

Official Report (Hansard)

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

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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)
Brown, Ms Pam (South Antrim)
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Campbell, Gregory (East Londonderry)
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Elliott, Tom (Fermanagh and South Tyrone)
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Flanagan, Phil (Fermanagh and South Tyrone)
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Frew, Paul (North Antrim)
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Hale, Mrs Brenda (Lagan Valley)
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Hay, William (Speaker)
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Lyttle, Chris (East Belfast)
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McCann, Ms Jennifer (West Belfast)
McCarthy, Kieran (Strangford)
McCartney, Raymond (Foyle)
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McIlveen, David (North Antrim)
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McKay, Daithí (North Antrim)
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McLaughlin, Ms Maeve (Foyle)
McLaughlin, Mitchel (South Antrim)
McMullan, Oliver (East Antrim)
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McQuillan, Adrian (East Londonderry)
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Newton, Robin (East Belfast)
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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

Tuesday 24 September 2013

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

Members observed two minutes' silence.

Assembly Business

Mr Speaker: Order.

Mr Poots: On a point of order, Mr Speaker.

Mr Speaker: Let me deal with this issue first. I want to return to business from yesterday. I want to say very clearly that I will take no points of order on this issue or any other points of order that relate to this issue. I want to make it absolutely clear that I do not want bogus points of order on this particular issue.

Following remarks made during questions to the First Minister yesterday, I gave Mr Allister a commitment to review Hansard and to come back with a ruling on whether any further action was required, as is my common practice on these issues. I made that commitment to him in the House and in my office yesterday afternoon in what I had thought was a very amicable and good meeting. I have to say that I am slightly disappointed that, rather than awaiting the outcome of my considerations, the Member carried on his own commentary in the media to try to second-guess my ruling and drag the Chair into party politics. I have continually said to the whole House that when Members come to see me, those meetings are private and remain private. Unfortunately, that meeting certainly did not remain private. It was not a meeting to confront the Speaker by any means. I thought that the meeting I had with Mr Allister yesterday was a very good meeting, and I think that both of us felt that it cleared the air on a number of issues. I also think that there was a clear understanding when Mr Allister left.

The main reason I wanted to review Hansard was to judge whether the remarks that were made justified the granting of a further opportunity for Mr Allister to reply. The 'Northern Ireland Assembly Companion' is very clear on dealing with the provision for Members to reply to allegations that are made against them. Previous rulings are clear that an opportunity of reply is justified when accusations of a criminal nature have been

made, but that opportunity will not be provided when accusations of a purely political nature have been made. That has been a very clear convention, both in the 'Northern Ireland Assembly Companion' and the House for some time. Having reviewed Hansard, I can say that the exchanges at Question Time yesterday were of a personal nature that fell far short of the standards of debate that I expect in the House. The standard of debate yesterday was below the standard that I expect.

However, it is clear to me that no allegations were made of unlawful behaviour; they were political points. I also note that Mr Allister clearly refuted the allegations on the official record and further did so outside the House. If Members want to debate the allegations elsewhere, that is an issue for them, but I allowed the issue to carry on for far too long yesterday. Hindsight is a wonderful thing. I try to show as much lenience to Members as possible, but, I have to say, sometimes a good turn in this House really means nothing to some Members. There is no role for the Chair in the allegations, and I have no intention of being further involved. As far as I am concerned, the issue is closed.

Finally, after a number of incidents yesterday, let me remind the whole House of the need for good temper and moderation in the standards of debate and that all Members have to abide by the authority of the Chair.

There were a number of incidents around the Chamber yesterday. On occasions, a number of Members made very offensive remarks from a sedentary position. Unfortunately, neither I nor the Clerks at Table picked up those remarks. I heard about them from other Members, and such remarks have to stop. I will not allow Members to say what they are saying from a sedentary position. It ends up being offensive to other Members. That is not the good standard of debate that I expect in the House.

I will be keeping a watching brief on Members who continually say and do things from a

sedentary position that they should not say or do. After all, we are a democratically elected political institution, and some Members fall far short of the standard that I expect in debates.

Let us move on.

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

Mr Speaker: No, I am not allowing any points of order. I stated that at the start. The Member should take his seat, and we should move on.

Mr Allister: Democracy.

Mr Speaker: Order

Mr Attwood: On a point of order, Mr Speaker. This is on a different matter.

Mr Speaker: A totally different matter? OK.

Mr Attwood: You will recall, Mr Speaker, that when the matter arose yesterday in respect of Mr Robinson, I also raised a matter in respect of the comments made by Mr Wilson. May I enquire as to whether you have a ruling at this time?

Mr Speaker: We looked at Hansard yesterday and this morning. I intend to respond to the Member directly, and I will do that. I have already raised the issue in the House of Members saying and doing things from a sedentary position that are offensive to other Members.

Mr Attwood: Further to that point of order, Mr Speaker, it was not made from a sedentary position. It was made when he was on his feet. It is on the record, and it is very clear what he said. Given what you said earlier about unlawful behaviour, I am very keen to hear, and hear early, your view on that matter.

Mr Speaker: Yes, and allow me, as I said, to come back to the Member directly. I will do that as soon as possible.

Mr Attwood: On a point of order on a different matter, Mr Speaker.

Mr Speaker: A different matter? OK.

Mr Attwood: It is a different matter, in that it is a general comment under a point of order, Mr Speaker, and it is this: three times during the past seven sittings of the Assembly — yesterday on two occasions and during the

meeting on 16 July — Members of one party raised issues that impugned the character of other Members. In my view, that is a pattern of behaviour. Three meetings out of seven. Our Whip will be seeking a meeting with you to discuss the conduct of that party, which is using the Chamber repeatedly to impugn the character of other Members.

Mr Speaker: We have already dealt with the issue. A lot of these issues are in the cut and thrust of debate. I have continually said in the House that Members raise bogus points of order to score political points. I am very conscious of that as well. However, I see a lot of these issues as the cut and thrust of debate, and we really should move on.

Mr Poots: On a point of order, Mr Speaker.

Mr Speaker: Is it on a different subject?

Mr Poots: Yes, Mr Speaker. It is to do with the Register of Members' Interests. If you own a property, obviously you have to register it in the Register of Members' Interests. Does that apply to immediate members of the family as well?

Mr Speaker: First of all, the issue of Members' interests has been raised on several occasions in the House. Under Standing Order 69(4), Members have a responsibility to declare in the House or in Committee any interest that they may have. I continually say that because other Members raised the issue of Members' interests, especially during debates. So, it is really up to Members themselves, whether in the House or in Committee, to indicate clearly any Members' interest or financial interest that they may have in the debate.

I have said that continually in the House, so let us be absolutely clear. However, it is really up to Members themselves to police this issue and declare an interest. That is what it is about. It is not about the Speaker doing it but Members themselves, so let us move on.

Mr Allister: Further to that point of order —

Mr Speaker: Is it on this particular subject?

Mr Allister: Yes.

Mr Speaker: It is not about the subject that was already dealt with?

Mr Allister: Mr Poots's point of order.

Mr Speaker: Yes.

Mr Allister: Judging by Mr Poots's tweets, if his point of order was in some way meant to be directed at me and my wife then I make it abundantly clear that there is no interest to declare. My wife has no ownership of any land anywhere in County Fermanagh or elsewhere. This is but another attempt to continue the scurrilous attack on me and my family, and I really do resent it. I am fair game as a politician in the rough and tumble of politics, but my wife is not in politics, and Mr Poots should catch himself on.

Mr Poots: Sold and all, then.

Mr Speaker: Order, let us move on.

Mr Allister: What was the sedentary comment, Mr Speaker?

Mr Speaker: Pardon?

Mr Allister: Could I ask what the sedentary comment was?

Mr Speaker: I did not pick it up.

Mr Allister: Maybe he will be man enough to repeat it.

Mr Speaker: I did not pick it up.

Mr Allister: Maybe he will be man enough to repeat it.

Mr Speaker: Let us move on.

Executive Committee Business

Health and Social Care (Amendment) Bill: Second Stage

Mr Poots (The Minister of Health, Social Services and Public Safety): I beg to move

That the Second Stage of the Health and Social Care (Amendment) Bill [NIA 27/11-15] be agreed.

The Bill seeks to make two main amendments to the Health and Social Care (Reform) Act (Northern Ireland) 2009. The first addresses the support services that the Business Services Organisation (BSO) can provide and the second deals with functions that can be delegated to the Business Services Organisation.

