised Crime and Police Act 2005. The recent supergrass trial, which was clearly disturbing in its outcome, has given rise to this. That was manifested through its process, cost and its impact on public perception and confidence. The failure was on multiple levels.

Colleagues have appropriately highlighted and much of the media focus has centred on the fact that almost £6 million has been spent in total for one trial. We have not heard the full extent of that, given that legal aid costs are as yet unknown. It is illogical to imagine this to be sustainable. It is another modern monetary price for policing in our past.

That legislation is relatively new and largely untested in the legal circumstances of the North. The motion calls for a review to be held into its future practice. That suggestion is entirely reasonable politically and legally. The SDLP is on record saying consistently that a compelling case for community safety is required in order to, in any way, justify the

use of that legislation. Thus far, that public confidence and layered accountability has not been exemplified or forthcoming. The Stewart case failed to provide grounds on how that system would protect the community and serve the interests of the rule of law. Events have, therefore, clarified that action is required.

I noted with concern the Minister of Justice's contribution to the Committee in which he pointed out that arrangements for accomplice evidence existed in common law for several centuries. I suggest to the Minister that to shelter behind the existence of similar legal practice and the longevity of its use in other jurisdictions is to renege on the sensitivity and complexity of our circumstances.

**Mr Beggs:** Does the Member accept that, if you do not allow weight to be given to accomplice evidence, you allow criminal organised gangs to continue without conviction?

**Mr Principal Deputy Speaker:** The Member has an extra minute added to his time.

**Mr Eastwood:** I do not know which speech the Member was listening to. The motion and my speech indicate that there are very particular circumstances in this part of the country. There is a real history about which we need to be aware. All that we are doing is calling for a review of the practice of the legislation. Therefore, perhaps, the Member wants to go away and read the motion that has been proposed.

**Mr B McCrea:** Will the Member give way?

**Mr Eastwood:** No. The motion clearly asks for a review of the legislation and its use. It will be clear to anybody who has watched any media coverage of the recent use of that legislation that a review is required. However, thanks to the Member for his intervention.

Surely, the devolution of justice and policing demands that we in the North come to our own decision on the use of those trials, hence it is necessary that a review is held. Since taking office, the Minister has shown himself to be very open to launching reviews, be they into the Prison Service or youth justice, etc. I urge him not to impede a review into the use of that legislation. In the interests of public confidence and the integrity of the legal system, it is, clearly, required. I support the motion.

**Mr Dickson:** Before us today is a menu of options: the original motion and the two

amendments. In considering the options, I can rank them in order of the least to the most supportable. For reasons that I will set out, the motion itself is unacceptable and the DUP amendment unwise. Of the three, the Ulster Unionist Party's amendment seems to be the most acceptable. In respect of all three options, I want to start by commending the authors for highlighting the need for transparency, respect for rights and the importance of maximising public confidence — features which my party's Minister has been working hard to solidify and enhance since he was elected to that position.

In that respect alone, I can find something in the Sinn Féin motion to support. It is, however, far too general in nature, criticising the very concept of using assisting offenders. It cites the recent trial as evidence. However, it presents that evidence as a weakness of all such evidence rather than of the evidence in the trial alone. I could similarly cite cases in which evidence that is provided by assisting offenders proved effective in its use. We should not judge the legislation on the basis of a single case. Indeed, it would be foolish to do so.

The fact is that we need legislation to allow offenders to give evidence against others and have that co-operation recognised appropriately in their sentencing. In the recent case, Mr Justice Gillen himself said that the strategy has been used for hundreds of years. It is also a useful tool in fighting crime, as is recognised in the UUP amendment, which, as I said, we find worthy of some support.

The DUP amendment calls on the Minister and the Attorney General to call for a review of the operational decisions made about the murder of Mr English. That is something that we do not believe the Minister should agree to. The Minister has worked hard to ensure that he does not cross the lines that clearly demarcate what a Justice Minister should and should not become involved in. Operational decisions of the police and the PPS are two areas in which the Minister should not become involved. I was surprised to hear Members, especially those with a legal background, saying that the Minister and the Department have questions to answer with regard to the Tommy English murder trial. Either they are fully aware and are playing politics, or they need to get better advice before making such statements in future.

What the Minister has expressed a willingness to do is to review the legislation itself, if an adequate case is made to him. I am not aware of any such case having been made, and I have not heard an effective case made today, certainly not yet. It appears that Mr Justice Gillen did not make a case for it in his recent judgment, in which he made it clear that it was the evidence, not the legislation — I repeat: the evidence, not the legislation — that was found wanting. The legislation under which the prosecution was brought is UK-wide. It is similar in nature to legislation in many other countries and is not specific to Northern Ireland. The statutory provisions have been examined in detail in several cases and have not been deemed to be substandard. Certainly, if there was any suggestion from the judiciary that they were substandard, they would need to be looked at, taking into experiences from elsewhere in the UK. At this stage, there does not seem to be any significant concern in the judiciary's mind in that regard.

I can understand the political and public concern at the failure to secure convictions in relation to the murder of Tommy English. I can also understand concerns about the considerable cost involved in the recent trial. However, at least the legal aid bill for cases of that nature will be lower in future due to the actions taken by the Justice Minister and the Assembly. I do not believe that we should do away with important and effective legislation on the basis of one disappointing case or that the case justifies the Minister moving into territory that he has, quite rightly, kept out of, despite misplaced political pressure.

The PPS decision to bring the prosecutions on the back of evidence given by the Stewart brothers will have been based on a number of tests, which we heard referenced here today. One is the likelihood of securing a conviction, and another is whether the prosecution is in the interests of justice. From what we have seen in the public domain —

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

**Mr Dickson:** — some may question why the prosecution was brought forward. I believe that it is right that we should support the Ulster Unionist Party's amendment in today's debate.

**Mr S Anderson:** I speak to amendment No 2, which has been tabled by my party colleagues.

As is so often the case with those who propose a motion, it is important to read between the lines. It seems fairly clear that the Members opposite are opposed to the use of the supergrass system — full stop. They seem determined to make sure that every avenue is explored and every device utilised to ensure that police and army personnel are brought to account but seem less keen to ensure that those involved in terrorism are brought to account. It is those sorts of double standards that rankle with very many people. I hold the view that the use of supergrasses, or assisting offenders as they are now known under the Serious Organised Crime and Police Act 2005, is a legitimate and very necessary weapon to bring terrorists to justice, and it must be maintained.

I know that the supergrass system is far from perfect and far from ideal. I can remember some of the high-profile cases that collapsed back in the 1980s — a long time before the current legislative framework was established. The new framework does change some aspects of those sorts of trials but, by and large, the key components remain the same today as they did in the 1980s. Reliance is placed on the testimony of those who, for whatever reason, are prepared to testify against former friends, and failure to secure convictions has usually been due to the bad character of the witnesses and not the actual evidence itself. That was the case in the latest supergrass trial, and it is on that case, commonly known as the Tommy English murder trial, that I want to focus.

We really do need to learn lessons from what turned out to be a major farce. It led to the acquittal of 12 men on all the charges against them. Nine were charged with murder. It lasted over 70 days and has cost millions of pounds.

As my party's deputy leader, Nigel Dodds, said, it will go down as one of the most expensive trials in the history of Northern Ireland.

### 5.30 pm

We must also not forget that, behind all the statistics, it was a devastating experience and a most tragic outcome for Mrs English and her family. She had to relive the dreadful events surrounding the brutal murder of her husband, and, to add insult to injury, she then had to watch the accused walking away free, swaggering out of the court and congratulating themselves. Indeed, the arrogance of those men as they left the court was a sickening sight

to many decent and right-thinking people, and it was a grim reminder of the paramilitary mafia that still holds too much sway in Northern Ireland.

The public want to see justice done. They want convictions, and they want to see those who are guilty of heinous crimes charged, tried and sentenced. However, they also believe that, in any democratic society, the judicial system must be fair and seen to be so. From the very start of the Tommy English murder trial, it was clear that the evidence of Robert and Ian Stewart lacked credibility and consistency. As the media reported daily on the case, it was obvious that it was a shambles, and many correctly predicted that it would collapse. The trial judge became increasingly irritated by the ramblings of the two brothers, who, he said, were proven liars. How on earth that bizarre case ever got to trial is beyond me. Surely the history and character of the two men should have led to the ringing of very loud alarm bells during the preliminary pre-trial stages. The Stewart brothers were interviewed on 330 occasions. The PSNI and the Public Prosecution Service should have been able to see through the two men, and I simply cannot get my head around how they were taken in by them. That is also a mystery to a lot of people, and it has not helped with public confidence.

The other issue that our amendment draws attention to is the fact that we remain puzzled and perturbed by the rather strange role of the independent oversight panel in the police investigation. That is the official title given to two individuals, Dame Nuala O'Loan and a London barrister, who provided assistance to the police on Operation Stafford, relating to crimes committed by the UVF in north Belfast. The Tommy English murder case was part of that broader operation, and it seems that the two members of the oversight panel were consulted by police. That issue was raised at the Justice Committee on 1 March, but we did not receive clear answers from the Minister or his officials. We need greater clarity on that, and more light needs to be shone on the role of that oversight panel.

Confidence in the judicial system has been shaken. That is why it is vital that we have an immediate review of the operational decisions taken in the Tommy English murder trial and the role of the independent oversight panel in the police investigation.

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

**Mr S Anderson:** I support amendment No 2.

**Mr G Kelly:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I join all the other Members who said that, in the first instance, this is about victims and families, who, after the trial collapsed and having waited for years with their hopes raised, did not get any closure or justice. In the process, the police, the courts and the Public Prosecution Service were all undermined. That is the difficulty that we face today.

Sinn Féin opposed supergrass trials in the 1980s. I know that Basil has a difficulty with the word "supergrass", but I do not mind if we call those involved supergrasses or assisting offenders. The issue is the same. We opposed those trials in the 1980s precisely because the evidence was tainted, and, if my memory serves me correctly, none of those trials succeeded. People were convicted, but the Court of Appeal let them all out again. Therefore, this is not the first time that we have seen this. The evidence from the 1980s is that supergrass trials do not work when tested, unless you take the view that putting people in jail over that period of time and then letting them out on appeal was a method of internment. The present legislation predates the transfer of justice and policing powers, so our fingerprints are not on it. However, Sinn Féin opposed the legislation at the time because of its lack of safeguards.

On a number of occasions, it has been said that we are dealing with a single case. However, the Tommy English murder trial was actually the second case. The other case, which was mentioned earlier, related to the murder of David McIlwaine and Andrew Robb. We should remember that the guy who was originally charged with the murder, Mark Burcombe, was convicted and given a two and a half-year sentence. The family insisted and showed evidence that he had other information that pointed towards an agent who got off during that trial. Therein lies the difficulty. If the agents of the state — the agents of the PSNI — are being used or are involving themselves in very serious criminality, why are they not also being brought to book? In all the cases where agents have clearly been involved, no one else has been brought to book.

One of the core issues is that of agents and Special Branch handlers.

**Mr Beggs:** Does the Member accept that accomplice evidence could be useful in dealing with a wide range of criminals, such as drug dealers, fuel launderers or bank robbers, and that it is not just about former or current terrorists? As such, it is a useful tool that should be in the bag to address criminality.

**Mr G Kelly:** I accept that those who are involved in criminality should go to jail; it is as straightforward as that. However, we are trying to get a proper policing service and a judicial system that will put them in jail. My argument here is that this is the wrong way to use the law in that regard. Deals are done by the police or, indeed, the prosecution, for short sentences, and the question, in answer to what you said, is this: where is the scrutiny?

