

# Official Report (Hansard)

Monday 20 January 2014  
Volume 91, No 1



# Contents

<b>Assembly Business</b> .....	1
Road Races (Amendment) Bill: Royal Assent.....	1
<b>Ministerial Statements</b>	
North/South Ministerial Council: Institutional.....	2
North/South Ministerial Council: Agriculture.....	6
British-Irish Council: Housing Work Stream .....	11
<b>Executive Committee Business</b>	
Health and Social Care (Amendment) Bill: Consideration Stage .....	14
Reservoirs Bill: First Stage .....	14
<b>Private Members' Business</b>	
Common Agricultural Policy: Rural Development Programme Funding .....	15
<b>Oral Answers to Questions</b>	
Employment and Learning.....	24
Enterprise, Trade and Investment.....	32
<b>Private Members' Business</b>	
Common Agricultural Policy: Rural Development Programme Funding ( <i>Continued</i> ) .....	41
Smithwick Tribunal .....	52

Suggested amendments or corrections will be considered by the Editor.

They should be sent to:  
The Editor of Debates, Room 248, Parliament Buildings, Belfast BT4 3XX.  
Tel: 028 9052 1135 · e-mail: [simon.burrowes@niassembly.gov.uk](mailto:simon.burrowes@niassembly.gov.uk)

to arrive not later than two weeks after publication of this report.

# Assembly Members

Agnew, Steven (North Down)  
Allister, Jim (North Antrim)  
Anderson, Sydney (Upper Bann)  
Attwood, Alex (West Belfast)  
Beggs, Roy (East Antrim)  
Bell, Jonathan (Strangford)  
Boylan, Cathal (Newry and Armagh)  
Boyle, Ms Michaela (West Tyrone)  
Bradley, Dominic (Newry and Armagh)  
Bradley, Ms Paula (North Belfast)  
Brady, Mickey (Newry and Armagh)  
Buchanan, Thomas (West Tyrone)  
Byrne, Joe (West Tyrone)  
Cameron, Mrs Pam (South Antrim)  
Campbell, Gregory (East Londonderry)  
Clarke, Trevor (South Antrim)  
Cochrane, Mrs Judith (East Belfast)  
Copeland, Michael (East Belfast)  
Craig, Jonathan (Lagan Valley)  
Cree, Leslie (North Down)  
Dallat, John (East Londonderry)  
Dickson, Stewart (East Antrim)  
Dobson, Mrs Jo-Anne (Upper Bann)  
Douglas, Sammy (East Belfast)  
Dunne, Gordon (North Down)  
Durkan, Mark (Foyle)  
Easton, Alex (North Down)  
Eastwood, Colum (Foyle)  
Elliott, Tom (Fermanagh and South Tyrone)  
Farry, Stephen (North Down)  
Fearon, Ms Megan (Newry and Armagh)  
Flanagan, Phil (Fermanagh and South Tyrone)  
Ford, David (South Antrim)  
Foster, Mrs Arlene (Fermanagh and South Tyrone)  
Frew, Paul (North Antrim)  
Gardiner, Samuel (Upper Bann)  
Girvan, Paul (South Antrim)  
Givan, Paul (Lagan Valley)  
Hale, Mrs Brenda (Lagan Valley)  
Hamilton, Simon (Strangford)  
Hay, William (Speaker)  
Hazzard, Chris (South Down)  
Hilditch, David (East Antrim)  
Humphrey, William (North Belfast)  
Hussey, Ross (West Tyrone)  
Irwin, William (Newry and Armagh)  
Kelly, Mrs Dolores (Upper Bann)  
Kelly, Gerry (North Belfast)  
Kennedy, Danny (Newry and Armagh)  
Kinahan, Danny (South Antrim)  
Lo, Ms Anna (South Belfast)  
Lunn, Trevor (Lagan Valley)  
Lynch, Seán (Fermanagh and South Tyrone)  
Lyttle, Chris (East Belfast)  
McAleer, Declan (West Tyrone)  
McCallister, John (South Down)  
McCann, Fra (West Belfast)  
McCann, Ms Jennifer (West Belfast)  
McCarthy, Kieran (Strangford)  
McCartney, Raymond (Foyle)  
McCausland, Nelson (North Belfast)  
McClarty, David (East Londonderry)  
McCorley, Ms Rosaleen (West Belfast)  
McCrea, Basil (Lagan Valley)  
McCrea, Ian (Mid Ulster)  
McDonnell, Alasdair (South Belfast)  
McElduff, Barry (West Tyrone)  
McGahan, Ms Bronwyn (Fermanagh and South Tyrone)  
McGimpsey, Michael (South Belfast)  
McGlone, Patsy (Mid Ulster)  
McGuinness, Martin (Mid Ulster)  
McIlveen, David (North Antrim)  
McIlveen, Miss Michelle (Strangford)  
McKay, Daithí (North Antrim)  
McKevitt, Mrs Karen (South Down)  
McKinney, Fearghal (South Belfast)  
McLaughlin, Ms Maeve (Foyle)  
McLaughlin, Mitchel (South Antrim)  
McMullan, Oliver (East Antrim)  
McNarry, David (Strangford)  
McQuillan, Adrian (East Londonderry)  
Maginness, Alban (North Belfast)  
Maskey, Alex (South Belfast)  
Milne, Ian (Mid Ulster)  
Morrow, The Lord (Fermanagh and South Tyrone)  
Moutray, Stephen (Upper Bann)  
Nesbitt, Mike (Strangford)  
Newton, Robin (East Belfast)  
Ní Chuilín, Ms Carál (North Belfast)  
Ó hOisín, Cathal (East Londonderry)  
O'Dowd, John (Upper Bann)  
O'Neill, Mrs Michelle (Mid Ulster)  
Overend, Mrs Sandra (Mid Ulster)  
Poots, Edwin (Lagan Valley)  
Ramsey, Pat (Foyle)  
Ramsey, Ms Sue (West Belfast)  
Robinson, George (East Londonderry)  
Robinson, Peter (East Belfast)  
Rogers, Sean (South Down)  
Ross, Alastair (East Antrim)  
Ruane, Ms Caitriona (South Down)  
Sheehan, Pat (West Belfast)  
Spratt, Jimmy (South Belfast)  
Storey, Mervyn (North Antrim)  
Swann, Robin (North Antrim)  
Weir, Peter (North Down)  
Wells, Jim (South Down)  
Wilson, Sammy (East Antrim)

# Northern Ireland Assembly

Monday 20 January 2014

*The Assembly met at 12.00 noon (Mr Speaker in the Chair).*

*Members observed two minutes' silence.*

## Assembly Business

**Mr Weir:** On a point of order, Mr Speaker. On the rationale for the selection of amendments — I appreciate that the Speaker's Office reaches these determinations — first of all, are objective criteria applied to the selection? If so, is that something that can be made available for the guidance of parties? In particular, is any cognisance given to the impact of particular motions on particular Ministers? For example, my party was very disappointed that an amendment that was submitted on the issue of rural development funding, which largely arose as a result of a court case taken by one of our Ministers, was not selected, when obviously that issue directly affects our Minister and the Agriculture Minister.

**Mr Speaker:** I hear very much what the Member is saying, but he will know that this is a matter for and decisions for the Speaker. I am very happy to talk to the Member about the issue outside the Chamber. These matters are not normally raised here on the Floor of the Assembly.

**Mr Weir:** I appreciate that. Further to that point of order, is there any sort of guidance that the Speaker's Office can issue to parties on what factors are taken into consideration when amendments are being selected?

**Mr Speaker:** Yes, and the Business Office will continually advise parties on motions, on amendments and on the general business of the House. Certainly, through the Business Office, we can look to see whether there is guidance, especially when it comes to amendments to particular motions here in the House.

I have to say that our officials here are always very keen to try to guide Members to a point. I have to say that it is not my role or the Business Office's role to keep business out of the House. I am always keen to get business into the House. Certainly, as I say, it is not my role to try to keep business out of the House. I hear

what Mr Weir said. Let us look at it and see whether we can give guidance to all parties.

I have to say that it is not that long ago that I said to our Business Office that it might be useful to have a number of sessions with parties on how to formulate amendments. I think that only one party came to those meetings; no other party came. So, we are always keen to help parties to frame amendments and motions and to make sure, as I say, that we get business into the House.

## Road Races (Amendment) Bill: Royal Assent

**Mr Speaker:** I inform the House that the Road Races (Amendment) Act (Northern Ireland) 2014 became law on 17 January 2014.

## Ministerial Statements

### North/South Ministerial Council: Institutional

**Mr M McGuinness (The deputy First Minister):** Go raibh maith agat, a Cheann Comhairle. In compliance with section 52C(2) of the Northern Ireland Act 1998, we wish to make the following statement on the ninth meeting of the North/South Ministerial Council (NSMC) in institutional format, which was held in Dublin on Friday 10 January 2014. The Executive were represented at the meeting by the First Minister and me. The Irish Government were represented at the meeting by the Tánaiste, Eamon Gilmore TD. The Tánaiste chaired the meeting.

Before the meeting, we had a very interesting engagement at the Google European headquarters in Dublin, which I would like to briefly mention. Google has worked with the In Flanders Fields Museum to digitise the records of Irish soldiers killed in World War I. Along with the Tánaiste, the First Minister and I officially launched the digitisation of those records. The partnership between Google and the In Flanders Fields Museum has resulted in an incredible source of information for families, students and researchers. Over 200,000 Irishmen fought in the war and 49,000 were killed. That shows the human impact of the war on the island of Ireland. I know that a number of MLAs were at the launch, and I encourage all MLAs to visit the Google site. I also encourage people to use it and to share their stories so that future generations can better understand the lives of their predecessors.

The NSMC institutional meeting took place in Iveagh House and was very positive and constructive. It provided a valuable opportunity for us to focus on some of the key challenges that we face. We discussed a range of issues, including the economic prospects and challenges for 2014 and the strategies being pursued in each jurisdiction, particularly in relation to the economy, youth employment and job creation.

The success of such events as "The Gathering" 2013 and Derry/Londonderry UK City of Culture celebrations was acknowledged, and the importance of maintaining the positive momentum with regard to tourism figures in 2013 was recognised. In that regard, Ministers welcomed the fact that the Giro d'Italia cycling event in 2014 would have a cross-border element. Ministers also endorsed the

importance of attracting other high-profile sporting events to the island of Ireland.

Ministers agreed that as we face into a new year, the economic outlook is more optimistic than it has been for some time. However, we recognised that a lot of work remains to be done.

We had a very good discussion on EU matters. Ministers emphasised the importance of using every opportunity to maximise the drawdown of EU funding in both jurisdictions. The Tánaiste advised the meeting that the Dublin Government were completing a post-EU-presidency review, which will include references to the positive North/South engagement during the presidency. He expressed his gratitude for the assistance given by the Executive during the presidency and agreed to keep us informed of future opportunities for joint working for mutual benefit.

The Council also reviewed progress on the Peace III and INTERREG IV programmes and looked forward to the completion of the consultation process on the new programmes.

Ministers noted that the engagement by officials with key stakeholders on the future direction of the north-west gateway initiative was continuing and agreed that a report would be brought to a future meeting of the Council.

The Council discussed a range of matters relating to the North/South bodies. Ministers noted the progress in respect of their corporate and business plans and the implementation of cumulative efficiency savings within the bodies. Ministers also discussed governance issues, including changes to the terms and conditions of staff in the North/South bodies aligned to those in the Irish public service, the review of the financial memoranda and forthcoming changes to the North/South pension scheme.

The Council also noted changes to the boards of the North/South bodies and that a process is under way to recruit a permanent chief executive to the Loughs Agency.

Ministers welcomed the appointment of Ruth Taillon as director of the Centre for Cross Border Studies and congratulated her on her appointment. We also acknowledged the contribution of the previous director, Andy Pollak.

Ministers were informed that INTERREG IVa funding has been obtained for phase 3 of the Border People project. Training of information advisers and service personnel in the area of

cross-border mobility is ongoing, and a needs analysis and sustainability plan is also being prepared.

Ministers had a useful discussion on the St Andrews Agreement review and noted that work is under way to implement the decision taken at the 8 November plenary meeting that Ministers should consider their priorities in their respective sectoral areas. It was agreed that Ministers will consider a report on the outcome of those ministerial discussions at the next institutional. We also considered a board appointment to the North/South Language Body. Ministers approved the appointment of Mr Donnchadh Ó Laoghaire to the board of the body.

Finally, Ministers agreed to meet again in institutional format later in 2014.

**Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister):** I welcome the statement from the deputy First Minister. My question relates to paragraph 15. I remind the deputy First Minister of a previous institutional joint communiqué of 3 October 2011, which stated:

*"Ministers noted the progress made under the North West Gateway Initiative."*

On 29 April 2013, another stated:

*"Ministers welcomed progress under the North West Gateway Initiative ... The Council agreed to review progress on this engagement at a future meeting."*

Then, it was stated today that the Council agreed that a report would be brought to a future meeting of the Council. Is there any end to the process?

**Mr M McGuinness:** I absolutely welcome the stakeholder engagement that has been taking place over the past number of months about the future direction of the north-west gateway initiative. It is very important that we review the initiative to ensure that it remains relevant to the people of the north-west. The success of the City of Culture celebrations last year shows that Derry and the whole north-west region, when given the opportunity, can deliver spectacular outcomes. I hope that the legacy of the celebrations will give the region the belief that it can deliver and that that belief will help the region to attract investment.

Of course, many other good things are happening. Recently, I visited the new to-be science park on the site of Fort George, which is also linked to the Letterkenny project. It is also important to stress that work on the new radiotherapy unit, costing tens of millions of pounds, will begin this year. That is of hugely important benefit to the people of Donegal, Derry and Tyrone. Of course, we, through the auspices of the Department for Regional Development, are hopefully seeing the situation with the A5 being dealt with in a way that will see a satisfactory outcome. There is general agreement in Donegal and Derry that that is a very important project. It is a pity that the Member who has just spoken is the representative of a political party opposed to the project. That is a bit of a contradiction given that the party holds the ministerial position.

**Mr Moutray:** I, too, welcome the work done by Google and the In Flanders Fields Museum on the digitalisation of records of the Great War. Will the deputy First Minister inform the House of whether the Department will work with the Department of Education to ensure that the records of the Irish soldiers will be used in schools to broaden children and young people's knowledge of the sacrifice paid and, indeed, the futility of war?

**Mr M McGuinness:** Obviously, that would be a matter for the Department of Education and the Minister. However, I certainly recognise — I am sure that the First Minister will join me in doing so — that 2014 is a very important year. It is the 100th anniversary of the beginning of the First World War, which brought so much tragedy and human misery all over the world. As I said in my statement, some 200,000 Irishmen from all parts of Ireland participated in that war, and almost 50,000 lost their lives. That is of enormous historical significance, and I think that it would be a huge mistake for any of us to try to ignore such an important anniversary.

## 12.15 pm

Other important anniversaries are coming up, such as the anniversary of the 1916 rising in 2016. If we approach all anniversaries in a mature way, we can improve the educational experience of our young people. I encourage the Education Minister to take up the suggestion that the Member makes.

**Mr Lynch:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Leas-ChéadAire as a ráiteas. I thank the deputy First Minister for his statement. He said:

*"We discussed a range of issues, including the economic prospects and challenges for 2014 and the strategies being pursued in each jurisdiction, particularly in relation to the economy, youth employment and job creation."*

Will he elaborate?

**Mr M McGuinness:** We had a very useful discussion with the Tánaiste on the issues facing our local economies. We both recognised during the meeting that there has been positive news on our economy lately, with indicators clearly suggesting that things are starting to stabilise. Our unemployment rate of 7.5% remains a concern, and, as an Executive, we are trying to foster job creation, not just in the context of foreign direct investment but in continuing support for our indigenous businesses, which are hugely important in bearing down on what are unacceptable unemployment figures. The fact that we are well below the European average, and taking into consideration the situation in the South, clearly shows that at least some of our strategies are working in the interests of the people whom we represent.

According to the Ulster Bank's latest purchasing managers' index (PMI) index, the rate of growth in our private sector in November was the second fastest in the survey's history, slower only than the record set in March 2004. The sharpest expansion in activity was in the service sector, with growth also quickening in the manufacturing and construction sectors. That extends the current sequence of growth to five consecutive months, which is good news. Of course, we are not out of the woods yet, but we are optimistic that an economic recovery is under way. It is now our responsibility to provide the environment in which to sustain and promote growth.

We have to keep it going. There is still more work to be done, but I think that, given what we have come through over the past five years, there are signs of things beginning to turn in our favour.

**Mr Dallat:** I also welcome the statement and note that the meeting was attended by the First Minister and the deputy First Minister, and it appears to have been very constructive. I hope that the trials and tribulations that have since emerged do not get in the way of that.

The statement contains a commitment to maximise EU funding. The deputy First

Minister will be aware that a recent Trans-European Transport Network (TEN-T) programme, motorways of the sea (MoS), was designed to create better linkage between neighbouring countries. Will he tell me whether the Foyle ferry service was discussed under the north-west gateway initiative, and if it was not, will he give the House a commitment that it will be discussed at a future meeting?

**Mr M McGuinness:** It was not discussed during the meeting. I know that it is an important project for people in the Donegal/Derry area. I will certainly undertake to have a further discussion with the Tánaiste at a future meeting. We all know and understand the difficulties with ferries and how their seasonal nature can impact on their ability to perform all year round, but I think that the Foyle ferry has provided an important service that has brought communities together in the area. It has provided a very useful resource for tourism, and I think that it is appropriate to have a further conversation about it.

**Mr Lyttle:** I welcome the endorsement that the North/South Ministerial Council has given to the importance of attracting high-profile sporting events to the island of Ireland. Will the deputy First Minister comment on whether Ministers discussed how they will work together to support the Irish Rugby Football Union bid to host the Rugby World Cup in Ireland in 2023?

**Mr M McGuinness:** I know that our Minister of Enterprise, Trade and Investment, Arlene Foster, and the sports Minister in the South recognise that that could be of enormous benefit to the island of Ireland and to the promotion of rugby. It is presently at an exploration stage, but I think that all of us in the House, and, I am sure those in Leinster House, would feel that it would be a tremendous coup for Irish rugby if we could pull it off. So, that is being very diligently explored at this time.

Obviously, in the context of such a huge event that would propel us to worldwide prominence, economic factors are hugely important, so many of the discussions centre around its economic viability. However, in principle, it would absolutely wonderful if we could pull it off. We will see what the outcome of the discussions between the Minister of Enterprise, Trade and Investment and the sports Minister in the South bring for us all.

**Mr Spratt:** I thank the deputy First Minister for his statement. EU matters have been touched on where ferries and TEN-T are concerned. That will be a very substantial pot of money in



future years. What discussions have taken place on transport issues and the possibility of cooperation to gain further investment from Europe for some of those issues, given the very good work that many Executive Ministers have done in Brussels over the past number of months?

**Mr M McGuinness:** Obviously, a huge priority for the Executive is to increase the drawdown from Europe across a whole range of issues, not least in the area that the Member mentioned. I think that we have had some considerable success in doing that. More work needs to be done, but I think that all our Departments are very clearly focused on the opportunities that exist for us in the coming period. So, I believe that that work will continue and that we will gain benefit and, indeed, increased drawdown from such engagements.

**Mr McMullan:** Go raibh maith agat, a Cheann Comhairle. I thank the deputy First Minister for his statement. Regarding attracting important sporting events to the island of Ireland, how do Ministers view the importance of the Giro d'Italia?

**Mr M McGuinness:** It is very important. It is clearly one of the most prestigious cycling events in the world, and, given that we recognise that tourism is a very important contributor to our economies, it is really important that we focus on ensuring that those events are a success.

If you look at our experiences over the past while, whether it is the City of Culture celebrations and the way in which the north-west dealt really smoothly with what was an incredible year and with major events, or whether it is the enormous success that was the World Police and Fire Games, you see that they clearly show that there is nothing that we cannot tackle. The people who support this Administration are hugely talented and can take on any challenge. I think that the Giro d'Italia will similarly prove to be a huge success.

Given that we are expecting a massive influx of people who have an interest in cycling and that television networks throughout Europe will be covering the event, it is not to be missed. We certainly do not intend to miss the opportunity that it presents.

**Mr P Ramsey:** I welcome the statement. I particularly welcome paragraph 8, which clearly shows that the economy and youth unemployment were discussed. Will the deputy First Minister acknowledge that, although the

figures for Northern Ireland are relatively stable, the figures for the north-west, including for my constituency and Inishowen in Donegal, remain quite high? Those who are economically inactive and especially our young people have found that, even with all the positivity from the City of Culture and the feel-good factor that it brought, there has been no legacy of employment opportunities for them. Will he outline how the north-west gateway initiative or any other project could stimulate that feel-good factor and job opportunities for our young people?

**Mr M McGuinness:** Obviously, coming from the same neck of the woods as the Member, I have total sympathy with everything he said.

The key to all this is that an improving economic situation will hopefully allow us, through time, to bear down on unacceptable figures, particularly in youth unemployment. This is a Europe-wide phenomenon, and the levels of youth unemployment in places such as Spain and Greece are upwards of 50%. That represents a challenge, and the key to all of it is to continue to move forward in a way that develops our economy so that it provides hugely important jobs for our young people.

The recent decision by Fujitsu to locate its very important European base in the city and provide employment for something like 200 people was very encouraging. The confidence that has been built as a result of the City of Culture celebrations means that the city can take advantage of all this in the future. All of us knew that the gains and benefits from that year were not going to happen immediately and would happen over time. Of course, an assessment is being made by the relevant Departments as to what increases in employment occurred during that year. Like the Member, I would be very interested to see those figures.

I agree that there is still a lot of work to be done, but the key is to continue to attract foreign direct investment, continue to support our local entrepreneurs and develop our economy in a way that gets our young people into work.

**Mr Cree:** The deputy First Minister referred to the governance issues in the North/South bodies and changes in conditions in order to align them with those in the Irish public service. Does that represent parity with the Northern Ireland Civil Service? Are the changes in the pension schemes going to mirror those going through this House?

**Mr M McGuinness:** I am very pleased to see that the Finance Departments are working together to bring about the reform of the North/South pension scheme. Both Finance Ministers have agreed that the pension reforms, as outlined by Hutton, should apply to the North/South pension scheme. It is important that the Finance Departments continue to work together closely to implement these reforms on the schedule agreed. Agreement has been reached, in principle, to apply the reforms to southern and northern members, thus preserving the concept of a North/South pension scheme. The North/South scheme was modelled on our scheme, so it makes sense to do that. The timescale is to have increased employee contributions in place by April 2014. The key elements of the wider reforms are the move from final salary to career average and linking the normal scheme pension age with state pension age. Those elements should be implemented in line with the other main public service schemes by April 2015. So, huge progress has been made. The short answer to the question is that it is being modelled on what we have here.

**Mr Allister:** Seven years on, what is the product of the St Andrew's Agreement review and what is the level of agreement concerning it? Is the deputy First Minister fed up with that as well? If so, can we expect the mask to slip as it did last week when he made his pernicious attack on the Orange Order?

**Mr M McGuinness:** I am not sure what part of that question I should answer. We had a useful discussion on the St Andrew's Agreement review at the meeting. We are pleased to note that work is under way to implement the decision that was taken at the plenary meeting that we attended in November, namely that Ministers would consider the priorities in their respective sectoral areas and that a report on that consideration would be considered at the next meeting. So, without pre-empting those discussions, there are areas that we could explore that would deliver mutual benefits to both jurisdictions.

I look forward to considering the report and what Ministers see as their priorities once they have had those discussions.

The second aspect of the question does not relate to the institutional meeting that we attended.

**12.30 pm**

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

**Mr Campbell:** On the discussions about the St Andrews Agreement review, does the deputy First Minister accept that there will be a need to build on the changes that were agreed at St Andrews so that, if Ministers take decisions, as the Agriculture Minister did before Christmas, such decisions have to be overturned, whether at the Executive or in the courts of law?

**Mr M McGuinness:** I think that the Member is clear about the outcome of the St Andrews negotiations and the legislation that flowed from them. The issue that he raised did not come up at the institutional meeting of the North/South ministerial event that the First Minister and I attended. It is a subject of controversy. The Minister of Agriculture and Rural Development spoke about it last week, and I will leave the last word on the subject with her and her Department.

### **North/South Ministerial Council: Agriculture**

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** Go raibh maith agat, a Cheann Comhairle. With your permission, a Cheann Comhairle, I wish to make a statement in compliance with section 52 of the 1998 Act regarding the twenty-first meeting of the North/South Ministerial Council (NSMC) in agriculture sector, which was held in Armagh on Wednesday 13 November 2013.

The Executive were represented by junior Minister Jonathan Bell MLA and me. The Dublin Government were represented by Simon Coveney TD, the Minister for Agriculture, Food and the Marine, and Fergus O'Dowd TD, Minister of State at the Department of Environment, Community and Local Government. I chaired the meeting. This statement has been agreed with junior Minister Bell, and I am making it on behalf of us both.

The Council discussed recent developments in international trade, and Ministers had an opportunity to advise on visits made by both Administrations. I welcomed Minister Coveney's agreement to explore the setting-up of a North/South international trade working group to share lessons learned during negotiations for entry into third country markets.

With regard to tackling tree disease, the Council agreed that the respective Agriculture Departments will work closely with a view to developing a protocol for the cross-border

movement of affected larch logs while maintaining the necessary biosecurity. In response to the expansion of the area of woodland affected by the *Phytophthora ramorum* disease of larch, this arrangement will be beneficial in equipping the forestry industry to manage the difficulties of harvesting and processing timber from areas of affected larch woodland and will help to reduce the risk of further disease spread.

Ministers discussed and acknowledged the ongoing cross-border cooperation in an effort to control and eradicate tree diseases. DARD's spore monitoring equipment, for example, will be put in place by the Agri-Food and Biosciences Institute (AFBI) at a Chalara ash dieback outbreak site in County Leitrim, which will assist the Department of Agriculture, Food and the Marine (DAFM) and allow AFBI to test the use of the equipment on an outbreak site where there has been spread to adjoining hedgerows.

Ministers also discussed and acknowledged the following points: how the all-Ireland Chalara control strategy launched in July 2013 is being implemented; ongoing cooperation on laboratory diagnostics; ongoing discussions on the possible coordinated introduction of pre-notification legislation for certain tree species; continuing cooperation on the proposed new EU plant health legislative regime; continuing cooperation on action plans for the sustainable use of pesticides directive and the pesticides usage surveys; and recognising that the threat of plant disease and pests appears to be increasing. DARD's intention, as I said to the Assembly on 9 September 2013, is to increase the resources devoted to plant health and to allocate responsibility for all plant health matters to the chief executive of the Forest Service.

The Council noted recent developments on CAP, including the completion of the CAP reform political agreement between the EU Council of Ministers and the European Parliament on 24 September 2013. Ministers noted that the legal texts arising from the political agreement should be adopted by the end of 2013 and agreed that the close contacts between DARD and DAFM officials on CAP issues should continue.

Ministers agreed the significance of the continued work on the delivery of the all-island animal health and welfare strategy action plan, in particular that the African Horse Sickness Regulations 2013 will come into operation on 18 November. DAFM is progressing similar legislation in line with the all-island approach to

deal with African horse sickness in the event of an outbreak of this epizootic disease.

Ministers also agreed the continued work by officials to scope the possibility of a joint contingency plan for rendering capacity on the island of Ireland; that officials are progressing work to establish respective disease surveillance priorities with a view to agreeing all-island surveillance priorities; and that officials from both jurisdictions continue their engagement, including with British Departments, to consider a range of equine registration issues.

The Council agreed that, if significant equine welfare and abandonment issues arise over the coming winter months, any required action will be on all-island basis. Ministers agreed that officials will continue to engage on the issue, monitor the level of equine welfare and abandonment cases as the winter progresses and keep the need for action under review.

Ministers welcomed the North/South rural development conference held in October, which will contribute, in the longer term, to strengthening the delivery of the LEADER programme. They also welcomed the announcement of support for a rural, faith-based community engagement programme. The programme, which fits within my Department's tackling rural poverty and social isolation framework, will support churches and other faith-based organisations to engage in anti-poverty and social inclusion initiatives in rural communities. As many faith-based organisations are organised on an all-island basis, this may present a range of opportunities for cross-border work.

The Council agreed that officials should organise a North/South conference in 2014 to develop cooperation ideas that could become early projects for the LEADER element of the new rural development programme. The Council acknowledged the breadth of actions being delivered to support cross-border rural development through the current INTERREG programme.

Ministers approved the appointment of Mr Mick Murphy to the board of the Foyle, Carlingford and Irish Lights Commission from 13 November 2013 to 12 December 2015.

The meeting concluded by noting that the date of the next agriculture sectoral meeting will be in February 2014.

**Mr Frew (The Chairperson of the Committee for Agriculture and Rural Development):** I

thank the Minister for her statement. She spoke about pre-notification legislation for certain tree species. This legislation was introduced in the UK over a year ago. Why has it been held up in Northern Ireland? Is it due to the fact that the Republic of Ireland's Minister wants to delay its implementation?

The statement referred to the discovery in the wider environment — County Leitrim in the Republic of Ireland — of ash dieback. The Committee saw photographs of the practice of trying to reduce that. It can be described only as a scorched earth policy. What measures has the Minister taken, and what consultation has she had with the farming community and the bodies representing farming industries?

**Mrs O'Neill:** I am very happy to pick up on the questions raised. In the lead-up to the legislation, we have an all-island strategy in place to deal with the disease. I think that it is very important that we have that. It will be one of our strengths in trying to tackle the disease. The disease knows no barriers or borders, so it is important that we take forward the initiative on that basis. As I told the House before, one of the strengths of that strategy, given the changing circumstances and the fact that this is a relatively new disease, is that it is adaptable. That work continues.