In the provision of support services, the Reform Act, as currently framed, does not enable the Department to secure support services from the Business Services Organisation. Furthermore, it does not provide the Department with the power to direct the Business Services Organisation to provide support services to the following departmental arm's-length bodies: the Northern Ireland Social Care Council; the Northern Ireland Practice and Education Council for Nursing and Midwifery; and the Northern Ireland Fire and Rescue Service.

The Business Services Organisation was established to provide economical, efficient and effective support services to departmental arm's-length bodies. Therefore, I propose to make an amendment to the Reform Act that will allow the Business Services Organisation to provide support services for the Department and the three bodies I mentioned.

Turning to the delegation of functions, section 26 of the Reform Act contains a provision that enables the Business Services Organisation to exercise the functions that the Central Services Agency exercised on behalf of the Department, health and social services boards and health and social services trusts, prior to its dissolution in April 2009. However, the Business Services Organisation cannot exercise any new functions relating to the administration of health and social care. For that reason, I propose to make an amendment to the Reform Act that will provide the Department with the power to delegate to the Business Services Organisation the exercise of any new function relating to the administration of health and social care.

The Bill also proposes to make some minor, technical amendments to the Reform Act. One will seek to provide greater clarity to the nature of the fraud prevention support service provided by the Business Services Organisation. Another will reflect the correct title of the Regulation and Quality Improvement Authority (RQIA) in other extant legislation, and a further seeks to amend references to "personal social service" in the Carers and Direct Payments Act (Northern Ireland) 2002 to "social care service".

The consultation on the draft Bill ran from 1 February 2013 until 29 March 2013 and attracted a total of three responses: one from the Northern Ireland Social Care Council; one from the South Eastern Health and Social Care Trust; and one from the Business Services Organisation. All the responses were supportive of the proposed amendments.

10.45 am

During the consultation, the need for a small number of amendments was identified. Paragraph 3 of schedules 1, 2 and 3 to the Reform Act deals with membership of the Regional Health and Social Care Board, the Public Health Agency and the Business Services Organisation respectively and gives the Department a regulation-making power through which it can prescribe conditions that a person must satisfy or posts that a person must hold in order to be eligible for appointment by the Department. The reason why the Department has prescribed such disqualifications is to provide a robust legislative basis for ensuring that there are no conflicts of interest and members are suitable persons to manage large organisations such as the regional board.

As currently framed, the Reform Act allows the Department only to prescribe in respect of members of the regional board. However, it does not allow it to prescribe in a similar way in respect of the chair. A similar anomaly exists with regard to the Public Health Agency in schedule 2 to the Reform Act and the Business Services Organisation in schedule 3 to the Reform Act. The Health and Social Care (Amendment) Bill seeks to rectify that anomaly in all three schedules by providing the Department with the power to prescribe conditions for the appointment of the chair of each body in similar terms to those for members. The inclusion of the amendments reflects the Department's public appointments policy, which is to ensure that, as far as possible, persons who are appointed to public bodies are suitable for the advertised posts.

Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety): On behalf of the Committee for Health, Social Services and Public Safety, I welcome the Bill.

The Committee supports the overall aim of the Bill, which, as the Minister said, will make technical amendments to the Health and Social Care (Reform) Act 2009. The amendments will allow the Business Services Organisation to provide support services to all the Department's arm's-length bodies. They will also allow BSO to administer any new health and social care functions on behalf of the Department as required. In addition, the Bill makes minor amendments to existing legislation that will enable the Department to prescribe the conditions with regard to the appointment of the chairpersons of the Health and Social Care Board, the Public Health Agency and BSO. The Committee took evidence from departmental officials on two occasions — 15 May and 12 June — before the Bill was introduced.

During our prelegislative scrutiny on 15 May, one issue arose on which we, as a Committee, sought clarification from the Department. The Bill seeks to amend schedules 1, 2 and 3 to the Health and Social Care (Reform) Act 2009 with regard to the appointment of chairpersons of the Health and Social Care Board, the Public Health Agency and BSO. Members wanted an assurance that there was a uniform approach to the appointment criteria for chairpersons across all the Department's arm's-length bodies. The Department explained that there was an inconsistency in the Health and Social Care (Reform) Act 2009 that allowed the Department to prescribe conditions for the chairpersons of some of the arm's-length bodies but not for others. Clause 3 seeks to correct that anomaly by providing the Department with the power to prescribe conditions for the appointment of chairpersons of all its arm's-length bodies. The Department also provided assurance that all appointments to arm's-length bodies were made in accordance with the principles and practices set out in the code of practice for ministerial public appointments. At its meeting on 12 June 2013, the Committee took evidence from departmental officials on the issue and was content with the explanation provided.

The Committee welcomes the Bill's intention to provide a consistent system for the appointment of members and chairpersons of the Department's arm's-length bodies. We look forward to our detailed scrutiny of the Bill at Committee Stage. Go raibh maith agat.

Mr Wells: Last night, those of us who had the stamina stayed on until 9.00 pm to deal with what was a very controversial Bill. Most of us would not have had the stomach to face anything particularly difficult this morning, so I am glad to say that, having looked at it, the Committee is generally content with this Bill. Apart from the one technical issue raised by the Chair, it really did not generate too much debate, and that is a good thing. We see this as a technical Bill, tidying up a few issues that arose after RPA. Inevitably, a few things came out over the past four years that needed to be dealt with, particularly the role of BSO and the work of the chairs.

It is apparent, since RPA, that the roles of the chairs of the various arm's-length bodies are becoming more and more important. Therefore, it is vital that there is public confidence in how they are appointed. We need to attract and, indeed, have attracted some top people to act as a watchdog, as it were, over the boards of the various arm's-length bodies. I must say that we as a society have benefited greatly from people giving their time to do that. However, there were one or two issues about appointments, and I, therefore, believe that it is right that the chairs are brought within the terms of the code of practice, as that will instil more public confidence in those important roles.

RPA in health has, generally, worked well. It has streamlined various tiers of administration, but, inevitably, one or two little tweaks were required, and we are at that stage today. The Committee has considered this twice. There is now unanimity among all the parties, and we support the Bill entirely.

Mr A Maginness: From the outset, I declare that a close relative works in the Business Services Organisation.

On behalf of the SDLP, I support the Bill and the amendments therein. The amendments are, in the main, technical and, as Mr Wells pointed out, non-contentious. They provide for the provision of support services by the Regional Business Services Organisation and clarify the functions that can be delegated to it. As outlined, the amendments will allow the Regional Business Services Organisation to move towards greater flexibility, and that is to be welcomed. Of course, the Minister indicated that in his opening speech. It is important that the Business Services Organisation be given that flexibility in order to operate in a more business-like fashion.

By way of caution, I would say that all the changes must be viewed in the context of Transforming Your Care and we should not in any way dilute the import of that. We must be careful not to create a situation where we are chipping away at the National Health Service as we know it. That institution, which, I believe, most Members of the House support, has provided an invaluable service to our community over a number of years. Of all the institutions we have in public life, the National Health Service is valued very deeply indeed. I, therefore, ask the Minister to reassure the House that the amendments do not indicate in any way a process of increased privatisation in the National Health Service. The SDLP believes that this opportunity calls on the Department to produce a specific piece of comprehensive legislation in relation to Transforming Your Care, providing a strategy for the future of the National Health Service for the next 20 years.

Mr Beggs: I, too, support the Bill and look forward to further discussions at the Committee Stage. As others have said, the main purpose of the Bill is to address omissions that occurred when the major reforms went through.

It seems strange that the Health Department does not have the powers to enable the Business Services Organisation to widen its remit to cover organisations that have somehow been excluded. I would have thought that there is potential for savings in widening that scope and enabling the BSO to exercise functions that are currently undertaken separately by organisations such as the Northern Ireland Social Care Council, the Northern Ireland Practice and Education Council for Nursing and Midwifery and the Northern Ireland Fire and Rescue Service Board.

When concentrating services in a new organisation, there should be efficiencies, but that does not always happen. It is important that there are savings, and there was an expectation that considerable savings would result from the establishment of the Business Services Organisation. It would be useful if the Minister could reassure us that the savings that were predicted on the establishment of the Business Services Organisation are being made and that efficiencies are being delivered so that, ultimately, more funds go to the front line. In concept, it is right that the enabling power should rest with the Minister, but it is important that savings are, ultimately, delivered and a better service delivered for everyone who is dependent on our health service.

There is also the issue, as others have said, of widening the scope of the Business Services Organisation. It seems strange that there are some limitations in that there are restrictions on functions that were previously exercised by the Central Services Agency prior to its dissolution under the 2009 Act. It seems perfectly reasonable that this technical adjustment should be made. Other areas of saving could result, because we want to end up with more funds being moved towards our front line services to address the considerable pressures. In general, I am comfortable with the concept behind the Bill and the technical amendments that are proposed.