Let me give you an example. It was widely reported that one of the Stewart brothers was involved in sex with underage girls. Is it acceptable to the police, to the Members of the Assembly, to ordinary people or to the Public Prosecution Service that such people should be given short sentences for giving evidence against others and be able to get themselves off the hook? That is the difficulty in this. If Patten was about anything and if the review of the justice system was about anything, it was to take us away from the types of practice that existed in the past. A return to supergrass trials or this type of evidence — I will call it “assisting offenders” — undermines years of work to turn this around.

Let me make another crucial point, which is in the PSNI policy statement on the 2005 Act. It states that the Assistant Chief Constable (ACC) of crime operations:

*“will sign off the Assisting Offender as a witness of truth.”*

First, I do not know who thought up the term “witness of truth”, because it is so easily attacked, but, if the ACC of crime operations is to be the person who does that, let us be clear that the ACC of crime operations is also the person who signs off on all police agents and their activities. Surely it is obvious to anyone in this room or anyone else that that is a huge conflict of interest in dealing with the issue of justice and bringing the right people to court and convicting them.

We want justice for victims. However, the justice system must be beyond reproach. I note that other Members mentioned how much this is costing and said that it could be as much as £10 million. It is not worth £10 million or 10p if it reverts to a system that has already been rejected on innumerable occasions by the Court of Appeal and others. At minimum, surely there needs to be a review of the operation of the legislation that can be debated in the Assembly.

When he talked about the amendments, Stewart Dickson made our case. He said that the Justice Minister will say that he cannot deal with operational issues. Therefore, why table an amendment that deals with operational issues when you know that the Minister will not be able to deal with it? This is about having a review of the legislation, which the Minister can deal with, and that is what he should be asked to do.

**Mr Weir:** In approaching this issue, which has been highlighted by the Tommy English murder trial, we should also remember that there is a family at the heart of it. Tommy English's family have been made victims. It is a tragedy, and, unfortunately, in this particular case, the system has turned a tragedy into a farce, one that has had a detrimental impact on the confidence that people had in the system.

Like the previous contributor — it may be one of the few points on which I agree with him — I am not hung up on the use of language. The use of the terms “assisting offenders” or “supergrasses” does not particularly bother me. Where I would differ and where I would be in closer agreement with the point made by Roy Beggs is that unlike, perhaps, the party opposite, we are not caught in some sort of 80s tribute act in which the prism of the supergrass system of the 1980s blinds us. Nor, indeed, are we in a blind spot about the evil machinations of the securocrats at every corner.

The SOCPA legislation is different from what was there in the 1980s. Protections have been put in place, and, as was indicated, this is not simply about how we deal with past crimes to do with terrorist activities. It is about dealing with a range of criminality, and, in the right circumstances, the opportunity for the justice system and the police to use assisting offender evidence should be taken. Therefore, I am not complaining about the legislation itself. We have no desire to throw the baby out with the bath water. The legislation itself is sound, although it

was wrongly used and badly used in the Tommy English case.

As has been said, it is undoubtedly the case that, when you go into any trial, you cannot give the guarantee of a prosecution, and no one would suggest that there would be such a guarantee. Nor indeed has it been indicated that costs should act as an insuperable barrier to a case going ahead, although the figures suggest that the cost of this case is very large. In dealing with such a high-profile case, it has to be done on a sound basis.

**Mr B McCrea:** On the point you have made, I will quote from Hansard the comments of Mr McGrory at the Justice Committee. He said:

*“the trial judge took the view that he could still convict and that there was a credible basis on which there could be convictions at that stage”.*

That is a trial judge saying, without prejudging the outcome, that the evidence is OK.

**Mr Weir:** No, with respect. I am loath to pull the role of old barrister, and I agree with what Mr Allister said earlier. It is a rare occasion on which we find ourselves on the same page, and we may not do on other issues. Simply because the judge did not dismiss the case at the halfway stage does not indicate that this was a sound way forward for the prosecution. There was perhaps prima facie evidence but, on the basis of the test of whether there was a realistic chance of successful prosecution, it is not just hindsight that allows us to say that the case should not have gone ahead. Anyone looking at it would have said that.

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

**Mr Weir:** I will give way in a second. I appreciate the point that Mr McGrory made that anyone who is an offender is always open to a certain level of question, but the scale of the question marks over the Stewart brothers and the extent to which their credibility was shot through should have been picked up at a much earlier stage. That is not the voice of hindsight, because people raised it.

**Mr Allister:** The Member is absolutely right that it is very surprising that the DPP reached the conclusion to bring a prosecution. Does that raise the spectre that, perhaps, one of the concerns that we should have is that the DPP was taking the easy option of simply passing it over to the court instead of applying the real

test of whether there was a realistic prospect of conviction because the DPP did not want to face the public opprobrium of not bringing a prosecution? Of course, that would have been very wrong. In hindsight, it has some of the signs of that, has it not?

**Mr Weir:** I certainly agree with the Member. It is difficult to know precisely what went through the head of the DPP in making the determination, but it should have been picked up much earlier and, indeed, should not have progressed to the level that it did. That is why, in our amendment, we are trying to focus in on the case. There needs to be a thorough investigation of the case and of the independent oversight panel.

In assisting offender evidence, the credibility of the witness is key. I appreciate that not all Members were able to attend when Mr McGrory appeared before the Committee. I listened to him, and, as you would expect, he made the best case that he could. However, I was not convinced by the responses that he gave. Clearly, there has been a falling down in connection with the case, but that does not mean that SOCPA itself should be called into question or is dead in the water. This case has damaged the justice system. We need an investigation into the case, and we need to look at the wider aspects of it. That is why I support the DUP amendment rather than the original motion or, indeed, the other amendment.

#### 5.45 pm

**Mr Hussey:** I begin by referring to the word “supergrass” in the motion tabled by Sinn Féin. “Grass” or “supergrass” is clearly a term of derision used against someone who informs on one of his own. In Northern Ireland terms, it is generally someone from a terrorist grouping who, to save his own neck, has decided to turn against his former allies and give evidence against them. There is no doubt that, in the most recent case to come before the courts in Northern Ireland, the assisting offenders were not considered by the judge to be the most reliable of witnesses, and, on the basis of that fact, he chose not to regard their evidence as reliable and released the accused.

To date, there is no evidence of a problem with the Act itself. Clearly, there are questions about how it is being applied, and the Act went through the various stages of inspection, review and interrogation in the House of Commons. In fact, several Members who sit on the Benches

opposite could have taken the opportunity to speak in the House of Commons against the legislation, had they chosen to take their seat. The problem with the most recent case is that some of the decisions in the operation of the legislation are questionable and need to be accounted for.

There is no doubt in my mind that many in this community know of crimes that were committed in our recent past and have the ability to put murderers, bank robbers, bombers, drug dealers and money launderers behind bars. If any such person is willing to become an assisting offender, I would welcome their input into developing a case against a criminal. I would see their actions as deserving of credit, while their own crime would be deserving of punishment. The fact that they are prepared to raise their head above the parapet while their erstwhile colleagues hide indicates to me a change of heart and deserves a more lenient sentence, whereas those who are prepared to carry out major criminal acts deserve to have the full weight of the legal system brought to bear on them.

I agree that the criminal justice system must act in a transparent manner. No one can be seen to be above the law or even beyond it. Clearly, the fact that a trial is held is transparent. The fact that evidence is given in a court and, in many cases, covered in news bulletins and newspaper articles indicates transparency, and a judgement either for or against the accused is transparent. The fact that an assisting offender is identified and, perhaps, sentenced as such and gives evidence in an open court again highlights the transparency of our legal system. The very fact that the most recent case was, in effect, thrown out by the judge is again a transparent act in full, open public view.

The Sinn Féin motion refers to the

*“rights and entitlements of all citizens”.*

I fully support those rights. However, our amendment adds “protects the public against criminals”, and that strengthens the motion. Someone who has lost a loved one to a terrorist bomb, someone whose life has been destroyed by a terrorist bullet or someone who has been crippled by a group of thugs is entitled to see the perpetrators in a court of law. Unfortunately, in many of cases, the perpetrator does not face a court because of the code of loyalty between himself and his cohorts. However, if one cannot

live with what he has done and chooses to hand himself into the authorities and reveal what he knows to the police, I strongly believe that, if the evidence he provides stands up following a review by the Public Prosecution Service, a case should be brought.

The law as it stands is not at fault. The judge in the most recent case did not criticise the law but found that he could not believe the witnesses, who I believe were unable to provide reliable evidence as they had ruined their lives through drink and drug addiction. I cannot, therefore, support the Sinn Féin motion, and I believe that my party's amendment allows us to support the victim rather than the perpetrators of the horrendous crimes that were committed against society over many years in the past, and it would allow us to ensure that we also have that tool in our legislation for use in the future.

**Mr Lynch:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I support the motion. Following the collapse of the Tommy English trial, there has been considerable public concern about the continued use of this type of supergrass trial. The Minister said in response to a question in this House that he believes that what we have under the 2005 Act is very different from what happened 30 years ago, but many are already beginning to seriously question whether there are any real differences.

The supergrass trials of the 1980s collapsed because of a flawed process that severely damaged what semblance of justice we had at that time. Under the current legislation, the few cases that have come to trial are beginning to show major fault lines and have the ability to undermine confidence in our fledgling justice system. The Director of Public Prosecutions agreed with us on that at last week's Justice Committee meeting.

We are also told that the Act provides a more structured and transparent process. It may be more structured, but it is certainly not transparent. The Brown case has been used to defend the legislation. Again, that case was far from flawless, and many families are left very disappointed at the outcome of that trial, as some of my colleagues have said. Some feel that the state has used the legislation to cover the actions of state agents.

One of the tests in the process is that assisting offenders, as they are called, be deemed to be truthful and honest. The process of inducement,

in my opinion, leads people to be liars. That is exactly what happened in the most recent case.

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

**Mr Lynch:** No. There is not much time left, anyhow.

Minister, I live in a border county and have known of people, one of whom was a member of my party, being murdered by loyalists in neighbouring counties across the border. Will the Minister tell me what would happen if an assisting offender, under the legislation, confessed to one of those killings? What implication would that have? Would extradition arrangements be put in place?

The collapse of the Tommy English murder trial has dented public confidence in the judicial system. Supergrass-type trials were used in the past and were proved to be flawed. What is happening with the current legislation is creating the basis to repeat that. If other trials of this nature in the future have a similar outcome, we will be back saying that this is flawed legislation also and that we need to re-examine it. Unless we examine it now, by that stage the damage will have been done.

Finally, I call on the Minister of Justice and the Attorney General to use their powers to call for the immediate review of the operation of the legislation.

**Mr A Maginness:** First of all, the collapse, as it were, of this particular case was very damaging. It has damaged public confidence in the administration of justice, and there needs to be a rebuilding of that.

A number of issues are being confused. One is the 2005 Act, as if that Act invented accomplice evidence. Of course, it did not; it merely provided a framework in which accomplice evidence could be presented to the public and the courts. What it did was make public the terms of any deal that was done between the Crown or the police and the Public Prosecution Service and an assisting offender. It gave an element of transparency to that, which was important in making sure that all the circumstances surrounding any arrangement between the Crown and the accomplice were disclosed. That is what the Act did, and, if you were to effectively repeal the Act or the relevant sections of the Act, you would still have accomplice evidence, and we would be back to

the position of the 1980s, when there was no disclosure of any arrangements between the Crown and an accomplice. Furthermore, it would be a worse position, because the protection of corroborative evidence is now no longer extant due to other legal decisions, and therefore cannot be relied on. We are in a worse position as far as that is concerned.

As a representative of North Belfast, I say that the public in North Belfast are disturbed. However, the public in North Belfast also see the fact that a man was murdered in front of his wife and children in a most brutal fashion and in the most horrific circumstances and that those who carried out, organised and arranged the killing are still at large and have not been brought to justice. That disturbs people more than anything else, and Members should concentrate their mind on that.