As for legislation, we already have a wide range of powers in DARD to inspect, detain and destroy infected plant material. We will continue to use those powers. However, as the Member pointed out, in the past I have talked about the need to introduce pre-notification legislation and am keen to do that. It will strengthen the current arrangements. Going back to the initial point, however, I think it important that we do that on an all-island basis. I have not delayed the legislation. We are working it up as we speak and plan to coordinate its introduction right across the island. That will come forward in the very near future. Discussions are ongoing with the South to make sure that we tighten up to ensure that the legislation is appropriate. We do not want to bring it forward just for the sake of it; we want to make sure that it is appropriate and effective legislation.

Over the past year of dealing with the disease, we have engaged fairly regularly, particularly at official level, with all the stakeholders and even members of the public, because it is important that people who use forests are mindful of biosecurity measures. That can mean simple things such as washing the wheels of prams or bikes, or cleaning trainers before going onto other Forest Service land. We also implore the

public to help us to tackle this and other tree diseases. However, we regularly engage with stakeholders, who are the key people involved, particularly in the forestry end of things. They include private landowners as well as those involved with public Forest Service land.

**Mr McMullan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister. Part of my question has already been answered, but will the Minister give us more information on the all-Ireland approach to larch disease?

**Mrs O'Neill:** Yes. I have picked up on some of those things. It is important to assure Members that surveys and a significant body of work are ongoing. We are actively out, surveying land and making sure that we are looking for the symptoms. We are trying to get the message out to the public about the symptoms and are asking people to look for them.

The surveys cover all of the North. They take in recently planted sites of ash in public and private woodland, roadside plantings, established trees and hedgerows, and there is ongoing nursery surveillance. So, quite a significant body of work is ongoing and, as I said, one of our strands is that we have in place an all-island strategy that is adaptable. We continue to engage, across the island, at official and ministerial level to make sure that our approach is comprehensive. In my opinion, the approach and the strategy that we have in place are comprehensive and look at all the issues of eradication, research into breeding for resistance and engaging with the public and stakeholders. As I said, one of the strategy's strengths is that it is adaptable.

**Mr Byrne:** I thank the Minister for her statement. Will the Minister state whether she and her Department are considering the proposals that the Republic of Ireland Government have taken on CAP in respect of pillar 1 and pillar 2, and on supporting the development of the agrifood strategy, going forward, as they outlined last week?

**Mrs O'Neill:** Yes. As the Member said, Simon Coveney last week published his proposals for the way forward. We are looking at those proposals, which include quite a number of positive announcements that I think industry will welcome. I have heard some commentary around the rural development end of things, and perhaps that deserved more attention. However, it is important to me, and CAP and common fisheries policy CFP reform is one of the key issues on which we have ongoing

discussions at North/South Ministerial Council meetings. It is important that, where possible, we align the types of projects that we do across the island. I am keen to explore further what Minister Coveney has announced and to make sure that, moving forward, when I take my decisions, we can learn from and help each other across the island when we are doing similar types of projects. I am very keen to do that.

**Mrs Dobson:** Minister, in reply to a question for written answer from me, you confirmed that, in the past 12 months, you had three meetings with Ministers from the Republic on tackling tree disease. This statement relates to one of those. Given that ash dieback originated in Scotland, is the rush to an all-Ireland strategy ignoring the east-west dimension, and will you commit to work with the Woodland Trust on its ObservaTree initiative, which is a project aimed at creating the very best early warning system in Europe to detect tree disease?

**Mrs O'Neill:** It is important that we engage with all stakeholders in tackling tree disease. It is vital that we pool all the thoughts and scientific information out there and make sure that we take the best approach to eradicating or at least dealing with some of the tree diseases that we are presented with. As I said, I have met stakeholders and will continue to do so, as and when required. That is key to us being able to tackle these diseases.

On the Woodland Trust project, as I said, I engage with the trust regularly and I am quite sure that it will want to come forward and talk to me again about that project. I think that your initial point was around — I am trying to think —

**Mrs Dobson:** East-west.

**Mrs O'Neill:** East-west, yes. Absolutely. As I said in the statement, we engage on an all-island basis, which, obviously, is key because if we do not tackle it, disease will just spread across the island. If we do not tackle it on an all-island basis, we will be at a disadvantage. However, as I also said, we are engaging with the responsible British Departments to make sure that we pool resources where we can and learn from each other, because we all have the same aim of being able to tackle this disease.

**Mr Buchanan:** Part of the statement to the House after the previous agricultural sector meeting in July 2013 dealt with the issue of horse registrations and passports. Today's statement mentions a range of equine registration issues. Can you inform the House

if there has been any movement on this issue to date, or whether it is simply discussion after discussion with no real or meaningful action happening?

**12.45 pm**

**Mrs O'Neill:** I can assure the Member that it is an ongoing discussion, because it is a discussion that we need to be having. Officials are very much engaged at that level. I believe that we need a database system right across the island. A number of lessons have been learned as a result of the horse meat scandal. Whilst the integrity of what we produce here has very much been protected, in moving forward it is important that any lessons that can be learned from that are learned. Some of the issues that were flagged up at that time were around passports. We have had too many people issuing passports. The sooner we are able to tackle that, the better. We need a database system right across the island, but we also have to be mindful of trade on an east-west basis. Discussion is ongoing to make sure that whatever we bring forward is workable for the industry, is not too bureaucratic and is a process that all Governments can be content and happy with.

**Mr McAleer:** Go raibh maith agat, a LeasCheann Comhairle. Minister, you referred to the importance of tackling rural deprivation. Can you give us a progress update on the maximising access in rural areas (MARA) project?

**Mrs O'Neill:** The MARA project commenced visits to identified vulnerable rural households back in May 2012. The project target is to visit 12,000 households prior to December 2014. To date, 9,228 visits have been undertaken. As part of the project, a follow-up visit is undertaken to householders who have had a referral for a service, grant or benefit. To date, 5,157 second visits have been completed. From the household visits undertaken, 24,911 referrals have been generated. As you will appreciate, the lead-in time for referrals is significant, but they already bearing fruit. For example, 595 households have benefited from warm homes and levy scheme grants; 2,755 households have been issued with advice and equipment following a home safety referral; and 161 people have received additional welfare benefits. Those 161 claims alone amount to over £443,000 per annum going into vulnerable rural households across the North. Add that to the 425 people who have registered with their local rural community transport partnership, with 34 having received a smart pass, and the

184 boiler replacement applications that have been approved.

The household visits are undertaken by over 100 trained enablers who are working on the project. Those enablers work for local community-based organisations, including the rural support networks. All 286 rural super output areas in the North are being targeted through the MARA project. I am delighted that work is ongoing in all the rural areas of the North, with two rural areas in Banbridge and Omagh recently completed. I am sure that the Member will welcome that. It is a fantastic project. You can see the benefits just from the figures that I have outlined. That is £0.5 million of additional money going into vulnerable households, which would not have been the case if we did not have these people on the ground visiting people, taking them through the process and then making follow-up visits. It is a very worthwhile project, and I look forward to doing more of that in the future.

**Mr Swann:** I thank the Minister for her statement. She referred to the setting up of a North/South international trade working group. Can the Minister give us any reassurance that the international trade working group will tackle the discrimination against Northern Ireland dairy producers who are being stopped from putting their products into the southern markets by the National Dairy Council's campaign, which, as she has already admitted to me, is costing Northern Ireland businesses money? Can she confirm that the working group will tackle the Free State's protectionist stance?

**Mrs O'Neill:** I do not think that any of us has room to be protectionist. The Member will be aware that I raised this issue with Simon Coveney and sought some assurances that our industry would not be disadvantaged. It is unfortunate to say the least, because we are all targeting an export market; that is where the growth potential is. I am in an ongoing conversation with Minister Coveney around how we can tackle that issue. Essentially, it is an industry issue and these are industry decisions. However, we want to be able to engage with industry and say that, as we look to the future, if we want to grow our export market and grow our export sales, we cannot be fighting with each other and being protectionist over these issues.

I will continue to raise the issue, and I know that Minister Foster has raised the issue at a European level. We have to do that and chart our way forward. It is fair to say that I got some assurances from Minister Coveney that he is in discussions with the dairy industry in the

Twenty-six Counties. Hopefully, we will have some sort of positive changes in the future.

**Mr Principal Deputy Speaker:** I call Mr Seán Lynch.

**Mr Lynch:** Sorry, I was not following the debate. I did not know that my name was down. Sorry about that.

**Mr Wilson:** The Minister has outlined the benefits that have been accrued so far from the initiatives to tackle rural poverty. However, rural poverty remains a huge issue despite the initiatives. To give us some idea of how successful it is, could she tell us how much has had to be invested in the MARA initiative, for example, to get the half a million pounds return on additional benefits to households?

**Mrs O'Neill:** I do not have a breakdown of the figures and how much has been spent on the MARA project individually. The pot of money that we were talking about was a £16 million tackling poverty fund, and that was to take forward a number of initiatives, including the MARA project, youth employability schemes and rural transport schemes. I would describe a lot of that as leverage funding, and we were able to tie in other Departments to do positive work in rural communities, and that might not have happened if we had not had the investment from DARD. So, although £16 million might sound like a smaller amount of money in the scheme of things, all the initiatives with other Departments have certainly leveraged in significant additional investment.

I gave the example of almost half a million pounds going into rural communities because of someone calling to the house and talking you through what you are entitled to, and, to me, that is significant wins. However, I am very happy to provide to the Member the detailed breakdown of how much MARA cost. As I said, all the other schemes, such as borewells schemes, youth employability and access to benefits, are all positive initiatives. I will provide the detail to the Member.

**Mr Allister:** Today is 20 January. The meeting was on 13 November. Why has it taken the Minister over two months to report to the House? Is it because there was nothing of substance to report or is it that she holds the House in the same contempt as she holds her ministerial colleagues with whom she does not bother to consult about controversial issues? On one specific issue, has she done anything yet to sort out the mess over horse passports?

**Mrs O'Neill:** Perhaps the Member could change the record, because every time I make a statement to the House, he starts his contribution with a very similar comment. You may want to take it up with the Business Office, because I brought the statement in as timely a manner as possible. Obviously, we had the Christmas break in between, and you may have missed the fact that I have been defending rural communities in the courts over the past number of weeks as well. So, I will get on with doing the business but will always come to the House and report on the positive work that is being done in the North/South Ministerial Council.

It is important to remind the House what horse passports are for. They are primarily to protect the food chain and are mandatory for all equines across the EU. I said earlier that I believe that too many people are issuing passports, and that needs to be addressed. I am engaging with the industry on an east-west and North/South basis on how we can get one central database, and those lessons have been learned as a result of the recent horse meat crisis. The horse passport records are about a horse's identity and are not similar to what we have for cattle. So, we need to make sure that people know that there is a distinct difference. However, that said, we need a passport scheme that is enforced properly, and we need to take it on a North/South and east-west basis to protect the food chain. I regularly engage with the Food Standards Agency and all the other partners and will continue to do that in the time ahead.

### **British-Irish Council: Housing Work Stream**

**Mr McCausland (The Minister for Social Development):** In compliance with the requirements of section 52C of the Northern Ireland Act 1998 and Standing Order 18 of the Northern Ireland Assembly, I wish to make a report on the third meeting of the British-Irish Council housing work stream, which was held in London on 30 October 2013. This report has been agreed by and is being made on behalf of Minister Carál Ní Chuilín, who accompanied me at the meeting.

The British-Irish Council (BIC) identified housing as a new work stream at its summit in Cardiff in February 2009, and my predecessors Margaret Ritchie and Alex Attwood subsequently hosted the first two ministerial housing work stream meetings in the Slieve Donard hotel in Newcastle, County Down in December 2009 and in St Mary's College in Belfast in February 2011. I have now hosted a

third ministerial meeting, which was held in London and attended by seven of the eight jurisdictions.

The United Kingdom Government were represented by Kris Hopkins MP, Parliamentary Under-Secretary of State for Communities and Local Government. The Government of the Irish Republic were represented by Jan O'Sullivan TD, Minister of State at the Department of the Environment, Community and Local Government. The Scottish Government were represented by Margaret Burgess MSP, Minister for Housing and Welfare. The Welsh Assembly were represented by John Howells, director of housing and regeneration. The Jersey Government were represented by Deputy Andrew Green MBE, Minister of Housing. The Isle of Man Government were represented by the Honourable Chris Robertshaw MHK, Minister of Social Care. Unfortunately, the representative of the State of Guernsey was unable to attend due to an urgent housing debate in their Parliament. I co-chaired the meeting alongside Minister Ní Chuilín, and together we represented the Northern Ireland Executive.

Each of the Administrations gave an update on developments and current policy initiatives, including youth employment issues, and a presentation on "Increasing Housing Supply and its Affordability" was given to the meeting by Professor Christine Whitehead from the London School of Economics. Professor Whitehead has previously undertaken work for the majority of BIC member Administrations and is, therefore, familiar with the challenges we face individually and collectively in addressing housing need.

Professor Whitehead noted that the financial crisis has hit the housing market in all eight jurisdictions in house prices, arrears and possession, and confidence. She further noted that all countries in Europe, except France, had experienced large reductions in transactions and output and that development finance has been particularly restricted. She pointed to a growing dependence on income-related benefits, even in working households, and stated that this increases the numbers of households whose income and housing opportunities are determined by government.

Professor Whitehead advised that, in most jurisdictions, worsening income distributions will increase demand for social and affordable housing. She also highlighted problems of a poor supply response, particularly in areas of high housing demand such as cities. In

conclusion, she reiterated the key role for government in supporting the owner-occupied market and suggested that greater focus be given to intermediate tenures to meet housing demand.

Going forward, my officials will continue to share good practice with other Administrations to support the implementation of my housing strategy around the key themes of ensuring access to decent, affordable, sustainable homes across all tenures, meeting housing needs and supporting the most vulnerable, how the welfare reforms will affect housing, driving regeneration and sustaining communities through housing and getting the structures right.

A meeting of officials will be held in Belfast in February 2014 to progress the various issues in the housing work stream including the prioritisation of youth employment matters.

**Mr Wilson:** Common to all the Administrations, according to the statement, was the pressure that there is currently on the demand for social housing because of the recession, housing repossessions etc. I know that the Minister is disappointed about what is happening in Northern Ireland with the Housing Executive and housing associations giving back money at a time when there is such high demand. Did he glean any information from other Administrations as to whether they are experiencing the same problems with non-delivery by housing bodies and, if they have been, what actions they have taken to ensure that money that has been allocated for social housing is spent?

**Mr McCausland:** The focus of the discussion during the meeting was largely on other aspects of its remit, but that was touched on, and I took the opportunity to share with the various other representatives the things that we were doing in Northern Ireland to try to improve the situation. They are not dissimilar to things that are being done elsewhere. I outlined to them the fact that we were setting up a housing supply forum to look at the increased provision of housing and helping to support that market and also that we had, in the course of conversations with housing associations here, identified some of the issues that they have recognised as being hindrances to delivery.

That work is continuing, because it is clear, even from talking to our local housing associations, that there is a range of factors that they find to be obstacles to delivering more. I also think, to be frank, that we need to be more ambitious and that housing associations

need to be more ambitious. I am encouraged by recent conversations, which have given me a sense that that is being recognised.

**1.00 pm**

**Mr Brady:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his statement.

Professor Whitehead pointed to a growing dependence on income-related benefits, even among working households. She also advised that, in most jurisdictions, worsening income distributions will increase demand for social and affordable housing. Does the Minister think that his proposed housing strategy will adequately deal with the increasing demand for social and affordable housing? Will he also comment on the fact that, in Britain, so-called welfare reform has had adverse effects on the most vulnerable households? Does he think that that might also apply to the North?

**Mr McCausland:** The housing strategy is the first housing strategy that we have ever had in Northern Ireland, and it is obviously a document that will develop. It is intended that, rather than being a static document, it should get fleshed out more fully in some areas, and there will be developments that flow from it. As I indicated in answer to the previous question, the housing supply forum is important, but so are the conversations that we are having with housing associations to identify the various issues that are holding back the provision of more social and affordable housing.

It is true that we met our target, and we did so at less cost than was initially anticipated, but, if there is money that is not going to be spent, can we do more with the money that we have available to us? From talking to housing associations, I know that there are questions around planning issues and, in some cases, services. One association identified a case in which a housing scheme was held up for six months because it could not get the sewerage and the water supply sorted out. Those practical issues — land acquisition, the best use of publicly owned land and how we get that into the housing supply — are all being looked at at the moment, because it is a question that I want to see an answer to. We are talking to the associations and helping them identify what the problems are, and they are coming forward and saying, "These are the issues". I think, therefore, that we are doing all that we can in that regard. I hope that, on the basis of housing associations having done quite a bit of land acquisition last year, there will be a better



outcome this year, although last year, of course, we met our target.

Yes, welfare reform is bound to have an impact on people in the same way as in Great Britain. The difference is that the package of variations, flexibilities and changes that I negotiated and arranged will, I think, produce a better outcome in Northern Ireland and avoid some of the worst difficulties that have been experienced in GB.

**Mr Byrne:** I, too, welcome the Minister's statement. Given that social housing demand is increasing generally because of falling incomes and austerity, what policy initiatives will be undertaken to improve the housing need situation in the social housing sector in the medium to long term?

**Mr McCausland:** In a sense, the answer to the third question is similar to the answer to the second question, which was similar to the answer to the first question, because all three are substantially the same question.

I have identified the initiatives that we are taking forward to deal with housing supply. Identifying the problems is the first thing, because, until you identify the problems, you cannot find a resolution to them. The good news, as I said, is that last year we met our target. We are on target to produce the 8,000 social and affordable homes that are required under the Programme for Government. We will meet that target, and I am pleased about that, but we want to do even better. Some of the issues in the housing sector are legacy issues that have arisen because of problems that were not addressed by some previous Ministers, perhaps from the Member's own party in some cases.

**Mr Copeland:** I, too, acknowledge the Minister's statement. I cannot help thinking, with apologies, that, in these days of economy, the Minister used so many words to say what was, to me anyway, so very little. Nevertheless, I note that, at the end of the statement, the Minister mentioned that his officials would continue to share good practices with other Administrations, which is welcome. I wonder, however, whether the Minister could enlighten us on what conversations were held around the edges of the meeting, particularly on the introduction of the single occupancy penalty, and whether he believes that any of the other Administrations were as apparently equally unprepared for that as we appeared to be, even in its watered-down version.

**Mr McCausland:** I am sorry that the Member is disappointed by the content of the meeting; I

suggest that he maybe look at some of Professor Whitehead's work, which I found extremely informative. Some of her publications on housing are extremely informative indeed.

Where underoccupancy is concerned — or the bedroom tax, depending on how you describe it — it should be remembered that this was a meeting at which the bulk of the groups were not from within the United Kingdom in the normal sense. They were from areas such as Jersey and the Isle of Man and so on. Those are areas that have a very different situation from our own not only in government structures and approaches but in scale. The Irish Republic was represented as well, and the situation there is very different.

As for being unprepared, the Member is right on one point: the Housing Executive, over the years, did not prepare for this sort of thing. In fact, when the social housing development programme was first brought to me, a couple of years ago when I came to the Department, one of the first things that I asked was "In developing your social housing development programme, did you take account of welfare reform?". The answer was no. I found that shocking, and that was why, at that point, I sent the social housing development programme back to the Executive. We now have built in to it consideration of the provision of more suitable smaller units, rather than simply building more substantial family-sized units as the entire provision. We need that flexibility and variation to meet the demography in Northern Ireland.

The Member covered a number of points. If I have covered them, I am happy. He is nodding, so he is obviously content with the answer. I will leave it there.

**Mr McCartney:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle, agus gabhaim buíochas leis an Aire as na freagraí go dtí seo. As an aside, I note that the meeting took place on 30 October 2013. During the previous statement, a Member was very exercised that it had taken over two months for the Minister to come to the House. Given his absence, I see that that Member does not seem to be as exercised by the time that it has taken for this statement to come to the House. We well understand that bringing statements to the House can sometimes take a few months. We appreciate you coming here today.

I ask the Minister to reflect on Professor Whitehead's observation on the owner-occupier market. What impact does he feel that that may have as he develops his housing strategy?

**Mr McCausland:** I appreciate the Member's question. The delay in bringing the statement to the Assembly was due to other priorities in housing, including —

**Mr McCartney:** I have no issue with that.

**Mr McCausland:** I appreciate that. I was just going to say that one of the most important things was the building successful communities programme, which we brought forward towards the end of the year.

It would be very useful for us in Northern Ireland to take some cognisance of the information, assessment and analysis that Professor Whitehead brought forward. It would be useful not just for myself or for one of my officials, having heard it there, but possibly even for the Social Development Committee. She has a specialism in this and a good understanding of the entire market across the British Isles. It would be helpful to have some sort of summary of some of the conclusions in her publications on the matter, as well as of the information that she provided at the meeting. I take the opportunity to suggest that. The Deputy Chair of the Social Development Committee is here, and it may be something that Members would find useful, in the midst of their busy schedule.

## Executive Committee Business

### Health and Social Care (Amendment) Bill: Consideration Stage

**Mr Principal Deputy Speaker:** I call the Minister of Health, Social Services and Public Safety, Mr Edwin Poots, to move the Consideration Stage of the Health and Social Care (Amendment) Bill.

*Moved.* — [Mr Poots (The Minister of Health, Social Services and Public Safety).]

**Mr Principal Deputy Speaker:** No amendments have been tabled to the Bill. I propose, therefore, by leave of the Assembly to group the five clauses of the Bill for the Question on stand part, followed by the single schedule and the long title.

*Clauses 1 to 5 ordered to stand part of the Bill.*

*Schedule agreed to.*

*Long title agreed to.*

**Mr Principal Deputy Speaker:** That concludes the Consideration Stage of the Health and Social Care (Amendment) Bill. The Bill stands referred to the Speaker.

### Reservoirs Bill: First Stage

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** I beg to introduce the Reservoirs Bill [NIA 31/11-15], which is a Bill to make provision about the regulation of the management, construction and alteration of certain reservoirs, in particular in relation to their safety to collect and store water; and for connected purposes.

*Bill passed First Stage and ordered to be printed.*

## Private Members' Business

### Common Agricultural Policy: Rural Development Programme Funding

**Mr Principal Deputy Speaker:** The Business Committee has allowed up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes in which to propose and 10 minutes to make a winding-up speech. One amendment has been selected and is published on the Marshalled List. The proposer of the motion will have five minutes in which to propose and five minutes to make a winding-up speech. All other Members who are called on to speak will have five minutes.

**Mrs Dobson:** I beg to move

*That this Assembly expresses dissatisfaction with the Minister of Agriculture and Rural Development for her failure to effectively consult with Executive colleagues on her plans to transfer funds from pillar 1 to pillar 2 within the common agricultural policy; notes with concern the ensuing events, which saw the issue brought before the High Court; accepts that, whilst farmers will benefit through increased direct payments, they and many rural communities and organisations may now lose out through significantly reduced rural development funding; and calls on the Minister of Agriculture and Rural Development to commit to seeking sufficient funding for the future rural development programme to efficiently and effectively deliver a range of schemes, including those to support our burgeoning agrifood sector, increase farm safety measures, incentivise farm modernisation and capital investment, promote agrienvironment measures and support our rural economy and communities.*

I welcome the opportunity to present the motion to the House. Although it focuses on the transfer of funding between pillars 1 and 2 of the CAP, it is a motion that strikes at the very heart of what is wrong in the approach of some parties in the House and how, consequently, they are failing to deliver effectively for the people of Northern Ireland. Indeed, I will go further and say that the circumstances around this case would be considered a total embarrassment in other countries around the world. Here we had, just days before the Christmas holidays, two Executive Departments in a legal wrangle. Of course, the Minister of Agriculture and Rural Development was entirely mistaken if she thought that this was an issue that did not need to go to the Executive, but I

was also disappointed that the lines of communication evidently were not in place so that the Finance Minister felt that he instantly had to resort to legal action. Decisions should be taken around the Executive table and not across the High Court. I believe that this is a point upon —

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

**Mrs Dobson:** No, I want to make my points.

I believe that this is a point upon which we can all agree. In my opinion, neither DARD or the wider public perception of our Executive will have come out well from this. It almost gives the appearance of "Carry On Government".

It will come as no surprise to Members that I have been disappointed with the Minister of Agriculture and Rural Development's actions over the past four weeks. Never mind failing to deal with the issue correctly at Executive level, she failed to keep members of the Agriculture Committee abreast of decisions and ensuing developments. Instead, she initially opted for a hastily submitted written ministerial statement, a statement that was published at 11.30 am on Friday 20 December 2013, 10 days after the last sitting of the Assembly and, indeed, the last sitting of the Agriculture Committee before recess. There can be no doubt whatsoever that she has lessons to learn. Equally, the Finance Minister has not bathed himself in glory.

1.15 pm

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

**Mrs Dobson:** No, I want to make my points.

I noted with interest that, in last week's statement, the point was reiterated, time and again, that the views of the Minister of Finance and Personnel were sought in advance of any proposed transfer but he stayed silent. It was, therefore, surprising that he was so eager to get the issue raised in the High Court. It must be asked, first, why he did not respond to DARD when the issue was initially raised with him. Secondly, but just as importantly, was his personal objection that due process was not followed, or was it to the rate of transfer proposed? Simply put, was it a Finance and Personnel act or a DUP act? Either way, it has left the two Ministers involved with a number of pressing decisions.

Does the Minister of Agriculture and Rural Development propose scaling back the 2014-2020 rural development programme (RDP), or

does the Finance Minister find himself in the unenviable situation of having to make significant funding available for a problem that very few people would have expected? We should not forget that the next RDP has already been given a budget of nearly €230 million, which is not an insignificant sum by any means. The problem is that we do not know, even roughly, what the next RDP will cost or the least that it will cost. The Agriculture Minister was asking for money without knowing how she would spend it. A similarly ludicrous situation happened in early 2011, when the previous Assembly decided on a Budget for 2011-15 just months before an election, having no idea what the next Programme for Government (PFG) would include. Surely it could not have been that difficult for DARD to work out even a headline anticipated budget for the next RDP and its schemes. I put that question directly to the Minister: how was the 7% arrived at? She must have realised that the decision would have been of great interest to Assembly Members because, much as my party and I recognise the positive contribution that the rural development programme has made to farmers and their families, there have been times when DARD's handling of it and some decisions surrounding the allocation of funding have left much to be desired, to say the very least.

The contentious nature of the RDP has only increased following its governance by the current Minister and her predecessor. Although I accept that, on the whole, many farmers and rural communities generally benefited from it, I can also say that many rural communities looked on aghast at the often exorbitant amounts of funding being spent by local councils and groups such as the GAA on pet projects that often had little or no clear connection to so-called rural development. The clearly deliberate and calculated attempts to lavish funding on items linked to republican ideology were also absolutely morally and procedurally repugnant. All the time, farmers and, indeed, other worthy projects are all too often left to the mercy of an over-bureaucratic and inflexible system.

In recent weeks, there has been much debate about what the decision to transfer 0% between pillars will mean on the ground. Before any analysis can be undertaken, clarity is urgently needed on the Executive's contribution to the next RDP. Although there would still have been a contribution of funds even if the Agriculture Minister had had her way with the 7% transfer, the actual contribution will now have to be radically augmented in light of recent events. I ask again that the Agriculture Minister and, even more pertinently, the Finance Minister

give us an indication. I wonder whether the Finance Minister —

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

**Mrs Dobson:** No. I want to make my points.

I wonder whether the Finance Minister really realised what he was letting himself in for. If he had to do it all again, would he try any other route?

Nevertheless, we are where we are. The Ulster Farmers' Union has outlined some sensible suggestions for the next RDP and agreed that some funds may need to be transferred. However, the big question is this: what now for the much-anticipated farm business improvement scheme? The Minister previously told us that the majority of the 7% transfer would have gone on that. We have been continuously told of the importance of this, if Northern Ireland is to capitalise on its agrifood sector. Indeed, the Going for Growth strategy called for a £250 million scheme.

Again, the collective response from the Executive Departments has, in my opinion, been weak, verging on the pathetic, meekly noting the benefits. Coming up to a year later, there has, aside from a loan scheme, been little financial commitment. Of course, other schemes stand to lose out until alternative funding can be sourced.

If you will allow me, Mr Principal Deputy Speaker, I will make one brief reference to a comment from the Member for Newry and Armagh Mr Irwin at the weekend; I do not see him in the Chamber today. He was irritated that I dared to raise widely held concerns about the future of farm safety measures and was, instead, keen to state that it was a matter for DETI. However, if DETI had put in place extra resources, we would not have to consider the next RDP for funding. Maybe he should speak to his party colleague on that one.

We recognise that the challenge should be to help organisations to avail themselves of funding. We have been fighting alongside others to roll back DARD's default position of having red tape in abundance. It must be recognised that, at a time of economic difficulty and hardship, rural businesses have been able to establish themselves because of help from that funding.

Before Christmas, I visited Sinton's at the Bridge in Scarva. It is a hugely successful restaurant, where investment created 18 jobs. I also attended the opening of Pear Tree Barn

Nursery outside Lisburn, again creating jobs in the heart of our rural community. I would like to see more businesses like Sinton's and Pear Tree Barn, not fewer, where a relatively modest grant has delivered sustainable long-term benefits for the rural economy.

It should be the Executive's responsibility to ensure the sensible use of EU funds to benefit all farmers and the agrifood industry as a whole. I call on the Minister to re-engage with the industry, to identify the key priorities for the rural development programme, to deliver more rural success stories and to support our agrifood sector, farmers and all elements of the industry.

The Executive's failures are no blueprint for future economic success. It is now up to the two largest parties in the Executive to live up to their responsibilities. Let one positive outcome from this debate be that Ministers agree to work through the Executive and not the High Court. There must be no repeat of High Court government. That is not doing what is right for Northern Ireland.

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

**Mrs Dobson:** I commend the motion to the House.

**Ms Lo:** I beg to move the following amendment:

*Leave out from "for her failure" to "plans" and insert:*

*"and the Minister of Finance and Personnel for their failure to effectively consult with each other or with their Executive colleagues over the recent attempt"*

Mr Principal Deputy Speaker, I am sorry that I was a little late coming in. I did not realise that proceedings were going so fast.