Mr McCarthy: This is a short Bill, and, hopefully, it should be fairly straightforward. The Chair and the Deputy Chair have said that it has gone through the Committee without any real opposition. I noted that the consultation did not attract a critical mass of responses, and the Minister said that there were three responses. Although three is not very many, they were very important.

The Bill seems to address matters that were not properly addressed in 2009, and that rather raises this question: what went wrong back then? The main purpose of the Bill, as I understand it, is to amend the Health and Social Care (Reform) Act (Northern Ireland) 2009 to enable the Business Services Organisation to provide support services to all the Department's arm's-length bodies and to administer health and social care functions on behalf of the Department. On the surface, that seems benign, and there is no reason to object to that. Nevertheless, these changes in governance cannot be entirely separated from the reforms under Transforming Your Care, as other Members have pointed out. Although my party continues to support the broad thrust of the reforms, like many others, we retain considerable concerns about their implementation and, in particular, the resources that will be allocated to new measures, including, most critically, services delivered in the community. I think particularly of domiciliary care and community meals, along with other services.

It has been highlighted that, at present, the BSO cannot exercise any new functions relating to the administration of health and social care. That will be addressed by the Bill. Although policy and practice need to be separated somewhat from the main delivery mechanisms, the Minister will well know the concerns that exist in the community at present, particularly about the future of residential homes and how wider policy discussions on the future of adult

social care will develop. I am happy to see the BSO conduct functions in relation to the Healthy Start and Day Care Food schemes. It is important to provide support on nutritional issues to low-income families. On that basis, the Alliance Party is happy to support the motion.

11.00 am

Mr Brady: Go raibh maith agat, a Cheann Comhairle. I support the Bill. As I listened to the Minister and the Chair, I thought that this seemed to be fairly straightforward, simple legislation. The more I listened to Members, the more complicated the Bill seems to have become. Technical amendments were required, and they give more power to the agencies that were mentioned; I will not repeat what Members said. The Committee had a consensus on the Bill, which will go back to the Committee for scrutiny.

Mr Poots: I thank all the Members who participated in the debate. I thank the Committee for its work in allowing the Bill to come forward. I thank Members for their supportive comments, which were the general thrust of the debate this morning.

Mr Maginness made some comments, and I commend him for his openness and transparency in declaring that his wife works in the BSO. He raised the question of a threat to the NHS. I assure him that there is no threat to the National Health Service. We wish to retain it as a service that is free to all at the point of need. As we identify new means of providing care, new drugs and new specialist treatments, there are pressures on it, and we will respond to and attempt to fulfil all those needs as far as possible within the budget that we have. We will sometimes do things differently, but there is no threat to the National Health Service.

Mr Beggs raised the issue of savings. For a number of years, we have had year-on-year efficiency savings in the Business Services Organisation. That is well known, and the public are well aware of it. Without further ado, as I see no point in prolonging the debate, I ask the Assembly to support the Bill.

Question put and agreed to.

Resolved:

That the Second Stage of the Health and Social Care (Amendment) Bill [NIA 27/11-15] be agreed.

Committee Business

Public Service Pensions Bill: Extension of Committee Stage

Mr McKay (The Chairperson of the Committee for Finance and Personnel): I beg to move

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 29 November 2013, in relation to the Committee Stage of the Public Service Pensions Bill.

Go raibh maith agat, a Cheann Comhairle. The Public Service Pensions Bill was introduced to the House on 17 June and received its Second Reading on 25 June. The Bill, which was referred to the Committee for its Committee Stage, has 37 clauses and nine schedules.

The purpose of the Bill is to introduce major changes to public service pensions, including the policy for a new career average revalued earnings (CARE) scheme model, with pension age linked to state pension age. The reforms will affect the pension schemes for a wide range of public service employees including civil servants; the devolved judiciary; local government workers; teachers; health service workers; Fire and Rescue Service workers; and members of the PSNI.

The Committee has been proactively gathering evidence on the policy aims of the reforms over recent months in advance of the Bill being introduced to the Assembly to gain a full understanding of its proposals. To date, the Committee has taken oral evidence from a range of key stakeholders including the Department, the Irish Congress of Trade Unions (ICTU), the Irish National Teachers' Organisation (INTO), NIPSA; the First Division Association, UNISON and the Fire Brigades Union (FBU). In addition, the Committee has received written submissions following its call for evidence, which issued just before the summer recess. Members will need to take further oral evidence from various stakeholders, including the British Medical Association (BMA), the Fire Brigades Union, the Human Rights Commission, the Equality Commission, ICTU, NIPSA, the National Association of Schoolmasters Union of Women Teachers (NASUWT) and NILGA. In a number of the stakeholder submissions received, additional issues were identified for clarification. In some instances, specific amendments were proposed. In addition, the views of the other

applicable Committees were sought, given that the Bill will have an impact on pension schemes in Departments within their remit and the remit of other public bodies.

I place on record my appreciation to all those who have taken time to provide input to the Committee deliberations to date. That will help to establish a comprehensive evidence base. Given the important evidence that remains to be collected, the Committee seeks an extension to ensure that it can conduct the appropriate scrutiny. That said, the Committee has committed to prioritising the Bill in its work programme, and I should point out that the proposed extension date is consistent with the Department of Finance and Personnel's timetable. Therefore, I seek an extension to the deadline for the Committee Stage to 29 November 2013 to allow the Committee sufficient time to reach a considered position and report on the Bill to the Assembly. I ask Members to support the motion.

Question put and agreed to.

Resolved:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 29 November 2013, in relation to the Committee Stage of the Public Service Pensions Bill.

Northern Ireland Assembly Commissioner for Standards: Appointment of an Acting Commissioner

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

Mr Ross (The Chairperson of the Committee on Standards and Privileges): I beg to move

That this Assembly notes that the Northern Ireland Assembly Commissioner for Standards is unable to act in relation to any complaint arising from the public assemblies in Castlederg on 11 August 2013; appoints Mr Stuart Allan as an acting commissioner, in accordance with section 23(1) of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011, to investigate all such complaints; directs that this appointment shall cease when Mr Allan has reported on all such complaints; and that the terms of his appointment, in particular his remuneration, will, subject to any necessary modification, be the same as those of the Northern Ireland Assembly Commissioner for Standards.

On 22 August, Douglas Bain, the Northern Ireland Assembly Commissioner for Standards, wrote to inform the Committee on Standards and Privileges that he had received three complaints that he was unable to investigate. The three complaints relate to a Member's alleged conduct at a parade and commemoration in Castlederg on 11 August 2013. Mr Bain informed the Committee that, as a member of the Parades Commission, he was one of those who had decided to issue the determination on the parade in question. He went on to say that, in those circumstances, he believed that it could be perceived that he had a conflict of interest. Although he emphasised that the perception would have no foundation in fact, he decided that he was unable to act on these three complaints or any others arising from the same event.

Ms P Bradley: I thank the Member for taking the intervention. The Member will be aware of the media attention following a Member's claim that Mr Bain was possibly not suitable for the role because of a conflict of interest. Have there been any previous complaints of this nature that would have led to a conflict of interest?

Mr Ross: We are all aware that Northern Ireland is a fairly small country, and, therefore, conflicts of interest or perceived conflicts of interest will come up from time to time. It is interesting that, only last year, the previous interim Commissioner for Standards, Mr Tom Frawley, recused himself from a particular investigation because he believed that there would have been a perceived conflict of interest. What we are doing today is not novel; previous commissioners have indicated that there may have been conflicts of interest. In this specific case, it is important to point out that Mr Bain was not prevented from taking up his post because of his membership of the Parades Commission. Indeed, under the Assembly Members (Independent Financial Review and Standards) Act 2011, many were disqualified from applying for that role, but he was not one of them. I also point out to the House that, throughout all the time that we have had the devolved institution of the Northern Ireland Assembly, there has been no previous complaint about a Member's conduct at a parade. That is worth keeping in mind as well.

Mr Allister: Will the Member give way?

Mr Ross: Yes.

Mr Allister: I should declare the interest of being a complainant in respect of the matters before the House. Does the Member agree that it was entirely predictable from the moment that a member of the Parades Commission was appointed as Standards Commissioner that, given the society in which we live, issues such as this would inevitably arise? Why has the commission not called in this motion and elsewhere for Mr Bain to address the conflict of interest, which was predictably there, so that the House could be saved the cost and the expense of appointing someone else to do his job? Is it not time that Mr Bain addressed his conflict of interest?