I believe that it was in the public interest for the prosecution to take place. The public interest demanded that a prosecution take place if there was sufficient evidence. It is up to the Director of Public Prosecutions to determine that. The Director of Public Prosecutions came to the Committee and explained the position of his office. He did not personally make the decision, but he explained his office's position and his predecessor's reasoning.

It is worth pointing out that, when it came to an application by the defence counsel, the trial judge did not accede to the application that there was no case to answer. He accepted that there was a case to answer. So there was a certain level of evidence that was acceptable to the court and the learned trial judge. Ultimately, he rejected the evidence placed before him — the evidence of the accomplices — but that evidentiary test was satisfied in the court. It is important to remember that, and I believe that the public interest was served by the trial going ahead.

Other issues have been raised by Members, particularly those on the DUP Benches, about the oversight panel. DUP Members seem to have an obsession with Baroness O'Loan as some sort of bogeywoman who interferes in all this. The oversight panel was agreed by the Policing Board.

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

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

**Mr A Maginness:** In fact, the DUP has members on that board and was, therefore, implicitly involved in that agreement.

**Mr Principal Deputy Speaker:** Time.

**Mr A Maginness:** I think the Chairperson wanted me to give way. I am happy to do so.

**Mr Principal Deputy Speaker:** I call Jim Allister.

**Mr Allister:** In some quarters, it has been said that, in addition to the men in the dock, the 2005 Act was on trial in Laganside courts. To an extent that is true, but not entirely so. In so far as it was true, one would have to say that the processes of the Act have emerged damaged. That is unfortunate. Accomplice evidence is not new and has been with us for a very long time. In one sense, accomplice evidence is both the best and the worst of evidence. It is the best of evidence in that it comes from those who know because they were there when crimes were committed; it is the worst of evidence because it often comes from parties so tainted by their past and involvement in widespread criminality that their credibility is in question. However, it is evidence that is capable of being produced and that should, in the right circumstances, be produced.

What is damaging in this case is the prosecution being brought in circumstances in which it was abundantly clear that the primary evidence came from witnesses who were broken reeds and were unlikely ever to be believed. Nothing that Mr Justice Gillen said in his quite robust criticism of the Stewart brothers was news to the DPP. DPP staff knew exactly the frail nature of the evidence that they were bringing, and yet they brought it. In bringing it, I think that they knew what the inevitable outcome would be. I do not think that anyone analysing that evidence would ever have thought that a judge or jury could convict on it. However, they brought it, and the question that troubles me is why they did. If it is a matter of applying the legitimate test that there is a realistic prospect of conviction, bearing in mind the frailty of the evidence and its credibility problems, it beggars belief, in my mind, how they could have concluded that there was a realistic prospect —

**6.00 pm**

**Mr B McCrea:** Will the Member give way?

**Mr Allister:** In a moment.

That drives me to the unfortunate conclusion that, as I expressed earlier, the DPP staff took the easy option. They said, "This is too hot to handle; let the judge decide. That saves us from the public criticism of not bringing the prosecution." If that is right, that was a very wrong decision, and one that —

**Mr Principal Deputy Speaker:** We have to go to the response.

**Mr Allister:** — leaves difficulty in regard to the prosecution and the outcome of the case.

I will give way to Mr McCrea.

**Mr B McCrea:** Can I just —

**Mr Principal Deputy Speaker:** Sorry; we are going to the Minister to respond.

**Mr Allister:** Why?

**Mr Principal Deputy Speaker:** Minister.

**Mr A Maginness:** Surely there was an intervention.

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

**Mr Principal Deputy Speaker:** I will explain. We were out of time. We allowed Mr Allister in with a three-minute sort of proviso, which was indicated beforehand. We are running out of time, so I call the Minister to respond.

**Mr Allister:** On a point of order. I do not accept that I am, in any sense, a second-class citizen of the House and entitled to less time than others to speak. I gave way to Mr McCrea. He should be entitled to speak, and I should be entitled to an extra minute.

**Mr Principal Deputy Speaker:** Order. It was after the three minutes. I am calling the Minister to respond.

**Mr B McCrea:** On a point of order. With respect, we are talking about only two minutes. I am not, in any way, challenging your decision; I accept it absolutely —

**Mr Principal Deputy Speaker:** Order. It is not my judgement that you should question; it is the Business Committee, which sets the times. I am simply a servant of those. I call the Minister.

**Mr Ford (The Minister of Justice):** I start by acknowledging the importance of the issue, and I congratulate those who tabled the motion. It is absolutely right that the Assembly should debate issues of high public interest, such as

the use of evidence from assisting offenders brought under the Serious Organised Crime and Police Act 2005. I acknowledge, as others have done today, the suffering of the families of Tommy English and of David McIlwaine and Andrew Robb, who were also named during the debate.

I support one of the key premises for the motion, which is the need to build and secure confidence in the justice system across all sections of the community. One of the purposes of a debate such as today's has to be to get beyond the rhetoric and the knee-jerk reactions that the case has generated. Care needs to be taken not to rely too greatly on a single case in judging changes to the law. Any individual case has unique factors that determine its success or failure. In this instance, it is absolutely right that the Director of Public Prosecutions should consider whether there are any implications for future cases under the legislation, as he has said that he will do. There is, of course, ongoing dialogue between the Department of the Director of Public Prosecutions and the Police Service about the conduct of prosecutions.

I recognise that one of the themes from the debate has been the call to change the legislation so that the prosecution of cases cannot rely on assisting offenders. Members noted that the assisting offender arrangements that were put in place by the Serious Organised Crime and Police Act 2005 codified a long-standing common law practice, which dates back to at least the 17th century, to encourage individuals to bring forward evidence against major criminals who would otherwise escape being called to account for their crimes. One of the key points of debate around the House seems to be how far we should recognise the fact that that common law practice exists and how far we should consider the differences that SOCPA brought seven years ago. Without wishing to intrude too far into the internal workings of the SDLP, it seemed that there was an interesting difference of opinion between Colum Eastwood's and Alban Maginness's views about whether we had seen benefits from having a statutory basis rather than merely a common law basis.

Looking back to the 1980s, I certainly understand the historical resonances. In particular, I understand why members of Sinn Féin are concerned by the current operation of SOCPA because of their view of what the justice

system should look like. However, I disagree with them. The statutory assisting offenders' regime, which is seen right across the United Kingdom in all three jurisdictions, introduces a number of important safeguards. They include a formal written agreement between a prosecutor and an assisting offender, and the availability of a reference back to court if an offender knowingly fails to give the assistance promised. In addition, the fact that someone —

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

**Mr Ford:** Certainly.

**Mr McCartney:** Does the Minister accept the word of the Director of Public Prosecutions, who said that not one case has been referred back in England and Wales? It is hardly a protection.

**Mr Ford:** I suppose I would say that it would be an indication of things working well if no cases had been referred back, because in the mind of the Crown Prosecution Service in England and Wales, that would suggest that the system was working adequately.

**Mr McCartney:** They would say that, wouldn't they?

**Mr Ford:** Without being aware of the precise facts of all those assisting offender cases in England and Wales, I do not think that either Mr McCartney or I am in a position to give a blanket judgement on them.

Unlike what might have been thought about the previous common law position, the process is now designed to be open, auditable and with clear safeguards built in. That was demonstrated, for example, in the case that was cited previously — the sentencing of Mark Burcombe — in which the judge explained the sentence that would have been given but for the assistance that was provided. It is also important to record that, in the case of Brown, on evidence, including that from Mark Burcombe, a murderer was brought to justice using the assisting offender route to secure the conviction of somebody who might otherwise have walked free, despite having committed two heinous murders. The relatives of the victims in that case would otherwise have had no justice.

The judgement in the trial of Haddock and others clearly raises issues about the credibility of the two assisting offenders. However, I do not believe that it invalidates the future use of the approach. Indeed, I question whether Members would take the same view of a case in which the

accomplice of a drug dealer or a bank robber gave credible evidence that helped to secure the conviction of a serious offender. Do we really want to prohibit such a possibility in all circumstances?

The incentive created by the provisions whereby an individual would secure a lower sentence than would otherwise be the case was also mentioned. I understand that concern. However, in the case of Blackburn, and to repeat what Mr Givan quoted, the court made clear that:

*“like the process which provides for a reduced sentence following a guilty plea, this is a longstanding and entirely pragmatic convention. The stark reality is that without it major criminals who should be convicted and sentenced for offences of the utmost seriousness might, and in many cases, certainly would escape justice ... The solitary incentive to encourage co-operation is provided by a reduced sentence, and the common law, and now statute, have accepted that this is a price worth paying”.*

Equally, in discussions that I have had with the Chief Constable about the Haddock case, he has made it clear to me that the Police Service did not hold relevant evidence that would have secured the conviction of the Stewart brothers before they came forward and made admissions about the crimes that they committed. That highlights that, for these two individuals, a lower sentence was not what made them come forward, given that they might not otherwise have faced proceedings at all.

Of course, the legislation may also apply where there is already evidence against an individual. In either case, it is for the PPS to determine whether it is in the public interest to enter into an agreement with the offender, while taking account of the nature and extent of the information given or offered. The criminality of the individual must be dealt with first.

In addition, the Act enables a reference back to court if the offender knowingly fails to give the assistance that was promised. The DPP is considering that in this case, but, as was highlighted, that is an operational matter for the director and is not something for me as Minister.

I will turn to Members' comments. Jennifer McCann outlined what she saw as the key case against the operation of SOCPA. She saw insufficient safeguards and was concerned that it was simply a resumption of the old system of the 1980s. I hope that, through my remarks so

far, I have outlined why I do not accept that that is the position. Whatever the situation may have been in the 1980s, I believe that the statutory basis for the current Act leads us into a position that is entirely different to that of the previous common law. To some extent, Basil McCrea answered those points when he, in effect, objected to her use of the language about supergrasses. He also made it clear that, in his view, criminals should go to prison and the best available evidence should be put forward against them. The challenge facing us is the extent to which we take assisting offender evidence as the basis that will assist towards convictions.

In moving his amendment, Paul Givan raised a number of concerns about the operation of the monitoring panel. However, as others said, that panel was set up by the Police Service and was agreed by the Policing Board when every party in the Assembly, except Mr Allister's and mine, was represented on the board.

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

**Mr Ford:** Just to finish the point before giving way, Mr Givan is correct to say that I referred in the Committee to the monitoring panel as “unusual”. However, I used the term “unusual” in response to his use of the term “abnormal”. I do not think that the pejorative adjective that he used was appropriate.

**Mr Craig:** I thank the Minister for giving way. I have listened several times now to the statement that the previous Policing Board agreed to the setting up of this independent oversight panel. The reality is that the Policing Board had no say whatsoever in that, and objections to it were recorded from this party's member of the panel that looked at the issue. It is wrong to label the Policing Board as having been behind the oversight panel or supporting it. There was dissension because of the make-up of that oversight panel.

**Mr Ford:** If I was inaccurate in my terminology, I apologise. I was not involved. We can agree that it is the case that members of the Policing Board were aware of the arrangements.

Towards the end of the debate, Seán Lynch asked me what the implications would be for an extradition case. I must confess that I am not sure that I can say what would happen if there were to be an extradition case, but I can repeat the point I made previously. Under the operation of SOCPA, there would be a clear

and transparent process in which assisting offenders would appear in court, be convicted of their part in offences, receive an appropriately reduced sentence openly and transparently in court and then be expected to give evidence. That is the fundamental difference as to where we are.

I also take the point that was made by Alban Maginness, that the Act now provides a framework for the operation of accomplice evidence. The issue that seems to be being raised, in general terms, is whether that framework is adequate or whether there are other aspects which need to be dealt with.

**Mr A Maginness:** I am obliged to the Minister for giving way. Following the logic of what you have just said, is it not timely that we look at the Act and at the operation of this legislation and, given the circumstances — the collapse of the trial and the public outcry in relation to it — there should be an in-depth review of its operation? That is entirely reasonable and, I would have thought, entirely acceptable to your good self as well as to the SDLP, including my colleague and myself.