I support the main thrust of the UUP's motion, but it is unfair to lay blame solely on the Minister of Agriculture and Rural Development for failing to effectively consult Executive colleagues. The Minister has informed us that she undertook an interdepartmental consultation process with Executive Ministers. When given the opportunity, the Finance Minister, we have been told, raised no concerns. It has been suggested in previous debates by a number of Members, me included, that the legal challenge could easily be viewed as a politically motivated action by the DUP in

the run-up to the elections. Regardless of either party's motivations —

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

**Ms Lo:** No, I am sorry. I have a lot to get through.

This should have been addressed in the Executive, not through an external legal battle. It is hugely worrying to me that two Executive Ministers could not resolve the issue within the confines of the Executive. In this, we have shown a complete lack of joined-up government. It is not the image of a stable Executive that we want the world to see. Instigating costly legal proceedings appears to us to be an entirely irresponsible action that has the potential to be seriously damaging for rural communities in Northern Ireland. It sets us back significantly, compared with the rest of the UK and the EU as a whole. We have had our fill of tit-for-tat politics over the past few months, and I would rather not reduce myself to that level.

Rather than speculating about whether the DUP is more interested in supporting big farmers than rural communities and small farms, I would like to focus on the implications of the 0% transfer to pillar 2. Let us look at the figures. The EU budget allocation for Northern Ireland from 2014 to 2020 for direct payments is €2.3 billion and, for rural development, it is €227.4 million, which is about 10% of the direct payments budget. Our new rural development allocation has been reduced by about 14% compared with the current 2013 level, as a result of cuts to the overall CAP budget. Northern Ireland now has the lowest EU allocation for rural development in Europe. We had a chance to transfer 15% of pillar 1 to pillar 2, and, even with the proposed transfer rate of 7%, which some had already argued was too low, we would have added €137.5 million to the regional development programme between 2014 and 2019. However, because of political wrangling, we are not transferring any money at all between the two elements of CAP. In contrast, Wales plans to transfer a rate of 15%; England, 12%; and Scotland, 9.5%. That totals around €2.3 billion of additional investment for rural development and environmental protection. For Northern Ireland to have a 0% transfer is a total shame and is out of step with other parts of the UK. The additional and much-needed funding would have supported investment in the agrifood industry, environmental protection and economic and social development in rural areas.

Mrs Dobson highlighted a number of schemes in the RDP, and I would like to spend the next few minutes exploring the potential negative effects of a lack of funding for the RDP's environmental measures. Within pillar 2, 30% of EU funding must be spent on environmental protection, addressing, in particular, two of the six EU priorities. Those are priority 4, which is restoring, preserving and enhancing ecosystems dependent on agriculture, food and forestry sectors, and priority 5, which is promoting resource efficiency and supporting the shift towards a low-carbon and climate-resilient economy in the agriculture, food and forestry sectors. The RDP aims to provide a variety of schemes to meet those priorities. However, the environmental sector is very concerned that, given the reduced budget to start with and the zero-rate transfer of money from pillar 1, we are at risk of not meeting our local, UK, European and international environmental obligations and are, therefore, at risk of huge infraction fines. For example, the water framework directive sets a target for us to restore 59% of all water bodies to good ecological status by 2015. Currently, only 28% of our rivers and lakes meet that standard. In relation to the habitats directive, the 2013 article 17 data indicates that 46 out of 49 of our natural habitats are deemed unfavourable. We now have more species in unfavourable conditions compared with 2007.

### 1.30 pm

As for greenhouse gas emissions targets, we have achieved a reduction of just over 17% on 1990 levels, and we are unlikely to achieve the target of a 35% reduction by 2015 set by the Executive's Programme for Government.

Some may argue that the greening element in pillar 1 will address environmental issues. The fact is that greening is most likely to be targeted at arable farming, which accounts for only 6% of agricultural land use here. Therefore, it will deliver very limited benefit to the environment. Furthermore, there is already an over-reliance on the voluntary agrienvironment schemes. There is a huge concern that the current proposals, under such a constrained budget, will not enable us to meet our environmental obligations.

The cross-cutting nature of pillar 2 funding could help Northern Ireland to address compliance with the various European directives as well as promoting tourism, reducing rural poverty and sustaining farm businesses. We have seen the recent episode of the DOE facing potentially huge infraction fines over the mismanagement of Strangford

lough. It would be very easy for another environmental non-governmental organisation (e-NGO) to raise concerns at European level and to bring an investigation of our poor performance in meeting EU requirements. I urge the Minister to work closely with her Executive colleagues to seek adequate funding to meet the deficit in funding for the rural development programme, which was created by the recent debacle between Ministers.

It is of course essential that our farmers receive financial assistance under CAP pillar 1 funding to sustain a viable farming industry in Northern Ireland, but we must also bear in mind that a sustainable environment is vital for all of us, now and in the future.

**Mr Frew:** I rise as a member of the DUP and not as the Chair of the Agriculture and Rural Development Committee, in case there is some confusion. It is decent courtesy in a debate like this for Members to give way. This is not a monologue; it should be a debate. It is a very important issue. It just shows that parties are not confident in their own positions when it comes to this sort of thing if they will not take interventions.

The motion seems to have been brought —

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

**Mr Frew:** I will.

**Mr Wilson:** Do you accept that one of the reasons why they are not comfortable is because it is totally contradictory? On one hand, they want to defend the income of the farmers, but on the other hand, they want the money to be taken off the farmers. On one hand, they say that the money is badly spent, but on the other hand, they want more money to spend. If you have such a contradictory position as that, of course you will not be happy to take interventions.

**Mr Frew:** I agree.

**Mr Principal Deputy Speaker:** The Member has an extra minute.

**Mr Frew:** Thank you very much. That is a minute that I will surely use. I thank the Member for highlighting that because it is a farce. As I said, the motion seems to have been brought about not because of concern for the agriculture and farming communities and the wider rural community but out of desperation. The UUP was sleeping at the sidelines when the DUP was fighting for the

farmers. We had to take it to court because the Agriculture Minister would not bring her proposals and priorities to the Executive.

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

**Mr Frew:** I will certainly give way, although I point out that his colleague did not afford me the same opportunity.

**Mr Swann:** I thank the Member. He is so generous with his time. I refer the Member to the guidance book that was handed out by the Speaker at, I think, the start of this sitting. It refers to interventions. I think that the booklet indicates that, if a Member did not indicate that they were going to give way, a Member should not persist in trying to force that direction. The Member talks about being disingenuous and discourteous. Maybe he should take that direction from the Speaker.

In response to the DUP having taken the Sinn Féin Minister to court to get the decision righted, this is for my own recollection; I am trying to find it out. The previous Agriculture Minister, Michelle Gildernew, made a similar decision. Could the Minister, sorry, could the Member — maybe I am pre-empting something that might happen after tonight's programme — possibly tell me what steps the DUP's Finance Minister took at that stage, when Michelle Gildernew was Agriculture Minister? If I am correct, it is his current party leader — he is behind you —

**Mr Principal Deputy Speaker:** I reiterate that it is entirely at the discretion of the Member as to whether they will accept an intervention. Members who are given the courtesy of making an intervention should make it short and sharp, because you are eating up on the Member's time.

**Mr Frew:** I thank the Member for that speech. I am sure that he will afford me the same opportunity when he comes to speak.

We made this decision because farmers and the farming industry have been through terrible years of strife. This was the right decision. Last year, the Minister made a decision on the modulation money. Every single party in the Executive, as far as my memory serves me, supported that. We made a decision. We have a party position. Sinn Féin has a party position. I ask the Member now, what is the UUP's position on transferring from pillar 1 to pillar 2? I will take an intervention on that.

**Mr Swann:** Is the Member going to answer my question? Is he going to answer questions with questions? That seems to be the DUP way in this entire debate. That is another question. Answer my question first: when Michelle Gildernew —

**Mr Principal Deputy Speaker:** Let us come back to the debate and address remarks through the Speaker.

**Mr Frew:** Because of the problems that farmers have been facing over the past year, we took a decision — *[Interruption.]* Well, because the farmers were not in the same position as they are in now. I will add to the point. The Member has not answered my question, and I will take an intervention again. What is the UUP's position on transferring from pillar 1 to pillar 2?

The Member does not seem to have a position. I am not going to waste any more of my time on this issue. Is the Member going to answer my question? A percentage. His leader was very good at talking about 90% or 80% of a Haass deal before he went to the Executive, got a verbal kicking and then came back and flipped over. Would the Member like to tell me what percentage the UUP would like to transfer from pillar 1 to pillar 2?

**Mr Principal Deputy Speaker:** I remind the Member to address all remarks through the Speaker's Chair.

**Mr Frew:** I will afford him this very brief slip of time to answer that. What is the UUP's position on transferring from pillar 1 to pillar 2?

**Mr Wilson:** Silence is golden.

**Mr Swann:** Silence is golden? Is that another blessing of silence that has been given?

**Mr Frew:** I am sorry: the Member needs to address the point.

**Mr Swann:** I will address the point. Pillar 1 to pillar 2 transfers are reasonably valuable, and we have supported a transfer from pillar 1 to pillar 2.

**Mr Frew:** A percentage.

**Mr Swann:** A percentage. The point has already been made by my party member Jo-Anne Dobson, that, if the budget had been put in place first —

**Mr Frew:** Percentage.

**Mr Swann:** The budget has not been established here: that is what we are saying. We are now out to consultation following the declaration on the transfer of money. Surely anyone with reasonable business sense makes the business case and the finance case first before they go bidding for money?

**Mr Frew:** The Member cannot answer me as to what percentage the UUP would wish to transfer. The DUP is very clear: we stated that 0% transfer should happen. Even Sinn Féin has a position. The UUP is only carping and complaining from the sidelines.

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

**Mr Frew:** The UUP tells us that it is a carve-up between the two largest parties, and then the very next thing they say is that the two parties should decide.

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

**Mr Frew:** The UUP is all over the place on this subject.

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

**Mr McAleer:** Go raibh maith agat, a LeasCheann Comhairle. I will follow that exchange, although I do not want to get involved in the middle of a row between the DUP and the UUP. Clearly, the election has commenced. I think that there is a 17-week countdown already.

I will get back to the motion and not the verbal exchanges that have been going on. There are parts of the motion that we can identify with: for example, we are concerned that this matter has been brought before the courts. Certainly, we do not support any criticism of the Agriculture Minister for anything that she did in respect of this matter.

It is absolutely vital that people understand that the rural development programme is crucial for the sustainability and vitality of rural areas. It is important for things such as job creation, economic development and farming families. Indeed, it is important to point out that the rural development programme that we are in now has created 382 jobs, which is very important for deprived rural areas. The budget of the current rural development programme is around £500 million. It is very important to point out that 80% of that goes back to farmers through

the various schemes such as less-favoured areas (LFAs), farm diversification, the manure efficiency technology scheme (METS) and other projects. Twenty per cent, which is £100 million, went to the broader aspects of rural development and schemes such as the MARA project, which the Minister referred to earlier and which has delivered £433,000 into the pockets of those in deprived rural areas, support for rural transport for isolated rural areas, the rural borewells scheme and various other anti-poverty measures for rural areas.

Last week, reference was made here to the GAA — I think that Mr Allister raised it — and various schemes that are funded under the rural development programme were referred to earlier today. That gets to the point of unionists' gripe and, perhaps, the motivation for this ending up in court in the first place. I think that it is important to point out that the criticism of the funding of GAA projects is unwarranted. Anyone who comes from a rural area knows that. In the area that I am from, the GAA — apart from the games, pastimes and recreational opportunities that it provides — provides a focal point for all aspects of that local rural community. If we look at some of the events that happened in my GAA club in Loughmacrory over the Christmas period, we see that, for example, the club was used as a focal point for the local women's group, for charity events for local disability groups and cancer charities, for a game of football in aid of epilepsy and for a cycling event in aid of the Alzheimer's Society. It is a base for after-funeral dinners. It is where the youth club —

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

**Mr McAleer:** Yes, of course.

**Mr Allister:** In his defence of the squander of rural farming money on the GAA, does the Member seriously believe that the needs of the GAA — including one of the richest clubs on this island, Tyrone GAA — are such that they overshadow the needs of hard-working farmers who struggle day and daily to make ends meet and for whom the single farm payment is not a luxury but a lifeline? Does he really think that squandering that funding on the GAA and other soft, ludicrous options is a proper spend of that sort of money?

**Mr Principal Deputy Speaker:** The Member has an extra minute.

**Mr McAleer:** Clearly, the Member was not listening to some of the things I said. If you are referring to those things as soft and unimportant



in rural areas, perhaps you should come to deprived rural areas and see what it is like to live there. In many rural areas, there is nothing else apart from the GAA and the basic services that it provides to local communities.

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

**Mr McAleer:** Yes, OK.

**Mr Wilson:** Does the Member accept that there is still money in the rural development budget? Does he also accept that, if farming is to be competitive, farmers have to have the money that is allocated to them to invest in, for example, milking parlours or to do the job we expect them to do, which is to supply food for the agrifood industry?

**Mr McAleer:** OK. That is a very good and important point, and indeed our party and Agriculture Minister have done their best to support the farming community. It is important to note that DUP and UUP MEPs voted for the cut to the EU budget. Indeed, the DUP at Westminster supported the Tories in negotiating a 22% cut to the rural development programme. That is probably the joke. We are looking at the current rural development programme and talking about a 22% cut that was negotiated by the Tories with the support of the DUP. We are talking about the TUV, the DUP and the Ulster Unionists who talk about —

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

**Mr McAleer:** I am not giving way to any more unionists today. They talk all the time about parity, parity, parity, yet, when it comes to the modulation rate, parity does not apply. In England, there is a 12% modulation rate; in Scotland, it is 9.5%; and in Wales, it is 15%. The question we need to ask unionists is why our rural communities should suffer and why parity is so important in all other cases but can just be dropped like a hot potato when it suits.

In conclusion, we share many of the sentiments of the motion: that the matter ended up in court —

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

**Mr McAleer:** — at the behest of the DUP; that rural community groups and organisations may lose out as a result of the reduced rural development programme —

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

**Mr McAleer:** — but we certainly do not support the charge that the Minister has done anything wrong.

1.45 pm

**Mr Byrne:** The timing of the debate is important, given the CAP situation in Northern Ireland. However, the debate should not be needed. We have had an unfortunate development: a turf war between Ministers played out in the courts. That is a big failure in the political dynamics between Ministers in the Executive, and it led to a High Court battle between the Minister of Agriculture and Rural Development and the Minister of Finance and Personnel in the closing days of December.

There is grave concern in the farming community, and in the rural community generally. Will rural development be badly affected, and will the agrifood development strategy be damaged? The Minister needs to answer those questions, along with her colleagues.

The two Ministers should have been in intense discussions since October about the CAP moneys and how rural development was to be funded from 2014 to 2020. Who should have been leading the discussions in the Executive? The Agriculture and Rural Development Minister should have been in direct consultation with the Finance and Personnel Minister to make sure that the CAP money was smoothly presented to the Assembly and to the wider farming and rural communities.

A DARD statement on 20 December outlined a 7% transfer from pillar 1 to pillar 2. That was a reasonable transfer, given the circumstances in Northern Ireland. However, no rational explanation was given, and there was no mention of Executive co-matched funding to supplement the rural development programme. If we were going to keep down the transfer from pillar 1 to pillar 2, it was crucial for the Agriculture and Rural Development Minister to have had an agreement with the Finance and Personnel Minister to co-match funding.

For the CAP direct payment system, farmers generally wanted to lessen the percentage transfer from pillar 1 to pillar 2. Quite naturally, they wanted farmers to benefit primarily from the EU CAP moneys. Co-matched funding was therefore necessary to make sure that we have a viable and workable rural development programme. However, rural development must be adequately funded to make rural

communities better serviced and to enable rural sustainability to be promoted and advanced. The SDLP will support the motion. We will also support the amendment, because it widens the motion to include other Ministers who should have been involved in the discussions.

The CAP moneys are very important to Northern Ireland farming and the rural community. Currently, €2.3 billion is allocated for direct payments over the next six years. My colleague Mr McAleer said that rural development moneys in the UK have been drastically cut by 14%. That is because Mr Cameron wanted to come back from Brussels able to state that he had secured a cut in the EU Budget. Unfortunately, the rural development programme has been the programme most adversely cut in the UK envelope. Rural development programme moneys in pillar 2 have been reduced to £227 million over the six-year period.

Direct farm payments are crucial to active farmers who are engaged in practical farming, be it dairy and beef, sheep, fruit and vegetables, arable, cereals, or whatever. What is going to happen to those who farm in hill areas? There is a raging debate, even in the farming community, about whether Northern Ireland should be treated as a single zone or a two-zone statelet. The sooner that those issues are cleared up, the better.

I appeal to the Minister to make sure that real and meaningful discussions take place to ensure that the farming community and the rural community in general can live in harmony with the outcome, whatever that may be.

The debate is necessary, given what happened between 20 December and 31 December. The amendment focuses on ministerial roles and responsibilities in a so-called collective Government, in particular the role and function of the Agriculture and Rural Development Minister and latterly the role and responsibility of the Finance and Personnel Minister. What a fiasco. We have two Ministers from the one Government in the High Court.

I ask the Minister of Agriculture and Rural Development why DARD caved in so quickly when it was challenged in the High Court. That is a fundamental issue that has to be faced in the Assembly and in the Executive. What a sorry mess has unfolded, given the High Court legal battle on the pillar 1 to pillar 2 transfers.

**Mr Frew:** I thank the Member for giving way. Does he acknowledge that any negotiation takes two parties and that, if you are left in a

position where a party will not bring forward its priorities and plans to you, there is no form of resolution other than a court case to ensure that your beliefs and the support that the farmers need are established?

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** Will the Member give way?

**Mr Byrne:** Yes.

**Mrs O'Neill:** Is the Member aware that, last week I outlined in a statement the fact that the Minister of Finance and Personnel took no opportunity to raise any issues with me? I had written to him on two occasions, and on neither occasion had he any issue at all. I directly asked him a question about the transfer. So, the DUP is electioneering. I think that that is very evident to everybody; they can speak for themselves, but I ask the Member whether he agrees with that assessment.

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

**Mr Byrne:** I will try to deal with both interventions. First, on what Mr Frew said —

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

**Mr Byrne:** I would have been delighted to respond to both interventions; however, I abide by your ruling, Mr Principal Deputy Speaker. We support the motion and the amendment.

**Mr Buchanan:** On 20 December 2013, when the Agriculture Minister announced her intention to make a transfer of 7% from pillar 1 to pillar 2 for the years 2014 to 2019, it came as a surprise to many in the farming community and to many in the House. That 7% amounted to a total of £114 million that was to be removed without consultation with or approval of the Executive. To add insult to injury, the Minister then stated that, prior to reaching her decision, she had consulted widely on the matter.

It is unfortunate that this Minister, who has been in office now for quite some time, failed to realise that she has a duty and a responsibility under the ministerial code to bring all such proposals before the Executive for approval. In failing to do that, did the Minister really think that she could paddle her own canoe and get away without being held to account for her actions at ministerial level, never mind the implications for the future of the agriculture

industry? That is why many from the farming community have approached my office voicing their support for the High Court challenge and subsequent ruling, which have ensured that the money is kept where it belongs, which is at the cutting edge of the agriculture industry.

However, I have to say that, on reading the ridiculous comments of Mrs Dobson, who moved the motion, when she labelled the case brought before the High Court as nothing short of a "pantomime", I think that they really show how out of touch she is with the views of the farming community and those who are delivering for the sector as a whole. Also, making the suggestion that this ruling will have detrimental consequences for the funding of farm safety measures, when, in reality, that is a matter for DETI through the Health and Safety Executive rather than for DARD, shows a clear lack of understanding on her part.

When I look at the wording of the motion where, on the one hand, Mrs Dobson:

*"expresses dissatisfaction with the Minister ... for her failure to ... consult with Executive colleagues"*

yet, on the other, criticises the challenge brought to the High Court and the ruling that followed, I see that it clearly begs the question about the direction that she is pursuing.

I challenge Ms Lo assertion's that this is a political squabble prior to elections. Perhaps she should refer to the St Andrews Agreement, which ensures that a Minister can no longer go on a solo run, and inform herself of the ministerial code. The Minister and Mrs Dobson are exercised about the level of rural development funding, but the reality is that a pot of €227 million is allocated to rural development funding from Europe. It is now the Minister's responsibility to bring forward proposals for future funding to the Executive for approval. That is a practice that she would have been better to engage in, rather than going down a Lone Ranger path of her own making, which was inevitably doomed to failure.

As for Mrs Dobson, I know that she is now playing the Pontius Pilate card by washing her hands and those of her party of the issue, leaving it to other parties in the Executive. I make it clear to the House that the DUP will not shy away from its responsibility in continuing to deliver for the farming community.

Turning for a few moments to rural development funding, let me pose this question: why is it that there is now so much mistrust of

the distribution of funding among many who are involved in the rural development programme, despite the real benefit that it has been to the farming community? Is it not the case that millions of pounds have been given to GAA and other projects managed by district councils, which raises questions as to how they have benefited the environment or the rural community as a whole? I know of one case in my constituency of the GAA receiving in excess of £800,000 despite the fact that it was not signed off by the chair of that steering committee as they deemed that it had not met the criteria for the funding. Lo and behold, the Minister signed it off despite that and passed it on to the GAA in that area.

Therefore, I now challenge the Minister to engage with the Executive to bring forward properly funded and meaningful projects that will be vehicles to deliver much-needed support and economic growth to the agricultural industry and rural communities. Let us have no more solo runs —

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

**Mr Buchanan:** — but let us bring forward those meaningful proposals to the Executive.

**Mr Principal Deputy Speaker:** As Question Time begins at 2.00 pm, I suggest that the House takes its ease until then. The debate will continue after Question Time, when the next Member to speak will be Ian Milne.

*The debate stood suspended.*

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

2.00 pm

## Oral Answers to Questions

### Employment and Learning

#### University of Ulster, Coleraine

1. **Mr Buchanan** asked the Minister for Employment and Learning to outline the reasons for the intended closure of the senior common room at the Coleraine campus of the University of Ulster. (AQO 5306/11-15)

**Dr Farry (The Minister for Employment and Learning):** The University of Ulster is undertaking a £15.15 million development of the physical estate at its Coleraine campus. This includes the rationalisation of the central buildings, where the senior common room was housed, the demolition of the south buildings and the construction of a new state-of-the-art teaching and learning block to replace the academic provision previously housed in the south buildings. The university will continue to provide common room facilities for university staff. Societies will be able to book the common room space for evening or weekend events.

**Mr Buchanan:** I thank the Minister for his response. Will he advise us whether any of the funding received from DEL benefited this project?

**Dr Farry:** I am grateful to the Member for his question. The redevelopment of the Coleraine campus is subject to capital support from my Department. As I said, the overall cost is £15.15 million, of which the Department is contributing £13.6 million in total. In particular, the current phase of the rationalisation is in receipt of a grant of £5.1 million from my Department.

**Mrs Overend:** Will the Minister inform us what interaction the Department had with the university or the protesters during this period?

**Dr Farry:** I am grateful to the Member for her question. Essentially, this was a matter for the university to address and resolve. It is important that Members appreciate that universities are autonomous bodies. Although they receive considerable support from government in Northern Ireland, that support runs to the policy direction for the universities

and a considerable amount of resourcing support. It is not the job of government to micromanage how universities conduct their affairs. That said, I was pleased that a resolution to the situation was found through dialogue. Hopefully, that solution will be sustainable as the months proceed.

**Mr P Ramsey:** Like a number of Members, I was concerned at media reports, particularly when utilities to rooms that were being used exclusively by students were knocked off. I ask again: will the Minister ensure that, by holding meetings with the students and management involved, departmental officials are on top of incidents of this nature in future?

**Dr Farry:** I certainly assure the Member that my officials and I kept ourselves informed of developments as the situation unfolded. No doubt, as in any situation, lessons can be learned on how similar situations can be handled in future. I am pleased that the situation was resolved very quickly in its final days, as it seemed to escalate with the comments that were being made. I again stress that there have been discussions between the university and those involved in the dispute, and the University visitor is examining the situation. I hope that a sustainable solution has been found that will stick over the coming months.

### Teacher Training

2. **Mr Attwood** asked the Minister for Employment and Learning for an update on the review of initial teacher training. (AQO 5307/11-15)

**Dr Farry:** Members are aware that I instigated a review into the teacher training infrastructure in Northern Ireland. The review panel has begun work and is engaged in considering the most recent developments in the field of initial teacher education provision internationally. The panel has also invited submissions on the review from initial teacher education providers and other interested stakeholders. The closing date for submissions was 18 December. My officials are collating the responses for the panel and will be preparing a summary report for publication on the Department's website in the coming weeks.

The review panel will use the information from the overview of international best practice and the issues raised in the submissions as the background to a series of meetings that it will hold with each of the initial teacher education providers, towards the end of February. The

panel will then draw all the information together, along with the information gathered in stage 1 of the review, and produce a report setting out the options for the future shape of initial teacher education infrastructure in Northern Ireland. Once this assignment has been completed, it will form the basis for further dialogue with the various institutions, with the intention of finding an agreed way forward.

**Mr Attwood:** I thank the Minister for his answer. I go back to the submissions issue. Can you confirm that the review panel will receive full, unedited copies of the submissions that your Department received and not something that has been redacted by your Department? Can you also confirm that the review panel, in its initial work and meetings with the higher education (HE) institutions in the North, will not spend only half a day with each of the providers? That cannot be the case, can it, Minister? Surely that must be false and inaccurate.

**Dr Farry:** I am grateful to the Member for his questions and interest. I am happy to give him the assurance that this will be a proper and thorough process and that the panel will have full access to all of the over 100 submissions that came in from a range of organisations and individuals. To do anything other than that would be self-defeating. It is for the panel itself to work out its programme of work. This is not being directed by me or my officials. Departmental officials are there only to facilitate the work of the panel, which will make its own determination on how detailed its interaction with the various providers needs to be.

**Mr F McCann:** Go raibh maith agat, a LeasCheann Comhairle. The Minister knows that the Committee has raised many concerns, especially about the smaller colleges. We raised the fact that even the panel that has been set up may not look favourably at smaller institutions. What future is laid out for the likes of St Mary's and Stranmillis colleges?

**Dr Farry:** I thank the Member for his question. What the outcome of the review will be remains an open question, but I am determined that we adopt an evidence-based approach. That is why we have adopted the two-stage approach of, first, examining the financial situation facing, in particular, the two teacher training colleges and, secondly, looking at international best practice and trying to determine the different available options in any potential reconfiguration of the system.

I appreciate the concerns that the Committee and others have expressed, but it is equally important to acknowledge that the system as it stands will simply not be sustainable for Northern Ireland. There are huge pressures on our budgets. In particular, we need to ensure that we get maximum efficiency from our investment in skills. There are considerable inefficiencies in the current approach to teacher education. However, this is not simply about savings. It has to be viewed as an opportunity to make sure that Northern Ireland is in line with international best practice in the institutional format of teacher education provision. It is important that we seize and acknowledge the opportunities that may arise from doing things somewhat differently in the future.

**Mr Kinahan:** Will the Minister take notice of the changing financial position of the colleges? In looking at the future of teaching teachers, is he keeping in touch with the further teaching that they need when in schools?

**Dr Farry:** I thank the Member for his question. The content of teaching is an issue for my colleague the Minister of Education. Financing issues are relevant to my Department because it funds the different institutions. It is important to bear in mind that, as things stand, the colleges will not be financially sustainable over the next decade. If we do nothing, there will be a problem. In the short run, we also have to acknowledge that there are a number of financial interventions that are geared towards maintenance of the viability of, in particular, the small teacher training colleges.

One bizarre outcome is that, in Northern Ireland, it costs more to train a teacher than an engineer. Yet, in the current economic situation, we have a surplus of teachers and insufficient engineers, which is a problem. That suggests that our priorities are not quite right in how we invest our scarce resources to upskill for the future needs of our economy.

**Mr Allister:** Will the Minister give an assurance that, during the currency of the review, he will take no steps to prejudice the outcome or the operation of the colleges by virtue of reducing their funding to shape matters in a certain direction?

**Dr Farry:** I am happy to give the Member an assurance that we are preserving the status quo while the review is being conducted. I stress that it is to be a short review, and the timescale is that a report should be with me by early summer this year. I will look to have discussions with the teacher training colleges in

autumn this year. We are not doing anything to prejudice the outcome of the review. Indeed, the numbers have already been set for this year's entry, and they have been agreed by the Minister of Education for next year. Therefore, there is a degree of stability in the short run for the colleges while we take more fundamental look at the future institutional shape in Northern Ireland.

## Steps 2 Success

3. **Mr Ó hOisín** asked the Minister for Employment and Learning how his Department will protect against fraud and the misuse of public funds through the Steps 2 Success programme. (AQO 5308/11-15)

4. **Mr Cree** asked the Minister for Employment and Learning for an update on the Steps 2 Success programme. (AQO 5309/11-15)

8. **Mr A Maginness** asked the Minister for Employment and Learning whether he has had any contact from the NI Audit Office regarding the processing of tenders for the Steps 2 Success programme. (AQO 5313/11-15)

15. **Mr Flanagan** asked the Minister for Employment and Learning why the recent pre-qualification questionnaire on Steps 2 Success did not ask interested parties to demonstrate that they had a supply chain in place to deliver the contract. (AQO 5320/11-15)

**Dr Farry:** Mr Deputy Speaker, with your permission, I will answer questions 3, 4, 8 and 15 together, and I request an additional minute for the answer.

Procurement for the Steps 2 Success employment programme, which is designed to move people from unemployment and economic inactivity into suitable sustained employment, is current. The procurement exercise is being carried out under the guidance of the Central Procurement Directorate of the Department of Finance and Personnel. Its role is to ensure that the procurement meets all legislative and policy requirements.