Mr Ross: I thank the Member for his intervention. He raised two specific points that I want to deal with. The Member used two words: "inevitable" and "predictable". To make projections on the future, we generally look at what has happened in the past, and, as I said, since 1999, not a single complaint has been made in which a Member has had their conduct investigated because of what they have done at a parade. Therefore, there is no evidence that this would have been predictable or inevitable. In fact, the important point is that, where there is a perceived conflict of interest, the Assembly Commissioner for Standards has taken the appropriate action. That is what the Assembly

would want to see, and that is what we have seen today. However, I give Mr Allister the assurance that, if this were to come up more than once, the Assembly Standards and Privileges Committee would seek to have a conversation with the commissioner to see whether it is appropriate that he continues in his post. As I have said, this is one occurrence since 1999, so I hardly think that it was inevitable or predictable.

The Member also talked about the cost to the Assembly. I remind the Member that, under the terms of employment for the Commissioner for Standards, the commissioner does not receive a paid salary. Therefore, the commissioner gets paid for the work that he does, and, if he is not doing this piece of work, he does not get paid for it. As I will say later in my speech, the acting commissioner will get paid on the same terms and conditions, so there will not be an additional cost to the public taxpayer. It would have been appropriate if the Member had sought clarification on that before he ran to the press to make the statements that he did.

I want to make some progress, Mr Speaker. As I said, it is entirely appropriate that the commissioner, given that he felt that there was a potential conflict of interests, drew this to the Committee's attention. Under the agreed 'Direction by the Committee on Standards and Privileges on a Code of Conduct and Requirement to Register Interests', the commissioner shall:

"promptly declare to the Committee in an appropriate manner any private or outside interests which might reasonably be thought by others to influence or impact upon the Commissioner in the exercise of his or her functions. The Commissioner shall take steps to resolve any conflicts arising in a way that protects the public interest."

The Assembly has always recognised that there may be circumstances where the commissioner is unable to act. I have previously mentioned that this is not unique to the current Commissioner for Standards. That is exactly why, in section 23(1) of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011, it is stated:

"When the office of the Commissioner is vacant or the Commissioner is, for any reason, unable to act, the Assembly may appoint a person to discharge any function of that office until such time as may be specified by the terms and conditions of such appointment; and a person so

appointed is referred to in this section as an "Acting Commissioner".

Today, we are seeking to do exactly that: to appoint an acting commissioner in relation to a particular series of complaints because the commissioner has told us that he feels that he is unable to act.

The question of how the Assembly might use this power was considered earlier this year when the Standards Network conference was held here in Parliament Buildings. That conference brought together the commissioners and standards officials from across the United Kingdom and the Irish Republic. It was recognised at that time that there was statutory provision to appoint an acting commissioner not only here at the Assembly but at the Scottish Parliament and the National Assembly for Wales. It was acknowledged that the respective commissioners would be well placed to carry out the role of acting commissioner in the other jurisdictions, should the need ever arise.

I am very pleased that the Commissioner for Ethical Standards in Public Life in Scotland, Mr Stuart Allan, has indicated that he is willing to carry out the role of acting commissioner in this instance, should the Assembly wish him to do so. Mr Allan is a highly qualified and experienced public office holder with considerable experience in the investigation of complaints made against elected representatives. In 2001, he was appointed Scotland's first Chief Investigating Officer, and, in 2009, he was appointed by the Scottish Parliament to be the Scottish Parliamentary Standards Commissioner. In 2011, he was appointed as the first Public Standards Commissioner for Scotland, and then, in June 2012, he was appointed as the acting Public Appointments Commissioner for Scotland. The Commission for Ethical Standards in Public Life in Scotland had brought the public standards and public appointment functions together. Mr Allan was also a member and chair of the commission.

In 2013, he was appointed as the first Commissioner for Ethical Standards in Public Life in Scotland, which took over the functions of the Commission for Ethical Standards, the Public Standards Commissioner and the Public Appointments Commissioner. His period of office runs to 31 March 2014.

11.15 am

His biography was circulated to Members yesterday. I will just add that I have worked closely with him in the past, and I believe him to be a man of great integrity and professionalism. It is also important to point out that Mr Allan has confirmed that he is not disqualified from being appointed as the acting commissioner.

The motion provides for Mr Allan to be able to investigate:

"any complaint arising from the public assemblies in Castlederg on 11th August 2013".

That means that, should any further related complaints be submitted, Mr Allan would be able to investigate them without our needing to bring a further motion to the House. The motion directs that the appointment shall cease when Mr Allan has reported on all such complaints.

The motion also directs that, as I pointed out to Mr Allister, the terms of Mr Allan's appointment and particularly his remuneration will, subject to any necessary modification, be the same as those of the Northern Ireland Assembly Commissioner for Standards. That is an important point, particularly for those who may have had concerns about the cost of appointing an acting commissioner. Under the terms of employment, as I said, the commissioner is not paid a salary. Rather, he is paid only for those pieces of work that he undertakes. If he does not undertake a particular piece of work, he does not get paid. Of course, that means that, where an acting commissioner investigates a complaint instead of the commissioner and where his remuneration is the same as the commissioner's, there is no additional cost to the public purse for the time that is taken to carry out that investigation. I emphasise that point. Save perhaps for some travel costs, there is no additional cost to the Assembly as a result of his appointment.

I will bring my remarks to a close, and I look forward to hearing what other Members have to say.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom labhairt i bhfabhar an rúin seo. I will speak in favour of the motion, but before I do so, I have to recognise the comments that have been made. I welcome the Chair's comments. This is something that we need to keep an eye on, and, hopefully, those situations are not going to arise again in Committee. However, if they are, we as a Committee need to recognise them.

The Assembly Commissioner for Standards informed the Committee that, given particular complaints made to his office over the past number of weeks, he would be unable to act on them because he believed that there was a perceived conflict of interest. The Committee, using the relevant legislation, which the Chairperson mentioned, is proposing that the Assembly supports the appointment of Mr Stuart Allan as acting commissioner to consider complaints in the interests of transparency and public confidence and to support the Committee in its work. Mr Allan is highly experienced and respected in his field of expertise, and I have no hesitation in supporting his appointment.

Mr Eastwood: I think that the Members who spoke previously outlined the case very well. I do not intend to take up too much of the House's time. It is a rather simple matter. From time to time, these things happen. As the Chairman said, this is a very small place. People serve on a number of different boards and associations. Whatever people think about the Parades Commission or any other organisations, these things can happen. The commissioner was very up front with us on his appointment. He met all the criteria, and I think that he is doing an excellent job so far. I think that it was a good move on his part to understand that there may be a perceived conflict of interest. That is a prudent way to go forward.

I obviously support the motion. I also want to say that the reason that we are here today is to approve another person, Mr Allan, who is obviously someone with great experience and someone that we can have confidence in to carry out the role on an interim basis. On that basis, I support the motion.

Mrs Overend: The Committee on Standards and Privileges has considered the motion and broadly agrees that it is appropriate in this instance to appoint an acting commissioner. It has agreed today that Mr Stuart Allan will take up his post solely for the purposes of investigating any complaint arising from the public assemblies in Castlederg on 11 August. I will not go into the details of that parade or the associated difficulties, suffice to say that there are serious allegations and issues to be addressed by the acting commissioner as he carries out his duty. I wait with interest his findings on the speech that Gerry Kelly delivered that day.

It is not an ideal situation that we are in today. Although legislation is passing through Westminster to deal with politicians double-jobbing, we effectively have a situation whereby

we have to deal with a similar issue in government appointments. Taking that into consideration, surely it is inappropriate for Mr Bain to be a member of the Parades Commission and also be the Commissioner for Standards investigating a case relating to a matter on which he presumably took a position in the context of his Parades Commission role. Perhaps Mr Bain will have some difficult choices to make as time goes on and will consider his suitability to hold multiple positions.

I welcome the Chairman's comments that he will continue to review the situation. Although he states that there will be no difference in the costs of employment, perhaps he will confirm whether travel costs will be incurred and detail any increase in such costs. However, to ensure that Mr Kelly is fully investigated, the Ulster Unionist Party supports the motion. I wish Mr Stuart Allan well in his investigations.

Mr McCarthy: Our Chairman, Alastair Ross, has fully provided the Assembly with the information that brought us as a Committee to the decision to appoint an acting Commissioner for Standards. On behalf of the Alliance Party, I give our full support to the appointment of Mr Stuart Allan, whose credentials are second to none. I join others in wishing Mr Allan every success in the task that he is about to commence.