**A Member:** Harmony restored.

**Mr Ford:** I am delighted to have promoted harmony within the SDLP at least, if I have no other achievement this afternoon. I will deal with the points which Mr Maginness has just made as I conclude, but I need to be cautious about going too far into the specific operational issues of one case, rather than the general principles.

I suppose the final speech, whether or not truncated, allowed Jim Allister to make the fundamental point that accomplice evidence is at times both the best and the worst, and we need to find a way of resolving that.

As I said in opening, this is a very important issue of high public interest and importance, but let me draw the House's attention again to the comments on the legislation itself in Mr Justice Gillen's judgement:

*"This judgment should not be seen as, and is not intended to be, a comment much less a criticism of the structure of the SOCPA regime which accommodates the use of accomplice evidence. ... Its purpose is to adopt the pragmatic approach that without it major criminals who should be convicted and sentenced for offences of the most egregious nature might, and in many cases,*

*certainly would escape justice....That I have not been ... satisfied"*

— beyond a reasonable doubt —

*"in this instance does not preclude the possibility of guilty verdicts in other similar cases where less flawed witnesses are called to give evidence."*

I am conscious that the director, in his evidence to the Justice Committee, pointed to a procedural query on which he was taking advice, so I am writing to him, the PSNI and the Police Ombudsman's Office to see if they have identified any significant issues about the general terms of the legislation. I will also take account of what has been said in the debate and what remains to be said, but I cannot work on the presumption that there is something wrong based on a single case. I will continue to listen to the views of Members and the agencies that I have highlighted. I will certainly review the Hansard report of the debate.

On the basis of my comments, whilst I accept the generality of much that has been said, I oppose the wording of the motion, although there is much within its intent with which I agree, including the system operating in a transparent and open manner, respecting rights and maximising public confidence. My objection is principally because the operation of the legislation is not a matter within my powers.

### 6.15 pm

I also oppose amendment No 2, although it has parts I can accept because of its reference to operational decisions. Although amendment No 1 is not entirely in language I would use, I would, however, support it. It touches on my role, recognises the part that SOCPA can play, reflects the need for public confidence and seeks positive working relationships in the operation of the legislation and adequate accountability measures.

I welcome the debate, which has aired an important issue about SOCPA and its operation. I support the motion, subject to amendment No 1.

**Mr Craig:** I support amendment No 2, which my colleague tabled. This case has indeed undermined public confidence in the justice system. What I find amazing is that in spite of 330 interviews by the PSNI, we are left with a case with no convictions. We need to think about that when it comes to public confidence.

In more recent times, this independent oversight panel has looked into the case. We need to ask ourselves the fundamental question: why did the case go forward? I have heard other Members refer to issues around all that. Was it the DPP or the cop-out? Did the police get it so dramatically wrong? Could they not see after 330 interviews that those witnesses were not credible, or was some other force telling those people to push the case forward?

I am left with a doubt in my mind. Was somebody exerting external influence? Why was the case pushed forward and moved into the judicial system, and why did it then go through almost the entire case before the judge said "No, these are not credible witnesses"? I would have thought that anybody with any amount of reason would have said to themselves long before the case got to court, or even as it progressed through the court, that those individuals just are not credible and this will not stack up or lead to a safe conviction, and it would have been collapsed an awful lot sooner. However, we did not see that, so I am left asking why.

There is this doubt in the back of our mind with regard to the role of the oversight panel in all of this. That is why we are supporting the amendment and asking for a review of not only the case and how it was carried out but what other influences there were on the case as it stands.

I listened with great interest to what Alban Maginness said about this and that we should not be obsessed with a bogeywoman. I am using the Member's term, not mine. I am not obsessed with a bogeywoman. In fact, I have no opinions on that individual at all if I am being absolutely honest. However, there is in our mind a clear conflict of interest. How can you sit in oversight of a trial that was triggered by a process that you, as an individual, were key in triggering? You trigger a process and then sit as someone who has influence over that process. There is a clear conflict of interest there.

As a party, we are interested in seeing whether there are outworkings that brought undue pressure. Is there something that forced it to go to the point that it did? I believe and accept the argument that this does indeed undermine confidence in the judicial system. There is no question about that. Any trials that do not lead to convictions ultimately have a question mark over them.

I have heard a number of Members refer to someone who is being left out in a lot of this. That is, the victims. We have all talked around the shop, but in all of the trials that ultimately fail we forget about the victims — those who have suffered. I ask the House to consider what our amendment is saying, which is: look into this trial, see what went wrong, have a look at the oversight role and see whether anything in that led to that outcome. That is all we are asking for.

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

**Mr Craig:** We are not undermining the principle of the system for witnesses, because we are in total agreement with the Minister that it is something that the judiciary and the legal system have always used, and it is better today than it was in the past.

**Mr Beggs:** The motion expresses concern about the evidence provided by supergrasses. "Supergrass" is widely recognised as a derogatory term for accomplice evidence. Attempts were widely made during the debate to link the current procedures to the supergrass trials of the 1980s. However, we have a different system today.

The Ulster Unionist Party recognises the Serious Organised Crime and Police Act 2005 as a powerful tool to address crime, which is something that we have added to our amendment. So, we ask all Members whether they want to add another tool to help the police address crime.

My colleagues Basil McCrea and Ross Hussey highlighted the fact that the motion is an attempt to link the discredited term "supergrass" from the 1980s to today.

Modern gangs are frequently very forensically aware. There can be tight-knit groups that can impose themselves on communities. That can create an element of fear, and there has been evidence of that. However, this is much wider than talking about gangs that are involved in paramilitary activity. As I said earlier, how are we going to address the drug gangs that exist, which profiteer at the expense of our young people? Those gangs are frequently as ruthless and well organised as paramilitary groups: in fact, some of their members are former paramilitaries and are, therefore, knowledgeable about forensics.

So, the issue is much wider than the paramilitary interest of an historical nature; it is about how we are going to address criminal gangs today. Members must not just think about the past, they must think about the future. I fail to understand why Sinn Féin and the SDLP appear to be opposing accomplice evidence.

**Mr A Maginness:** We are not.

**Mr Beggs:** They are opposing it in this case. Certainly, Sinn Féin is opposing it.

**Mr A Maginness:** Will the Member give way?

**Mr Beggs:** Yes.

**Mr A Maginness:** There is nothing in the Sinn Féin motion that opposes accomplice evidence. It calls for a review of the way the legislation operates.

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

**Mr Beggs:** I listened very carefully to what the Sinn Féin Members said over the course of the debate, and it was very clear that they are opposed to accomplice evidence.

**Mr A Maginness:** Yes, but their motion is different.

**Mr Beggs:** What they say has a bearing on my judgement of what they are doing. The wording in their motion is a method of achieving an objective. What they are clearly saying, and what they no doubt will be saying in what they publish — I ask you to read the Hansard report very carefully to see what they said during the debate —

**Mr Principal Deputy Speaker:** Make all remarks through the Chair.

**Mr Beggs:** Jennifer McCann, Gerry Kelly and Seán Lynch all clearly oppose the use of accomplice evidence. What is their view on other jurisdictions? Do they oppose the use of accomplice evidence in other jurisdictions? That will pose a problem for them when they go to the electorate there. We are interested in solving crime here in Northern Ireland; therefore, I recognise it as a valuable tool. How are the citizen and the community to be protected?

Paul Givan indicated his support for the Ulster Unionist amendment, but then expressed a preference for his own amendment. I ask him to reassess that, given what Members have said.

It is clear that the Alliance Party supports the Ulster Unionist amendment, and if he wishes for the motion to be changed I ask him to support the Ulster Unionist amendment, which clearly has the potential to do that, whereas his own does not.

**Mr Givan:** Will the Member consider the fact that his party's amendment fails to draw in the independent oversight panel, which, to me, is the kernel of what is being discussed? Therefore, the Member should not put that amendment to the vote, but should allow ours to go to the vote and support it along with other parties.

**Mr Beggs:** It is clear from what has been said that that would fail, because the Alliance Party has indicated its opposition to your amendment. I want to improve the motion to get something that will work. The Alliance Party's Stewart Dickson indicated that the motion is unacceptable and that the DUP amendment is unwise. Indeed, the Minister seemed to indicate his agreement with that and that the Ulster Unionist amendment is the most acceptable. The Minister also indicated that it is important for him not to cross the demarcation in the justice system.

A number of Members, including Peter Weir and Jim Allister, indicated that the SOCPA legislation has potential but appears to be wrongly and badly used and that it is very unfortunate that there has not been a successful outcome in a case involving such huge public expense. A number of Members suggested that that was down to a failure to assess the credibility of the key witnesses, and most would agree with that thinking. Alban Maginness highlighted a problem for us all: the murders of Tommy English are still at large; how will we ever address them?

I ask Members to support the Ulster Unionist amendment so that accomplice evidence can continue and so that we indicate our support for that method.

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

**Mr Beggs:** We ask for your support.

**Mr McCartney:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I seek support for the motion proposed by Sinn Féin. Most of what I have heard this afternoon leads me to say that Members should support it. I have not heard a

single issue raised this afternoon that could not be covered in a review. Think of all the things that Members have said this afternoon: is there anything that a review would not bring to the fore and allow us to discuss?

When Members have pointed out things that happened in England and Wales, I have heard the Minister quite rightly tell the Assembly many times that this is not England and Wales but the North of Ireland where we have our own jurisdiction. Why should we not have a legislative process that will allow us all to bring to the table all the issues that have been raised here this afternoon? Who fears a review?

We have quoted the trial judge on a number of occasions this afternoon. Indeed, some people have interpreted him. In times past, we were always cautioned about trying to second-guess the words of a judge. However, the judge said very clearly:

*“Parliament has passed this legislation and it is for the courts to interpret and implement it faithfully.”*

Irrespective of the legislation that will come out of the review, would it not be better if a judge in some future trial could say that the Assembly had passed this legislation and not some other Parliament? That is the test, and people need to bring that to the debate.

We have our view of this type of trial. It is flawed at its core because people are given inducement to give evidence. When people have had inducements to provide evidence in front of the courts in the past, the cases were taken through the courts. Not only were people, on some occasions, acquitted at the Court of Appeal but, for a long period, people questioned the quality of justice practised in the courts at the time.

It has been quoted again today that this sort of concept has been in common law for hundreds of years. If it is in common law, why did it have to be codified all of a sudden? The reason why it had to be codified is that it had to be dressed up. I have not heard any Member here today questioning the quality of justice that was practised in the 1980s.

### 6.30 pm

We are told that the new legislation is different. We are now told the deal that the accomplice gets, whereas, in the past, that was kept a secret. People tell me that that is some sort of

qualitative difference and that we are all going to wake up and discover that we know the deal now, but we did not know it in the past, and that it will make us all feel that the scales of justice have suddenly been removed from our eyes, but I just do not see it.

**Mr B McCrea:** I want to put the general position to you. Taking away the 1980s and the paramilitary stuff, I want to know for the record whether there are any circumstances in which you think, with appropriate safeguards, where accomplice evidence is reliable, and if an accomplice comes forward and gives evidence, that that should be taken to mitigate his sentence? In principle, is there a yes to that?