The procurement is being carried out in two stages. Stage 1 has been completed. It was designed to select six organisations in each of three contract areas to submit tenders at stage 2. At stage 1, bidding organisations provided examples related to previous experience of their capacity and capability to deliver the programme in response to specific questions. Eighteen different organisations submitted bids

during stage 1. Following evaluation by senior officials from the Department, six organisations were selected in each contract area. Nine different organisations were selected, because some organisations were brought forward for more than one contract area. In stage 2, organisations will be asked to demonstrate how they will provide a flexible, individually tailored programme to assist eligible participants to move into sustainable employment. It is anticipated that procurement of stage 2 will launch in February, with the programme starting in June.

There will be a number of measures in place to protect against fraud and the misuse of public funds, including inspections by the Department's financial and quality monitoring staff. Bidding organisations were not asked to demonstrate that they had a supply chain in place at stage 1 because that stage was designed to allow them to demonstrate their capability and capacity to deliver the programme, based on examples of previous experience. At stage 2, organisations will be requested to supply details of their proposed delivery infrastructure, including the supply chain that they propose to put in place. They will also need to demonstrate how they will deliver a high-quality service to all participants on the programme. The minimum standard of service offered to each participant is set out by the Department in a service guarantee.

The Department will put in place a robust contract management system to oversee the delivery of Steps 2 Success. That will include assessment of compliance with all terms and conditions, including those connected with claims and payments. In addition, contractors will be required to provide assurance on the controls that they have in place, which will be validated by the Department. I have had no contact from the Northern Ireland Audit Office about the processing of tenders for Steps 2 Success.

**Mr Ó hOisín:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as na freagraí sin. Can the Minister assure us that his Department will ensure that the programme delivers value for money?

**Dr Farry:** I am happy to give the Member that assurance. There are a number of fundamental rationales for the new programme. First, Steps 2 Success is a reasonably successful programme in its own right, but there is significant scope for improvement in results, particularly in moving people into sustainable employment. That has to be the ultimate consideration that we keep in mind. The

programme is designed to help people who are currently long-term unemployed to progress into sustainable employment. That will be of benefit to individuals and our economy. The recontracting will also ensure that we have value for money. This will be a competitive process, and that is also important for the public purse.

**2.15 pm**

**Mr Cree:** I thank the Minister for his answers so far. Can the groups or companies that were unsuccessful in the first round of the tendering process now be brought in to deliver the programme, perhaps on behalf of the successful bidder? Is he happy enough about the ethics of this process going forward?

**Dr Farry:** I thank the Member for his question. Taking his second point first, I am not quite sure what he means by the ethics of the process. I stress that I have full confidence in the system that we are adopting in relation to this procurement. At every stage, we are rigorously following best practice and the law. The Department of Finance and Personnel's Central Procurement Directorate has been assisting and guiding my Department at every stage along the path.

I also stress that we are now moving to stage 2. One of the issues that will be assessed is the nature of the supply chain that the people who have been passed for stage 2 will be engaging with. Within that, there will be opportunities for a range of organisations, including those that are based in Northern Ireland. However, that may not be exclusively the case, given that we are operating under European procurement rules. In essence, there will be a wealth of opportunities locally under this programme. One of the criteria on which people will be judged is the quality of their local supply chain and their ability to bring in organisations to assist with the delivery of the programme.

**Mr A Maginness:** I thank the Minister for his previous answers. I hear what he is saying, but can he assure the House 100% that there will be no misuse of public funds and that there will certainly be no fraudulent activity?

**Dr Farry:** I am grateful to the Member for his question. I am not sure that any Minister can stand before the Assembly, whether it is in relation to Steps 2 Success or, indeed, any other programme, under procurement or otherwise, and give the Member the assurance that he is asking for, because we are dealing with human nature. However, I can assure him

that we are taking the issue of combating fraud and the issue of quality extremely seriously. That applies both to the issue of the nature of organisations that will, in the future, deliver contracts on our behalf and to the nature of their interaction with individuals.

It is important to stress that it is a departure from our previous practice with Steps to Work, and from the practice in Great Britain with the work programme, in that we are putting in place service guarantees and a code of conduct. We are not going down the route of the "out of sight, out of mind" approach in Great Britain where, once a person is referred to the contractors, they can do as they wish with that individual. We will be closely monitoring the situation in Northern Ireland because there are important issues of public accountability in place, and also to ensure that companies are not simply addressing the easier cases and that in Northern Ireland, if anything, they are addressing everyone's particular circumstances in an individually tailored way.

**Mr Flanagan:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a fhreagraí go dtí seo. I am interested to find out how the Minister is going to stop successful candidate companies that are based overseas from slicing off a large proportion of the revenue in pure profit and then asking unsuccessful bidders to deliver the Steps 2 Success scheme from start to finish at a much reduced rate.

**Dr Farry:** I am grateful to the Member for his question. He is constantly expressing these unfounded fears about this situation. Obviously, there will be situations where any organisation that is delivering a contract will seek to derive a management fee and a profit from that exercise, but one of the challenges in procurement is to ensure that we are assessing and policing that situation. In that respect, Steps 2 Success is no different from any other type of contractual situation that we will face. It is important to bear in mind that it is about delivering results for the Northern Ireland economy. We want to have a step change in our ability to take people who are in long-term unemployment and to assist them into sustainable employment, which, I am sure, is an objective that the Member would welcome alongside everyone else. In doing that, it is not unreasonable that we put in place a structure that will manage and support that.

It is also clear that all of the contractors will be expected to have a supply chain in place to assist them in that regard. I think we are taking this forward in a very responsible manner and

that, in time, the programme will be viewed as a real success in supporting both individuals and the economy of Northern Ireland.

## Youth Unemployment

5. **Ms Boyle** asked the Minister for Employment and Learning to outline his discussions with his European colleagues to find a solution to the problem of youth unemployment. (AQO 5310/11-15)

**Dr Farry:** Tackling youth unemployment has a particular focus in Europe and is of utmost priority for my Department. I met recently, in Brussels, Commissioner Andor, the Commissioner for Employment, Social Affairs and Inclusion. We discussed youth unemployment, particularly the youth guarantee. My view is that my Department is meeting the youth guarantee through its programmes and policies.

The youth employment scheme is designed to link social and economic policy through a targeted approach to upskilling young people in preparation for work. It is not possible to make a direct comparison with all elements of the youth contract in Great Britain. However, the enhanced employer subsidy element in Northern Ireland is a considerable enhancement, offering 12 months of subsidised employment, in comparison with the 6-months wage incentive in Great Britain. In addition to supporting young people in securing employment, funding for apprenticeship training is also available.

European engagement is a priority for me and my officials to ensure awareness of developments that impact on this region. I am committed to maximising European funding and increasing drawdown of funds to support employment in Northern Ireland. The Northern Ireland European social fund programme 2007-2013 aims to assist unemployed and economically inactive people, including young people, by helping them to enter, remain and make progress in sustained employment. One of the key targets is to assist 4,500 16- to 19-year-olds over the duration of the programme.

In the new European social fund programme, running from 2014-2020, there will be increased emphasis on improving the employability of young people, particularly those who are not in employment, education or training. I also hold regular meetings with my colleagues in the South to explore how we can work collaboratively to tackle related issues such as youth unemployment.

**Ms Boyle:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answer and wish him well in his efforts on that very difficult problem. Will the Minister detail what discussions he has had in relation to getting a properly funded youth guarantee scheme introduced here?

**Dr Farry:** I thank the Member for her question. We already have, in practice, a range of measures that, in effect, deliver the youth guarantee in Northern Ireland. If anything, I think the Commission would recognise that our approach to the youth guarantee is more robust and comprehensive than that of our colleagues in Great Britain. It is a matter for the UK Government to report back to the European Commission on the UK's overall implementation of the youth guarantee, and our response will be part of that submission. However, they do not intend to submit an implementation plan as such, as other states have been requested to do, but to submit what they term a summary account. I regret that the UK Government have not been more robust and comprehensive in how they are responding to the European Commission.

In essence, the different schemes that we have — whether through the current Training for Success, our programmes supporting those in the NEET category, our assistance for people in apprenticeships, our support through education maintenance allowance (EMA), or the future discussions that we are going to have around the United Youth programme in Northern Ireland — all address aspects of the youth guarantee. It is also worth stressing that we are embarking on a new system of apprenticeships in Northern Ireland, which will offer fresh opportunities for young people in Northern Ireland.

**Mr Swann:** Youth unemployment is quite a serious issue. When the Committee was at the European employment conference, we were told that 90% of jobs will require an IT qualification. What work is your Department doing within the EU's Grand Coalition for Digital Jobs to ensure that our young people are properly educated?

**Dr Farry:** I thank the Member for his question. It is important that we engage with European programmes, whether that is in relation to digital jobs or the European alliance for apprenticeships. Those programmes provide us with the opportunity to exchange best practice and to learn what is happening in other jurisdictions. As well as that, we can often tap into funding opportunities.



The Member is correct to stress the importance of investing in good-quality IT skills. However, in saying that, it is important that, in IT skills, we draw a distinction between people's use of applications and people's knowledge of programming. The former is very much considered to be the third leg of the stool in essential skills, and we will offer support for people in maths, English and information and communication technology (ICT) skills. We are also investing heavily in trying to encourage more and more people to have knowledge of programming skills. That is something that is probably beyond the scope of just my Department. It is something that we need to encourage more and more in our schools. I know that the business community is very keen to encourage an uptake in programming skills, particularly among young people in their more formative years.

**Mr Campbell:** The Minister referred to the youth employment scheme. A number of us got behind the scheme on a constituency basis to support and promote it. Will he report on how successful it has been, not just in the number of people coming through the scheme but in getting to the hard-to-reach working-class estates where there is endemic unemployment?

**Dr Farry:** I thank the Member for his question. The youth employment scheme has been very successful in its own right. If we compare our performance in Northern Ireland relative to similar schemes in Great Britain, we see that, across a number of indicators, we are performing better. I think that is a reflection of the advantages of devolution. We have not simply copied something that is being delivered in Great Britain and rolled it out in Northern Ireland; rather, we have listened to the voices of young people and the business community and tailored our own solution. Hence, we have, so far, achieved better outcomes.

The Member is right to stress the importance of outreach. The youth employment scheme is open to all. Our employment advisers will, where appropriate, steer those who are unemployed to consider the youth employment scheme. It is important to acknowledge that there are other schemes out there working with those who are more disengaged or facing barriers. That is why the pathways to success strategy for dealing with those in the NEET category is so important. We will have the opportunity, as we look to the United Youth programme over the coming months, to refresh that strategy and to ensure that we move it to a new level of engaging people, in particular those who are most disengaged from the economy.

## Colleges: Funding Cuts

6. **Mrs Dobson** asked the Minister for Employment and Learning for his assessment of the impact that cuts to the age-weighted pupil unit at secondary schools are having on further and higher education colleges. (AQO 5311/11-15)

**Dr Farry:** The age-weighted pupil unit is the responsibility of the Department of Education. It is the main element of the common funding scheme, which distributes funding to schools as part of the delegated budgets under local management of school funding arrangements. My officials have contacted the Department of Education, which confirmed that there have been no changes to the age-weighted pupil unit at secondary education or any other phase of education in the past few years; neither have any changes to the age-weighted pupil unit been proposed as part of the current reform of the common funding scheme.

There is no evidence to suggest that the schools' age-weighted pupil unit has an impact on further education colleges. However, since 2008, schools have also been in receipt of entitlement framework funding as a contribution to the additional costs associated with planning and delivering an expanded curricular offer through cost-effective collaboration, which includes further education colleges.

With the entitlement framework becoming statutory, it is anticipated that the delivery of all aspects of the curriculum will be funded through schools' delegated budget allocations. Consequently, the Department of Education plans to phase out the ring-fenced entitlement framework funding support by the 2015-16 financial year. It is entirely possible that that change will reduce the number of post-primary-school children following professional and technical provision at further education colleges. That would be unfortunate, given the benefits to pupils engaging in a wider range of provision, especially professional and technical courses, at a further education college.

**Mr Deputy Speaker:** I am sorry, but there is no time for a supplementary question because that ends the period for listed questions. We move now to 15 minutes of topical questions.

2.30 pm

## Skills: Economic Growth

1. **Mr McKay** asked the Minister for Employment and Learning how he plans to engage with businesses, particularly small and medium-sized enterprises (SMEs), to identify skills gaps and where existing vacancies could be filled, given the more positive soundings from economists and others about potential economic growth in 2014. (AQT 561/11-15)

**Dr Farry:** I thank the Member for the question, and it is an important issue as we look ahead. Already, there is very good engagement with the business community, and I will highlight in particular a number of collaborative working groups that are in existence for some of the priority skills sectors. We have had an extremely successful ICT working group over the past number of years. It has involved a number of Departments, as well as universities, colleges and the business community. The model has been replicated for engineering and advanced manufacturing, as well as for the food and drink manufacturing sector, and can be rolled out to other sectors. In the more recent past, the model has also been used for the tourism and hospitality sector.

The Department has a range of means by which it engages with business. The main interface is through its Skills Solutions Service by providing information on skills opportunities to business. We also engage through Careers Service and the employment service. Bearing in mind that I have stressed that there are three layers of interaction, work is ongoing in the Department to create a single interface for employers to make engagement much more efficient and streamlined. As part of that as well, we are working with Invest Northern Ireland to ensure that both our efforts on engaging with employers are effectively coordinated.

**Mr McKay:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. Business leaders, particularly in Ballymena, often raise with us the link between school leavers and local businesses such as those in the manufacturing sector. How does the Minister's announced review of careers advice fit into his business engagement strategy?

**Dr Farry:** I thank the Member for his supplementary question. He mentions Ballymena, which is a good case example of skills engagement. Skill Exchange has piloted Ballymena for its first presence in Northern Ireland.

My Department and the Department of Education are finalising the terms of reference

for the review of careers. If that review is to be successful, it really has to be there to address the interests of young people and the economy, and that means ensuring that the business community has its voice well heard during the process. It has been very clear in its articulation of the need for robust careers advice in Northern Ireland that ensures that young people are exposed to accurate labour market information about where future job opportunities are likely to be.

## **Magee Campus: Expansion**

2. **Mr Eastwood** asked the Minister for Employment and Learning whether he agrees that an expanded Magee campus is essential to developing the north-west economy, given that we have talked quite a bit about youth unemployment and some of the economic difficulties that we face, with no better or worse example of that than my constituency. (AQT 562/11-15)

**Dr Farry:** I thank the Member for his question. I have put it on record on numerous occasions that I would like to see the Magee campus expand, and I acknowledge the arguments that have been made on the importance of the university to the local economy. We have made some significant increases in the maximum student number (MaSN) for the campus over the past number of years. Those increases were from a situation in which, when I took up office in 2011, we had no provision to allow that to happen. If other opportunities arise, we will see about making further allocations to the university sector, and the University of Ulster has a commitment to direct any additional allocations to the Magee campus.

It is worth putting it on record, however, that any additional undergraduate places need to be baselined, and, as we look to future Budget discussions, bearing in mind that we are likely to see further squeezes in public spending, we need to ensure that, if we are to make any further allocations of places, they can be sustained into the future. The last thing that I want to see is a situation in which we expand the university sector in Northern Ireland at the same time as we have to make further reductions in allocations to the sector and, as a consequence, we hollow out the quality of education in Northern Ireland. There is no point in putting in additional places if they will be of an inferior nature. So, it is important that we have a balanced approach as we move ahead and fully understand the financial implications of the direction of travel that the Member suggests.

**Mr Eastwood:** I think that most people would understand the implications of investing in higher education. Those implications are usually very positive. Given that the Executive have committed to supporting the One Plan, which foresees that there will be 9,400 students at Magee by 2020, will the Minister and his Department work alongside his Executive colleagues, local stakeholders and the University of Ulster to see that target realised?

**Dr Farry:** I am happy to see what we can do for the delivery of the One Plan. We are coming close to meeting the initial target of having 1,000 additional places by 2015. Whether we actually get there remains to be seen. Ultimately, there are pathways through which that target for additional places can be met that involve the university itself making some internal reallocations of places, as well as opportunities in part-time study and attracting more international students. Those are on top of any future decisions that the Executive may take on that.

I want to turn this back to the Member and stress that it also takes every other political party in the Assembly to step up and make those commitments. In 2011, when we took up office at the start of this mandate, his party started at a position of supporting the freezing of tuition fees but resourcing that through universities dipping into what were perceived to be their reserves at that time. That would not have been a sustainable solution. If we are to do this, the Member and others will have to identify what we will do less of to allow us to shift resources into the university sector to allow for the potential expansion of Magee.

### **Stranmillis/QUB: Proposed Merger**

3. **Mr Spratt** asked the Minister for Employment and Learning to update the House on the widely talked about proposed merger of Stranmillis University College and Queen's University. (AQT 563/11-15)

**Dr Farry:** I thank the Member for his question. In 2011, when I took up office, the merger was very much on the agenda. Indeed, my predecessor had issued a consultation document on it. However, it became clear that there was opposition in the Assembly to the merger proceeding as it was set out in the consultation document. The particular governance arrangements at Stranmillis required a decision to be taken through the Assembly's structures to enable that to happen. The merger is now essentially on hold as we do the wider review of the teacher training

infrastructure. I do not want to predict particular outcomes that may arise from that, although that is something on which the panel will reflect as part of a wider set of potential arrangements that could arise.

**Mr Spratt:** I thank the Minister for his answer. In the light of any future announcement, does he recognise and will he take into consideration the very considerable work that Stranmillis has done to raise additional finance through various methods since the proposed merger was last talked about?

**Dr Farry:** I am certainly happy to pay tribute to our teacher training colleges on a range of fronts. They are able to raise additional resources, and I acknowledge their ongoing work on that. They also perform extremely well in national student surveys. However, I do not think that that detracts from what is still the underlying situation that faces our teacher education system in Northern Ireland. It is important that we use resources wisely and ensure that we follow international best practice in arrangements. It is still Stranmillis's policy that the merger should proceed. When we talk about the merger and reflect on what was discussed, it is important to note that it was not about Stranmillis losing quality and being subsumed into the much bigger entity of Queen's University; it was very much a potential marriage of equal partners, where a new ethos would be created on the back of any potential merger and something would emerge that was much greater than the sum of its parts.

We await the panel's recommendations with great interest. Whatever happens, there will be an exciting future for teacher education in Northern Ireland. We are striving to ensure that we have a world-class system, and I do not think that we should aspire to anything less than that.

**Mr Deputy Speaker:** Mr Pat Sheehan is not in his place.

### **Agency Workers Directive**

5. **Mrs McKevitt** asked the Minister for Employment and Learning how many complaints, if any, have been registered with the Labour Relations Agency as a result of the agency workers directive. (AQT 565/11-15)

**Dr Farry:** I do not have the precise figures to hand, but I am more than happy to write to the Member on that. She is right to say that, where complaints are raised, there are mechanisms in place to address them, and investigations will

follow if abuses have been identified. It is important that we recognise that the agency workers directive is in place to give a degree of enhanced protection to agency workers, who provide a service to us all through their contribution to the economy.

**Mrs McKeivitt:** What is the Department doing to protect agency workers against wrongful treatment? Will he make that a priority for his Department?

**Dr Farry:** I assure the Member that we are reviewing the implementation of the agency workers directive in Northern Ireland. It was introduced in June 2011, following a vote in the Assembly, and went live in December 2011. It has now been in place for over two years, so we have a reasonable degree of evidence from which we can draw some conclusions. If we need to make changes on the back of that review, I will come back to the Assembly in that regard.

**Mr Deputy Speaker:** Mr Robin Newton is not in his place.

## Software Testers' Academy

7. **Mr Flanagan** asked the Minister for Employment and Learning for his assessment of the success of the Software Testers' Academy, from which students are graduating today. (AQT 567/11-15)

**Dr Farry:** That is a very good question from the Member. Minister Foster and I have just attended the graduation of the third cohort from the Software Testers' Academy. This is one of a number of academy-based interventions that we are making to support the IT industry in particular. We also have academies for cloud computing and data analytics. The model has also been applied in the aerospace sector, with a computer numerical control (CNC) academy in operation. The academies take graduates from different disciplines and, over a very short time, give them the skills to be professionals in what is a crucially important sector in Northern Ireland. We are very pleased with the level of interest shown by individuals and companies and with the quality of the people coming through, who are real assets to their companies.

**Mr Flanagan:** Go raibh maith agat, a LeasCheann Comhairle. Will the Minister advise the House on the future plans for that scheme or any similar schemes?

**Dr Farry:** I imagine that we will be looking for the academy's fourth cohort in the very near future and seeing whether we can extend that by involving other training colleges. We will wish to consider the academy model for other specialisms. As I mentioned, we have deployed it for cloud computing and data analytics. Indeed, if there are other areas where it is applicable, we will readily move in that direction. This is something where we, as government, are being very flexible and dynamic in responding to the needs of industry. At times, we put longer-term interventions in place, be they apprenticeships or what we do through the colleges, universities and the education system, but we also need to respond over a very short time. The academy model allows us to get that balance in our interventions and can address some very particular skills opportunities that arise in the local economy.

**Mr Deputy Speaker:** Order. Time is up. We must move on.

## Enterprise, Trade and Investment

**Mr Deputy Speaker:** We will start with listed questions.

### Rugby World Cup 2023

1. **Mr Eastwood** asked the Minister of Enterprise, Trade and Investment what recent meetings she has had with the Irish Government and others to coordinate support for the Irish Rugby Football Union's bid to host the Rugby World Cup in 2023. (AQO 5321/11-15)

**Mrs Foster (The Minister of Enterprise, Trade and Investment):** I met Shane Logan, the chief Executive of Ulster Rugby, and Philip Browne, the chief executive of Irish Rugby Football Union (IRFU), together with the Minister of Culture, Arts and Leisure, on 15 October 2013. I have scheduled to meet Irish Government Ministers Leo Varadkar and Michael Ring, along with Minister Ní Chuilín, on 22 January to discuss the hosting of the Rugby World Cup in 2023.

2.45 pm

**Mr Eastwood:** I thank the Minister for her answer. I welcome the strong cross-border cooperation to deliver an important project for the island. What other plans, if any, does she

have to support further sporting events on a cross-border, North/South basis?

**Mrs Foster:** First, Mr Deputy Speaker, it would be wrong if we passed this moment without congratulating the Ulster rugby team on its tremendous victory at the weekend. Many people thought that it was very much an uphill struggle, but we got there. I pay tribute to all the team and, indeed, many of the supporters who travelled to Leicester to see a tremendous victory. It means, of course, that we will have a home quarter-final in Belfast, which we are looking forward to very much.

The coming together of our Ministers and the relevant Ministers in the Republic of Ireland arises from a realisation that neither of us could host the World Cup on our own. In this instance, we should work together for mutual benefit in Northern Ireland and the Republic of Ireland, and I think that we have a good working relationship. As I said, we will have another meeting on Wednesday to develop the plans further. The call will not be launched imminently but in May 2016. We want to be ready and to make sure that all the work is in place because we believe that, given our shared history and heritage in rugby football, we could not only put on an excellent event across Northern Ireland and the Republic of Ireland for everyone here but bring numerous tourists to Northern Ireland. I see great benefits for us, which is why we will work together on the event.

**Mr Flanagan:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her answers. Maybe she would want to send a delegation of MLAs to the next Rugby World Cup. I am sure that some of us here would be willing to go.

When the Minister appeared before the Committee, she made positive and supportive comments about the GAA's role in helping to secure the bid. On an unrelated matter, has the Minister's Department or the Department of Sport in the South considered offering any personnel support to the IRFU to help to secure the bid?

**Mrs Foster:** We are working closely with the IRFU and, for our part, with the Ulster branch. Given that the next Rugby World Cup is in England, I have no difficulty in sending the Member to Twickenham to do some reces for us. Part of the meeting on Wednesday will look at the practical measures that we will have to take to make sure that we are ready. I will take the Member's comments on board about

providing support. I imagine that the IRFU will want the best people in place to make sure that we are well set to welcome the tournament to the island in 2023. We will give them all the support that they ask for, within budgetary reason, obviously. We believe that it would be a great event for us.

## Retail Industry: DETI Support

2. **Ms McGahan** asked the Minister of Enterprise, Trade and Investment what support her Department offers to local retailers. (AQO 5322/11-15)

**Mrs Foster:** My Department and Invest Northern Ireland have worked closely with the full range of businesses across Northern Ireland, including those in the retail sector, and have met a number of local retailer groups. A wide range of initiatives are available that offer support and guidance to local retailers. Invest NI's business support team and [nibusinessinfo.co.uk](http://nibusinessinfo.co.uk), for example, provide a valuable source, from business information and signposting to specialist advice for retailers. Retail businesses can also avail themselves of Invest NI's wide range of workshops and seminars. Invest NI has also supported local councils to develop programmes that are open and accessible to retail businesses.

**Ms McGahan:** Go raibh maith agat. I thank the Minister for her response. How does her Department help and support retailers to maximise the opportunity provided by the Internet as a place for promoting and selling goods and services?

**Mrs Foster:** I thank the Member for her supplementary question. Indeed, the onset of online shopping is one of the challenges that is always pointed out. I have often said that our retailers need to embrace that, and they need to do so in a positive way. When local retailers can demonstrate a market opportunity online, Invest Northern Ireland can provide advice and guidance and may be able to give financial support, subject to its standard intervention principles.

We have also worked with the Northern Ireland Independent Retail Trade Association (NIIRTA) to assist in preparing a guide for its membership on developing an online retail presence. I understand that the guide will be ready for release in the first quarter of this year. We work very closely with retailers. We provide them with access to workshops, and we will help them to get online if there is a market opportunity. That is a recognition that we need

to move with the times and give as much support as we can.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a freagraí i dtaobh an ábhair. I thank the Minister for her responses on this matter. Will she provide us with some information about what support was given through her Department for Small Business Saturday?

**Mrs Foster:** I do not have that information to hand, but I was involved in some of the promotional work for Small Business Saturday. As I said, small businesses can come forward and avail themselves of online help and support. They can also access our design clinics under the Boosting Business programme. You will recall that Boosting Business was brought in to speak to the wider business base, not just to Invest NI clients. That is all open to the wider business base and certainly to the small businesses involved in Small Business Saturday.

**Mr Craig:** Given that a lot of local businesses already trade online — the example that I am thinking of is McCalls of Lisburn, which now does the vast majority of its trading online — what are the Department and Invest NI doing to promote that sales technique for the other retailers struggling on some of our high streets?

**Mrs Foster:** Our business advisers can call with anyone, including the retail sector, who expresses an interest in speaking to the people in that team. As I said, online guides are being developed in cooperation with NIIRTA. We have the opportunity to help businesses if there is a market opportunity for them online. We also have workshops for them to attend if they so wish. Therefore, we have embraced the challenge, as some would see it, of online shopping. I happen to think that the clicks-and-bricks approach in trying to draw people into the physical shop through the internet is a good way forward. We cannot avoid the fact that the internet is there. We have to deal with it, and we are addressing it through some of the programmes that we have.

**Mr Kinahan:** I thank the Minister for her answers, particularly on online trading. I just hope that we keep the Northern Ireland brand in it.

On another facet of trading, what is her assessment of 3D colour imitation shopfronts? They really do up the centres of our villages

and look excellent, but we need to make sure that they are not there permanently.

**Mrs Foster:** The Member may recall that this first became an issue in and around the time of the G8. At that time, money was made available from, I think, the Department of the Environment and possibly the Department for Social Development to some towns, particularly in Fermanagh, that had empty shops so that they could be made attractive despite having empty shops. It is a welcome sign. Many companies that then decided to go on to the high street — this has happened in Enniskillen — have kept the painting on their shutters so that, when the shutters are down, the shopfront looks quite attractive, but there is a shop behind that during the day. I understand why some people described these as false and what have you, but I happen to think that they are a good way of sprucing up a town, making it look well and, hopefully, attracting investment so that the false shopfronts can be taken away.

### Renewable Heat Incentive

3. **Mr Agnew** asked the Minister of Enterprise, Trade and Investment for her assessment of the level of uptake of the renewable heat incentive. (AQO 5323/11-15)

**Mrs Foster:** The Northern Ireland renewable heat incentive (RHI) was launched on 1 November 2012 for the non-domestic sector. As a result, 11.5 megawatts of new renewable heat capacity has been installed. Performance over the first 12 months of the scheme compares favourably with Great Britain. While accounting for less than 3% of the UK heat demand, the number of Northern Ireland applications equates to 6.8% of GB applications and 3.2% of accredited heat capacity. That demonstrates that the Northern Ireland scheme is punching above its weight.

In addition, the performance of the renewable heat premium payment scheme, which provides support for the domestic market, has been very positive. Over 11 megawatts of new renewable heat capacity has been supported through that scheme. I believe that the deployment of over 22 megawatts of new renewable heat capacity in the past 18 months is a good start towards achieving the Executive's target of 10% renewable heat by 2020.

**Mr Agnew:** I thank the Minister for that information. When does she anticipate the domestic roll-out of the RHI? Will there be a renewed emphasis on the renewable heat incentive through marketing to promote the

domestic scheme and increase promotion of the commercial RHI?

**Mrs Foster:** We hope that the domestic RHI will be rolled out at the same time as in Great Britain so that those can dovetail together. We held a consultation that resulted in the receipt of around 50 responses. We have been looking at those to see whether we can answer the questions that have been raised. That will happen in the near future, and we hope that it will be as successful as the payment schemes in the domestic sector.

**Mr I McCrea:** Will the Minister outline whether businesses can avail themselves of the Carbon Trust loan scheme, as well as getting support through the RHI?

**Mrs Foster:** Yes. That subject caused a lot of concern to people who had availed themselves of the Carbon Trust loan, and we have been able to get clarity on it. An installation that has been done with a Carbon Trust loan is eligible to be considered for accreditation under the Northern Ireland renewable heat incentive scheme. Where an applicant has availed themselves of what is called de minimis aid, such as the Carbon Trust loan, prior to making an RHI application for accreditation, the RHI aid will be provided on the basis of the European Commission's de minimis regulations. We were able to get an answer to that question. I know that members of the Committee in particular were concerned about that because a lot of people had taken advantage of the Carbon Trust loan scheme. We are pleased to be able to provide that clarification.