Mr Ross: I will not take too long to wrap up the comments that have been made. It is a relatively straightforward matter, as other Members have already indicated.

As we heard, the Assembly Commissioner for Standards is unable to act on a number of complaints as there would be a perceived conflict of interest. As has been said, the relevant legislation includes provision for appointing an acting commissioner when that occurs. We therefore propose that we appoint the Commissioner for Ethical Standards in Public Life in Scotland, Mr Stuart Allan, as acting commissioner to consider those and any other related complaints. As we said, the motion indicates that Mr Allan's remuneration will be the same as that paid to the commissioner. That will ensure that there is no additional cost to the public purse.

I will briefly touch on some of the comments made by those who contributed to the debate. Mr Boylan mentioned that the Committee will always be watchful when it comes to potential conflicts of interest. That is right. The Committee has acted as a single unit when it has done that. If a potential conflict of interest comes up again in future, the Committee will

consider and determine on it. Mr Eastwood said that from time to time it will happen, which is exactly right. Everybody would acknowledge that we are a small place and that some of the public appointments made tend to be from a fairly small pool. Importantly, Mr Eastwood also said that, in this instance, where there was a perceived conflict of interest, the commissioner took the appropriate course of action. I agree with that.

Mrs Overend said that she broadly agrees with the position that the Committee has taken but that it is not ideal. She talked about double-jobbing. Most people would recognise that the Commissioner for Standards is not a job that an individual would have as his or her sole job. Therefore, I suppose an element of double-jobbing is inevitable in that position. Indeed, it was the case with the previous interim Commissioner for Standards. That was not an issue that she or her colleagues brought up at that point.

To reiterate, there will be some additional travel costs because Mr Allan lives in Scotland. However, I believe that, in the overall scheme of events, those will be fairly minimal. Hopefully he will not be travelling to and fro between Northern Ireland and Scotland regularly. That is something that the Assembly Commission will look at when it determines his terms and conditions of employment. I am glad that Mrs Overend is generally supportive of the motion. Mr McCarthy also gave support to it.

I think that it is entirely sensible, Mr Speaker, that, in the given circumstances, the Assembly should appoint Mr Allan as the acting commissioner. I commend the motion to the House.

Question put and agreed to.

Resolved:

That this Assembly notes that the Northern Ireland Assembly Commissioner for Standards is unable to act in relation to any complaint arising from the public assemblies in Castlederg on 11 August 2013; appoints Mr Stuart Allan as an acting commissioner, in accordance with section 23(1) of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011, to investigate all such complaints; directs that this appointment shall cease when Mr Allan has reported on all such complaints; and that the terms of his appointment, in particular his remuneration, will, subject to any necessary modification, be the same as those of the Northern Ireland Assembly Commissioner for Standards.

Private Members' Business

Public Procurement Opportunities

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 the motion 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 the amendment and five minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

Mrs Overend: I beg to move

That this Assembly notes that the procurement of goods, services and infrastructure projects is a key driver of the economy; further notes the ongoing work in other devolved regions in this area; and calls on the Minister of Finance and Personnel to take action to address the criticisms of the current system and to ensure that there is sufficient access for small and medium-sized enterprises, as well as the social economy, to public procurement opportunities.

This is the first debate on the economy in this Assembly term, and I am very pleased to propose it on behalf of the Ulster Unionist Party. However, I would have preferred that it had not taken three weeks to get to the point where we are debating what is meant to be the number one priority of the Programme for Government.

This is also the first debate that the new Finance Minister will respond to, and I am sure that we are all looking forward to hearing Mr Hamilton in his new role today, and I congratulate him again on his appointment. He has outlined public sector reform as being a key policy area that he wishes to address. This debate is therefore particularly relevant to him, and it is an opportunity to add some detail to his initial public statements thus far.

Motions on public procurement have been debated in the Chamber a number of times. Members will also know that the Finance Committee completed a comprehensive inquiry in February 2010. That inquiry highlighted a number of pertinent issues, including the extent of access to public procurement for our local indigenous businesses, particularly small and medium-sized enterprises (SMEs), the need to reduce red tape in procurement processes and the importance of using procurement to deliver

social benefits such as employment and training opportunities.

The previous Minister of Finance and Personnel made a statement to the House in October 2012. He outlined some of the work that the Department has been getting on with, and, no doubt, Mr Hamilton will do likewise later. I caution that the realities in procurement for our small businesses are perhaps very different to the processes set out by the Department as being the norm. In that regard, the Federation of Small Businesses (FSB) is taking forward important research on procurement, and I believe that the results will lead to a significantly more informed debate as we identify how best to reform our practices. I call on the Minister to give serious consideration to this piece of work when it is published.

Public procurement plays a crucial role in the Northern Ireland economy. In 2010-11, it amounted to £2.7 billion, which is the equivalent of 26% of departmental budgets. I am sure that Members agree that that is a sizeable sum. At a time when budget reductions are a reality across the board, it is more important than ever that this significant public procurement spend is maximised. The difficulties that continue to face the construction sector should also bring its importance into sharp focus.

We must bear in mind that much of our public procurement policies stem from the European Union. Members of the Finance Committee will be aware of that as they are updated from time to time on new directives. The one major point that I will make on the European aspect is that we must endeavour not to gold-plate legislation. I know that it is the intention of the Cabinet Office not to do so, however, sometimes, those good intentions are not carried through. Perhaps the Minister will update the House on the recent review of EU guidelines taken forward by the Cabinet Office and any moves towards deregulation secured as a result.

I want to move on to talk about small business, which is the life blood of our economy. I think of some of the thriving small businesses in my constituency of Mid Ulster, such as the small building contractor who carries out repairs in schools across the country or the subcontractor who builds roofs on new hospitals: all of them are experiencing difficulties accessing public procurement or other related challenges.

Access to public procurement for SMEs remains a central issue three years after the Committee report was published. The latest statistics by the Department are that 77% of

contracts awarded by government went to businesses based in Northern Ireland. Further to that, 67% of contracts in 2010-11 were awarded to SMEs. In the same year, 51% of all government contracts were awarded to microbusinesses with fewer than 50 employees. On the face of it, there is some encouragement to be had from that. However, I ask the Minister for some specific clarification. First, how that 77%, 67% and 51% is broken down as regards the number of firms is important. Is it concentrated among a small number of firms? If so, we need to widen the opportunity to other businesses as well.

11.30 am

Secondly, what is the value of contracts that are awarded to local firms? That is a key question, as the answer will give a more accurate reflection of how we are using government procurement to boost our local small and medium-sized enterprises.

Thirdly, we know that it makes sense for local money to go back into the local economy. I would, therefore, be grateful for an estimate of the percentage of our procurement spend that remains in Northern Ireland. I would like that estimate because I believe that the best way to ensure that procurement spend stays in our local economy is by directing it to small business. I challenge the Minister to use this opportunity to bring more transparency to the table. If he does not have those figures, more research and data collection should be a priority.

Moving on from access for SMEs, there are other specific criticisms of the current system. The Minister alluded to as much in his recent address to the Confederation of British Industry (CBI). We must maintain a watchful eye on the bureaucracy that accompanies tendering for government contracts; that, of course, ties in with the European aspect that I have outlined. However, we can and should be working to mitigate that at a devolved level. For example, the Minister should be working to simplify paperwork as well as providing clear guidance and training.

From speaking to businesses, I know that there can also be an inconsistency in how contracts are tendered across the board. The Department and its centres of procurement expertise must apply processes and procedures consistently. If that does not happen, it leads to contracts being tendered in an unsatisfactory manner. For example, a failed tender in the Department of Enterprise, Trade and Investment (DETI) led to the lack of a dedicated

business start-up scheme in Northern Ireland for nearly a year; that is totally unacceptable.

I fear that the future of the Community Safety College at Desertcreat in my own constituency is under threat. Perhaps the Minister could enlighten us on whether the delay and uncertainty associated with that project are a result of procurement issues.

Input into decision-making and reform is also a key consideration. The Minister must ensure that the voice of small business is heard at the right time and in the right forums so that it is able to influence policy and reform effectively.

With the review of public administration imminent, there are specific criticisms from one council to another. The whole subject of subcontracting is also fraught with problems. My colleague Leslie Cree will deal with those two points in more detail later in the debate.

Members will also be aware of the recent Northern Ireland Audit Office report on collaborative procurement and aggregated demand. That report makes clear that little progress has been made in this area and that there is scope to increase aggregated demand and collaboration for common goods and services. We need an appropriate balance of collaborative policies and aggregated demand and support for SMEs through public procurement opportunities. It is incumbent on the Minister to achieve that balance. I await his reaction to the report.