**Mr McCartney:** It is fine putting up the conjecture, but if you show me the instance when it has happened, I might be able to answer it. Are you saying that, in this particular instance, and in all the cases in the 1980s, all those people came forward and said —

**Mr Principal Deputy Speaker:** All remarks through the Chair.

**Mr McCartney:** Are you saying that all those people who came forward had, all of a sudden, had a road to Damascus conversion? Did the Stewart brothers have a road to Damascus conversion? If you are putting something forward, make sure that it is solid. The law is tested on something that is solid, not on something that is a “what if” or a “what about”. Are the Stewart brothers reliable witnesses? I think that the court decided that they were not. That is one of the tests. Jim Allister made that point, and I think that he encapsulated it —

**Mr B McCrea:** Will the Member give way?

**Mr McCartney:** No, I will not give way because I have important points to make.

He encapsulated it. The legislation was on trial. It is interesting that the trial judge said that:

*“courts are the keepers of the rule of law and, borrowing a phrase of an 18th century American judge, if it is to be more than a mere rope of sand, a court must never set aside the legal standards that lie at its very heart.”*

That is the core of this, and that is why there should be a review. Perhaps the Minister felt that I was second-guessing what Barra McGrory had said. However, last Thursday, Barra McGrory said to our Committee:

*“Therefore, I have checked with the Director of Public Prosecutions in England and Wales and his senior legal adviser, and they have never referred one of these cases back under that provision ... However, in their experience, a number of similar cases in England and Wales have failed to secure convictions, yet they have not sought to initiate that procedure.”*

Therefore, it is not one trial. It is at least two. Therefore, there is no process in place.

The Stewart brothers were given a deal and induced to give evidence. Sometimes, people question the role of the Public Prosecution Service, but the RUC or the PSNI signed off by saying that the assisting offender — offenders, in this case — were witnesses of truth. That is what was brought to the door of the Public Prosecution Service. The trial judge said that those people were liars and embellishers, and they colluded with one another to give evidence. Indeed, he even said that their demeanour in the witness box showed beyond reasonable doubt that they were liars. That is the test of this.

When Basil comes up with the idea of a lily-white accomplice coming in and having a pang of conscience, we do not see it in this legislation, and we did not see it in the 1980s. It was flawed then, and, in our opinion, it is flawed now. Therefore, if there was a trial process, as outlined by Jim Allister, the recent trial showed us that it is time for the Assembly to review the legislation so that, whatever we do in the future, none of us can say here today that we gave our support to this legislation.

**Mr Allister:** I fear that the Member is obfuscating the point that Mr McCrea tried to raise. You were asked a very simple question: if there was an accomplice about whom you had no doubts, say someone who was involved in the Northern Bank robbery who you might admire, and he came forward to give evidence, would you accept his evidence? Do you accept accomplice evidence, yes or no?

**Mr McCartney:** I am surprised at someone who has practised law putting a proposition laced with “what ifs”. The simple thing about all of this is in front of us. Has there been an instance when that type of person has come forward and a person or persons have been convicted? Why is that the case? The only reason why the Stewart brothers found themselves in court is because they were seeking an inducement. It was not down to some sort of feeling they had

that they had done wrong. Indeed, many people will speculate. Jonathan Craig talked about speculation, and we can speculate until the cows home about who they were and what they were.

**Mr B McCrea:** On that point, the Justice Minister was quite clear. He reviewed the evidence against the Stewart brothers and said that it was not sufficient to get any form of conviction. When they came forward to do something, it was not with a view to getting a lenient conviction or sentence, because they were not in line to get any conviction or any sentence. That is why it was interesting to hear what they had to say.

**Mr McCartney:** It is very interesting. Those two people were liars. They were found to be such in the court, yet you are willing to believe that the —

**Mr Principal Deputy Speaker:** Please address all remarks through the Chair.

**Mr McCartney:** The Member is suggesting that the Chair should believe that those two people came forward in the circumstances in which they outlined. Let us face it: everything that they said was discredited, as were the circumstances in which they presented themselves to the PSNI, the circumstances in which they gave their evidence and the circumstances that led them to the court. You would not buy a second-hand car from any of them. Let me put it like that.

Our position is very clear, and I have said that today. I have listened to many good points made by Members. The way to deal with each and every one of the points that were made in the Chamber this afternoon is to have a review of the legislation. What better way to achieve confidence? What better way to ensure that the courts are not a rope of sand? In the past, the courts were ropes of sand. The courts in the North were brought into disrepute. Remember this: people would have argued and made the same contention then that they are making this afternoon, that the witnesses, the accomplices, the supergrasses — whatever you want to call them —

**Mr Principal Deputy Speaker:** Please draw your remarks to a close.

**Mr McCartney:** — were credible people, until the courts and public opinion found otherwise.

**Mr Principal Deputy Speaker:** Before I put the Question on amendment No 1, I advise Members that if the amendment is made, I will

not be putting the Question on amendment No 2, as the wording to which it relates will have been deleted. I hope that is clear.

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

*The Assembly divided: Ayes 15; Noes 56.*

#### **AYES**

*Mr Allister, Mr Beggs, Mr Cree, Mr Dickson, Mrs Dobson, Mr Elliott, Mr Ford, Mr Gardiner, Mr Hussey, Ms Lo, Mr Lunn, Mr McCallister, Mr McCarthy, Mr B McCrea, Mr Swann.*

*Tellers for the Ayes: Mr Hussey and Mr B McCrea.*

#### **NOES**

*Mr Agnew, Mr S Anderson, Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Ms P Bradley, Mr Brady, Ms Brown, Mr Buchanan, Mr Byrne, Mr Campbell, Mr T Clarke, Mr W Clarke, Mr Craig, Mr Dallat, Mr Douglas, Mr Dunne, Mr Easton, Mr Eastwood, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lynch, Mr F McCann, Ms J McCann, Mr McCartney, Mr McDevitt, Dr McDonnell, Mr McElduff, Miss M McIlveen, Mr McKay, Mrs McKeivitt, Mr McLaughlin, Mr McMullan, Mr A Maginness, Mr A Maskey, Mr P Maskey, Lord Morrow, Mr Moutray, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mr Poots, Ms S Ramsey, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Sheehan, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr Lynch and Mr McCartney.*

*Question accordingly negatived.*

*Question put, That amendment No 2 be made.*

*The Assembly divided: Ayes 27; Noes 43.*

#### **AYES**

*Mr Agnew, Mr Allister, Mr S Anderson, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Humphrey, Mr Irwin, Miss M McIlveen, Lord Morrow, Mr Moutray, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Weir.*

*Tellers for the Ayes: Mr S Anderson and Mr G Robinson.*

#### **NOES**

*Mr Attwood, Mr Beggs, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr W Clarke, Mr Cree, Mr Dallat, Mr Dickson, Mrs Dobson,*

*Mr Eastwood, Mr Elliott, Mr Ford, Mr Gardiner, Mr Hussey, Ms Lo, Mr Lunn, Mr Lynch, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Mr B McCrea, Mr McDevitt, Dr McDonnell, Mr McElduff, Mr McKay, Mrs McKeivitt, Mr McLaughlin, Mr McMullan, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Ms S Ramsey, Mr Sheehan, Mr Swann.*

*Tellers for the Noes: Mr Lynch and Mr McCartney.*

*Question accordingly negatived.*

*Main Question put.*

*The Assembly divided: Ayes 30; Noes 40.*

#### **AYES**

*Mr Agnew, Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr W Clarke, Mr Dallat, Mr Eastwood, Mr Lynch, Mr F McCann, Ms J McCann, Mr McCartney, Mr McDevitt, Dr McDonnell, Mr McElduff, Mr McKay, Mrs McKeivitt, Mr McLaughlin, Mr McMullan, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Ms S Ramsey, Mr Sheehan.*

*Tellers for the Ayes: Mr Lynch and Mr McCartney.*

#### **NOES**

*Mr Allister, Mr S Anderson, Mr Beggs, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mr Ford, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Ms Lo, Mr Lunn, Mr McCallister, Mr McCarthy, Mr B McCrea, Miss M McIlveen, Lord Morrow, Mr Moutray, Mr Poots, Mr G Robinson, Mr Ross, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr Dickson and Mr G Robinson.*

*Main Question accordingly negatived.*

*Motion made:*

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

## Adjournment

### West Tyrone: Sport, Culture and Tourism

**Mr Principal Deputy Speaker:** The proposer of the topic for debate will have 15 minutes in which to speak. The Minister will have 10 minutes to respond. All other Members who wish to speak will have approximately eight minutes.

**Mr Byrne:** Mr Principal Deputy Speaker, I am thankful to the Business Committee and your office for allowing this Adjournment debate to be tabled. Mr Principal Deputy Speaker and fellow Members, there is a thematic context to the three areas of activity that are mentioned in the title of the Adjournment topic. In 1985, a major economic report was done on the county of Tyrone, and one of its major comments referred to the rich cultural heritage of the people of Tyrone, as strongly evidenced by the county structure for both the GAA and the Orange Order. Sport and sporting activity play a major role in the life of people, particularly the young, across the constituency, ranging from Gaelic sports, rugby, soccer, hockey, boxing, tennis and cricket among others.

Two key people have contributed enormously through their volunteer work in sports coaching. One is Brother Ennis of the Christian Brothers in Omagh, who has made an enormous contribution to the promotion and development of Gaelic games in west Tyrone. Mr Jackie Reid, a former PE teacher in Omagh Academy, has made a similar contribution to the promotion of rugby in the Omagh area and, indeed, in Dungannon. Both men epitomise personal dedication and commitment to sport and community development.

Tyrone has enjoyed great success in Gaelic football by winning three All-Ireland senior titles in 2003, 2005 and 2008. They have also won numerous All-Ireland minor titles and many Ulster titles. The GAA in Tyrone is very strong, and there are many excellent clubs in west Tyrone particularly that have built up excellent facilities over the past 25 years. Clubs such as Aghyaran, Castlederg and Clady have

shown what can be done with local effort and community support.

Other clubs in the Strabane district, including Clann na nGael, Aughabrack and Glenelly, have good pitch and related facilities. Sigersons Gaelic football club in Strabane is a prime example of an excellent GAA club that has built excellent facilities to cater for youth and adult footballers and hurlers.

#### 7.15 pm

In Omagh district, we have many excellent clubs. In Omagh itself, there is Killyclogher, Drumragh, Dromore, Trillick, Fintona, Eskra, Carrickmore, Loughmacrory, Greencastle and Drumquin among others. Another very successful club has been Errigal Ciarán at Dunmoyle, which again has excellent facilities. The GAA has a fantastic track record in coaching and promoting sporting activities for young people, and the investment of money and time in the promotion and development of youth games has brought its reward in the winning of many national titles.

The new Garvaghy GAA centre is primarily geared towards coaching and the promotion and development of young people playing Gaelic games. The Tyrone county board has put in a massive investment of over £4 million to date, including €1.5 million from Croke Park, and the three councils in Omagh, Dungannon and Strabane have put in enormous amounts of investment: £100,000 from Omagh council; £80,000 from Dungannon council; and £50,000 is promised from Strabane council. More investment capital is needed to complete the project. It is a very worthwhile sports development project that deserves support for capital funding from the Northern Ireland Executive and the Sports Council of Northern Ireland. There is a range of sporting groups and associations, and it is important that their contribution is recognised.

The Youth Sport complex in Omagh was built a number of years ago as a multi-sports complex catering mainly for field sports, and £2.4 million has been invested there over the past 10 years. However, that facility now needs a 3G synthetic pitch, and that will require another £200,000 of investment. There are many junior and amateur soccer clubs throughout Omagh and Strabane, some of which have good facilities, such as those in Castlederg and Strabane town. Omagh District Council owns a number of soccer

pitches, but quite a few soccer clubs do not have adequate sports facilities of their own.

Unfortunately, an example is Sion Swifts soccer club, which is based in Sion Mills. It caters for about 300 young people on an ongoing basis, yet it does not have any pitch facilities of its own. In the past, it has used the two pitches at Herdman's Mill, but since the Herdman's project has gone into liquidation, it cannot get insurance cover, and we are left with 300 young people, their coaches and their teams not being able to play in Sion Mills itself.

In Omagh district, some soccer clubs have good facilities, such as Strathroy Harps in Knockmoyle, Tummery Athletic in Dromore, as well as the Beragh Swifts. In Omagh town, there are a number of council-owned pitches, but the old St Julian's pitch for Omagh Town Football Club, which no longer exists, is in a poor state of repair and requires modernisation for health and safety requirements and to make it suitable for playing games on.