**Mr McKinney:** Does the Minister have any plans to further improve the uptake of the renewable heat incentive?

**Mrs Foster:** We are keen to promote the renewable heat incentive alongside energy efficiency, because we believe that energy efficiency has to be in place as well. In fact, energy efficiency measures can often be the most cost effective way of bringing down people's energy bills. We will engage in a positive campaign. The Member may be aware of our Energy Wise campaign, which we rolled out to promote energy efficiency. We hope that people will take up the message and get involved because not only is it good sense but it reduces bills.

### **Fisheries: Job Relocation**

4. **Mr Hazzard** asked the Minister of Enterprise, Trade and Investment for her assessment of the impact on trade and commerce in the area of the relocation of Department of Agriculture and Rural Development fisheries jobs to the Downshire site in Downpatrick. (AQO 5324/11-15)

**Mrs Foster:** Overall, moving jobs from one location to another is neutral, as the economic gains at the destination location are offset by losses at the origin. Job dispersal can rebalance economic activity within Northern Ireland. The relocation of fisheries jobs will move some spending power to Downpatrick, for example, passing spend to local retailers and restaurants in the lunchtime economy. In the longer term, there may be some further transfer of spending power if staff relocate to live in the area. However, due to the relative ease of travel to Downpatrick, that may not be as significant as would be the case in other instances.

**Mr Hazzard:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her response. Does she have any plans to relocate jobs or services in her Department to the South Down area or, indeed, any rural constituencies across the North?

**Mrs Foster:** I understand that I am meeting the Member and, indeed, a delegation from Downpatrick early next month on this very issue. Whilst, at the moment, I have no plans to relocate any jobs centrally in my Department, I remind the Member that there are Invest NI offices spread across Northern Ireland. The Trading Standards Service has offices in Armagh, Ballymena, Enniskillen and Londonderry as well, so there are areas in the Department where, although the headquarters are in Belfast, jobs are spread out across Northern Ireland.

### **3.00 pm**

**Mr Dunne:** I thank the Minister for her answers. Does she recognise a greater role for new councils in economic development, whereby opportunities could be developed for closer working with Invest NI?

**Mrs Foster:** I certainly hope that the new councils will work closer not only with Invest NI but with my tourism authorities. That is very much the hope, because we will work closely with local councils on the new tourism destinations that we are setting up across Northern Ireland. As it happens, Invest Northern Ireland already has offices across

Northern Ireland and has a close working relationship with local councils. I believe that that will be strengthened by RPA and hopefully provide a focus for partnership in local economic development initiatives. We will certainly want to take up that challenge, and I am sure that the new councillors will want to as well.

## Industrial Development: Omagh

5. **Mr Buchanan** asked the Minister of Enterprise, Trade and Investment what action Invest NI is taking to identify additional land in Omagh for industrial development. (AQO 5325/11-15)

**Mr Deputy Speaker:** Before the Minister answers the question, I remind Members that supplementary questions must relate to Omagh.

**Mrs Foster:** Through Invest Northern Ireland's engagement with the council in Omagh and the Department of the Environment's Planning Service, a number of potential options were identified. The organisation undertook a series of desktop studies, with two locations identified as potentially suitable for development. Invest Northern Ireland has attempted to acquire land at two locations in Omagh; however, it has been unsuccessful in securing those. Invest NI is committed to continuing to work closely with all relevant stakeholders to secure new industrial land for Omagh.

**Mr Buchanan:** I thank the Minister for her response. She will know that there is very little land available in Omagh that would give companies opportunities to expand. Will the Minister ensure that Invest NI and other stakeholders, such as Omagh District Council etc, redouble their efforts to locate industrial development land in the Omagh area?

**Mrs Foster:** I thank the Member for his supplementary question. I feel his frustration, because I feel it as well. We have attempted to acquire sites in the Omagh area in particular. At the moment, we have 119 acres of land in west Tyrone, but the majority of it — I think that it is a good, healthy sign — has been occupied by businesses, leaving just 21 acres, some of which is not suitable for occupation. So, we need to find more land.

I want to assure the Member that we will continue to work with the council locally and the private sector. Indeed, if companies come to us to expand or want to come to Omagh, we point them in the direction of private sector holdings,

of which there are some in the Omagh area. He can be assured that we not turning away investment from Omagh but are redirecting it to the private sector. We accept that we need to have more industrial land in the area.

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her answers and for being very supportive of the engineering sector in Omagh. How closely does her Department work with the Department of the Environment to earmark land for industrial development in, for example, Omagh, where the area plan is years out of date?

**Mrs Foster:** I accept that the area plan is out of date; it was possibly out of date when I was in the Department of the Environment, so progress needs to be made in that respect. We need to work with all the sectors — the council, the Department of the Environment and the private sector — to help companies that want to expand or come to Omagh and Strabane.

On a positive note, when I looked at the figures for the land that is available, I said that a new park has been built in the Strabane area in the recent past and that there surely must be availability in Strabane. However, Strabane has little availability, and I think that that is a very good sign for economic development in your area of west Tyrone.

**Mr Deputy Speaker:** Again, before I call Mr Pat Sheehan, I remind Members that supplementary questions to the next question must relate to west Belfast.

## Investment: West Belfast

6. **Mr Sheehan** asked the Minister of Enterprise, Trade and Investment for an update on her efforts to attract investment into West Belfast. (AQO 5326/11-15)

**Mrs Foster:** Invest NI continues to support business growth and investment in West Belfast. Between 1 April 2011 and 30 September 2013, it made 350 offers of support to companies in West Belfast, with £6.2 million of support contributing to the total investment in the constituency of over £42.5 million. That has led to the promotion of 770 new jobs in the area. During the same period, a total of 292 business starts have also been supported in West Belfast.

Last February, I also announced that Caterpillar was creating 200 high-quality shared services jobs in West Belfast. In seeking to attract further foreign investment, Invest NI is continuing to work with local stakeholders,



including the West Belfast and Greater Shankill Partnership Boards, to review the features and benefits of West Belfast to maximise opportunities for future economic growth.

**Mr Sheehan:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for her answer. Will she advise the House on how important the link with local councils is in identifying locations for potential investors? The Minister touched on this point in response to an earlier question, but will she tell the Assembly how she intends to strengthen those links?

**Mrs Foster:** We have talked about putting Invest Northern Ireland employees into council offices. In fact, we have not just talked about it, we have done it. In Coleraine, we put an Invest NI employee into the council offices so that they could work ever more closely with the council. That was a pilot project that worked very well, and I hope that we will be able to develop that concept when RPA takes more shape after the shadow council elections in May.

Obviously, we are all in the same game of bringing investment to Northern Ireland, and each local council will have its own views on what is best in its area and the right way to present the area. I hope that they will be able to bring that expertise to Invest Northern Ireland, particularly to those in Invest Northern Ireland who sell Northern Ireland abroad, for example our teams in America and the Middle East, so that they know what each area has to offer. I hope that the new councils will be able to do that very effectively.

**Mr Attwood:** At the risk of putting words in the Minister's mouth, my question has a yes or no answer. Given that there is land zoned for industrial use at the former Visteon site on Finaghy Road North, and given that that site has access to the M1 northbound, is her Department prepared to advise the Planning Service in relation to a planning application to fully or substantially use the site for housing, yes or no, that part of that land should continue to be retained for industrial use, given the commitment that you have said you have to that part of Northern Ireland for jobs growth?

**Mrs Foster:** The Member knows that there is never a yes or no answer, and he should know that better than most. *[Laughter.]* The situation with land that is zoned for economic development is this, and Invest NI is very clear on the issue, and this is what we will be saying to the Minister of the Environment, the planning

department or whoever comes to us for advice: we are generally opposed to the loss of land that is being used, or was last used, for industry to non-industrial users. That is our policy.

We just had a question in relation to west Tyrone and the scarcity of land for economic development and the need to find suitable sites for economic development. Therefore, we are always very slow to give up land that has been zoned for economic development. Therefore, there has to be a very strong and overwhelming case for us to move away from that. That is the position. It is not a yes or no answer, but I hope that it was a helpful answer.

**Mrs Cochrane:** I thank the Minister for her answers thus far. Will she give an assessment of the potential contribution of the E3 campus at Belfast Metropolitan College?

**Mrs Foster:** I am a great supporter of the E3 campus. It is a tremendous asset to West Belfast. I have visited it on a number of occasions, and I have seen the way in which it has made a difference, not just to people who travel to it for education but to the wider community that sits in and around E3. I think that E3 will continue to provide a very good base to which employers can look for skills, and I know that my colleague Stephen Farry believes that as well. Also, potential foreign direct investment (FDI) companies coming in always look at what skills are available to them and at what the higher and further education colleges are like in that particular area. To have E3 on your doorstep is a very important asset indeed.

**Mr Campbell:** Northern Ireland has a number of very successful private sector companies. Can the Minister update the House on one of them? That is, the sale of Andor Technology in West Belfast.

**Mrs Foster:** As the Member is probably aware, an offer for the purchase of Andor Technology plc share capital by Oxford Instruments plc, which is a FTSE 250 company, has been agreed with Andor's board. Andor has been a tremendous asset and catalyst to the particular area where it sits in West Belfast. The offer remains open to all shareholders, so we cannot be definitive on this issue. However, whatever happens with the ownership of Andor, I hope that we will continue to have the positive relationship between Invest Northern Ireland and Andor that we have developed over a number of years. Indeed, I recall opening Andor's office in Shanghai on my first visit to China. That is the sort of business that we are

talking about: very forward-looking and outward-looking. We are very fortunate to have Andor as one of our companies here in Belfast.

## Jobs Fund

7. **Mr Weir** asked the Minister of Enterprise, Trade and Investment how many jobs have been created under the jobs fund to date. (AQO 5327/11-15)

**Mrs Foster:** As of 31 December 2013, a total of 4,177 jobs had been created through the jobs fund since its launch in April 2011. That means that the jobs fund has now exceeded its target to create 4,000 jobs by March 2014.

**Mr Weir:** I thank the Minister for her answer, which is a Northern Ireland-wide one. It is very good to see that the jobs fund has surpassed its target, but I wonder whether the Minister can give us some examples of where the jobs fund has been of specific benefit to companies.

**Mrs Foster:** The one thing that I have always said about the jobs fund is that it can be supporting two jobs in a little firm somewhere in Northern Ireland or it can be supporting — in the biggest example, Stream — 1,000 jobs. We have had some tremendous examples of how the jobs fund has made a big difference to Northern Ireland. In Stream Global Services, 1,000 jobs are supported by the jobs fund; in BT, it supports 116 jobs; in Terumo BCT, 416 jobs; and in Linden Foods — of course, very important because it is in Dungannon — 179 jobs are supported through the jobs fund. However, smaller companies have benefited as well. At Cloughbane Farm Foods, 10 jobs have been promoted; and in TES (NI), 70 have been promoted. It is quite a big step up for companies like TES to move to that sort of scale. So, for me, the jobs fund has been a tremendous success, and I am delighted to see that it has already passed its target for March 2014 in January 2014.

**Mrs Overend:** The latest figures that I had access to are those for jobs created in 2012-13. I note that Mid Ulster has the second highest number of jobs created under the jobs fund in that period — 261 — which is indeed evidence of the entrepreneurial spirit in Mid Ulster. Does the Minister estimate that this trend will continue in the most recent figures?

**Mrs Foster:** Certainly, the jobs fund has made a significant difference. I am just looking at the figures for all the constituencies across Northern Ireland. The figures are in hundreds,

no matter which constituency you look at. In respect of the Member's constituency, Mid Ulster, the number of jobs promoted — as opposed to jobs created — in Mid Ulster alone will total 776. That is a tremendous boost for one constituency. It is one of the constituencies that gains most jobs, so congratulations to Mid Ulster. However, there are many constituencies, right across Northern Ireland, that are of a similar vein.

**Mr Deputy Speaker:** That ends questions for oral answer. We will now move to topical questions.

3.15 pm

## Tourism: Serviced Accommodation

1. **Mr McNarry** asked the Minister of Enterprise, Trade and Investment whether she has any information as to why there is such a disparity in tourism spread here and what could be done about it, given that recent figures indicate that, proportionally, nights spent in serviced accommodation by tourists were 22% in Strangford and 26% in the Mourne compared with 89% in Belfast. (AQT 571/11-15)

**Mrs Foster:** I do not have the detailed figures in front of me. The Member will understand that, because these are topical questions. I therefore do not have any chance to prepare for them, but one would always expect figures for serviced accommodation, particularly in capital cities, to be higher than in more rural areas. Self-catering accommodation in rural areas seems to be more popular, and that is why we get those figures.

I do not know whether he has the self-catering figures, but it would be interesting to compare and contrast the self-catering figures in somewhere such as Belfast with somewhere such as Strangford, County Fermanagh or the Mourne. Perhaps we can look at the self-catering figures together, as opposed to those for serviced accommodation.

**Mr McNarry:** There are suggestions to lease Northern Ireland Water land for wind farms in the Mourne. Does the Minister think that that would be of benefit in attracting tourists?

**Mrs Foster:** I am glad to say that it is not up to me as to whether such a planning application proceeds. I am sure that the Minister of the Environment will have his own view. When an application for wind farms or any renewable energy is made, we have to take into account all the impacts and benefits. I am sure that the

Minister and his planning officials will do that when considering whether to allow wind farms.

## Consumer Council

2. **Mr P Ramsey** asked the Minister of Enterprise, Trade and Investment, in the future arrangements for the Consumer Council in Northern Ireland, whether she sees it having an enhanced or strengthened role. (AQT 572/11-15)

**Mrs Foster:** As the Member knows, the consultation on the issue will soon be finished. Meetings have taken place across Northern Ireland. I am looking forward to seeing the report on those meetings and all the consultation responses. I am not sure how many responses we have through at present. I will look at those, as I said when I started the consultation, with an open mind. Some people do not accept that, and that is fair enough, but I know that I am looking at the issue with an open mind. I look forward to seeing the consultation responses.

**Mr P Ramsey:** I thank the Minister for her response, but will you, like the SDLP, acknowledge the immense contribution that the Consumer Council is making across Northern Ireland in helping consumers in the most difficult of circumstances?

**Some Members:** Hear, hear.

**Mrs Foster:** I will recognise that. Indeed, in my capacity as an MLA for Fermanagh and South Tyrone, I used the Consumer Council to help constituents. In that case, the matter concerned Northern Ireland Water, and I asked the Consumer Council what it could do to help. I do, of course, recognise the need for an independent advocate, but I think that the Member would agree with me that it is right that we review such organisations from time to time. We reviewed Invest Northern Ireland, are in the process of reviewing the Northern Ireland Tourist Board and are now looking at the Consumer Council.

It would be wrong not to review the functions, efficiency and effectiveness of all our arm's-length organisations. If we allow them to continue without a review, where is the accountability? That is what this is about: looking to see whether they are providing a service at the top of their game. If not, why not, and what can we do to help change that?

## Jobs Fund: North Down

3. **Mr Cree** asked the Minister of Enterprise, Trade and Investment whether the 23 jobs that were created through the jobs fund in North Down last year represent a satisfactory figure. (AQT 573/11-15)

**Mrs Foster:** The jobs fund promoted 74 jobs in the North Down area in 2012-13, and 60 to date in the financial year that we are in. Over the term of the jobs fund, 164 jobs were promoted in North Down from April 2011.

**Mr Cree:** I was asking for the number of jobs created, not promoted. Following the same theme, the sum of assistance paid for jobs created was only £82,000 last year. Is the Minister prepared to ask her officials to take some action to improve the figures for North Down?

**Mrs Foster:** We make offers to companies, as the Member knows, and that is why I talk about the numbers promoted. That means the numbers that are available to those particular firms that we can help. If they decide not to grow their companies at a faster rate or to slow down recruitment, I think that he would accept that there is nothing that I can do to force them to increase recruitment, other than to keep alongside them to see whether there is anything else in their companies that we can help them with.

He will recall that I was with Mango Direct, which is to promote 55 jobs, but I am not sure how many it has actually created. However, I will find out for the Member, because that was an excellent company. I know that it may have had accommodation difficulties, in so far as it was completely full when I visited. I do not know whether that is an issue. However, it is the sort of issue that may prevent a company being faster with its jobs fund spend. I will get the Member the up-to-date figures for job creation in North Down, but that does not take away from the fact that globally, in Northern Ireland terms, we have surpassed what was, when one thinks about it, the quite stretching Programme for Government target. We have done that in January 2014, but the target was set for March 2014. So, I think that we should congratulate Invest Northern Ireland on the work that it is doing on that.

## Wrightbus

4. **Mr D McIlveen** asked the Minister of Enterprise, Trade and Investment to respond to last week's announcement of the award of a significant contract to Wrightbus, a very

important employer in my constituency of North Antrim. (AQT 574/11-15)

**Mrs Foster:** I very much welcome this further announcement by Wrightbus, which came hot on the heels of 600 jobs for Transport for London. We are delighted to see that there is an order for 301 buses, which is the lion's share of a 425 bus order for FirstGroup. FirstGroup is coming to Wrightbus because of the innovative way in which Wrightbus does business. Again, it has been able to provide a solution to FirstGroup for cutting down fuel consumption on the bus model that it is selling to FirstGroup. I think that that is a tremendous endorsement of the Wrightbus workforce's skills and abilities. We will continue to support Wrightbus and, indeed, any other company that shows such an innovative edge.

**Mr D McIlveen:** I thank the Minister for her answer. I am sure that she will also be aware that there has been some illogical criticism, particularly from one local representative in North Antrim, about Invest NI and how it has been conducting itself in North Antrim. Is the Minister able to advise the House of the support that Invest NI will continue to give to Wrightbus as it moves into the future?

**Mrs Foster:** We have developed a partnership with Wrightbus. I again pay tribute to the client executive, who is the person on the ground who works with a company, which, in this instance, is Wrightbus, and who helps a company to develop its plans.

We in the House remember that Wrightbus was, a short couple of years ago, in the situation for the first time in its history of having to lay some people off. That was a traumatic event in Wrightbus's life. However, it stepped forward, and its representatives came to us and said, "Well, we want to look at something new. We want to invest in research and development. We want to look at lean manufacturing". Should any Member have the chance to visit the Wrightbus site, they will see that lean manufacturing in place. So, it took the opportunity, presented by a quiet time, to reinvest in the company, and we have helped it to do that. I think that that is a positive example for other companies right across Northern Ireland. Indeed, this announcement provides a shop window through which to look into Ballymena, North Antrim and Northern Ireland to see what can be achieved in research and development and innovation.

## **Mivan: Job Losses**

5. **Mrs D Kelly** asked the Minister of Enterprise, Trade and Investment for an update on the action that her Department plans to take in relation to Mivan following the announcement of job losses in the past few days. (AQT 575/11-15)

**Mrs Foster:** I thank the Member for mentioning Mivan, because, of course, that news on Friday was very disappointing. I understand that most of the job losses that were announced on Friday relate to work outside Northern Ireland, meaning contracts that were being delivered outside Northern Ireland. I have spoken to the administrator and to Mivan's financial director. They are still working very hard to find a solution for the wider Mivan company, and we will, of course, support them in any way that we can. I have made that very clear, whether that support comes from Invest Northern Ireland or from the Department centrally.

**Mrs D Kelly:** The Minister mentioned contracts and procurement. Minister, on the back of the experience of Mivan and the ability of small businesses to bid for large public sector contracts, will your Department take any specific measures to assist companies to be best placed to win some of the contracts?

**Mrs Foster:** Through InterTradeIreland, we do a lot of work on procurement practices in Northern Ireland for companies from the Republic of Ireland, and on practices in the Republic of Ireland for companies from Northern Ireland, so that they can tender across the border. One of the successes of InterTradeIreland's work is that it has that go-to-tender programme and holds workshops across the island of Ireland to allow companies to develop that. If I am not wrong, InterTradeIreland has also developed an app on public procurement. Those are very tangible and practical ways of helping companies to become aware of procurement opportunities. I am sure that the Finance Minister, too, will be watching this very carefully, particularly in relation to subcontractors and the experience here, because we recall the very difficult time with Pattons and the difficulties it had last year.

## **Small Businesses**

7. **Dr McDonnell** asked the Minister of Enterprise, Trade and Investment whether her Department has any proposals to alleviate some of the crippling pressures faced by small businesses, given that the Minister will be aware that Angela McGowan a reputable economist with Danske Bank has undertaken some recent surveys that suggest that the worst

is behind us, which is good news, but running alongside that is the impression that some 3,500 small businesses here are experiencing significant financial stress. (AQT 577/11-15)

**Mrs Foster:** I had an opportunity to glance very briefly at Angela McGowan's report this morning. I welcome the headline that consumer confidence is growing, which the Member pointed out. We should all welcome that. Indeed, from my response to the second substantive question for oral answer today, on retail, you will know that we very much want to engender consumer confidence.

On the second part of the Member's question, it has always been an issue that there was a lag in relation to small companies that were treading water to try to keep afloat during the worst of the recession. I make a plea, through him, for any small companies that are facing those difficulties not to leave it to the last moment to come to Members or to seek help. One of the features that we have seen over the past period of time is that people try to manage on their own and then seek help when it is too late to be able to do something to save their businesses.

Talking of financial capability, I visited Advice Northern Ireland last Monday and saw the debt advice line. The people there made me aware that they now have a business advice line for sole traders and small companies. Companies could and should avail themselves of that if they find themselves in difficulties. The worst thing to do is to put one's head under the duvet and think that nothing will happen.

**Dr McDonnell:** Thank you very much for that very extensive answer, Minister. Moving away from small businesses slightly, there is also a sense coming through in the report that the rise in confidence is linked to those in employment whereas, not entirely surprisingly, the unemployed do not have much to be confident about. Is there any possibility that you will liaise with the Minister for Employment and Learning and perhaps set up some sort of workshop, task force, group or whatever that might find a way of cutting our unemployment figures?

**Mrs Foster:** I am not sure that it is an answer to the Member's question, but, later this week, the Minister for Employment and Learning and I will launch the economic inactivity strategy to deal particularly with those in generational unemployment to try to move them away from that. As the Member for Foyle will tell him, one of the features of that is the fact that we are looking for pilot projects across Northern Ireland

to try to address economic inactivity. Economic inactivity has been with us for 30 years, and we really need to grapple with it. I am pleased that that final strategy will be announced later this week.

3.30 pm

## Private Members' Business

### Common Agricultural Policy: Rural Development Programme Funding

*Debate resumed on amendment to motion:*

*That this Assembly expresses dissatisfaction with the Minister of Agriculture and Rural Development for her failure to effectively consult with Executive colleagues on her plans to transfer funds from pillar 1 to pillar 2 within the common agricultural policy; notes with concern the ensuing events, which saw the issue brought before the High Court; accepts that, whilst farmers will benefit through increased direct payments, they and many rural communities and organisations may now lose out through significantly reduced rural development funding; and calls on the Minister of Agriculture and Rural Development to commit to seeking sufficient funding for the future rural development programme to efficiently and effectively deliver a range of schemes, including those to support our burgeoning agrifood sector, increase farm safety measures, incentivise farm modernisation and capital investment, promote agrienvironment measures and support our rural economy and communities. — [Mrs Dobson.]*

*Which amendment was:*

*Leave out from "for her failure" to "plans" and insert:*

*"and the Minister of Finance and Personnel for their failure to effectively consult with each other or with their Executive colleagues over the recent attempt" — [Ms Lo.]*

**Mr Milne:** Go raibh maith agat, a LeasCheann Comhairle. The important message that should go out from the Assembly today is that DARD stands for the Department of Agriculture and Rural Development and that Michelle O'Neill, as Minister, has a duty and a responsibility for both aspects of the title. However, no matter what spin others try to put on it, that does not mean that any transfer from pillar 1 to pillar 2 is at the

expense of our farming community. I live and work in a rural community and understand the recent difficulties and challenges that many farm families have faced and continue to face, but they will also be disadvantaged by the DUP's intervention, which has led to 0% transfer. In fact, less than half the farmers who receive a single farm payment will receive the extra £260 a year whereas, if the money went to the rural development programme, the majority of that money would have been given back to farmers through much-needed grant schemes.

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

From listening to the debate today, it appears that some do not recognise the value of the programme to the farming community. There have been capital schemes for items such as new sheds and fencing, which farmers lobbied hard for, and grant schemes that support the farm family options and the farm safety measures as well as diversification projects. In addition, the rural development programme supports our growing agrifood sector and the wider rural economy through the inevitable job creation from that, not to mention the less-favoured area payment, which has traditionally been paid from the programme and is vital to our hill farmers. Farmers not only work in the countryside but live in it. They also benefit from the many community and environmental projects that are funded by the programme. Many farmers are members of sporting organisations and want access to better services such as broadband. They have a vested interest and, indeed, are crucial to maintaining and protecting our environment.

I am disappointed that the attempt to transfer has been portrayed as an agriculture versus rural development issue. As the Minister said in her statement to the House last week, it is a matter of getting the balance right and ensuring that the right support is there for our farmers as well as supporting the needs of the rural community and the environment. It is, therefore, a matter of concern rather than dissatisfaction that the Minister, in taking a decision that was informed by consultation with stakeholders, was central to the work of her Department and left a higher percentage in pillar 1 than any other part of the member state, was met with opposition that saw the matter go to the High Court. Like many others, I question the motivations that led the DUP and the Finance Minister to take the issue to court. I can only assume, as others have, that it was a politically motivated action driven by the upcoming elections. Likewise, their recent

contribution in 'Farmers Weekly', which attempts to portray the Minister as the —

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

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

**Mr Milne:** Yes.

**Mr Frew:** Who?

**Mr Wilson:** I think that you asked first.

**Mr Frew:** Thank you very much; that is very gracious. Does the Member agree that, in this country, there are elections nearly every year and that, if a party has a position and wants to advance its plans and policies politically, how it could be politically motivated in a bad sense? We wanted to fight to retain the money in direct payments to give farmers the benefit of direct payments without the bureaucracy. That is a good thing. Does the Member not agree?

**Mr Deputy Speaker:** The Member has an extra minute.

**Mr Milne:** As the Member said, there are elections every year, and I do not see why this has to be questioned now when it had not been questioned in the past.

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** Will the Member give way?

**Mr Milne:** Yes.

**Mrs O'Neill:** Does the Member agree that, if the party opposite had genuine serious concerns about a transfer of moneys, surely the place to raise that would have been in the Executive as opposed to going straight to the courts and ignoring correspondence from me that asked for views? If there was genuine interest in the issue, that would have been the place to raise it.

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

**Mr Milne:** Go ahead.

**Mr Frew:** Thank you very much; that is very gracious. Does the Member agree that it is up to Departments and Ministers to bring proposals to the Executive so that they can be assessed and a decision taken by the Executive?

**Mr Milne:** As far as I am aware, the Minister consulted colleagues.

**Mr Frew:** After the event.

**Mr Milne:** All I can hope for at this stage is that the consequence of these actions is not that more decisions in the Assembly are made by judges than locally elected Ministers.

**Mr Wilson:** I thank the Member for giving way. Will he accept that the Minister was so covert about all this that not only would she not share it with the Executive but, at the early stage of development, at which there is normally discussion between parties, she would not even share it with advisers? Suspicions were raised that, because money was misused in the past and some money was not spent in the past, we were going to have another shambles like we had before.

**Mr Milne:** I thank the Member for his intervention, but, as far as I am aware, at least a couple of letters were circulated.

As I said, I do not want decisions such as this being made by judges rather than locally elected Ministers. More importantly at this point, I hope that the DUP and the Finance Minister will now support the Minister when she makes her bid to the Executive to make up the shortfall that has been created.

**Mr Deputy Speaker:** The Member must draw his remarks to a close.

**Mr Milne:** It is imperative that the rural development programme can deliver on its commitments and is not undermined by party politics.

**Mr Irwin:** As a farmer, I declare an interest. I fully welcome the opportunity to take part in the debate as I have been infuriated by the misinformation that has abounded since my party colleagues issued court proceedings that resulted in the successful halting of plans to transfer vital farm-related funding from pillar 1 to pillar 2.

Let us be fully clear on the issue: this was not shadow boxing, as has been foolishly and childishly claimed by some in the Ulster Unionist Party. It was a real and meaningful attempt to prevent an Executive Minister going on a solo run without entering into a full discussion with her Executive colleagues on an issue of huge importance. The Finance Minister, Simon Hamilton, was absolutely correct in taking that action, and the subsequent court ruling vindicated the stance

taken by our party and the Finance Minister. It must be fully understood that the failure to consult the Executive resulted in the court action being taken. The Minister of Agriculture and Rural Development was effectively reined in. The motion is correct in its sentiment that the matter should not have had to reach this stage, but that is for the Minister of Agriculture and Rural Development to explain. The DUP has been crystal clear that it is opposed to any transfer of funds from pillar 1 to pillar 2. Indeed, our party MEP, the hard-working Diane Dodds, has responded to the pillar 2 consultation and stated her opposition to any such transfer between the two pillars. The allegation has been made that the DUP was quick to issue court proceedings without any attempt to resolve the issues in the Assembly. That is another falsehood, given that we tried to engage with DARD on this important matter in a bid to get a resolution before commencing court action. That was not possible, but the important element is that the decision has been halted, which means that a proper discussion can take place on the issues surrounding direct help to farmers and rural development.

The ensuing court action ensured that £137.5 million of funding remained with farming families across the Province. Farming and the agrifood sector are a very important industry for Northern Ireland, and I have been continually requesting a fairer deal for farmers to bridge the gap between the farm gate and the supermarket shelf. The retained money, along with the rest of the funding for pillar 1, will allow farmers to develop their business and help them to respond to changing market conditions and maximise their potential product outputs.

We must be under no illusion: there is still ample funding in pillar 2 to deliver an effective rural development programme. Even with the £137 million remaining in pillar 1, pillar 2 will provide suitable funding opportunities for future projects in the rural community. It must also be said that families who avail themselves of pillar 1 funding will spend the money on their businesses. Ultimately, that finance will filter into the wider rural community directly and indirectly, supporting a wide range of people in employment without vast sums being tied up in costly administration.