Lastly, as the motion suggests, we must consider the work that is ongoing in other areas and other regions. In Scotland, the SNP will shortly legislate through the Procurement Reform Bill, which will promote public procurement processes and systems that are transparent, streamlined, standardised, proportionate, fair and business friendly. In Wales, developments such as the review entitled 'Maximising the Impact of Welsh Procurement Policy', 'Opening Doors: The Charter for SME Friendly Procurement' and a new procurement policy statement have all contributed to improvement.

I will conclude by stating that, if we are serious about keeping in step with and even leading the rest of the UK and EU in how we reform public procurement, continuous development and improvement is necessary.

Mr Agnew: I beg to move the following amendment:

Leave out all after "system" and insert

"to ensure that there is sufficient access for small and medium-sized enterprises, and for organisations in the social economy, to public procurement opportunities and to ensure that employees in companies that are contracted and sub-contracted through government procurement are paid at least the living wage."

In moving the amendment, I also support the substantive motion. We, in this House, recognise — at least, I hope we recognise — the value of public sector procurement, particularly at a time of spending constraints, and the importance of getting the maximum value for our economy and our people. Prompt payment is key to that, and the previous Finance Minister set guidelines for that.

I congratulate the new Finance Minister on his appointment. I will wait to hear what he says about my amendment before deciding whether I welcome his appointment. The previous Finance Minister was keen to set guidelines on prompt payment. We should certainly demand that, in public procurement, the companies with which we contract can guarantee staff their wages and, indeed, their own sustainability.

Mrs Overend addressed social clauses, which are also key to exploring how public sector contracts can be used to boost the number of apprenticeships and tackle youth unemployment. We must get every value out of these procurement contracts for our people. The amendment is an extension of that, and calls for public sector contracts to seek that a living wage is paid under those contracts. The proposal is restricted only to contracts and, indeed, it must be for it to be legal. This is not a proposal that only firms that pay a living wage can secure contracts.

Mr Weir: I thank the Member for giving way. He indicates that his proposal would be restricted to the contracts. Does that mean that someone will potentially be paid a living wage on a Monday, and then a different wage on a Tuesday if he is working on a different job? That seems illogical and could create administrative chaos.

Mr Agnew: I thank the Member for his intervention. The intention is certainly to encourage firms to pay the living wage in general. Firms that are paying a living wage would be at an advantage because they would not have those difficulties when seeking contracts. I am clear that, although we cannot require that, we can certainly hope to achieve it.

This is about making sure that what we do is both legal and beneficial.

The living wage is currently calculated to be £7·20 an hour outside London, recognising the higher costs of London. The principle is to ensure that all workers have a basic standard of acceptable living. We are only too aware of the levels of in-work poverty, and this is a way of helping to tackle that problem. In fact, that is nowhere more pronounced than in Northern Ireland, where it is estimated that a quarter of our workers are paid less than the living wage, which is a higher proportion than in any other region of the UK.

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

As is often the case, this would have the biggest impact on women, who currently comprise approximately two thirds of those who earn less than the living wage. When you consider the social issues that we are experiencing, you find that women are bearing the greater disadvantage caused by the social welfare cuts and the downturn in the economy. This is one way to redress that and ensure that women in work are not treated unequally and earn enough to support a basic standard of living.

I cannot help but be taken back to our debate yesterday and last night. There was a lot of talk about why women end up in prostitution. A lot of claims were made that, given the choice of a profession, no woman sits down and says, "I would like to be a prostitute when I grow up." We need to ensure that there is good quality employment for women in our society so that they are not required to make that choice. We cannot just tackle the symptoms of the problem; we must tackle the causes, and low pay is certainly a cause of social disadvantage.

I heard some of the discussion on this issue on the radio this morning, and there was almost a suggestion that this is a public sector versus private sector debate. We seem to want to get into that argument, but it is the complete opposite: it is about using public money to improve the conditions of workers in the private sector. We have heard it said time and again that workers in the private sector are getting a raw deal and, often, the argument is that, therefore, we should pay our public sector workers less. My argument is that we should pay our private sector workers more and seek to raise standards at the bottom. We seem to have no problem with the vast wages of CEOs or the excessive bonuses that many of them receive, particularly in some of our private companies.

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

Mr Agnew: I have 10 minutes.

Mr Deputy Speaker: Apologies.

Mr Agnew: We do not seem to have a problem with that, but when it comes to lower-paid workers, we are always trying to lower standards at the bottom. We should seek to raise standards, including in the private sector, and this is one way to do that.

It also benefits business. San Francisco airport introduced a living wage, and there was an 80% reduction in staff turnover across its lower-paid workers. Reducing staff turnover is a huge saving to business, because you save money on recruitment and training costs. You also have more experienced staff who can perform better in their job, so you have improvements in productivity. You also have workers who value their jobs. If workers have nothing to lose and can move easily around low-paid markets, they may not be as keen to do everything that a boss requires. However, if workers value their job, they are more likely to work to ensure that they stay in that job. There are, therefore, benefits to business and to workers. There is a lot of evidence to suggest that well-paid workers are more productive, and happier workers are more productive. Indeed, in Google and other such companies, a key question in staff supervisions is, apparently, "What can we do to make you happier in your work?" That question is asked because those companies recognise that a happy worker is a better worker.

We often hear that another advantage to business relates to whether local companies can compete for contracts, which is part of the motion. There is often outsourcing to foreign companies that can pay lower wages. The amendment would ensure that that would not happen, our companies would compete on an even playing field and lower wages would not be a way to undercut responsible companies who pay their workers well. It will ensure that we reward companies that pay their workers well and that we set a standard that we want others to achieve. As we know, those at the lower end of the pay scale are more likely to spend their money in the local economy, which has multiplier benefits.

I can confirm that this can be done, because I know that questions have been raised about that. The Greater London Authority insists on a living wage in all its procurement contracts. My

colleague Jean Lambert, who is a Green Party member of the European Parliament, raised the issue with the European Commission, which said that living wage conditions may be included in the contract performance clauses of public procurement contracts. It went on to stipulate that it cannot insist on what a business does outside of that contract, as I outlined to Mr Weir, but in public procurement contracts, can insist on how a business operates.

This will be good for our workers, our local businesses and our wider economy. Importantly, it will help us to tackle the causes of some social issues, such as poverty — in-work poverty and child poverty — which we often seek to address by putting in one-off schemes. Through the amendment, we can change the infrastructure of our economy to ensure that in-work poverty and child poverty do not occur.

Mr Deputy Speaker: I call Mr Steven Weir.

Mr Weir: I am not quite sure who is next to speak, but I will give it a go, Mr Deputy Speaker. I welcome Mrs Overend's motion. First, may I indicate on behalf of the DUP that we are happy to support the motion? We feel that it is timely and more or less strikes the right balance. I do not have the same warm feelings for the amendment. Although I join with Mrs Overend in the importance of highlighting procurement problems, I doubt whether either of us would categorise women pushed into prostitution as being attributable to the failures of procurement. That may be a little bit of a step too far.

11.45 am

This problem has existed for quite some time. One of the major issues, which was touched on by the proposer of the motion, is that the limitations — I would not necessarily call it the straitjacket of Europe — but certainly the constraints have led to a bureaucratic nightmare for procurement and left, for any local Administration, limited room for manoeuvre. That has been belatedly recognised by Europe, but there are a lot of steps that it has yet to take, and there are question marks there.

It was said that the Executive and Assembly have striven for a number of years to tackle this issue. The proposer of the motion mentioned the Committee for Finance and Personnel's 2010 report. I was a member of the Committee at that time. A lot of good work has been done, but, as was said — I suspect that the Minister

will say this later — a lot of good work is still to be done.

The other devolved institutions were mentioned. We have quite a reasonable record. In Wales, the percentage of indigenous companies that receive procurement opportunities from their Assembly is a lot lower than it is in Northern Ireland. There are good practices here, in Scotland and in Wales. As an Assembly, collectively, we can learn from them.

In the remaining time, I want to touch on Mr Agnew's amendment. The Member mentioned good intentions, and I have absolutely no doubt that his amendment was tabled with good intentions. However, I am reminded of the saying that the road to hell is paved with good intentions. That is a road down which, inadvertently, the proposer of the amendment may be taking us.

First, he mentioned Europe. This is not a novel issue, and, as I understand it — I am sure that the Minister will touch on this — the Scottish Government have already sought clarity from the European Commission on whether they can impose a living wage requirement. The Commission's response was that it is not clear whether it would be compatible even with EU law. So, legally, we may not be able to do this. At the moment, certainly, it is not enforceable —

Mr Agnew: Will the Member give way?