We have a very important youth club in Omagh called the Omagh Boys and Girls Club, and £1.2 million was invested there about 10 years ago. Under the leadership of Mr Paddy McMahon and other youth leaders, it has been an excellent club that has provided good, sustainable youth activities for the community and for the youth of the area. In Strabane, we have Melvin Hall which is in the Bridgend, and, over many years, it has been an excellent facility to cater for the needs of the youth and other sports users. It is a busy centre that is bursting at the seams and is well run and managed by Strabane District Council's sports department.

The traditional importance of cricket in the rural areas of west Tyrone cannot be overstated, with some of the older clubs such as Donemana Cricket Club being over 100 years old. Those clubs take part in and have won several competitions including the Irish Senior Cup, the Ulster Cup, the North West Senior League and North West Senior Cup. Notably, Sion Mills Cricket Club hosted Ireland versus the West Indies in 1969, which Ireland won handsomely. The Herdmans have made a major contribution to the development of cricket in the north-west.

In west Tyrone, like many other parts of the country, people identify themselves by the culture that they celebrate. Culture can be defined as a set of shared attitudes, values, goals and practices that characterise an

institution, organisation or group. For example, the Tyrone feis, which happens annually, caters for young people from 4 years old up to 20 years old, allowing them to partake in music, art, drama, poetry and other competitions. They are, in effect, practising what they would consider to be their culture.

We also have the Orange Order, which celebrates its culture through parades and celebrations throughout the year, with the pinnacle of celebration being the 12 July parade. Many excellent pipe bands and other musical marching bands provide good community activities and local pride for their respective communities. We have excellent art centres in both Omagh and Strabane that are catering for the many local amateur dramatic groups that put on plays annually. In Carrickmore we have the Mid-Ulster Drama Festival, which has been going for over 40 years, bringing local and national drama groups to that festival and greatly enhancing the cultural and community activities of Carrickmore and mid-Tyrone. We have the Dún Uladh centre outside Omagh, which is a Comhaltas Ceoltóirí Éireann facility. It is a regional centre of significance and makes a major contribution to hosting scór events and other Comhaltas Ceoltóirí Éireann activities.

Sport and culture are heavily intertwined in west Tyrone, as are culture and tourism. According to the Northern Ireland passenger survey of 2009, cultural tourism figures reached 219,500 in Northern Ireland. That shows the potential of cultural tourism and sport if properly utilised in places such as west Tyrone. In relation to tourism, there is a strong link between cultural activities and tourist attractions to meet the needs of visitors from home and abroad. There are key tourist attractions in west Tyrone, including the An Creagán centre between Omagh and Cookstown; the President Wilson ancestral home near Strabane; Gray's printing works in Strabane town, renowned for its association with the American constitution; and, indeed, the Ulster American Folk Park between Omagh and Strabane. All of those tourist facilities are on the north-west passage route and make an important contribution to the local economy.

Over the past five years, the Ulster American Folk Park has enjoyed between 135,000 and 160,000 visitors per annum. A lot of overseas visitors, including Americans, want to experience the immigration and history links between the old world in Tyrone and the new world of the

US. The Ulster American Folk Park was built in the 1970s to accommodate 30,000 visitors. It was the brainchild of Mr Eric Montgomery, who worked so diligently and expertly to get it established. In 2010 there were 145,000 visitors — 10,000 fewer than the previous year, which saw 154,000 visitors. In 2005 there were 134,000 visitors, so the visitor numbers are increasing generally. In the past year at the folk park, 22%, approximately 30,000 of its visitors, came from the Republic, and 11%, that is, 15,000 visitors, came from North America.

I understand from the minutes of a Department of Culture, Arts and Leisure (DCAL) meeting in February 2011 that the folk park put in a bid for £15 million for the following comprehensive spending review period for capital expenditure. It was refused, but the Ulster American Folk Park is one of the most attractive tourist facilities in Northern Ireland, and I think there is a strong sense in west Tyrone that it deserves a share of some of the capital investment that goes into the overall museums budget.

The strong Irish-American connection and the Scottish-Irish connection are a powerful attraction for modern tourist interests. More capital investment in both the Omagh and Strabane districts for tourist activities could prove very economically sustainable, particularly in terms of job creation. Obviously, the very positive signal about the A5 road should also enable our part of the world to become more attractive as a tourist destination.

Cultural and heritage tourism can be very financially lucrative for local people if a good tourist product is presented and promoted effectively. The connecting facilities of the President Wilson homestead and Gray's printing works offer the potential to have a more viable and sustainable tourist product in the Strabane area, with the right tourism promotion.

The Sion Mills regeneration heritage project also deserves support. There, we have the best example of industrial heritage in buildings and an overall facility that has contributed so much to the economic, social and cultural development of Sion Mills and the surrounding areas. The whole Herdman history and heritage in the north-west has made an enormous contribution to the sporting, social and economic history of our area.

Over the past five years, three capital projects with financial assistance totalling £520,000

have come into west Tyrone. Of 10 capital projects submitted, two applications were unsuccessful and one was withdrawn. The other seven are at the preliminary stage of assessment. I find it interesting that those seven were submitted in 2012, which means that over 50% of all applications were made in the past year. I would like an update on the prospects of those applications over the rest of this spending period.

I will conclude by admiring and acknowledging the enormous contribution that people across our communities have made to promote and develop those three thematic areas in west Tyrone, as well as the enormous efforts of many people, most of them volunteers, who have made an enormous contribution to the social and economic development of Omagh and Strabane. However, the time has come for central government to back the people and local initiatives with grant aid to develop and sustain the growing number of cultural, sporting and tourism initiatives that need to be further developed and enhanced. We cannot rely on past achievements alone. We need further investment now in all three areas to make sure that west Tyrone's tourism, sport and culture are viable, sustainable and growing. Modern economic activity is greatly dependent on selling to visitors a tourist product that will provide local employment and economic activity. We do not have sunshine to attract tourists, but we have a unique tourist product that is based on our people and their rich heritage and culture.

I thank Members for attending the debate and look forward to their support. I again thank the Minister for being present. It is good that she is here, and I hope that she will be able to attend to some of the needs of the people of west Tyrone over the next period. West Tyrone has developed a rich social capital and capacity through self-help, community activism and sporting prowess at competitive levels, which reflects and represents the energy, commitment and interests of our people. That results in a good community dynamic, which has developed into a social and economic model that can bring benefits and rewards through community well-being.

I end by saying that a lot of work has been done through self-help. Community development in west Tyrone has been extremely good. There has been generous funding in the past from the International Fund for Ireland, the Sports Council

for Northern Ireland and other government agencies. We look forward to continued support.

**Mr Buchanan:** I reiterate all that Mr Byrne said and commend him for securing the Adjournment debate. Investment of any type in west Tyrone is always welcomed. It always appears so difficult to get investment into west Tyrone when we look for it. It is so difficult to get Departments and Ministers to listen to the lobbying and the pleas of elected representatives, who say, "Look, the people of west Tyrone need funding, assistance and help." It is so difficult at times to get through to Ministers and Departments and get them to listen to the pleas of the people. That is why I am glad that the issue has been brought to the House this evening.

It always appears that before the financial bus leaves Belfast it is over half empty. It sheds half its load or more before it gets away. It gets the length of Portadown and throws another bit off. It comes to Dungannon and sheds another bit of its load. When it gets our length, we in west Tyrone are left with the crumbs or the pennies, or whatever you like, of investment.

### 7.30 pm

Although we welcome the little droplets that we get — it is always good to get investment into west Tyrone, no matter how small — this evening, we will be like *Oliver Twist*: we will keep asking for more. Why not? We in west Tyrone deserve the same funding and commitment as every other constituency across Northern Ireland. Our message is simple: we will keep knocking at the door and lobbying until we get the funding that we deserve for all types of activities. When it comes to capital investment, job creation or whatever, it always seems that we are on the back foot in west Tyrone, no matter how much lobbying we do.

The topic has been broken into three aspects: sport, culture and tourism. I will not go into the specific areas that the proposer went into. He named all the different clubs; I will be more general to avoid being repetitive. In the sporting world in west Tyrone, as the proposer said, we have football, rugby, Gaelic football, cricket and hockey. We have many other sporting facilities in west Tyrone. So often, however, they do not receive the required investment to bring them up to the proper standard. Many small clubs throughout the rural areas of west Tyrone that cater for younger people are run by volunteers. The only way that they can be sustained and

kept viable is for those volunteers to fundraise in their own communities. We really need more investment in those areas to keep them moving forward. We have good sporting facilities across west Tyrone, but it is about keeping them viable and moving forward. West Tyrone produces some of the greatest sportspeople, whether it be soccer, Gaelic, cricket or whatever. We have the potential to deliver that, but we need more assistance and funding from central government to move it forward. It is like a car engine trying to move forward. If it is starved of fuel, it will stop. We do not want to stop or go back; we want to move forward. In order to do that in the sporting world in west Tyrone, we need the proper investment.

The proposer mentioned the great diverse cultures, such as the Orange Order and the GAA, that are widely celebrated in west Tyrone. It has one of the greatest cultural heritages in Northern Ireland. Cultural identity is special and unique to the people of west Tyrone. Whether it be in arts, storytelling, music, folklore, creative arts or whatever, it is special to the people there. It is part of the tradition that was handed down through the generations, and it gives the people that sense of identity.

I think of the pipe band scene in west Tyrone. We have pipe bands in nearly every townland. Some small bands are out perhaps only one or two times a year. Others go on to the contest world and the pipe band scene in Scotland, and they win prizes and bring them back to west Tyrone. We are proud of that culture and identity. Again, those are run by many volunteers who keep them moving forward. The majority of the funding comes from community fundraising activities. Some might come from local councils — little bits here and there — but the majority comes from community fundraising. There needs to be a little bit of support from central government.

The proposer said that we have the arts centre in Omagh and the theatre in Strabane. We have other venues throughout west Tyrone. Again, for us to sustain them and keep them moving forward, we need a little bit of investment from central government.

Turning to tourism, although we do not have the lakes of Fermanagh or the coastal areas of north Antrim, we have the hills and valleys that create a picturesque scene. You will not find that picturesque scene anywhere else in

Northern Ireland. The Sperrins attract many visitors every year, and, of course, we have the Ulster American Folk Park. The Member mentioned the numbers that go through that park every year. All that is part of the culture and heritage that we find in west Tyrone. We have a tourist attraction that is special and unique to west Tyrone; it is not found anywhere else. So, to keep that alive and moving forward, we need that further investment from central government. I am disappointed to learn that the bid for moneys that the Ulster American Folk Park made has been turned down. I ask the Minister to look at that. Like the Member who spoke previously, I would like some details on the other seven areas that submitted applications, which are somewhere in the pecking order, to see exactly where they are and what assistance can be given to them.

**Mr Principal Deputy Speaker:** I ask the Member to bring his remarks to a close.

**Mr Buchanan:** I trust that the Minister will listen. I thank her for being here, and I look forward to her response.

**Mr McElduff:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle, agus cuirim fáilte roimh an díospóireacht seo. I welcome the securing of this Adjournment debate, and I thank Joe Byrne for taking that initiative. The subject of the debate offers plenty of scope to the representatives of West Tyrone to highlight the many cultural and sporting projects and initiatives in the constituency, as well as the many visitor and tourist attractions that are worthy of highlighting.