As a past member of a local action group (LAG), I have seen at first hand the importance of rural development and, of course, the monumental burden of red tape and bureaucracy in the delivery of rural development funding. That, in my opinion, remains the largest stumbling block to the effective delivery of a rural development funding

scheme that will bring long-term benefits to the rural community. Indeed, many schemes that would benefit local farmers have remained closed, despite being oversubscribed. Those are real challenges facing the Minister in delivering effective aid to farmers and the wider rural community.

The important issue for me remains that the Minister must enter full discussions on this issue and, indeed, on the big issue of the reform of the common agricultural policy. Those issues have wide-reaching effects on the agrifood sector and the wider rural community. They involve many hundreds of millions of pounds, which must be targeted effectively where such funds will make the greatest and most lasting difference. The debate is still to be had on those issues. I inquire of the Minister if she intends to be a willing facilitator in such a debate.

**Mr McMullan:** Go raibh maith agat, a LeasCheann Comhairle. I start by saying that I am taking no interventions, so do not waste your time asking me. I am taking no interventions because my time is precious, and I will certainly not waste my time here today. The debate has clearly shown that the farming community has been used as a political football by the DUP. The fact that Members can spend six minutes asking one question really sums it up.

Much has been said about the Minister's decision and the figure of 7%. That is a crucial factor that has been passed over and made light of. The Executive could have added to the money in pillar 2 and given it out to farmers for schemes that they have lobbied for and need, such as fences and sheds etc. Now, with all the money in pillar 1, less than 50% of farmers will get an estimated €260 — less than the cost of a wax jacket.

On 20 December, the Minister took her decision that 7% of the funds should transfer from pillar 1 — direct payments — to pillar 2 — rural development. That figure is the lowest per hectare of all member states. In England, it is 12%; in Wales, 15%; and, in Scotland, 9.5%. In total, their allocation for EU 2014-2020 direct payments was £2.3 billion, and £227 million for rural development. For some unexplained reason, the DUP — on the face of it, because it could not get its own way on CAP reform — ran to the courts, which ruled that this must go to the Executive. The Minister did that and asked for urgent procedure before the 31 December deadline, but the DUP again blocked that, and 0% was transmitted to Brussels for the Six Counties.

The DUP has clearly shown that it is looking after one section of the farming community at the expense of the small hill farmer. I make it clear today that Sinn Féin will continue to support the small hill farmer and all farmers. We do not make any difference between them and will not be party to a two-tier system. They are also on record as saying that they do not want anything going to any other organisations. We already have the lowest funding for the RDP in Europe because of DUP-supported cuts. Let us make it clear today that the DUP did not support cuts to the budget only once or twice, but three times — once in Europe, once in Westminster and now here, with the court action. It has cut the money to the farmers three times. Remember that: I said three times.

**Mr Wilson:** The money is staying with the farmers.

**Mr McMullan:** You were part of it too. You sat in Westminster.

**Mr Deputy Speaker:** Order.

**Mr McMullan:** It cannot be dismissed. The decision of the courts could now have repercussions for all Departments. Your MEP was quoted in the papers at the weekend saying that the Minister had now stopped Ministers doing solo runs. I hope that applies to your party, because a lot of them have done solo runs this last while.

**Mr Deputy Speaker:** I ask that all remarks be made through the Chair, please.

**3.45 pm**

**Mr McMullan:** When the Minister took the decision in 2012 not to apply a voluntary year of modulation, that was not challenged. Indeed, the previous Agriculture Minister's decision on the transfer of funds from direct payments to rural development was not challenged. Other such transferred funds were used to benefit the farmers and farmers' families only.

We now have 0% transfer, which means that we have to find the funding to keep not only the schemes in the rural development programme, such as farm modernisation, capital investment, agrienvironment, countryside management and farm safety, but the agrifood industry and rural communities themselves. Within the agrifood industry, there are plans to create 15,000 new jobs. In its rush to set up a two-tier system, the DUP is quite prepared to put that at risk in favour of the big farmer. Let the DUP now



explain why it went to the courts, why it wants a two-tier system, where the money is coming from and everything else. The small farmer would like to know. Also, we support the recent call for one region only.

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to respond to the debate. I listened carefully and with interest to the debate so far. Despite the fact that I made a statement in the House last week and answered numerous questions from Members, it appears to me that perhaps some Members are not listening. So, I welcome the opportunity to clarify some of the points. Common threads have been raised through the debate. Some are genuine concerns, and I will take those on board and try to address them; some are, in my opinion, electioneering. That being said, I will respond to the debate with fact and accuracy.

It is important that, once again, I set out the sequence of events that led to a zero rate of transfer being applied. Members know that, on 20 December, I made a written ministerial statement to the Assembly and advised of my decision to transfer 7% of the direct payments allocation to the rural development allocation. I intended that the transfer rate of 7% for the years 2014 to 2019 would provide approximately an additional €137.5 million to the overall rural development programme budget.

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

**Mrs O'Neill:** OK.

**Mr Wilson:** This €137.5 million has been thrown around the Chamber today. Will the Minister make it clear where that €137 million is coming from and say that it would not have been spent on waxed jackets, as her colleague suggested, otherwise Barbour will have a field day on sales in Northern Ireland?

**Mrs O'Neill:** You will see that as I go through the debate. I want to pick up on all the points raised. However, it is clear to me that this was farmers' money for farmers. Let us be very clear: 80% of all moneys in the rural development programme goes to farmers. In the past, all modulated money has gone to farming schemes. That was the intention. The Member has picked up on a point — the Chair of the Committee picked up on it earlier — around lack of detail. The detail was there: read it. Indicative costings were given out in the consultation. The points were all there and very evident for people to see and base their

decisions on. The material was there. If people chose to ignore it, that is their problem.

I think it was the proposer of the motion who asked earlier "Why 7%? Where did I get that figure from? How did I arrive at it?". Again, I picked up on that point last week, but I am happy to pick up on it today and make it clear for you. Last week, when I addressed the House, I said that I took a decision based on a fair and balanced assessment and a wide-ranging consultation that sought numerous views. On the basis of analysis of all the responses I received, I took a decision on a 7% transfer. That was to give us a fair and balanced approach to rural communities and to support rural communities in the round: the farming sector, the environmental sector and rural communities. That is something that, I believe, it is my responsibility to do. In moving forward, we have to have a scheme in place that looks after all the interests of those who live in rural communities. That is not to say that those issues are competing: they are all relevant and all need to be supported in moving forward.

Following my decision on 20 December, I was advised that legal action had been instigated by the Finance Minister on the basis that the issue should have been referred to the Executive. The issue went to court, and the court held that it met the criterion of being significant or controversial and outside the Programme for Government. The judgement was that the issue was significant and controversial. Following the court judgement, which I accepted, I immediately proposed a transfer rate of 7% in an Executive paper that was brought to the Executive. I very clearly set out and explained the pressing timescale that we faced. DEFRA needed a decision by 31 December, and that then had to be communicated to Europe. So, I had to take the decision. I asked for a speedy decision from the Executive, but the reality, without sugar-coating it, is that the DUP blocked it, so the decision did not go forward.

I am listening to the debate, and I believe that some Members on the Benches opposite have amnesia. I certainly do not. I know why DEFRA took the decision: it was because the DUP blocked the decision. I do not know why the DUP seeks a mandate if it wants to sit back and allow DEFRA to take decisions that are influential for local people here in farming communities. That is a political reality. The decision by DEFRA to take a challenge led us to the position where we were sitting at a zero rate of transfer. So, we have to look at where we are at now and look comparatively at what

England, Scotland and Wales have done: 15%, 12% and 9.5%, which are all significant investments in rural communities. I am very disappointed that we were not able to do that.

Some of the debate focused on solo runs by me in taking the decision. Let us be very clear: this is not something new. Pillar 1 to pillar 2 transfers have happened before. There has never been any political issue with it before. The average transfer rate when Michelle Gildernew was Minister was 6%, and I do not recall any political issue being raised at that time. Maybe there were no elections that year. That is the reality.

I made the point at the start — I want to make it clear — that all modulated funds are directed only towards projects that benefit farmers and farm families. I will list them. I listed them last week, but I will do so again, because I think that it is so important that we —

**Mr Frew:** I thank the Minister for giving way. The Minister can say that the modulated money goes to these schemes, but the fact remains that the money still in the pot for rural development then goes on other things that are not efficient and effective for the farming community. It really grates members of the farming community when they drive by a scheme or a project that should have been funded through another form and not the rural development funding and not their money.

**Mrs O'Neill:** Again, that is a narrow view from you about rural communities. Farmers are rural dwellers. They live in rural communities, and those rural communities need to be sustainable and thriving into the future.

**Mr McAleer:** Will the Minister take an intervention?

**Mrs O'Neill:** I will in a second. Do farmers not deserve to have other services in their communities also? I do not think that you should keep playing off rural communities against farmers. That is not the situation. This is about how we use the European moneys that we have most effectively and how we get money into farmers' pockets. The projects that I wanted to take forward are capital grant schemes, and that is why I wanted to transfer money. It is for things such as fencing and sheds. Those are the things that farmers want, so stop playing one off against the other. It is about a fair and balanced approach in moving forward. I will give way to the Member for West Tyrone.

**Mr McAleer:** Go raibh maith agat. Minister, last week and this week, quite a number of spurious comments and suggestions have been made about how the rural development moneys have been spent. Will the Minister agree that any funds to be spent in rural communities have been decided on by the LAGs and joint council committees (JCCs), of which representatives of all the parties in the House are members?

**Mrs O'Neill:** I absolutely agree with that. I do not take decisions on how the money is best spent. These are the local groups. These are locally elected representatives taking decisions for their communities. That to me is absolutely key to the success of this project and moving forward.

**Mr Wilson:** I thank the Minister for giving way. At least she is engaging in the debate, which is more than the proposer of the motion did. Money is spent on amenity sites in rural areas, which farmers pay for, but householders pay through their rates for amenity sites in urban areas. Is that a fair way of spending the money or, indeed, many of the other local authority projects that were funded under this? Farmers paid for it, whereas, if they lived in an urban area, it would have been paid for through the rates.

**Mrs O'Neill:** I could go right through lists and lists of projects that have been funded, and they have been funded with the support of your party colleagues in council, my party colleagues and, indeed, all Members of the House. The projects that have come forward have come as a result of the local areas taking a decision on what they feel is most needed in the rural community. You will have to question your party members about why they support something. There is a project in place, and it is about getting money into rural communities at a time of economic decline and the negative situation that we are in. It is investment and spending in rural communities that brings tourism potential and job creation. These are all things that we cannot just dismiss and decide to cherry-pick because we do not like one of them. We need to be real about this. This is about a fair and balanced approach to rural communities in moving forward.

I make the point again that all modulated funds have gone to farm projects. I will list some of the projects: Focus Farms, with 1,000 visits attended by over 15,000 farmers; the bovine viral diarrhoea (BVD) awareness stuff; farm safety; and the farm modernisation programme, which is a fantastic thing on the ground and farmers want to see more of it. In the farm

modernisation programme, over £12.5 million is supporting 4,600 farm businesses. When the additional 60% contribution from farmers is added, that results in a total investment of over £30 million in the local economy. That is not something to be sniffed at; that is something that we need to build on and encourage and work with farmers in doing. It is exactly what I wanted to do —

**Mr Byrne:** I thank the Minister for giving way. Can she outline what will happen from here? Given the scenario that we are in, the farming and rural community want to hear what will happen now. When will there be meaningful discussions between the Minister and her colleagues about securing matched funding to make sure that rural development becomes real and meaningful again?

**Mrs O'Neill:** I am happy to outline that, and I will pick up on the point about next steps. For me, the onus is very much on the Executive now. They will have to step up. I hope that the Finance Minister, who obviously took the court challenge and objects to the money being transferred to a programme to which the Executive could have added value, potentially doubling the fund that we had, will support me when I make the case to the Executive on moving forward and how we will fund worthwhile projects in rural communities.

I will go back to my point. On 13 January, I stated in the Assembly that I was disappointed that, as a result of the intervention by the Finance Minister, we are the only part of this member state where no transfer is happening. That risks depriving farmers, rural communities and environmental protection of much-needed investment.

I will turn to the motion and begin with the claim that I failed to consult effectively with Executive colleagues. I have made the point repeatedly, but I will make it again in case people are not listening. Maybe they are sitting refusing to listen. I will keep making the point. I did correspond with my Executive colleagues. On two occasions, the Finance Minister, who saw fit to take a legal challenge, did not bother to respond. He had no issue. That calls into question his motivation for taking the challenge. What was his motivation, when he was happy to come to two Executive meetings when the correspondence went around and there were no issues? Not one problem was raised. Yet and all, when I made a decision, he decided that there was a case to go to court. His motivation has to be questioned. That is for him to answer.

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

**Mrs O'Neill:** I will not give way because I have given way plenty. I think that I have been pretty fair. I want to get through some of the points.

As I said, I believe that I consulted effectively with Executive colleagues on my plans to transfer from pillar 1 to pillar 2. The statement in the motion is groundless. As I said very clearly, it is, quite simply, purely a matter of fact that I consulted all Executive Ministers and that the Finance Minister had no issue. In fact, the Environment Minister was the only Minister who actually responded to say that he obviously supported environmental schemes being funded and wanted to make sure that that would be the case in future. Again, I point out the fact that the Finance Minister had no issue at that time. Again, not to sugarcoat the issue, that seriously undermines his rationale for doing this. It seriously calls into question his motivation for doing it.

The motion also calls for the Assembly to note with concern the events that saw the issue being brought before the High Court. I absolutely agree that it should not have gone to the High Court. There was a place to deal with it: the Executive. As I have said, the Finance Minister chose not to do that. Again, that points out one thing to me: it was a political issue. The Finance Minister could have brought it to the Executive but chose not to.

The motion further calls for me to seek sufficient funding from the rural development programme. The Member asked about that with regard to moving forward and looking to the future. I have already made it clear in this statement to the House that I will go to the Executive and make a case for additional funding. We have put in place the Agri-Food Strategy Board. It has now come up with a plan, which, to break that down into its simplest forms, is grants for farmers and that type of thing. The Minister of Enterprise, Trade and Investment and I will make a case to the Executive. I will now have to make a bigger case because of the decision by the Finance Minister. The Executive will have to step up to the mark and support that if they are serious about supporting an industry that is thriving and doing well. I hope that Members opposite are up for that and that all parties in the Chamber will support me in my bid to the Executive for additional funding.

Where are we now in the absence of the transfer of funds? As I said, the Executive will have to step up and help us to address the

issues. We have a clear vision. The Agri-Food Strategy Board plan is in place, but we need the money to back it up. That is what I will look for from the Executive in the time ahead.

In closing, let me say that I am grateful for this opportunity. I am happy to have the debate, and I will have it as many times as is necessary until we get to the stage at which I feel as though people are actually listening. I share the concern of the proposer of the motion that the issue went in front of the High Court. That is not the way to do business. The decision also has implications for the wider Executive, and we will have to deal with that.

#### 4.00 pm

Why the Finance Minister invoked court proceedings, having earlier declined to comment on the pillar 1 to pillar 2 transfer issue, is a matter for him to explain. I have rehearsed my reasoning for why I believe he did it, but he can answer for himself. Incidentally, he has not had one conversation with me about this. There has been no knock on my door from DFP wanting to talk about the issue. Again, that raises a question about the motivation behind all this.

I want to assure Members and any member of the farming or rural community who is listening to today's debate that there is no bigger supporter of farming and rural communities than me. I am trying to be a champion for farmers and rural communities. I assure the Assembly that I am committed to seeking the additional funding that will allow me to do the types of projects on the ground that farming communities are asking for. I am absolutely committed to delivering a balanced rural development programme —

**Mr Deputy Speaker:** Will the Minister draw her remarks to a close, please?

**Mrs O'Neill:** — that meets the needs of the entire farming community and the environment and rural sectors. We cannot leave any stone unturned as we move forward. We have to support everybody in the round.

**Mr McCarthy:** I am very grateful to the Minister for her response. She spoke very robustly, with authority and determination, and it feels as though she was on the right side of the argument. However, the Alliance Party tabled its amendment because it felt that it was necessary that the Minister of Finance and Personnel's role in the 0% transfer from pillar 1 to pillar 2 be recognised.

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

**Mr McCarthy:** I am only started, Sammy. Hold on. *[Laughter.]* You are mad to get in. Wait a minute.

**Mr Wilson:** You have started on the wrong foot already. *[Laughter.]*

**Mr Deputy Speaker:** Order.

**Mr McCarthy:** Right, that is you gone. You are not getting in again. *[Laughter.]* I am extremely disappointed in the Finance and Personnel Minister for not replying in the first place to a simple invitation from the Minister at an early stage. It seems very strange that he could not reply. Had he done so, it would have prevented all the shenanigans that we had over the Christmas period.

My colleague Anna Lo highlighted how Wales plans to transfer a rate of 15%, England a rate of 12% and Scotland a rate of 9.5%, totalling around €2.3 billion in additional investment for rural development and, indeed, environmental protection.

**Mr Wilson:** Will you give way at this point?

**Mr McCarthy:** Very briefly, Sammy.

**Mr Wilson:** I thank the Member, who obviously has a more extensive knowledge of farmers than Ms Lo does representing South Belfast, which, as we know, has a huge farming community. Given that his constituency has a large farming community, will he tell the Assembly whether he is happy that 7% of the money that farmers would have for development of their own farms should be taken from them to do the kinds of things — namely, work that councils should have been doing — that the Minister justified here today?

**Mr McCarthy:** I do not go along with that at all. I think that this is about the Department working with everybody for the benefit of everybody, including farmers and the environment sector. We know that a lot of other things have also benefited. As you say, coming from a rural constituency, I have seen the benefits of the funding that we are talking about.

For Northern Ireland to have a 0% rate of transfer is embarrassing and will potentially have enormously detrimental consequences. The additional and much-needed funding would have supported investment in the agrifood industry, environmental protection and

economic and social development in our rural areas. The transfer of funds in the past has paid for agrienvironment schemes. Evidence shows that those schemes are the best way in which to reverse the declines in habitat and biodiversity and losses in the wider countryside. Given that agrienvironment schemes also provide a valuable economic boost to rural communities, I would like to know from the Minister whether DARD has or will conduct an impact assessment on the 0% transfer to determine the threat to those wildlife-friendly farmers who rely on agrienvironment payments to maintain a viable farm business.

The environment sector has expressed concern that less-favoured area payments have traditionally been paid from rural development policy budgets. That payment is set to become, as I understand it, for areas of natural constraint, and it can be paid from RDP or pillar 1. Given that the transfer of RDP has been set at 0%, the RSPB has recommended that the areas of natural constraint be paid from the pillar 1 budget, as it costs the taxpayer about £20 million a year. If that was paid from the RDP budget, it would use most of Northern Ireland's allocation and would achieve very little for our environment. We need to know how those reduced funds are going to be strictly targeted so that we can have an assurance that they are spent efficiently.

The interaction between Mr Swann and Mr Frew this afternoon may not have been their finest hour as legislators. I am surprised, because I served on the Agriculture Committee for a while with Mr Swann and Mr Frew, and they got on famously; there were no arguments whatsoever. Maybe it is because I left your Committee that the standard has gone down.

**Mr Byrne:** Come back. *[Laughter.]*

**Mr McCarthy:** "Come back", says the Deputy Chair.

The question is this: did the previous Minister of Agriculture and Rural Development bring the decision to transfer funds from pillar 1 to pillar 2 to the Executive for approval? Or, is it, as the Minister of Agriculture and Rural Development rose to suggest and as I am beginning to believe, simply a case of the DUP electioneering? They would not do that — no.

I am not sure that farmers —

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

**Mr McCarthy:** No.

I am not sure that saying that farmers are in a different position now is an adequate response.

**Mr Wilson:** Will the Member give way on that point?

**Mr Deputy Speaker:** Order. The Member indicated that he is not giving way.

**Mr McCarthy:** Mr Byrne, the Deputy Chair of the Agriculture Committee, reiterated the failure of certain Ministers and stated his disappointment that legal proceedings had to be taken. My party shares that disappointment.

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

**Mr McCarthy:** The Alliance Party and I hope that the Minister of Agriculture and Rural Development will work closely with her Executive colleagues to meet the funding deficit for the rural development programme. I hope that lessons have been learned from the pantomime over Christmas. The Assembly should be —

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

**Mr McCarthy:** — highly embarrassed by what has happened. Let us hope that everyone in our rural and farming communities can benefit from all European funding.

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

**Mr Wilson:** You are 7% over your time.

**Mr Deputy Speaker:** Order.

**Mr Swann:** I think that the level of debate and exchange that there has been in the Chamber shows that we have been truly justified in bringing the motion forward because it has allowed all parties to air their views on what is coming forward. In his closing comments, Kieran said that this may not have been our finest hour. I think that what has led to this debate was not the Executive's finest hour. We see legal proceedings being taken by one Minister against the other. We have heard the counterclaim from the Minister of Agriculture and Rural Development that she had tabled documents and written letters. Minister, can I ask you, as a matter of form, to put all those documents on display in the Library for all Members? We will then be able to see for ourselves what papers were laid, as mentioned throughout the debate, and we can make our

own minds up. We made our opening comments in the debate, because we were not aware of or privileged to the conversation that she had as Minister of Agriculture and Rural Development with the Minister of Finance and Personnel. If that is rightly so, stand your ground and stand on your merits and show Members and the rural community what actions were actually taken.

**Mr Frew:** I thank the Member for giving way. I will be brief. Does the Member welcome the courts' decision?

**Mr Swann:** A decision having to be taken by the courts is the biggest problem and the reason why we brought the motion forward. When we take the decisions on a devolved matter out of the Chamber and out of the Executive and put them into the courts, I do not welcome a court having to take any decision on the jurisdiction of the proceedings of the House. That is the problem that I have, Mr Frew.

As I said when we had the exchange —

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

**Mr Swann:** I want to make this point and to elaborate on this matter. I will let you in in a minute or two. I want to continue when I am on this track. I raised this matter in an intervention to you. In the previous rural development programme, the actual decision of transfer was made by David Cairns, a direct rule Minister. It was then amended and reversed by the Sinn Féin Minister Michelle Gildernew. No action was taken then, and no concern was shown. She took that decision, independent of the Executive. There was no challenge. That was on 11 June 2007, when we came back.

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

**Mr Swann:** Certainly.

**Mr Wilson:** Does the Member accept that things should come back to the Executive only if they are controversial? Clearly, what happened from 2007 showed that taking money from farmers and spending it in a way not directly related to the farming industry was, in some cases, quite controversial because it was not even agreed by the local committees. However, the Minister signed off on it. Funding became controversial, so the issue had to go to the court. Does the Member not welcome the fact that Ministers cannot now make controversial decisions without there being a safety mechanism in place?

**Mr Swann:** I thank —

**Mrs O'Neill:** Will the Member give way?

**Mr Swann:** I just want to develop this.

I thank the former Minister for that comment. If the decision was going to be controversial, did the Finance Minister or the DUP inform the Agriculture Minister that the transfer rate that she was going to set was going to be controversial? If they did, please put those documents into the public domain.

We have talked about solo runs. I have heard it said a number of times that this is a great victory: the DUP has finally shown that there will be no solo runs. On Together: Building a United Community, OFMDFM did not consult with the Minister for Employment and Learning. There was no consultation with DEL whatsoever, even though the programme is about challenging youth unemployment. There was no consultation with Executive Ministers on that. Again, the solo run argument is not valid in this case. It will stand to be proven if the St Andrews Agreement has completed the end of solo runs. As far as I am aware, the agreement was quite a while ago and we have seen a number of solo runs from Ministers.

**Mr Frew:** I thank the Minister — sorry; the Member — for giving way. We are getting mixed up with so many interventions. I go back to my original question to him: do you support and welcome the decision taken by the DUP to go to court and get a result for the farming community? The direct payment is the best direct form of financial assistance to a farming community. Do you deny that? Also, will you give us a percentage as to what the UUP would transfer from pillar 1 to pillar 2?

**Mr Swann:** You keep going back. I am here to wind on the debate and come back on some of the points that other Members raised. We have made it clear; Jo-Anne developed her position at the start of the debate. It was simply the fact that, if we had seen in the consultation by the Agriculture Minister, putting out the figures for what projects were going to be assigned, we could have seen the percentage transfer —

**Mrs O'Neill:** Will the Member give way?

**Mr Swann:** Certainly.

**Mrs O'Neill:** As I said during my contribution to the debate — and I am sure that the Member

was listening — I was very able to point out that indicative costings were set out as part of the consultation. I made the point a few minutes ago that, if people in the Chamber decided not to read them, that is their problem. They were clearly set out for people to make an informed decision. Average costings and bandings were set out for each type of project that I wanted to take forward.

The Member who intervened said that this was a win for the farming community. It was not a win; it was a let-down for rural communities. The decision is now not reflective of the entire needs of rural communities. We need to look at the environmental sector, the farming sector and rural dwellers as a whole, and not just look after a small section of rural communities.

**Mr Swann:** Minister, I will come back —

**Mr P Robinson:** I am grateful to the Member for giving way. I do not want to get into the issue of the Minister's decision. The courts have already decided who was right and wrong on that issue. The Member said that the Together: Building a United Community strategy was not brought to the Executive. It was brought to the Executive, and it was endorsed by the Executive.

**Mr Swann:** I thank the First Minister for his comments. I was taking the Minister for Employment and Learning's approach on that; he said that he was not consulted on the detail of it. I say that as Chair of the Committee for Employment and Learning.

I go back to what the Agriculture Minister said about the bandings and all the rest. The point made by my party colleague when developing this argument was that, when the previous percentage change was made in the 2007 rural development budget, your predecessor had the dignity and respect to come to the Agriculture Committee to explain that. That is another problem that we have. This is not about point scoring, although that is what is being portrayed between the two unionist parties. We want to point out here that we have concerns and problems with the entire process that is going on.

Issues have been raised about comments made regarding farm safety maybe losing out on these schemes. It has been pointed out that DETI is responsible for farm safety. I have tabled a question to the Minister of Enterprise, Trade and Investment asking how much of her budget is set aside for farm safety schemes and developments, or whether it simply going to be

about protocols and strategies between DETI and DARD. If DETI is taking on the responsibility of farm safety and the delivery of farm safety schemes, I want to ensure that there is a budget to do that. A display was put on here last week that proved the importance of farm safety, and if that is going to be lost out on because of a tit for tat between the parties, it will be to the detriment of our rural development.

**4.15 pm**

Ian Milne explained that less than 48% of farmers will gain £260 if the transfer is not made. Ian, I do not have the commitment for those figures, but I will take your recommendation. The £260 per farming family will not cover the major schemes. That expression was developed by Mr McCarthy.

**Mrs Dobson:** I thank the Member for giving way. Does he agree that the Finance Minister's contribution would have been very helpful today? We have certainly heard a lot from the very animated ousted one; perhaps that is another voice from the past. *[Interruption.]*

**Mr Deputy Speaker:** Order.

**Mr Swann:** I asked the Agriculture Minister whether she would lay all the papers in the Assembly to see who is right or who is wrong and what correspondence there was. Maybe if we pass the same request to the Finance Minister, through his party representatives, some clarity could be achieved.

William Irwin said that he was behind the sentiment of the motion. I thank him for his comments and support, because, as Kieran pointed out, our Agriculture Committee is usually a lot more supportive and speaks with one voice. The political point scoring that has brought the situation about — Kieran also developed that argument — has —

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

**Mr Swann:** No, I am running out of time, Paul. I have given way to you a number of times.

Minister, I will ask one thing of you. You said that this is it until 2017, but in your written statement of 20 December 2013 you said that you can reapply in August 2014 but that you will have to go through DEFRA, with the agreement of all the other member states. Is that completely out of scope or is it your political stance?

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

**Mr Swann:** I commend the motion to the House.

*Question put, That the amendment be made.*

*The Assembly divided:*

*Ayes 60; Noes 37.*

## **AYES**

*Mr Agnew, Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Copeland, Mr Cree, Mr Dallat, Mr Dickson, Mrs Dobson, Mr Durkan, Mr Eastwood, Mr Elliott, Dr Farry, Ms Fearon, Mr Flanagan, Mr Ford, Mr Gardiner, Mr Hazzard, Mr Hussey, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lynch, Mr Lyttle, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGimpsey, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr A Maginness, Mr Milne, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan, Mr Swann.*

*Tellers for the Ayes: Ms Lo and Mr McCarthy*

## **NOES**

*Mr Allister, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr Wilson.*

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

*Question accordingly agreed to.*

*Main Question, as amended, put.*

*The Assembly divided:*

*Ayes 34; Noes 63.*

## **AYES**

*Mr Agnew, Mr Allister, Mr Attwood, Mr D Bradley, Mr Byrne, Mr Copeland, Mr Cree, Mr Dallat, Mr Dickson, Mrs Dobson, Mr Durkan, Mr Eastwood, Mr Elliott, Dr Farry, Mr Ford, Mr Gardiner, Mr Hussey, Mrs D Kelly, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lyttle, Mr McCarthy, Dr McDonnell, Mr McGimpsey, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Mr Nesbitt, Mrs Overend, Mr P Ramsey, Mr Rogers, Mr Swann.*

*Tellers for the Ayes: Mrs Dobson and Mr Swann*

## **NOES**

*Mr Bell, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Ms Fearon, Mr Flanagan, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCrea, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr McQuillan, Mr Milne, Lord Morrow, Mr Moutray, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr Wilson.*

*Tellers for the Noes: Mr McMullan and Mr Milne*

*Main Question, as amended, accordingly negatived.*

*(Mr Speaker in the Chair)*

**4.45 pm**

## **Smithwick Tribunal**

**Mr Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes in which to propose and 10 minutes in which to make a winding-up speech. One amendment has been selected and published on the Marshalled List. The proposer of the 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.