Mr Weir: No. I have only a short time remaining. I am sure that you will more than adequately deal with these points in your winding-up speech.

If, on the basis of goodwill, as the Member said, some firms abide by it, the situation will be that others will not. What might happen to, in the words of the proposer of the amendment, the good firms that impose this? They will put themselves at a competitive disadvantage, and the best contracts will go to those who do not fulfil the requirement to pay a living wage. That seems a bit illogical.

Mr Agnew mentioned an extension of things such as tackling youth unemployment and apprenticeships, but his amendment takes us in the opposite direction. Instead of the current minimum wage, which differentiates, for example, on age, you would have a situation in which you simply have a much higher blanket figure. For some young people, that would mean an increase of around 50% in their salary. That would be a massive disincentive for firms to take on young people who are

inexperienced, so it would exacerbate youth unemployment.

It would also mean that, if we were able to deal with it at all, it would be on the basis of trying to impose it on local companies. We would be put in a situation in which we had to go through a process. The common criticism of procurement has always been that it is overly administrative, overly bureaucratic and has too many hoops to jump through. We would create, purely for local firms, a whole series of other hoops and additional costs that would make them less competitive and, indeed, put them at a competitive disadvantage administratively against firms from outside Northern Ireland. Realistically, only Northern Ireland firms could be monitored, allowing firms outside Northern Ireland to have, to some degree, *carte blanche*.

With the greatest respect, I have to say that the amendment takes things further in the wrong direction. It would be counterproductive and damage local procurement. Look at the difficulties in the tough world of the construction industry. We need to make things easier; we do not need to put in place additional financial burdens that can be placed only on local firms.

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

Mr Weir: Therefore, I urge Members to support the motion and reject what is an ill-advised amendment.

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. I support the motion and the amendment. The amendment adds to the substantive motion.

It was interesting that the Minister of Finance and Personnel said that procurement was one of the priorities for his term ahead. That is to be welcomed. It is important to make it a priority because we are not where we were 10 years ago, and we need to make the public pound go much further.

Some £3 billion is spent annually on the purchase of supply, services and construction works. That level of expenditure offers real potential to maximise the economic and social outcomes for the local community. Reference has been made to the previous Minister and to previous attempts to address procurement. We have this set of groups called COPEs — centres of procurement expertise — and I would love to know who gave them that name. I have seen these COPEs appear before different Committees many times, and they are anything but expert in some of their operations.

So, I propose that some of those agencies should not have that name unless they actually live up to it.

The Audit Office report confirmed some of the procurement difficulties. The C&AG said:

"There is scope to increase aggregated demand and collaboration for common goods and services",

and that:

"If used properly, this can lever significant savings for the public sector."

So, according to the C&AG and the Audit Office, potential significant savings are not being realised for the public sector. The challenge for the Minister is to prevent the continuation of the wastage that occurred during his predecessor's term. I would like to hear today what the Minister plans to do about that particular piece of work. I give him credit for putting the focus on this matter through the public sector reform division, and I am keen to see some meat put on the bones of those proposals.

Best value for money has been one of the Executive's principles of public procurement policy since 2012. It is now defined as:

"The most advantageous combination of cost, quality and sustainability to meet customer requirements."

Of course, that also means that it needs to have a focused business case to support the Programme for Government. So, factors of real benefit to society need to be taken into account, not just cost and quality.

Across the water in Britain, the Public Services (Social Value) Act 2012 has a similar focus, in that money is not everything. In my view, it can skew government processes in some regard. We need to think bigger than that, and that applies not only to procurement. As I said, the Minister has set up a new public sector reform division, and he has indicated that he wishes to see public service delivered in a more effective and efficient manner by thinking innovatively about procurement and ensuring that we have in place the most effective delivery models. That all sounds great, and I credit the Minister for outlining his plans. There is not much that one can disagree with, but we will want to see something more tangible before long and something that delivers better outcomes than current procurement processes.

We have had our difficulties with procurement in many instances. Patton was a great example of what is wrong in our system. Project bank accounts for projects of £1 million-plus will not fix all that or prevent it from happening again. We need to take a much stronger run at that issue. It is not an issue only between contractors and subcontractors, of course; sometimes, it goes back to public sector bodies themselves, such as the Housing Executive. Certainly, we — the Chair and the all-party Assembly group on construction — looked over the summer at the double glazing issue in the Housing Executive. Some of the things that are going on there are totally unacceptable, and many subcontractors are being put in the unenviable position of placing workers on notice because of the fault of public sector organisations. That must be discontinued.

Of course, that is not the only issue. We also have had political interference by the Finance Minister's colleague in the Department for Social Development (DSD), which we heard all about just before the summer. Such political interventions put jobs at risk as much as the inefficiency in the dealings of the public sector bodies themselves.

I am limited in time, but I will just touch on the living wage, which is a topic that the proposer of the amendment introduced. It is worthwhile debating it here today. I know that some of my party colleagues —

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

Mr McKay: —will follow through on that. We support the motion and the amendment.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. Tá áthas orm tacaíocht a thabhairt don rún agus don leasú fosta. I am happy to support both the motion and the amendment.

The SDLP believes that it is incumbent on the Executive and the Assembly to create a procurement environment that facilitates our small enterprises to realise their full potential and that maximises the economic and social impact from the expenditure on procurement.

There is no doubt that the vast majority of businesses in Northern Ireland are small to medium-sized businesses. They are, in fact, the backbone of our economy, and we should do everything that we can to support them. That includes improving access to public procurement, which will obviously have a positive impact on innovation, improve

economic strategies and competition, and, above all, help to create greater employment.

Historically, we know that SMEs have faced a number of barriers, including a lack of knowledge or awareness of opportunities, and challenges around the use of frameworks. There are also capacity issues and issues with the perceived complexity of the procurement process.

A number and variety of approaches have been tried to support SMEs and social economy businesses to access public procurement, and those have met with some success. Those approaches tend to concentrate on simplifying the procurement process and making it more accessible to SMEs.

Mr Ross: I thank the Member for giving way. Does he agree that one such way of helping SMEs get into the procurement sector is through their participation in events such as the Meet the Buyer event that was held two weeks ago by InterTradelreland? At that event, many SMEs that had never been involved in public procurement, or had never even thought about it, were able to go along, get coaching and meet with some public buyers. It is that sort of initiative that government can help to run that will help SMEs to get involved in public procurement in the future.

Mr D Bradley: I thank the Member for his intervention. I must say that I totally agree with him, and I will deal with that in more detail later on.

Some of the approaches that have been tried include facilitating access to frameworks and opportunities and using proportionate selection criteria. It has also been helpful to divide contracts into lots. Indeed, EU research shows that that approach increases the probability of SMEs winning contracts. It is also good to improve access to information through the type of occasion that Mr Ross mentioned — the InterTradelreland event that was held a number of weeks ago, which Mr McGlone will elaborate on — and through the greater use of e-procurement. It is helpful to set up proportionate requirements around qualification levels and finance based on the size and subject matter of contracts.

We need to encourage collaboration and joint ventures between SMEs, and between SMEs and larger organisations. It is also necessary to continue to build capacity through holding events such as the one that was mentioned, by helping to develop tender-writing skills and by

providing more opportunities to converse with buyers.

All those approaches are useful and helpful, but they are not the be-all and end-all. We need to re-examine them, evaluate them, and ensure that they work and have the desired effect on improving the process and on allowing more SMEs to participate in the procurement process.

There are clear benefits from increased participation by indigenous smaller enterprises providing services, supplies and works to government. That encourages them and gives them the confidence to grow. It also encourages them to participate in public procurement processes outside this jurisdiction. That is a very important point because, obviously, it can improve our economy and lead to greater employment opportunities.

12.00 noon

Additional benefits are, as I mentioned, increased employment and raising the level of productivity and gross value added here in Northern Ireland. The Executive must continue to develop a strategic policy for using public procurement as far as is permitted under the legislation —

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

Mr D Bradley: — and to use it as a tool for the development of our smaller enterprises —

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

Mr D Bradley: — for stimulating economic growth in the longer term.

Mrs Cochrane: I, too, welcome the opportunity to speak in support of the motion. The way in which our public sector allocates resources has a major impact on the economy and society in Northern Ireland as a whole. With the challenging financial environment, we expect our public authorities to reform services and purchase in a way that delivers more for less. With that in mind, it is important to look at whether our small and medium-sized enterprises and our social enterprise sectors can offer better value for money than larger suppliers. If that is the case, how can we encourage them to compete for more public sector business?