I will be specific and zone in on three or four core projects that I feel strongly about. In the first instance and from a sporting point of view, I too express my support for Tyrone GAA's pioneering £6.7 million Garvaghy centre of excellence project. That project is making a real and meaningful contribution to our local economy. So far, around 150 people have been employed on it, including the 34 people who were working on the site last week alone. It is about making future provision for young people to practise and perfect their sport in a modern, fit-for-purpose facility, which to date and in the main has been funded by voluntary contributions from the Gaels of Tyrone. For example, in the very recent past, the family of the late Paul McGirr became the 200th Garvaghy patron. It has been mentioned that there has been some

support from local government. However, there is a sense of grievance among the promoters of the project that, hitherto, there has not been any capital injection from the Department of Culture, Arts and Leisure or Sport NI. I understand that. The project meets many of the Programme for Government objectives about promoting sport and health, making an economic contribution and recognising cultural value. I also appreciate that the Minister has visited the site and has a good understanding of the amount of voluntary effort that has gone into the project. However, I think that it is reasonable to expect government to make a contribution. That is the point that the promoters are making, and I support it because the centre is one of the biggest sports and cultural projects in the North at this time.

If more money were to become available, I too would make the point that there should be a Places for Sport-type programme. It would be great to get that in place. I feel strongly about that, and I know that the Minister would support it if the money were available. I would support even an equipment grant of the kind that Sport NI typically delivered in the past. However, a lack of resources means that that is not to the fore at this time. Clubs at community level across the different sports deserve central or regional government support when they make considerable efforts and put their hands in their own pockets, so to speak.

I want to mention some of the cultural projects. The Mid-Ulster Drama Festival has been mentioned. Worthy of mention, too, are the drama festivals that take place annually in Newtownstewart and Strabane. However, at the Mid-Ulster Drama Festival in Carrickmore, tonight is the fifth of nine nights of theatre in a row, in the forty-fifth festival. Tonight, it is the turn of the Backburners Drama Circle from Newtownstewart, and their play is 'Closing Time' by Owen McCafferty. Last night, it was 'The Weir' by Conor McPherson, performed by the Pomeroy Players of County Tyrone. You may not know this, Principal Deputy Speaker, but recently I had a walk-on role in a play involving the Pomeroy Players in Begley's Hall, St Mary's Hall, in Pomeroy, as an insurance man. It was great.

There is a great tradition of drama throughout Tyrone, including companies like the Hazel Wand Theatre School. Mention has been made, too, of Dún Uladh and the headquarters of Comhaltas Ceoltóirí Éireann in Ulster, which is at Ballynamullan, sharing a site with Gaelscoil na

gCrann and Killyclogher Gaelic Athletic Club. So there is a lot of cultural and sporting promotion taking place there, on the one site.

I was not going to indulge in mentioning sporting heroes from the area, but I will mention two. One is from the rugby tradition, and his career was cut relatively short. David Pollock, from Omagh, was a leading light in Ulster rugby, but he suffered a bad injury. I will not mention Peter Canavan in this debate, Deputy Principal Speaker; I will not mention Peter Canavan's name. However, I will mention young Tiernan Bradley, who recently won Ulster Herald Sports Personality of the Year at Kelly's Inn, and that was a big occasion for that young boxer and his family.

The Strule Arts Centre and the Alley Arts and Conference Centre in Omagh and Strabane have been mentioned as well, and rightly so. Other venues like The Patrician in Carrickmore and An Creagán Visitor Centre all play their part in promoting culture and the arts, as is Dún Uladh, of course.

It is reasonable and legitimate for people in any constituency, including West Tyrone, to make the point that, when they take the lead in developing facilities, it is reasonable to expect government to support that. In the case of both arts centres in Omagh and Strabane, the Arts Council has been very supportive with capital funding. Maybe the call is now for revenue programmes to support events that will take place in such centres.

On a tourism note, it is good that the Culture, Arts and Leisure Minister is here. I hope that the comments are also read by the Enterprise, Trade and Investment Minister, Arlene Foster, who has the remit for the promotion of tourism. I think that the Tyrone concept is very strong, particularly on the east coast of America, in places such as New York and Philadelphia. It is a good idea for the Tourist Board to promote the name of Tyrone on the east coast of America, where a lot of our people have taken up residence over the years. I leave it at that.

**Mr Hussey:** I, too, thank Mr Byrne for bringing this subject to the Chamber this evening. Many years ago, Jimmy Young, when doing a parody of the Northern Ireland Tourist Board, said, "Welcome to Northern Ireland: the glens of Antrim and the Giant's Causeway, the glens of Antrim and the Giant's Causeway, the glens of Antrim and the Giant's Causeway", as though the world ended with those two places. He

obviously did not know that Tyrone existed, and there are times when I believe that some people still believe that Tyrone does not exist.

I have the honour of being the vice chairman of Omagh District Council. My colleague Councillor Buchanan also serves on Omagh District Council, and Mr Byrne and Mr McElduff are former members. Michaela is a former member of Strabane District Council. So we have associations with the councils, and the two district councils in west Tyrone deserve credit for the work they have undertaken in helping the sporting and cultural life of west Tyrone.

#### 7.45 pm

I want to put in an objection to Mr McElduff's comments. He played an insurance man in a play in Pomeroy. I was an insurance man for 26 years and was not asked to take that role. I could have given him guidance and support, but he did not seek it. It is too late now, Mr McElduff. Your time has come and gone. Had you spoken to me beforehand, you could be a star today. Now look where you are.

The subject of the debate is investment in sporting, cultural and tourism-related projects. If you take just those three words — sport, culture and tourism — the village of Sion Mills hits all three. Sion Mills has the rich tradition of the mill and the culture of the people who worked there, its sporting background in soccer, cricket and bowling and the tourism impact of its facilities. That is just one small part of Tyrone.

Mr Byrne, Mr Buchanan and Mr McElduff referred to the strong cultural identity in west Tyrone, whether that be from a GAA or a Tyrone tradition. One thing in Tyrone that binds us all together is the fact that we are from Tyrone. It means something to us and always will.

I read some background information on the west Tyrone area and our sporting heroes, cultural background and tourist attractions. Mr Byrne referred to quite a few of them, as did Mr McElduff and Mr Buchanan. However, when you look at what we actually have, it opens your eyes to what local people are doing, which is all down to volunteers and individuals. In bowling, there is William Boggs, an Ardstraw bowling club member who won the triple event in the mid-Tyrone zone and triumphed in the first all-Ireland under-25 tournament held at St Anthony's Club, Craigavon, in 2011, beating a number of seasoned internationals. In football, there is

the Brendan Keogh youth league. The 2012 season, which will be its 14th, begins at the end of March and looks as though it will be one of the biggest yet, with four clubs, Beragh Swifts, Fintona Swifts, Strabane Athletic and a club from Fermanagh and South Tyrone called Augher Stars. I will include that club anyway; I am not proud, and they are from Tyrone as well.

Omagh Academy, my old school, won the Northern Bank schools trophy for the first time in 2012. Mr Byrne referred to Jackie Reed. He was my PE teacher, so please do not look at me and think what a success he had with me. I am afraid that I was one of his failures, but he did try. I used to babysit for him, which is why I got away with a lot of things.

The Omagh Wheelers cycling club was formed in 1999. That club continually lobbies local councillors and MLAs to support it. Reference was also made to Micaela Brunton and Frances Campbell in netball. There is the Ecclesville Centre in Fintona. Councillor Rainey would never forgive me if I did not mention the Ecclesville Centre in Fintona. So there, it got two mentions.

In boxing, Tiernan Bradley was mentioned. The Sacred Heart boxing club fighter registered an amazing treble in 2011, claiming the Ulster and all-Ireland boys' 52 kg titles as well as the Irish junior cadets' title. Later in the year, he also claimed bronze at the European schoolboy boxing championships.

My brother Derek would not forgive me if I did not mention Castlederg High School. In football, there is Strathroy Harps and Dunbreen Rovers in Omagh, which is coming up for 50 years. The sad reality is that, despite many attempts, it still does not have a home. It has had various temporary homes over the years but still has not got a home.

In boxing, we have Nathan Duncan. The Drumragh Integrated College student won the 75 kg schoolboys' middleweight Ulster boxing championship this month. He trains with the Immaculata boxing club in Strabane. In hockey, there is Shirley McCay. There is also the Omagh Lawn Tennis Club: again, a club that started very small and built itself up.

When we look at leisure facilities, we can see that Omagh District Council has invested millions of pounds in its leisure centre. The same can be said of Strabane District Council in respect of the facilities provided in Strabane,

and the Derg Valley Leisure Centre is another example of that.

As for culture and tourism, we have the Ulster American Folk Park. How could anyone not fund the Ulster American Folk Park? It celebrates the biggest link between Ireland and America. People will come in their droves because of what is there. It is a marvellous facility. Again, we can remember it starting in the Mellon homestead many years ago. Look where it is today. That is down to hard work and commitment. I also had the honour, as vice chairman of the council, of attending various events there. The Bluegrass Music Festival attracts hundreds and thousands of people into Omagh, County Tyrone.

I sit on the committee of the Strule Arts Centre, and many people who come to it cannot understand how we have such a great facility in Omagh. We are not a total backwoods. We are there, and we are there to be seen.

Time has nearly got the better of me, but one place that I have not mentioned is the St Lucia complex, the military barracks in the centre of Omagh. That is a brilliant opportunity to share our military past. An awful lot of people from the Roman Catholic and Protestant traditions joined the army in Omagh at the St Lucia Barracks. I always say that it is one of the finest examples of a military barracks of that era, probably in the whole British empire. Omagh District Council has its eye on it, and it is still there in the melting pot. I would love to see it brought into public ownership.

Mr Principal Deputy Speaker, you are looking at the clock, so to save you telling me to sit down and be quiet, I will stop now. As Mr McElduff would say, "Come on, Tyrone".

**Ms Boyle:** Go raibh maith agat, a LeasCheann Comhairle.

I too thank the Member who brought the debate to the House for allowing me the opportunity to speak to the House on some of the sporting, cultural and tourism initiatives that the Minister's Department has provided much-needed revenue and funding for in the Strabane district and further afield west of the Bann. I appreciate the Minister being here.

First, I want to talk about some of the tourism initiatives. I appreciate that some of the tourism initiatives are cross-departmental with DETI, and I am keen to hear from the Minister whether

she, along with the ETI Minister, would start the discussion on some of the west Tyrone initiatives, both sporting and tourism, that Members have spoken about today. Those are projects that the Minister could raise at the next North/South Ministerial Council meeting on tourism.

Strabane has one of the most prestigious canals that you will see anywhere in Ireland or Europe. Our canal opened in 1796. It is 306 years old, and it closed in 1962. It is a four-mile stretch of the River Foyle, starting from the River Mourne. Its purpose when it opened was to encourage industrial and commercial cargo upstream from Strabane to Derry. As Strabane at that time was a flourishing market town, it brought considerable prosperity to Strabane and its hinterlands. Other Members referred to Gray's Printing Press earlier and the ancestral home of President Woodrow Wilson. The canal has been restored but not quite to its former glory, but as close to that as the funding would permit. It has two locks: Devlin's lock and Crampsie's lock. They are now working, and hopefully the canal will be opened once again to the public so that it can be used for enjoyable activities, such as walking, cycling, boating, gaming and angling. I am sure that, when the canal opens, hopefully in June, it will attract visitors from far and wide who will come to share with us in Strabane this jewel in the crown. I thank the Minister along with the council and her Department for their efforts in bringing that to fruition. I am sure that you are aware that these projects attract tourists to the town and, indeed, west of the Bann. Events such as the one on the canal can stretch the budget. We need finance to keep it up. I urge the Minister to find the much-needed and deserved funds for such projects.