**Mr Givan:** I beg to move

*That this Assembly expresses concern at the findings of the Smithwick tribunal report; calls on the Irish Government to take the necessary action to ensure that those responsible for criminal acts within their jurisdiction are brought to justice; and further calls upon the Minister of Justice and the Chief Constable of the PSNI to have urgent discussions with their counterparts in the Republic of Ireland to ensure that they take all practical steps to prevent any repeat of such atrocities.*

I will give some context to the report and then move on to some broader political points that it is necessary to make. First and foremost, our thoughts are with the Breen and Buchanan families, who lost Chief Superintendent Harry Breen and Superintendent Bob Buchanan in an ambush by the Provisional IRA.

The tribunal was established in May 2005, and work commenced in March 2006. It was set up by the Irish Government to investigate collusion between an Garda Síochána and the Provisional IRA in the murder of Chief Superintendent Harry Breen and Superintendent Bob Buchanan on 20 March 1989.

Chief Superintendent Harry Breen was an officer who was highly decorated for his service to the Royal Ulster Constabulary, a service that he joined in 1957, and highly respected by his colleagues. Superintendent Bob Buchanan joined the service in 1956 and served as a chief inspector in my constituency in Lisburn. He was a highly respected member of the community, a devout Christian and a lay preacher in his church.

The Smithwick tribunal took eight years to complete its work. It gathered extensive information, sitting for 132 days of public hearings and taking evidence from 198 witnesses, 22 of whom appeared on more than one occasion. As I indicated earlier, the tribunal was about the ambush of the two men by the Provisional IRA on 20 March 1989 after they attended a meeting in Dundalk garda station.

Let me outline briefly the circumstances of the day. Arrangements were made for the meeting at Dundalk police station, and those were discussed and well known in the station on the morning of the planned visit. The officers arrived no earlier than 2.20 pm, and that was widely witnessed. At 2.30 pm, the Provisional IRA placed an active service unit on the Edenappa Road near Jonesborough in south

Armagh. As Judge Smithwick says, that was a direct result of confirmation having been received that the officers had arrived at Dundalk police station.

Harry Breen was targeted because of his appearance in the media with weapons that had been seized from the Provisional IRA through the actions taken against it in the Loughgall ambush, where the Provisional IRA suffered a major setback to the terrorist activity that it had sought to wreak on the police station there. It was Harry Breen who was photographed with the weapons that were seized, and the report states that that photograph was etched in every republican's mind, making him a target of the Provisional IRA. Bob Buchanan had also been identified as being on an IRA hit list, and I will return to that issue shortly.

Justice Peter Smithwick has found, after an exhaustive process, that collusion took place between members of an Garda Síochána and the Provisional IRA in the murder of those two officers. His report says:

*"the fact that the preparations commenced so late in the morning tends, in my view, to make it more likely that the information came from Dundalk Garda Station. ... both police services have received information from reliable sources indicating that there was collusion. ... I am satisfied that the IRA required positive identification that Harry Breen, in particular, had arrived at Dundalk Garda Station."*

The report also states:

*"Given that I am satisfied that the evidence points to the fact that there was someone within the Garda Station assisting the IRA, it also seems to me to be likely that the Provisional IRA would seek to exploit that resource by having that individual or individuals confirm the arrival of the two officers."*

Of course, at the time, there were garda officers who were widely suspected of being rogue officers and of having colluded with the Provisional IRA. The report touches on them. They were Sergeant Leo Colton and Sergeant Hickey, who assisted the Provisional IRA by signing false passports. That suggested to Judge Smithwick that the Provisional IRA:

*"reposed considerable trust in Mr Colton".*

The report also indicates that Sergeant Owen Corrigan had:

*"inappropriate dealings with the Provisional IRA".*

He refused to provide details of his personal bank account to the inquiry.

There had been previous inquiries, namely the O'Dea and Camon investigations, and the report said that those were inadequate. Indeed, Justice Smithwick said:

*"This was an example of the prioritisation of political expediency in the short term, without due regard to the rights of victims and the importance of placing justice at the centre of any policing system."*

He also said:

*"The culture of failing adequately to address suggestions of wrongdoing, either for reasons of political expediency or by virtue of misguided loyalty, has been a feature of life in this State."*

His report found a general culture that existed and that still exists in the gardaí where loyalty to the force is more highly regarded than honesty.

The report has clear challenges for the gardaí leadership about how it failed to handle concerns about rogue officers and the culture of the organisation that Judge Smithwick says prevails to this day. That culture was manifested at the tribunal by the unprecedented attack on evidence that the PSNI provided through Assistant Chief Constable (ACC) Drew Harris. That was rebutted as "nonsense on stilts" by the Garda Commissioner's legal representatives. He also said that ACC Harris had paraded his rank before the tribunal.

The judge also took on the Garda Commissioner and accused his lawyers of setting out to undermine former Chief Superintendent Tom Curran, whose evidence was that he had told garda HQ that Bob Buchanan was on an IRA hit list. However, intelligence from an informant to then Assistant Commissioner, Eugene Crowley, shows no record of it being acted upon. Instead, Garda Commissioner Callinan has said that he cannot accept the conclusions from Judge Smithwick about loyalty to the organisation above loyalty to truth. He is in denial, and he diminishes the apology that the Irish Government provided to the families of Buchanan and Breen.

Let us touch on the IRA's involvement in the inquiry, which, as Members will be aware,

benefited from immunity under section 5 of the Tribunals of Inquiry (Evidence) (Amendment) Act 1979. Immunity was also provided for by the Attorney General, the Director of Public Prosecutions and the Lord Advocate in the United Kingdom's jurisdiction. Gerry Adams said in the Irish Parliament:

*"I used whatever influence I had to ensure there was an unprecedented attendance in terms of former IRA volunteers speaking to the tribunal and the justice on more than one occasion."*

However, the evidence is clear that the IRA was not helpful. John McBurney, the solicitor at the inquiry, talked about the need for further investigations to identify gardaí officers who colluded with the IRA. He said that he suspected that the man was still alive because the IRA went to considerable lengths to sabotage the Smithwick tribunal and to prevent it getting to the truth. So, the evidence that Provisional IRA members gave was provided through what was called a "final note", which gave an account of the events that occurred on 20 March 1989.

It said that they had:

*"received no assistance from an agent of the state."*

Subsequently, the tribunal requested a meeting with one of those members and the judge felt that it was very important that that should happen, that he should hear the evidence first hand and that it should be under cross-examination. However, they refused to come forward to the tribunal.

That is a salutary lesson to Members in the House who hear from Sinn Féin that it wants a truth process and that, if we set that up, we will get the truth. Yet, here it had a tribunal under the gaze of the Irish Free State and it refused to give it the information necessary to get to the truth. Indeed, worse still, it sought to sabotage the efforts of the tribunal. Of course, Gerry Adams went on to blame the incident on the officers because they had a laissez-faire approach to their own security; that was dealt with previously.

For many people, the Smithwick tribunal will be regarded as only the tip of the iceberg, because this was not just an isolated incident. Collusion is strongly suspected in the murder of Lord Justice Gibson and Lady Gibson in 1987 and the murder of the Hanna family in 1988, the target of which was meant to be a senior judge.

Many other murders took place along the border in which collusion is suspected.

The fact that the political establishment in Dublin is shocked by these revelations is something that I find shocking. Any process to deal with the past must also look at the actions of the Irish Government, which was then led by Jack Lynch, in assisting the creation of the Provisional IRA. Captain James Kelly, who was an Irish intelligence officer, acted on the orders of the Irish Government to acquire and import guns into the Republic of Ireland for PIRA. Captain Kelly and senior members of the Irish Government met senior figures in the IRA as early as October 1969. So, when we look at the past, let the Smithwick tribunal be the catalyst for the Irish Government to come clean on their failures and the failures of their agencies.

**Mr Speaker:** The Member must bring his remarks to a close.

**Mr Givan:** Let us also remember, however, that ultimate responsibility for the terrorist campaign that inflicted carnage on our community was that of those members of the Provisional IRA.

**Mr A Maginness:** I beg to move the following amendment:

*Leave out all after "Irish Government" and insert:*

*"and authorities to take the necessary action to ensure that those responsible for criminal acts within their jurisdiction are brought to justice; acknowledges the response of an Garda Síochána to learn lessons and do whatever is necessary arising from the report; further acknowledges the exceptionally good cooperation between Justice Departments, PSNI and an Garda Síochána respectively and the commitment to together fight terrorism, organised crime and wrongdoing from whatever source; welcomes the decisive response of an Tánaiste, Eamon Gilmore, to the report and endorses the recommendations of the report, including those around a structured framework for cross-border policing."*

The outcome of the Smithwick inquiry was one of the most shocking and saddest reports that I have had to deal with as an SDLP politician. Indeed, it was a shameful day, I believe, for policing in Ireland and in particular for an Garda Síochána.

As the previous contributor said, the tribunal referred to the murder of two senior RUC

officers, Harry Breen and Bob Buchanan, who were killed by the Provisional IRA on Monday 20 March 1989. It was shocking and sad because Judge Smithwick concluded, after much deliberation, that there was collusion in those murders by a member or members of an Garda Síochána. It was a shameful and despicable action carried out by a member or members of an Garda Síochána.

The reaction to this report was quite properly dealt with by senior members of the Irish Government, in particular the Tánaiste, Eamon Gilmore, and the Irish Justice Minister, Alan Shatter. I just want to read into the record what Alan Shatter TD, the Minister for Justice and Equality, said on 3 December 2013:

*"Judge Smithwick was unable to find direct evidence of collusion in the killings. However, he concludes, on the balance of probabilities, that collusion did occur involving an unidentified member or members of An Garda Síochána ... For reasons outlined in the report published today, it has taken the Tribunal over 8 years to issue its report. I am well aware that this length of time must have placed great strain on the families of the two officers. But I hope that today's report will help them in their quest for the truth of what happened on that evil day and that it represents an important piece in the complex and inevitably disturbing jigsaw of trying to address the past.*

*After many years' deliberations, it is right that the Tribunal report should now be considered in detail. I will be doing so with a view to presenting it to my colleagues in Government in the coming weeks. I expect too that the report will be fully debated in the Oireachtas.*

*But even before that process is completed I believe that it is important to say immediately, on my own behalf and that of the Government, that I apologise without reservation for any failings identified in the report on the part of the State or any of its agencies."*

**5.00 pm**

The Tánaiste said:

*"Today we must acknowledge and confront the central grave finding of the Smithwick Tribunal Report that there was collusion with the IRA from within An Garda Síochána in the murders of Chief Superintendent Harry*

*Breen and Superintendent Robert Buchanan*

...

*I am appalled and saddened by this finding; it is a matter of grave public concern. On behalf of the Government and the people of Ireland, I apologise without reservation to the Breen and Buchanan families for any failings identified in the report on the part of the State or any of its agencies."*

Those were robust responses to the Smithwick report, and I believe that they reflect a mature and responsible acceptance by the Irish Government in relation to this grave issue.

On behalf of the SDLP, my colleague Dolores Kelly said:

*"The SDLP accept the findings of the Smithwick Tribunal and in doing so would like to acknowledge the bravery and persistence of the Breen and Buchanan families. The Smithwick Tribunal took an independent and fearless approach and this should be a measure of how to deal with the past. Judge Smithwick, through a trying process and painstaking work has gotten to the bottom of this tragedy."*

Again, I believe that that was a mature response. This gives some justice and closure to the Breen and Buchanan families and their former colleagues in the RUC.

I remind the House that, although the inquiry commenced in 2005, it arose out of the 2001 Weston Park agreement. At that conference, it was agreed between the British and Irish Governments and among the parties that there should be a number of inquiries into events of a contentious and controversial nature involving collusion on the part of the security forces and paramilitaries, including the Provisional IRA. However, one inquiry remains to be undertaken that is part of a commitment by the British Government: the murder of Pat Finucane. It is important for us to remind the British Government that it is an outstanding commitment.

Our amendment is a positive contribution. It makes the motion positive by emphasising the recommendations of the report of the Smithwick tribunal. I will turn to recommendations 1 to 6 and take them in two parts. The first three deal with frameworks and procedures to be put in place to allow for the structured and regular exchange of intelligence between an Garda Síochána and the PSNI. Judge Smithwick makes an important contribution to improving intelligence between the two police services,

North and South. He refers to a model — the integrated border intelligence team — made up of agencies from the United States and Canada. Intelligence operatives from the stakeholder agencies collocate, each having exclusive access to his or her own national intelligence database but sharing intelligence with the other stakeholders daily, subject to information and sharing protocols.

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

**Mr A Maginness:** I am sorry; I have a lot to get through.

The second recommendation is that the need for structured frameworks for cross-border policing and enhanced personal relationships go hand in hand. He recommends an exchange of personnel between the PSNI and an Garda Síochána, and he refers to the Patten report from which that arises. I believe that, if we are to do something positive in memory of two brave men who served the people of this island, North and South, in a very courageous fashion, it should be something practical to enhance cross-border policing. This recommendation, as well as the first, is to be commended.

The next recommendation is on protocols:

*"if necessary underpinned by legislative changes, providing the legal and procedural structures for the seamless investigation by joint police teams of crimes with a cross-border element."*

That, surely, would be a major contribution to policing, North and South, and it would help to deal with the terrorism being inflicted upon people in Ireland, North and South. I hope that we can learn from that.

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

**Mr A Maginness:** No, I cannot. I have two other points to make.

The final point is that an Garda Síochána should not tolerate "unethical or irregular behaviour" and that there should be "proper vetting for prospective members". It is also recommended that breaches of discipline continue to be investigated and enforced after a member has, in fact, left an Garda Síochána and that:

*"penalties for breaches of discipline in this regard could, if necessary, be enforced against the former member's pension."*

That, again, is positive. Finally, if there is to be a future investigation or inquiry along similar lines —

**Mr Speaker:** Will the Member draw his remarks to a close?

**Mr A Maginness:** — the report says:

*"consideration ought to be given to establishing same on the basis that it has the power to hear evidence, compel the attendance of witnesses and make orders for ... discovery ... in both jurisdictions."*

**Mr G Kelly:** Go raibh maith agat, a Cheann Comhairle. First, it has to be said that this is about the death of RUC Chief Superintendent Harry Breen and RUC Superintendent Robert Buchanan and their families. If the Smithwick tribunal has done anything, it may, going by some media reports, have brought some closure or acceptable truth to the families. If so, perhaps that is at the core of whatever our discussion and disagreements might be here.

As outlined, the inquiry came from the Weston Park agreement. It is important to say that the two Governments were involved in the discussions, and Judge Cory was asked to see what the case was for public inquiries. Among the six cases that came out of that was the Smithwick inquiry. Alban Maginness read this into the record, but it is worth repeating that Smithwick concluded that he was unable to find direct evidence of collusion in the killings but that, on the balance of probabilities, collusion involving an unidentified member or members of an Garda Síochána and the Irish Republican Army did occur.

What the Smithwick report describes is not on the same scale or in the same form as that which happened within the British state forces directed against the Catholic and nationalist community, mainly in the North of Ireland but also in the South of Ireland. That was systemic, institutionalised and coordinated collusion. It is important to say that it led to the death of hundreds of citizens, including those killed in the Dublin and Monaghan bombings and by the notorious Glenanne gang, which was involved in over 100 killings in the murder triangle. People who watched the recent programme on the MRF will be in little doubt about the type of collusion that went on, of which some people on that programme were proud. To this day —

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

**Mr G Kelly:** No. To this day, the British will not hand over the information to the families involved. The Irish Government upheld their commitment — that is what the Smithwick tribunal was about — and the British Government did not.

As Alban Maginness mentioned, Pat Finucane's family has been waiting a very long time for truth and justice. Indeed, there is a volume of documented evidence of collusion and state involvement in that case. So, my objection to the motion is that it is exclusive. There were five inquiries; originally, there were to be six. Pat Finucane's inquiry has not taken place. Worse than that is the fact that some — I say "some" — Members from the party opposite have not only compounded people's suffering by defending collusion in the Finucane case but have, at times, made scurrilous innuendos and accusations against the victim of that collusion.

I also fail to understand — I note that Paul Givan actually mentioned this when he talked about how wide he believed collusion was in the South — why, if the DUP and, indeed, the UUP support the Smithwick tribunal, they do not support the inquiry into Pat Finucane's murder. If they support Smithwick, why were they against the idea of investigating themes and patterns in the Haass negotiations? Why did they argue so vehemently against those things, when Paul Givan argues that we should look at the Twenty-six Counties? I suppose the question is this: what are they afraid of? They moved towards this motion very quickly. That is fair enough, but they need to realise that, if they are looking for the truth, let it be on the basis of equality, parity of esteem and mutual respect. Let us get away from the hierarchy of victims. Let us realise that, as an example, Pat Finucane's family deserve your support as well as everybody else's.

**Mr Hussey:** I begin by declaring an interest as a former member of the Royal Ulster Constabulary, a force with which I am very proud to be associated.

The motion deals with the Smithwick report. The tribunal found that unidentified members of an Garda Síochána colluded with the Provisional IRA in the murder of RUC officers Chief Superintendent Harry Breen and Superintendent Bob Buchanan. Micheál Martin TD referred to the findings as "truly shocking and sickening". He went on to say:

*"It represents a terrible betrayal of the thousands of members of An Garda Síochána who down through the years made many sacrifices to protect the citizens*

*of this island, North and South, and who worked extremely hard against the actions of the Provisional IRA and other terrorist groups. It betrays that sacrifice in a profound and disgusting way."*

I fully support Mr Martin's comments. I pay tribute to the members of an Garda Síochána who proudly wore the uniform and protected the citizens and the state against terrorist attack. Mr Martin also said:

*"Chief Superintendent Harry Breen and Superintendent Bob Buchanan were carrying out their professional duties to protect the citizens of this State"*

— obviously, he was referring to the Irish Republic —

*"in co-operation with An Garda Síochána and they were gunned down savagely in the course of doing their duty."*

Clearly, the leader of Fianna Fáil accepts that those police officers were murdered in cold blood. He accepts that there was collusion between the guards and the Provisional IRA. Anyone who knows the history of Northern Ireland and the political history of Fianna Fáil knows that some of that party's previous leaders did everything in their power to ensure that the protection of the Irish state was given to the Provos as they headed into the Republic's jurisdiction.

**Mr Kennedy:** I am grateful to the Member for giving way. Does he agree that there is now a clear responsibility on the present Government of the Irish Republic and their policing and security institutions to publicly acknowledge and apologise for the historical failure of successive Irish Governments to properly deal with the murderous and illegal activities of the IRA and the republican movement and that that is an imperative as we all seek to move forward on issues dealing with the past?

**Mr Speaker:** The Member has an added minute.

**Mr Hussey:** I thank the Member for his intervention. I agree entirely with your comments. You will note that the previous contributor referred to various activities but made no reference to the murderous attacks and ethnic cleansing along the border and the murder of various people — in Castlederg, for example, where 29 people lost their life. They deal specifically with one person, and they continue to do that.

5.15 pm

I welcome Mr Martin's progressive attitude. He can clearly see the wrongs that were committed by the Provos and the members of an Garda Síochána who colluded in the murders of two police officers. It is worth quoting a further piece of Mr Martin's contribution to the Dáil:

*"We should be very clear that this was premeditated murder carried out by so-called republicans and people supported by the Sinn Féin leaders and others, who continue to refuse to accept the reality that this was a premeditated murder. Deputy Adams should apologise to the families on behalf of that so-called republican movement, as this kind of language and Sinn-Féin-speak, to which we are now becoming accustomed, represents their ongoing Widgery approach to whitewashing their past atrocities."*

There is a clear indication of how the Government and the Opposition in the Irish Republic see Sinn Féin and the IRA.

The Tánaiste paid tribute to the two RUC officers and their families and referred to Smithwick as:

*"an open, honest and comprehensive report".*

He continued:

*"Out of respect for the families, we should recall the human dimension of this atrocity."*

We must always remember the loss that the families endured. We all know that over 3,500 souls were lost during the Troubles. The Tánaiste added:

*"where allegations of collusion by agents of the State were concerned, we have long agreed that the State bears a particular and solemn responsibility. I have stated previously that I do not believe we can address the past constructively unless we are each prepared to ask questions of ourselves and of our own role."*

I ask some of the Members opposite to think long and hard about their past and about any role they played in the murder or injury of many of the citizens of this Province and island. The Irish Government appear open to discussion on Smithwick, and today's proposal from DUP

Members is aimed at bringing the matter to a satisfactory conclusion.

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

**Mr Hussey:** I will.

**Mr Allister:** Before the Member concludes, does he agree — he referred to the reaction of the Southern Government — that one issue that they have been particularly non-committal about is the finding in Smithwick that part of the problem, in terms of a cover-up, was the pursuit of political expediency, which gave rise to these matters not coming to light? Would he care to comment on that? Does he agree that that is probably a huge telltale sign of a much wider ambit of collusion than Smithwick has already revealed?

**Mr Hussey:** I accept the Member's comments. He is quite correct: the Irish Government have a lot of questions to answer. Again, that was referred to by my colleague Danny Kennedy. The Irish Government have a lot of questions to answer. They seemed to have an open-gate policy when people were fleeing from this jurisdiction into theirs. They have a lot of questions to answer, as, of course, does the Provisional IRA, which seems to think that every other piece of paper on any offence that occurred in Northern Ireland should be made available. Let the IRA bring its records forward. Let us see what weapons it did and did not actually decommission.

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

**Mr Hussey:** I support the proposal put forward here today.

**Mr Dickson:** Before addressing the motion, I pay my and my party's tribute to Chief Superintendent Harry Breen and Superintendent Bob Buchanan. They were dedicated police officers murdered whilst trying to protect and defend people from crime and terrorism. It is important to remember that behind each of the tragic events that we are discussing today are hurting relatives. So, I wish to remember the Breen and Buchanan families, who have suffered grievously and continue to deal with the loss of their loved ones. Clearly, this has been a difficult and painful period for both families, as the truth surrounding what happened starts to emerge. Our thoughts remain very much with them at this time.

Judge Peter Smithwick's report highlighted collusion between as yet unidentified gardaí

and the Provisional IRA in this case. Contrary to the outrageous and offensive views of a few, the vast majority of us are horrified by the report's conclusions. In light of its findings, the Alliance Party welcomes the speedy response of the Irish Government in offering an absolute and unqualified apology. We also welcome the meeting that took place soon after between the Justice Ministers on 6 December and 17 December, with the latter also being attended by the Chief Constable and the Garda Commissioner.

The motion is right to highlight the need for cross-border cooperation to address the report's findings. It is also right to call for all necessary action to pursue justice. If there is any evidence that points to a smoking gun, all lines of inquiry should and must be followed. My party is therefore supportive of the motion, but we would like to see the SDLP amendment made, as it better reflects where things currently stand.

As I said, meetings have already taken place between the Justice Ministers, the Chief Constable and the Garda Commissioner. We should look ahead to further meetings and the implementation of the report's recommendations.

I welcome the amendment's recognition of the close relationship between both police services. That is something that the PSNI and the gardaí and both Ministers have stressed since the report's publication. Indeed, I recall the Chief Constable declaring that he enjoys stronger cooperation with an Garda Síochána, for example, than he did on occasions with neighbouring forces in England when he worked there.

We know the high level of cooperation that exists, particularly regarding the terrorist threat and the activities of organised crime gangs. In the run-up to Christmas, for example, officers from the PSNI and gardaí worked together to foil a dissident bomb plot. It is likely that that saved many lives. That is just one example of the police services working together to defend democracy and to uphold our institutions against the threat of violence, terror and murder.

Judge Smithwick made recommendations regarding how that cooperation could be strengthened, particularly in relation to intelligence sharing and personnel exchanges. There are procedures and structures to facilitate those already. Nevertheless, we support a review of those procedures and

structures to see where improvements can be made.

I have one final point to make. Some have said that we should draw a line under these events and that, if we seek to establish the truth, we will never be able to move forward. However, what this issue has highlighted again is that, whilst the exploration of the past may be painful and uncomfortable, one thing is clear: it cannot be avoided, if we are to address with integrity the needs of those bereaved and injured and learn lessons from our past, both of which are key to building a stable and shared future for us all.

**Mr Campbell:** I begin by paying tribute to the families of Messrs Breen and Buchanan, as others have done. Here were two officers of outstanding bravery, operating in exceptionally difficult terrain, who paid the ultimate sacrifice, brutally gunned down by cowardly murderers. They were but two among a number of others, as my colleague Mr Givan alluded to. A number of judges and other senior police officers were also at risk because of the degree of collusion that existed back then between the Provisional IRA and some elements in the police force in the Irish Republic.

I want to dwell on the Smithwick inquiry and how it helps but also presents a difficulty in how we deal with the past. It helps because, in some small way, there was a degree of finality brought to this one issue. However, part of the problem is that the context in which the Smithwick inquiry came about was, as has been outlined, a result of the Weston Park discussions. Let us set aside the politics of who asked for what and who got what out of the Weston Park discussions: the understanding, post Weston Park, was that a number of investigations would be carried out. At different degrees and at different rates those investigations have been undertaken.

In the context of the Smithwick inquiry into the Breen and Buchanan murders, we have in writing, in the report of the Smithwick tribunal, the fact that members of the Provisional IRA would not cooperate, even though their political representatives had entered into the Weston Park discussions and even though they understood that there would be investigations of IRA atrocities and other killings, including those in which the assertion was that there was collusion of the forces of the state in Northern Ireland. Even in that context, Provisional IRA members declined to offer their full support to Weston Park.

I am aware of another instance — there may be others — in which an inquiry was set up at the demand of republicans: the Saville inquiry. We all know the context in which that was set up: the previous Prime Minister Tony Blair wanted to bring closure and was prepared to spend any amount of time and money to do so. Most people had a reasonable idea of what the ground rules for the outcome of that inquiry would be. Even in that context, the current deputy First Minister went into the tribunal hearing and declined to cooperate. So, we have two instances, one of which was Smithwick, where Provisional IRA members declined to cooperate, and the second was when the deputy First Minister went into the box in Saville and declined to cooperate. However, we are told that there will be openness and transparency from Sinn Féin in trying to bring closure to the issues of the past. We can see now why we ran into problems in the Haass discussions. We need to see openness and transparency from those who were involved in murder, terror and arson. We need to hear from them about what they did, their guilt and their plea for mercy after having done what they did. They seem to demand of others that which they will not apply to themselves. That is what we need to see, but we did not see it in Smithwick or Saville. We need to see it to make progress.

**Ms McCorley:** Go raibh maith agat, a Cheann Comhairle. I will speak against the motion. Tá mise ag labhairt in éadan an rúin seo inniu. The motion expresses concerns at the finding of the Smithwick tribunal, and it calls on the Irish Government to pursue those responsible, among other things. Baineann an rún seo le buarthaí faoi na torthaí atá ag teacht amach as Tuairisc an Bhinse Smithwick. Glaonn sé ar Rialtas na hÉireann dul sa tóir ar na daoine a bhí freagrach. I find it hard to take those concerns seriously. They are disingenuous and selective.

We have years of experience of collusion in the North throughout 30 years of conflict. We know that there was collusion by the British state forces. There has been a complete and abject failure to acknowledge that that happened. We know that the British were directly involved in institutionalised collusion. We have seen documentary programmes about the MRF, which has been referred to. We have seen Anne Cadwallader's book recently, which gives factual information about 120 murders in the murder triangle in mid-Ulster. There has been other research, lots of which is well documented and followed through. Father Faul, Father Murray and Patricia Lundy have done excellent work in getting to the core of the



issues. The facts are there. It can be traced back to individuals.

Smithwick acknowledged that there was not hard evidence, but he decided that, on the balance of probability, there was collusion. The IRA denied that it took place. Shéan an IRA go raibh claonpháirteachas ann. However, the decision was arrived at, so that is where it came out.

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

**Ms McCorley:** I will not.

So, we now have the debate today. We have unionists with their grave concerns about collusion. Yet, when we have evidence of systemic collusion in the North that led to scores of nationalist deaths, we do not really seem to hear much —

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

**Ms McCorley:** I will not.

We do not seem to hear much complaint from —

**Mr Hussey:** She is refusing me as well.

**Ms McCorley:** It is my entitlement to decide to give way or not.

It makes you wonder. The death of Pat Finucane was mentioned by my colleague Gerry Kelly. In a few weeks' time, we will come to the twenty-fifth anniversary of the death of Pat. If unionism is against collusion, I challenge it to call on the British to own up to the role of its agents in the murder of Pat Finucane. If they are really opposed to collusion, they will do that.

**5.30 pm**

**Mr Anderson:** I support the motion. It raises a number of core issues that need to be tackled and addressed if we are to keep moving forward as a society. We hear a lot about the past, and it was a central theme of the recent Haass talks, but if we are to have any hope of dealing with our past, it requires everyone, and I mean everyone, to be honest, open and transparent. There is no point in the spotlight being shone on certain areas of the past if it is not shone with equal brightness on others.

To date, the spotlight has been used very selectively. There are those who are very keen for it to focus on the role of Her Majesty's

Government and on the role of Her Majesty's security forces — the RUC, the UDR, the Royal Irish Regiment (RIR) and the army — and, as long as the spotlight shines on those areas, they are happy. They can sit smugly and point their finger at others. They can demand justice, they can demand endless public inquiries and they can demand apologies, all as long as the spotlight does not shine on them. Well, the time is long past for the focus to fall on other groups and other areas of our past. Members opposite need to have that spotlight shone on them.

The Government of the Irish Republic need to have their part in our troubled past properly explored and exposed. The Republic of Ireland has long been a key player in the Troubles. We on this side of the House have long argued that the Irish Government need to own up to what their predecessors did, and we have debated the matter in the Chamber on previous occasions. They need to acknowledge the extent to which they nurtured the fledgling Provisional IRA; the extent to which they turned a blind eye to cross-border terrorist activity; the extent to which they harboured known IRA terrorists; and the extent to which they failed to extradite those terrorists to Northern Ireland.

The recent findings of the Smithwick inquiry have put all those issues firmly back on the agenda. The spotlight has now been shone on the role of the Irish Government and on the role of the gardaí in what was one of the most high-profile murders ever carried out by the Provisional IRA. On 20 March 1989, two senior RUC officers, Chief Superintendent Harry Breen and Superintendent Bob Buchanan, were brutally murdered just over the border as they returned home from a meeting at Dundalk garda station. Mr Breen came from Banbridge in my Upper Bann constituency. We must never forget those two men and their families, who continue to live daily with their loss.