We also have some great loughs in Strabane, such as Lough Ash, Lough Lee and Moirlough. Moirlough sits right in the heart of the Sperrins. There is beautiful scenery right along the lough. Minister, your Department has part responsibility for Moirlough. It is well stocked with brown and rainbow trout and covers some 16.2 hectares. Many visitors are attracted to that lough, where they enjoy a game of fishing or a great family day out. Such are the amenities at Moirlough that there is little or no access to it, only a stony road. There is a toilet block that needs repaired annually, and the parking facilities are inadequate. Minister, as it is the part responsibility of your Department, I

encourage you to find the funding that is needed in that area. When we had the great weather over the weekend, Moirlough was bustling with tourists — and I mean tourists, not people from Strabane. There were people from Antrim there on Sunday. It is a joy to be had by everyone. Minister, you are welcome to Strabane to visit the many tourist attractions.

We mentioned the Alley Theatre in Strabane and the Strule Arts Centre in Omagh. We are very proud of our arts in west Tyrone. The Member mentioned the dramas that have taken place at the Strule Arts Centre. At the Alley Theatre, we have had another successful year of pantomimes and dramas. We have a range of performing arts, visual arts, literature and crafts. All of these smaller projects cannot be forgotten about. Unfortunately, when some of the smaller groups that run and host these events apply for grants, they do not fit the eligibility criteria. As was mentioned, most of the people involved in the drama groups give up their free time because they are passionate about what they do. They ensure that the public get to see the natural talent that we have in west Tyrone.

I will speak now about some of the sporting events in Strabane and further afield in west Tyrone. Strabane is the birthplace of Dr George Sigerson. He was born in Holy Hill in 1836. Our local Gaelic club is named after the esteemed Dr George Sigerson, and I declare an interest as a member of that club. The club has excellent minor and senior teams for girls and boys, which are going from strength to strength. Minister, your Department was recently instrumental in securing funding for an outside trail alongside the club that sits well in the heart of the community, not just for club members but for the community to use.

Throughout west Tyrone and Strabane, we have excellent facilities for boxing, basketball, hockey and camogie. We have an excellent hockey team in Castlederg. Ladies' games, particularly camogie and hockey, are under-represented and do not get the financial support that Gaelic, rugby and football do. Minister, I urge you and your Department to do more to promote women's sport and games. Women contribute greatly to sport, and that is often forgotten about. Speaking of hockey, I am sure that the Minister will join me in sending our best wishes to the Ireland women's hockey team. Their

Olympic qualification dreams were dashed when they lost 4-1 to Belgium at the weekend.

I also want to mention the Irish language in west Tyrone, particularly in my home town of Strabane. Recently, Gaelphobal won the all-Ireland Glór na nGael competition for its contribution to the Irish language.

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

**Ms Boyle:** I also want to mention the centre of excellence at Garvaghy. Further investment is needed in the promotion and development of Gaelic games in that area.

Lastly, I will take the opportunity to thank the Minister and her Department for their continued support for many projects west of the Bann.

### 8.00 pm

**Ms Ní Chuilín (The Minister of Culture, Arts and Leisure):** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Thank you, Mr Principal Deputy Speaker. I thank Joe Byrne for proposing the Adjournment topic. I also thank Thomas Buchanan, Barry McElduff, Ross Hussey and Michaela Boyle for setting the scene for west Tyrone.

I am a city girl. I come from north Belfast, but, since I took up office last May, I have been in west Tyrone, and, from what I have seen, the range of activities that happen in that constituency cover a lot of different aspects of sport and culture. I have a briefing in from of me, but I have seen it myself. Indeed, it has quite a lot to offer.

I want to pick up on some of the comments that were made. I am aware that the constituency of West Tyrone is a largely rural area, but there are a number of urban centres. The main centres are Strabane and Omagh, which, as Members mentioned, were traditionally market towns. Indeed, both towns and the rest of the constituency are rich in their cultural heritage.

I am aware of the unemployment figures for the constituency. Some 23% of the population of West Tyrone live in some of the most deprived areas. I will take up some of the points that Thomas made. The Executive, through the latest Programme for Government, have again demonstrated that resources need to be directed towards need. The 23% of the population that is deprived covers not only

areas of unemployment, but poor housing, educational attainment, health and all the rest, but youse already know all this.

I am concerned about the number of young people who are leaving our shores to go to America, and, mainly, Australia to try to find work. That issue has been raised before, and it is totally unacceptable to us all.

Joe Byrne talked about the lack of investment in west Tyrone, and Thomas Buchanan also picked up on it. I want to put on the record that, in my view, the west of the Bann has not received the investment that it should have received. It is recognised for all sorts of reasons that people living west of the Bann did not get the investment that they were entitled to, compared with people living east of the Bann. We need to make sure that that lack of investment is a thing of the past.

On 14 February, which, coincidentally, was Valentine's Day, I, and many other Members were glad that £330 million was committed to the upgrade of two sections of the A5 road between Derry and Strabane and Omagh and Ballygawley. That was well overdue. Some £25.7 million was committed to accelerate the progress of construction work on the new Omagh local hospital. Again, that is in addition to the £75 million that was announced in August last year. I am just pointing out the recent investment that was made. We need to make sure that that trend continues.

DCAL has invested a lot of capital funding in local sport and cultural and tourism infrastructure. We have invested in museums, sports venues, theatres and visitor attractions. Capital investment is really important for local people. They need to see a value put on their constituencies. As Barry and others pointed out, local capital investment will mean local jobs, particularly in the construction sector, which has been hard hit, particularly west of the Bann.

Members mentioned the excellent facilities in their constituencies, particularly Strule Arts Centre in Omagh and the Alley Arts Centre in Strabane. However, others were mentioned. I am surprised that nobody mentioned the Fintona tram, but I will touch on that later. Despite some of the comments that were made, the Ulster American Folk Park received £2.4 million.

I hear what you are saying about it not being enough, but £2.4 million has been invested in

a feature that is ranked eighth most popular visitor attraction in the North, with some 167,000 visitors. I think that that is quite good. We need to go in and support that.

In the past five financial years, Sport NI has provided funding towards 31 projects in west Tyrone, totalling £2.3 million. However, I hear what people are saying. One of the real issues that has been raised relates to the Garvaghy project. I went to the Garvaghy project something like two days before Christmas, and I saw at first-hand the centre, the site and the progress that has been made. I have to say again, as a girl from north Belfast, which has no pitches for its kids, I was really impressed with what County Tyrone has done for its citizens. I was really impressed with the young people. My understanding is that Sport NI will be making a decision soon — in May or June — on the contribution, and we all look forward to that.

I want to refer to some of the comments that Members made. If you do not mind, lads, I will take the last point first, because Michaela had the last word. She mentioned women in sport. I am sure the House would like to pass on its commiserations, but also its pride, to Ireland's women's hockey team that narrowly lost out. They have our best wishes, and I am sure they will be back again. Women are involved in sport, particularly in west Tyrone. A lot of sporting activity occurs, and a lot of women are involved, but that recognition needs to be reflected in investment. I recognised that in December last year, when I put on an event to recognise the value of women in sport. The volunteers who are involved in sporting, cultural and tourism activities in west Tyrone, whom Members have mentioned, are to be valued but not taken for granted. I hear what you are saying. We need to support the contribution that people make on a voluntary basis by not taking them for granted and by making sure that they are invested in and recognised.

Michaela also mentioned the loughs. I am glad that people from north Antrim are going to west Tyrone. As a girl from north Belfast, I will be in west Tyrone again. The Member mentioned Lough Ash, Lough Lee, Moorlough lough and Lough Bradan and said that they were stocked with brown and rainbow trout. That will help in respect of tourism. Setting aside the recent developments around salmon and so forth, angling in our rivers and waterways, particularly

in small rural villages and towns, is essential. We need to do what we can to support that.

I recognise the value that local government has made through its contribution, particularly around Garvaghy, but when listening to some of the Members talk today, you would think that the Department of Agriculture and Rural Development (DARD) was not involved. DARD made a contribution to Garvaghy as well, so central government have made a contribution. I think the question should be this: what is DCAL going to do? We think that we need to at least recognise that. The question is about DCAL, not government in general. The funds that local government has put into that project, tourism and other sporting and cultural projects have to be widely recognised.

Some of the arm's-length bodies from my Department have matched some of those contributions through Sport NI, the Arts Council and museums. Recently, we went through the review of libraries. This is where I want to mention the Fintona tram and the Ulster Folk and Transport Museum. Fintona tram is very important. I did not realise that, but I realise it now. The question I keep getting asked by none other than Barry McElduff — but not solely him — is whether we can —

**Mr Hussey:** He remembers the Fintona tram.

**Ms Ní Chuilín:** I did not want to mention that, but you did, so that is on the record. I will not dispute it; I would not dare intervene in a local row.

I recognise that we need to bring some of our artefacts out of the museums and put them into our towns and villages. We need to exhibit those things to help tourism. We need to try to join aspects of the DCAL family with our local government to try to make sure that we do everything that we can. I do not know whether we are there yet; that is the honest answer.

I will certainly check the Hansard report of today's debate, and I am confident that my Executive colleagues will do likewise. I have had contributions in preparation for this debate from the Social Development Minister, Nelson McCausland, and from the Minister of Enterprise, Trade and Investment, Arlene Foster. Those contributions related to neighbourhood renewal, because of the deprivation, tourism and, primarily, investment. We have also had contributions from the Health Department. We need to have a more joined-up approach to

make sure that the purpose of the debate is achieved. It is about culture, tourism and sport. We need to link up to make sure that we provide the best possible facilities and services for the people of west Tyrone.

This is my first adjournment debate, and I am delighted that it has been about west Tyrone. I hope that the announcements that should be made by Sport NI and others regarding facilities in that constituency will be made and will be successful. I also hope to be back again. I was at Omagh District Council offices recently for the launch of Líofa. I was very well received, and I was really impressed. I know that the Ulster-Scots Agency has done excellent work along with Foras na Gaeilge, and the Orange Order and the GAA have done loads of work. A lot has been done and more needs to be done, and I look forward to playing my role in that.

*Adjourned at 8.10 pm.*



# Written Ministerial Statement

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

## Regional Development

### **Ensuring a Sustainable Transport Future: A New Approach to Regional Transportation**

*Published at 10:00 am on Tuesday 27 March, 2012*

**Mr Kennedy (The Minister for Regional Development):** I am pleased to inform Assembly members that Ensuring a Sustainable Transport Future: A New Approach to Regional Transportation will be published on 28 March 2011.

The current Regional Transportation Strategy 2002-12 was successful in securing high levels of public funding to improve our transportation infrastructure. However, the speed and direction of change in society prompted the need for review. The increase in population and vehicles has placed significant pressures on our transportation networks coupled with fiscal constraints and the need to reduce our environmental impacts.

Ensuring a Sustainable Transport Future: A New Approach to Regional Transportation will build on what has been achieved. It emphasises the need to concentrate on moving people rather than vehicles, creating space on the networks for people and also for freight and on maintaining what is in place and using it in a smarter way.

The New Approach is different from the current strategy in that it is not constructed on schemes and projects. Rather it sets the High Level Aims and Strategic Objectives for transportation in Northern Ireland that form the basis for future decision-making on my Department's transportation funding priorities.

The High Level Aims and Strategic Objectives are:

- A. Support the Growth of the Economy
  - 1: Improve connectivity within the region

- 2: Use road space and railways more efficiently
- 3: Better maintain transport infrastructure
- 4: Improve access in our towns and cities
- 5: Improve access in rural areas
- 6: Improve connections to key tourism sites
- B. Enhance the quality of life for all
  - 7: Improve Safety
  - 8: Enhance Social Inclusion
  - 9: Develop transport programmes focussed on the user
- C. Reduce the Environmental Impact of Transport
  - 10: Reduce Greenhouse gas emissions from transport
  - 11: Protect biodiversity
  - 12: Reduce water, noise and air pollution

My Department will continue to engage with other departments in working through the process and in developing a draft Delivery Plan which I will bring to the Executive for endorsement.

Copies of the document are available in the Assembly Library. The document and associated Impact Assessments are also available on the Department's website [www.drdni.gov.uk/](http://www.drdni.gov.uk/) or by contacting:

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