The leader of the party opposite has already added insult to injury by way of the utterly disgraceful comments that he made and should hang his head in shame. Most of us will remember the murders very clearly. At the time, there was shock in an already hardened community, because here we had two senior RUC men — upstanding, decent, Christian men — done to death in the most brutal of circumstances. Questions were immediately asked about how the IRA would have known about their movements. To say that the unionist people were suspicious of the role of some in the Irish authorities would be putting it mildly. Indeed, many of us long believed that there was collusion between some garda

officers and Republican terrorists, and now Judge Smithwick, after his detailed and exhaustive inquiry, has confirmed those fears and suspicions.

I appreciate that the Irish Government were quick to offer an apology, but it does not go far enough. We need to see action by the Irish state to ensure that they bring to justice all those who have been and still are engaged in terrorism. We also need to see what lessons can be learned about the role of the gardaí.

As the 'Sunday Independent' stated:

*"The collusion by at least one garda with a terrorist organisation dedicated to overthrowing the State, in the murder of two fellow police officers, is the ultimate betrayal of everything that a police force stands for."*

When the Smithwick tribunal findings were published last month, former garda chief inspector Kathleen O'Toole said that the gardaí would have "bad apples" like any other organisation. However, there is strong concern that it is more than one or two rogue officers or one or two bad apples.

As Judge Smithwick himself said:

*"The culture of failing adequately to address suggestions of wrongdoing, either for reasons of political expediency or by virtue of misguided loyalty, has been a feature of life in this State."*

Our Justice Minister must act, and so, too, must the Chief Constable. It is vital that we have urgent discussions with our counterparts.

**Mr Speaker:** The Member should bring his remarks to a close.

**Mr Anderson:** Public confidence demands it.

**Mr Mitchel McLaughlin:** Go raibh maith agat, a Cheann Comhairle. I listened carefully to the contributions. I suppose that we have to acknowledge that there was some predictability about the positions that people would take on the motion and the debate that it has provoked. It is equally obvious that various unionist spokespersons have displayed a curious dichotomy when the issue concerns an Garda Síochána and the political authorities in the Twenty-six Counties. That is in contrast to the generally unenthusiastic response from unionists to collusion in the North that involved members of — I do not say all — the RUC, the UDR, the British Army, MI5 and a motley bunch

of unionist paramilitaries in cases that are well known to that side of the House as well as to this. Those cases include McGurk's Bar, the Miami Showband, the Dublin/Monaghan bombings and the Pat Finucane case, about which the British Prime Minister said that there were "shocking levels of collusion". They also include the killing of Roseanne Mallon and many other examples of a controlled, organised and directed policy of collusion.

However, rather than cherry-pick the minutiae of the Smithwick report, I intend to focus on what I regard as a very significant and perhaps, at this stage, unintended consequence. That is that there may have been a change of attitude in both main unionist parties to collusion. We must remember that this has all happened in the mouth of the Haass process; however, it was not reflected in that process, so perhaps it was unintended. However, Justice Smithwick adopted the definitions of collusion that John Stevens and, subsequently, Judge Cory developed. In addition, and as he reflected in his report, which, you need no reminding, was responded to very positively immediately on its publication of 4 December, Justice Smithwick added another criterion: the balance of probability. I would like unionists not to respond to that or to have a knee-jerk reaction but to think about it.

In their response to the Smithwick tribunal, the unionists have accepted what I regard as a new threshold of proof for the deaths and injuries of many people in Ireland, North and South, through collusion. I think that, at some stage, we will have to deal with this issue, and I hope that the process of doing that could begin with the debate on this motion. I put it to the unionists opposite that their acceptance of Justice Smithwick's conclusions demands that they adopt the same approach to the dozens and dozens of cases in this jurisdiction, many of which have not been properly investigated. Imagine how an approach that is consistent, non-partisan and cross-party in accepting the reality of collusion in this state could change utterly the climate of division, frozen anger and frustration that bedevils any attempt to come to terms with the past.

I appreciate that other Members addressed the families of Chief Superintendent Harry Breen and Superintendent Robert Buchanan. For all I know, they will be very interested in the debate, and I expect them to be. I am very conscious of that, and I do not intend, by any word or deed, to add to their suffering. They have suffered too much.

Could we not begin in an honest way to address the issue? If you are prepared to accept the definition of collusion and to welcome and make proper demands, I assure you that you will get the investigation that you are demanding in the Twenty-six Counties. The political authorities and the judicial authorities have made that quite clear. In any event, I am quite certain that, compared with so many cases here in which there was interference and where the evidence was destroyed and hidden, there has been a very rigorous examination up to now. We have the opportunity, and I am prepared, if I get a response —

**Mr Humphrey:** I thank the Member for giving way. Will he comment on his leader's response to the outworkings of the Smithwick tribunal on the murders of Breen and Buchanan? What does he think of Mr Adams's remarks?

**Mr Speaker:** The Member has an added minute.

**Mr Mitchel McLaughlin:** Thank you. I have made it clear that I do not think that we should add to the suffering. However, I also want to point out that Gerry Adams quoted the Smithwick report; he did not invent any new terminology but found it in the report. If you read the report, you will also find it. The reference to not being able to find a "smoking gun" was very unfortunate, but it is also in the report. I just wonder what the Buchanan and Breen families thought about that.

I do not want to get distracted. I have one message: if you accept the new threshold, so will we. Let us work together to uncover all the issues that help to deal with the past. Do not expect what Gregory Campbell argued for: republicans are not going to go forward whilst everyone else hangs back, including all the key players on the British side —

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

**Mr Mitchel McLaughlin:** I am out of time, but I will give way because I was particularly thinking about you in my comments.

**Mr Hussey:** Thank you for giving way. Does the Member accept that there was collusion between the Provisional IRA and An Garda Síochána?

**Mr Mitchel McLaughlin:** I have made it clear that I am not going to take issue with Smithwick. Why would I? The authorities there have accepted it, and they are going to follow up on it. They should do so, because that is

part of their duty. I also want the authorities up here to do the same, and I want them to do it with the support of unionists as well as nationalists and republicans and the Alliance Party. The amendment provides that opportunity if people vote according to conscience.

**Mr McGlone:** Go raibh maith agat, a Cheann Comhairle. I welcome the opportunity to debate the findings of the Smithwick tribunal report into the ruthless and brutal murders of Chief Superintendent Harry Breen and Superintendent Robert Buchanan in 1989.

This was an important tribunal, and Judge Peter Smithwick is to be commended for his diligent work and his detailed analysis of the evidence presented to him. Over eight years, the tribunal team collected the evidence and carefully assessed each part of it as well as the reliability of the witnesses before them.

Judge Smithwick's conclusion that he was satisfied that there was collusion in the murders and that he was satisfied that the evidence points to the fact that someone in the garda station was assisting the IRA, however shocking, has been accepted by the Irish Government, an Garda Síochána and all Irish political parties apart from Sinn Féin.

The finding of collusion was particularly difficult for an Garda Síochána to accept. It too has suffered at the hands of the Provisionals. Trainee Garda Gary Sheehan was shot dead in 1983, and Detective Garda Jerry McCabe was killed by the Provisionals in 1996. Both were murdered on duty whilst serving the public.

Sinn Féin is alone in its denial of the findings of the Smithwick tribunal, but that denial echoes the denials of those who have rejected findings of collusion in the North by elements of the RUC, the UDR and the British Army and its agencies. There are many victims of collusion, including in their number members of my party. Those who deny findings of collusion, whether from the Smithwick tribunal or from those investigating acts of terrorism in the North, are in denial of the past.

That is not the only part of the findings of the Smithwick tribunal that Sinn Féin is in denial about. It is in denial about Judge Smithwick's assessment of the evidence — and I use that term loosely — that the representatives of the Provisional IRA who were responsible for the murders presented to the tribunal. Facilitated by Sinn Féin, those representatives gave their version of the brutal murders of Chief Superintendent Breen and Superintendent

Buchanan. They failed to allow that version to be questioned and tested in front of the tribunal, despite the best efforts of Judge Smithwick. Instead, they demanded to dictate the terms and conditions under which they would answer the tribunal's questions.

In the end, after assessing all the evidence available to him and comparing independent eyewitness accounts, scene of crime forensic reports and the autopsy reports, Judge Smithwick concluded that the Provisional IRA had lied to the tribunal. Is that the conclusion that Sinn Féin denies? It denies that conclusion because it calls into question the organisation's professed commitment to open and transparent truth-telling on the past.

Judge Smithwick found that, when given the opportunity to demonstrate that commitment, rather than just talk about it, because talk is very cheap, representatives of the Provisional IRA failed the test. Not only did he find that they had lied to a tribunal, he concluded that they had lied due to "political considerations".

The proposers of the motion call on others to take all practical steps to prevent any repeat of such atrocities. Although I agree with that objective, the parties in the Executive are not in a very strong position when it comes to calling on others to take action on the past. The parties here have essentially failed to agree on carefully negotiated measures to deal with the past. We have a responsibility to lead the way in ensuring that there is no repeat of such atrocities. We can do that by ensuring that politics delivers and is seen to deliver. We still have the opportunity to deliver on the outcomes of the Haass negotiations, but that is not being helped by the grandstanding and posturing that we have seen in the media over the past few days by the First Minister as well as the deputy First Minister.

#### 5.45 pm

The SDLP amendment also seeks to address something that the original motion neglects to mention, namely the huge strides that have been made by the police services on the island and by politicians across Ireland and Britain since the brutal murders at the heart of the Smithwick tribunal. There is greater and closer cooperation between the two Justice Departments, the PSNI and an Garda Síochána respectively than at any time since the partition of the island.

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

**Mr McGlone:** There is a joint and united commitment to together fight terrorism, organised crime and wrongdoing from whatever source. We welcome that commitment and the response of an Tánaiste to the report. We endorse the report's recommendations, and I support our amendment.

**Mr Ford (The Minister of Justice):** I thank the Members responsible for tabling the motion, which enables us to highlight some of the work being done by the two Departments and the two police services. I will say a little bit more about the virtues, perhaps, of the amendment.

Like others, I must start by referring to the reasons why the Smithwick report was necessary: the brutal and tragic murders of two highly respected RUC officers. Superintendent Bob Buchanan and Chief Superintendent Harry Breen were murdered because of the duty that they carried out on behalf of this society against cross-border crime and terrorism.

As others have done — as, indeed, nearly everybody who has spoken has done — let us recognise and remember the impact that the brutal murders had on the two families. The dignity that the families have shown since the publication of the Smithwick report is certainly an example to us all in this society.

I welcome the publication of the Smithwick report. Much has come out of it that should be considered. The conclusion that there was evidence of collusion between an Garda Síochána and the Provisional IRA is, as the Garda Commissioner said, horrifying.

As I mentioned in the House in the matter of the day discussion on 9 December 2013, the speedy responses by the Taoiseach, the Tánaiste and the Minister for Justice and Equality are very welcome. In particular, I welcome the absolute and unqualified apology for any failings of the Irish state or its agencies.

As we look forward, I know that the Garda Commissioner is considering whether new lines of inquiry arise with the murders. Beyond that important consideration, the report makes seven specific recommendations. Three of those have a direct North/South bearing, and I will deal with them shortly. Let me first say that I remain committed to strengthening North/South cooperation wherever possible and building on the progress that we have already made. That is why I report regularly to the House on North/South meetings under the intergovernmental agreement on criminal justice cooperation.

**Mr Kennedy:** I am grateful to the Minister for giving way. Does he not, however, share my profound concern that there was a potential throughout the entire Troubles for substantial collusion between the security authorities in the Irish Republic and the IRA and that, therefore, the current Administration must address that issue with full openness and transparency?

**Mr Ford:** I appreciate the fact that the Member would wish to make such a point, particularly representing the constituency that he does. As Minister of Justice, my duty in the devolved settlement in 2014 is to ensure that we learn from the lessons of the past and put the necessary structures in place at this stage. That is why, since the publication of the Smithwick report in December 2013, I have had face-to-face discussions with Alan Shatter on two occasions in addition to a number of telephone calls. The first discussion was when we met in Brussels, on the margins of the European Justice Council on 6 December 2013. We also had a substantive discussion at our meeting on 17 December 2013 in Dublin, when the Garda Commissioner, the Chief Constable and senior officials from the two Departments were also present. We had a constructive discussion on the Smithwick recommendations and on the work that will be done to take them forward.

Let us recall that the conclusion, as others said, from Judge Smithwick is that, on the balance of probabilities, there was collusion between an officer or officers of an Garda Síochána and elements of the Provisional IRA. He reached that conclusion despite the failure of the IRA representatives who engaged with his staff to cooperate fully. It shows the virtue of that inquiry process and the benefits that were achieved by the work done by Judge Smithwick and his team.

Three recommendations of the seven are relevant to us in Northern Ireland. First, Judge Smithwick recommended that frameworks and procedures be put in place for the structured and regular exchange of intelligence between the two police services. Members are aware that intelligence gathering is an excepted matter and, as such, remains a matter principally for the Secretary of State. Nonetheless, I am aware that there is already a protocol in place that allows for the exchange of intelligence, and I know from my discussions that the PSNI believes that it works well, including in its role in engaging with an Garda Síochána and in the role of the security service. I am assured by the Chief Constable that he continues to receive the fullest possible cooperation from the

security service and the Commissioner of an Garda Síochána on the sharing of intelligence.

Secondly, Judge Smithwick noted the need for continued personnel exchanges and secondments. The opportunity for such programmes already exists across a range of responsibilities, with almost 200 exchanges having taken place between the two police services. I have no doubt that they are to the mutual benefit of both services, and they are underpinned by legislation. Alan Shatter and I, at our meeting with the Chief Constable and the Garda Commissioner on 17 December, discussed current arrangements on cooperation and inter-service exchanges. The two Ministers asked for them to be reviewed to see what more might be done. As a result, meetings are due to take place to identify, and iron out as necessary, any issues, and especially to ensure that secondments between the two jurisdictions can become more regular and routine. So far, most secondments have been short-term because it is much easier to arrange them on a short-term basis, when pay and pension problems do not arise — issues that are a block to cross-border cooperation in a number of areas, not just the justice field.

Thirdly, Judge Smithwick recommended the establishment of protocols providing the legal and procedural structures for the seamless investigation by joint police teams on cross-border crime. There are already such procedures and protocols in place: for example, a cross-border policing manual has been agreed by the PSNI and an Garda Síochána. The manual provides operational guides to assist police officers dealing with cases with a significant cross-border element. As well as the existing manual for police officers, a manual is under development between prosecutors. There is also a cross-border policing strategy. It was launched three years ago and, on the basis of those three years' experience, is being reviewed by the two police services. Naturally, both services will review those arrangements in light of the comments of Judge Smithwick.

Minister Shatter and I, along with the Garda Commissioner and the Chief Constable, have agreed to meet again in the near future to discuss progress on the recommendations.

The motion calls for urgent action by the Minister and Chief Constable. It is fair to say that significant action has already been taken. The strength of the relationship between the two police services and the excellent cooperation between them are well known. I already enjoy an excellent working relationship

with Alan Shatter, and our recent meeting afforded us the opportunity to reinforce that positive relationship. We are clear that there should continue to be engagement between our Departments. That happens not only formally through the intergovernmental agreement on criminal justice cooperation but weekly, if not daily, between representatives of the PSNI and an Garda Síochána, between members of the Departments, North and South, and between those working in arm's-length bodies on probation, prisons and a number of other areas.

That is the way in which cross-border crime and terrorism are being fought in a practical way. When Members refer to, for example, problems with extradition in the past, we should acknowledge that under the current arrangements for the European arrest warrant, significant positive, good work is being done, though we need to ensure that that provision continues as the Home Secretary looks to make changes to European arrangements.

I believe that good cooperation between the two Justice Departments, police services and other agencies has already shown significant success in dealing with the terrorist threat, which is a threat to all of us in both jurisdictions, and with organised criminal gangs that take no notice of the border except to see how it might enhance their profits.

For the security of communities on both sides of the border, I am determined that we seek to build on the many areas where that cooperation is a fact of daily life. The Chief Constable is on record as saying of Smithwick:

*"This report should not and will not distract us from the strong working relationships we enjoy with our colleagues in An Garda Síochána."*

He added:

*"We have well established protocols, excellent cross-border cooperation and we remain resolute in our determination to build on these solid foundations and our commitment to jointly combat crime and to protect all our citizens."*

I believe that is the reality of life for the agencies, North and South. I believe that is what we need to build on. I believe that is what our people, North and South, expect us to do.

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

**Mr Ford:** I will.

**Mr Allister:** Will the Minister express any dissatisfaction and surprise that the Garda Commissioner, having initially said that he accepted the Smithwick tribunal findings, backtracked on one specific, namely when he said that he could not accept the finding that there had been a "culture" of "misguided loyalty" to the organisation above loyalty to the truth, which caused some of these matters to be covered up? Will the Minister join in expressing regret that the Garda Commissioner was ambivalent, therefore, about that aspect of the outcome of the tribunal?

**Mr Ford:** I have already said that my concern is 2014, not the 1970s and 1980s. If we look back too far, it would be easy to point fingers in a number of different directions. I believe that my responsibility is to ensure that my work with Minister Alan Shatter, my officials with his, the Chief Constable with the Garda Commissioner, and others, ensures that we get the best possible tie-up these days, and we ensure that the fight against cross-border crime and against terrorism is a united one. I believe that that is the case. I have outlined the work that has been done since Smithwick reported. That work will continue, and I expect to meet Alan Shatter and his officials next month to see what progress has been made in this area.

I welcome the motion. I think it was important that we did not just have a matter of the day on the subject, but the opportunity to discuss the issues in some detail. I certainly hope that the debate has enabled me to set out to the House the work that is being done by the two Departments and the two police services. That work is under way, is being carried out in response to the Smithwick report and will underpin a safer society for all of us on this island. I will look closely at Judge Smithwick's recommendations as they relate to this region, as well as to cross-border matters.

I have no real issues with the motion as tabled, except for the slight historical inaccuracy in being called on to do things that have already been done. However, a little bit shone through, particularly in Mr Anderson's speech a few minutes ago, and I believe that the amendment, in recognising the work that is being done, more accurately reflects the situation that we are in. I recommend the amendment to the House.

**Mr Speaker:** Before I call Dolores Kelly to conclude on the amendment, it is quite obvious that the business on the Order Paper will not be disposed of by 6.00 pm. In accordance with

Standing Order 10(3), I will allow business to continue until 7.00 pm or until it is completed.

**Mrs D Kelly:** Thank you, Mr Speaker. I will pick up where the Minister left off and ask whether those on the Benches opposite, the proposers of the motion, will accept our amendment. I think that it more accurately reflects the situation that pertains following the publication of the Smithwick tribunal findings. I ask them to consider that.

I want to establish a couple of points at the outset. I welcome all contributors' recognition of the views and feelings of the families, particularly those who were bereaved by these two brutal murders. I also want to rebut Mr Kelly's assertion about the "Irish Republican Army". It is my view and that of my party and most democrats throughout this island that there is only one legitimate army of the Irish Republic, and that is the Irish Army. It is important to recognise that.

Over the past number of months, the voices that impressed most of us during the Haass talks and deliberations on dealing with the past was the chorus of voices from the victims. They had a tremendous impact on the findings, decisions and conclusions that were reached in the Haass talks. That came from victims' groups right across the divide. Their voices are the ones that, I believe, most politicians heard when they tried to deal with the thorny issue of the past.

#### 6.00 pm

Of course, dealing with the past has a direct bearing on the present if we want to build a reconciled people and a shared future for future generations. As others said, it is not something that we can draw a line under but it is something that we must deal with.

It is also worthy of note that, early on in the tribunal, the judge made the decision that he would adopt the Cory definition of collusion: that it was in its widest sense. As other Members have said, there was no direct evidence of collusion. However, on the balance of probabilities, the judge believed that there was collusion by two or more people.

In relation to dealing with the past, Richard Haass's words as he concluded were:

*"The burden of the past rests most heavily on those, whether paramilitary or state actors, who acted outside the rule of law."*

That is a very important message for all of us. He recognised that, in dealing with the past, we are not all guilty to the same measure and that acknowledging and saying sorry is not enough. There needs to be much wider and deeper acknowledgement, truth-telling and information recovery.

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

**Mrs D Kelly:** I will.

**Mr Dallat:** Just to give some balance to this debate, does the Member agree with me that, during the darkest days of the Troubles, when the Republic of Ireland was suffering financially, largely because of the Troubles in the North, the Irish Government spent more money per head of population than the British Government on border security and that more police officers were employed on the southern side of the border? Does the Member also agree with me that, like Superintendents Breen and Buchanan, courageous officers in an Garda Síochána are deserving of our honour for their contribution to preventing a holocaust?

**Mr Speaker:** The Member has an added minute.

**Mrs D Kelly:** It is very true to say that many people made the ultimate sacrifice by standing up and defending the rest of us from terrorism; we have to acknowledge that. It is also worthy of acknowledgement that, while an Garda Síochána was unarmed, many RUC officers were off duty when they were murdered and, therefore, were often easy prey; that ought to be noted.

As Mr McGlone said, if we are going to deal with the past, we, particularly those in political leadership around the Executive table, have a responsibility to deal with it in a way that is inclusive and that helps us to build a reconciled people. Therefore, there is much more work to be done. Others need to step up to the mark of the leadership shown in recent days and weeks by the Tánaiste in his commitment to the Irish Government's opening their books for full access to the reports.

Finally, I understand the reticence on unionist Benches, given the failure of the IRA to grasp the opportunity to show its commitment to telling the truth in inquiries that have taken place thus far. However, the IRA has given a public commitment, and I believe that it should be put to the test. Unionism should be unafraid to challenge the IRA and make it face up to its responsibilities. It is not enough for the IRA to

get off in the smoke because of unionism, once again, backing down and not understanding and listening to the voices of the victims, who, quite often, know that they will not get justice. The very minimum that they should get is the truth about the past.

**Mr Humphrey:** At the outset, I echo the words of our Committee Chair and my party colleague in paying tribute to Bob Buchanan and Harry Breen for their bravery as individuals in serving this community and, indeed, to the Royal Ulster Constabulary, the Ulster Defence Regiment and the regular army for their collective bravery in protecting Northern Ireland from what, at times, seemed like anarchy from across the border. Indeed, the Chair of the Committee started his comments by expressing his thoughts about, and paying warm tribute to, Mr Breen and Mr Buchanan. He talked of the two officers being ambushed following a meeting in Dundalk garda station and described them as two outstanding officers. He said that Justice Smithwick had clearly established that collusion had taken place, and he mentioned garda officers who may have been involved and were named in that inquiry. He also mentioned the gardaí culture of loyalty to the service and to each other as opposed to honesty. He also mentioned Sinn Féin's appalling attitude to the tribunal and Gerry Adams's laissez-faire remarks about the two officers when he said that their lack of personal security meant that, in some way, their murder was their responsibility.

Alban Maginness, in proposing the SDLP amendment, said that Smithwick had concluded that there was indeed collusion between the gardaí and the Provisional IRA, and he quoted extensively from the Irish Deputy Prime Minister. He said that Smithwick was an outflow from the Weston Park talks and mentioned the recommendations from those talks.

Gerry Kelly, in a bizarre contribution, provided us with a tour de force of all that the British establishment had done in Northern Ireland and on this island and made absolutely no comment on the Smithwick tribunal bar one line. He also attacked the Democratic Unionist Party on our position over the Haass process.

Ross Hussey quoted Fianna Fáil leader, Micheál Martin, and paid tribute to the gardaí for the service that they had given in protecting the border and the Irish Republic from the IRA. He also mentioned Castlederg and the Irish Deputy Prime Minister.

Stewart Dickson paid tribute to both officers, said that most people were horrified at the

outcome of the tribunal and welcomed the SDLP amendment. He said that the past had to be dealt with and could not possibly be avoided. Gregory Campbell talked about Weston Park and the inquiries that flowed from those talks. He said that the Provisional IRA had not cooperated with — would not cooperate with — the Smithwick tribunal and that the deputy First Minister, Mr McGuinness, had refused to cooperate with the Saville inquiry in Londonderry.

Ms McCorley went on another tour of the alleged British collusion before Mr Sydney Anderson said that there needs to be an open and transparent response from the Irish Government, which need to own up to their predecessor Governments' record in dealing with cross-border terrorism. He said that the unionist community needed to believe that the Irish Government were dealing with the issue. He also said that collusion was widespread.

Mitchel McLaughlin attacked the British state and named a number of appalling atrocities. On behalf of the Democratic Unionist Party, I condemn the atrocities that you named. It is a pity that your party would not condemn others, not least the murder of those two police officers, instead of excusing away their murder as their fault and their responsibility.

Mr McGlone paid tribute to the gardaí and said that all political parties in Ireland, apart from Sinn Féin, had accepted Smithwick. He pointed out that the levels of cooperation between the Irish Administration and Northern Ireland Executive and both police forces are at an all-time high.

The Minister, in coming to the Dispatch Box, paid tribute to both officers. He said that he regularly meets with his Irish counterpart, Mr Shatter, and that the cooperation of the two police forces is at a very high level. He was pleased with that. He paid tribute to Smithwick and spoke of the three recommendations that directly affect Northern Ireland. In terms of extradition, he said that we were in a better place than we were but said that more work needs to be done and that work will continue with the national Government.

In winding up the debate on the amendment on behalf of the SDLP, Mrs Kelly said that there was one army in the Irish Republic and said that victims' voices from across the political spectrum had been compelling and very powerful during the Haass process. She praised the Irish Deputy Prime Minister for his contribution to the process in the aftermath of the Smithwick tribunal.



In my view, as a unionist who has watched it from afar, the whole debate is about confidence, transparency and trust. In my view, it is essential that the current Irish Administration deliver all three. It is their duty, in moving this place forward and in building better cross-border communication, cooperation and political dialogue, that they do so. Historically, however, it is clear that elements within Fianna Fáil were involved in the formation, aiding and abetting and gunrunning of the Irish Republican Army. The role of Captain Kelly and members of Fianna Fáil such as Blaney and Haughey must be explored. Indeed, I believe that the role of Lynch's Government must be fully investigated.

Suspicion still remains that past Irish Governments and Administrations also aided the IRA. It is very clear that a full inquiry into that is sought and deserved not just by the unionist community but by people who were serving in the Irish Administration politically and in the police and Irish defence forces.

The Smithwick tribunal found that elements in the garda station in Dundalk had inappropriate relationships with the IRA. That has been established across this House. I asked Mr Maginness for an intervention because I wanted to explore that point. I agree with what he said about the recommendations and how things should be explored and how people should be pursued to give evidence to bring closure on many of these things, because justice has not been completely delivered to the Breen and Buchanan families. I appeal to the SDLP. I know that they have differences on the issue of the National Crime Agency, but those should be worked through with the Minister of Justice and the Home Secretary so that the National Crime Agency is in a position in Northern Ireland to work to help bring people to justice.

As a unionist, I pay tribute to the current Irish Government, particularly to the Irish Prime Minister, the Deputy Prime Minister and the Justice Minister, Mr Shatter, for striving for openness and transparency. However, many questions remain — my colleague Mr Anderson referred to them — around the murders of Lord Justice Gibson and his wife, the Hanna murders and many more along the border.

There was a suspicion, despite Mr Dallat's intervention, that the Irish Government and particular Irish Administrations did not provide adequate security along the border when there was a programme of genocide. Yet — let us be absolutely honest about this — when mad cow disease broke out, suddenly resources could be

found for policing the border that never could be found before. That is a view that is held in many unionist communities, particularly along and across the border.

Progress has been made and more remains to be done, but in the interests of moving Northern Ireland forward and building better relationships with the Irish Republic, more tribunals and investigations like the Smithwick tribunal must be had so that we, in this community, will have closure and can have surety and see the transparency and openness in the Irish Administration to deal with the past and admit to wrongdoing where it was done against citizens of this nation and the Irish nation.

*Question put, That the amendment be made.*

*The Assembly divided:*

*Ayes 46; Noes 52.*

## **AYES**

*Mr Attwood, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mrs Cochrane, Mr Dallat, Mr Dickson, Mr Durkan, Mr Eastwood, Dr Farry, Ms Fearon, Mr Flanagan, Mr Ford, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Ms Lo, Mr Lynch, Mr Lyttle, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr A Maginness, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.*

*Tellers for the Ayes: Mr D Bradley and Mr Byrne*

## **NOES**

*Mr Agnew, Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, 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, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.*

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

*Question accordingly negated.*

*Main Question put.*

*The Assembly divided:*

*Ayes 58; Noes 39.*

#### **AYES**

*Mr Agnew, Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, 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 Lyttle, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.*

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

#### **NOES**

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

*Tellers for the Noes: Mr Byrne and Ms Ruane*

*Question accordingly agreed to.*

*Resolved:*

*That this Assembly expresses concern at the findings of the Smithwick tribunal report; calls on the Irish Government to take the necessary action to ensure that those responsible for criminal acts within their jurisdiction are brought to justice; and further calls upon the Minister of Justice and the Chief Constable of the PSNI to*

*have urgent discussions with their counterparts in the Republic of Ireland to ensure that they take all practical steps to prevent any repeat of such atrocities.*

*Adjourned at 6.36 pm.*





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

and available from:

Online  
[www.tsoshop.co.uk](http://www.tsoshop.co.uk)

**Mail, Telephone, Fax & E-mail**

TSO  
PO Box 29, Norwich, NR3 1GN  
Telephone orders/General enquiries: 0870 600 5522  
Fax orders: 0870 600 5533  
E-mail: [customer.services@tso.co.uk](mailto:customer.services@tso.co.uk)  
Textphone 0870 240 3701

**TSO@Blackwell and other Accredited Agents**

ISSN 1463-7162

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

Printed in Northern Ireland by The Stationery Office Limited  
© Copyright Northern Ireland Assembly Commission 2014

ISBN 978-0-339-50668-8