There is an argument that our SME sector brings greater competition to the marketplace,

which, in turn, drives down costs. They can often offer higher personal levels of service and can be more responsive to changing requirements due to shorter management chains and approval processes. There is also the further benefit of increasing the involvement of smaller enterprises in the government supply chain, in that the more experience our SME and SEE sectors can gain, the more likely they are to go on to grow and compete successfully for business outside Northern Ireland, and that is vital for us to grow our economy.

As the Chairperson of the all-party group on SMEs, I fully recognise the sector's importance to our economy and, therefore, I am keen to explore what can be done to ensure better access to procurement opportunities for them. Indeed, at a recent meeting of the group, that issue was raised by a number of organisations. There is a real apprehension about engaging with the public sector, and we need to try to address that. Examples of the issues that they faced included levels of experience required, which, obviously, affects newer businesses being able to enter the market; issues around over-the-top insurance requirements that are not proportionate to the risks associated with projects; and delayed payment of invoices, which affects those smaller businesses that do not have such established credit arrangements with their own suppliers.

Other issues raised have been around not being able to source information about opportunities, including subcontracting, and not understanding the requirements fully. We really need to focus on removing those barriers, those that are perceived and those that are real, to encourage our SMEs and our SEEs to participate. Often, that sector is put off by red tape and bureaucracy, and we must ensure that they feel that the process is open, streamlined and transparent to encourage their participation while meeting all our legal requirements and protecting the public purse.

We should note, however, that those issues are not faced only in Northern Ireland; there have been many criticisms of procurement processes in the devolved regions too, and it is useful to look at how they are addressing those issues. The Scottish Government have a range of initiatives, including a procurement policy handbook that advocates proactive development of a supplier base of SMEs and third-sector organisations. Similarly, the Welsh Government have a charter for SME-friendly procurement. Northern Ireland does seem to be achieving levels of business participation in government contracts, certainly on a par with other devolved Administrations, and many

changes are already under way following the recommendations from the Department of Finance and Personnel (DFP) report on public procurement. I am keen to know whether the Minister intends to implement further recommendations from that.

One area where we, perhaps, are lagging behind other regions is around what we are delivering in community benefits.

Mr Ross: I thank the Member for giving way. I am sure that she will agree that one of the positive aspects in Northern Ireland has been the fact that we were the first devolved region to run open competition for the small business research initiative in the area of tourism apps. Does she agree that a greater use of that small business research initiative will help small companies with their R&D and help us drive innovation among SMEs across Northern Ireland?

Mrs Cochrane: I thank the Member for his intervention. Yes, I agree with him. There is still more to be done to communicate exactly how that can be best utilised.

I go back to what I was saying around the social clauses.

We have made some progress in that area, but perhaps more can be done, whether they relate to employment, apprenticeships or environmental sustainability. Such clauses should be seen as an integral aspect of the public procurement process, and, arguably, through their implementation, our public spending return is likely to be more beneficial, economically and practically.

Although I support the proposed amendment as an aspirational concept, it is problematical when it comes to contracts. A living wage is hard to define and is ineffective economically. It is better to drive up wage levels through increases in productivity and to achieve that through increasing skill levels. Alternatively, as the national minimum wage has not really changed for a number of years, a UK-wide revision in light of increased pressures might be a more appropriate way to look at that.

We will, therefore, not be supporting the amendment as that move could be viewed negatively by businesses. We are arguing for better access to government contracts, and that move would make it more difficult for SMEs to compete. Therefore, it undermines the thrust of the motion.

From what was said by others, it is clear that we recognise and appreciate the important contribution that SMEs make. We should nurture them and develop their role in fostering economic, environmental and social benefits across Northern Ireland. All that can be done to procurement practices to allow that to happen should be done.

Mr Girvan: I thank the Member for bringing forward the motion and I support it. Among the greatest inhibitors to access to the opportunities that are available to small and medium-sized businesses and micro-businesses in Northern Ireland are EU restrictions. Being a European sceptic, I would say that those have done nothing but drive down opportunities for our small and medium-sized businesses to access.

I want to focus on COPEs — centres of procurement expertise, or lack of. A great body of work needs to be done in joining them up. Each Department seems to have its own COPE. Those COPEs are not necessarily communicating and being effective in ensuring that we do that. A body of work needs to be done to ensure that an opportunity to deal with things in a more effective way is brought back to the centre.

Encouraging small businesses to tender has been a big problem. They are probably put off by the bureaucracy. Work has been done by economic development units in councils to bring small businesses up to speed and to help them to access the tender process. The tender process has sometimes been used to put people out because it works from a select list. That select list process is not necessarily to award the contract but to ensure that certain people do not get the contract. That list has to be set aside.

Small businesses have been delivering as sub-contractors on many contracts but have no track record of delivery. As a consequence, they sometimes do not score when it comes to the final stages. Including contracts that they were involved in should be part of the criteria to allow them to work their way through the process.

The motion refers to other regions in the United Kingdom and how other devolved institutions deal with this matter. Interestingly, Scotland is looking at the procurement process in Northern Ireland, the amount of money that we spend, how we do that and ensuring that it works its way down. They are seeing it as good practice. I am not saying that it is always perfect, but we need to improve on it and ensure that we deliver that.

I think that £2.7 billion was spent in 2011-12, which would have been open to tender for contractors to deliver in Northern Ireland. That is a sizeable amount of money. To ensure that they all get a fair crack of the whip, we need to relax some of the regulation. We have to ensure accountability but, sometimes, in doing so, we do not always get value for money. One contractor said that he would do a small job for, say, £20,000, but that he would see what bids came in if it were put out to tender. The tender went out and it came back at almost double that price. Therefore, we do not always get value for money when we go out to tender. I can tell you that a certain thing called a cartel is at work out there with those who are on the select list to ensure that they win contracts. They say, "I have won this contract, so you can win the next one." Irrespective of whether people believe it, that does go on.

The expertise must be there to ensure that we get value for money from contracts when they are awarded. Those who have the opportunity to look at building and the mechanical and engineering side should have the expertise to ensure that we do not receive inflated prices and that it is not just an exercise in which people have ticked all the boxes, done everything right and, therefore, set the price that we pay. To ensure access for small businesses, it is important that we streamline the process and get rid of some bureaucracy.

Mr Deputy Speaker: Bring your remarks to a close.

Mr Girvan: We must ensure that the COPEs work together. Otherwise, we should bring it back into the centre and deal with it in one place.

Mr Flanagan: Go raibh maith agat, a LeasCheann Comhairle. Cuirim fáilte roimh an díospóireacht thábhachtach seo. We all know that procurement of goods and services is a vital way in which our public sector and local and central government can help the private sector to grow and help to stimulate economic development and growth. However, the ever-increasing levels of outsourcing of work that probably could and should be carried out by the public sector is a source of great concern to me and many others.

Often, work is outsourced without any comparisons at all being made with regard to value for money. It is simply decided to put contracts out to tender and to get somebody in the private sector to deliver them, without

comparing that with how it could be done in-house by the public sector. That is one of the big problems that must be addressed. A considerable number of large contracts are out to tender or were recently closed for tender by the Government here. There is absolutely no reason why they could not have been delivered by civil servants. There are no specialisms or work that could not be done by most civil servants who are employed in the public sector. However, that seems to be how we will rebalance the economy, which is the buzz phrase of the moment — by simply lifting things from the public sector, transferring them to the private sector and saying that the private sector is growing.

Some have made a stab at defining what value for money is. The FSB, in one of its very useful documents on public procurement, stated that value for money requires the promotion of quality, project completion times, ease of communication and project flexibility. Since the new Minister of Finance and Personnel took office, he has repeatedly flown the flag of innovating in the public sector, which sounds like a very plausible and commendable approach. I do not think that anybody could argue with such a phrase. That is certainly an approach that should be taken to deal with public procurement. The FSB has continually requested the introduction of a standard pre-qualification questionnaire for low-value contracts, which small businesses would have to fill in only once and which would then be logged for future bids.

Much more needs to be done to break down larger contracts into smaller ones and to help smaller companies to collaborate to compete for larger contracts. I think that we would all say that. However, on the other hand, we have to deliver best value for money. It is a tough decision for the Minister and the Department to determine whether to put out large contracts, which may well save the public purse money, or to break them down into smaller contracts to give smaller businesses a chance to win them, which may well cost more. It is a case of determining the wider value for money of that. That variable needs to be looked at.

Much more should be done to provide unsuccessful bidders with feedback or, as the FSB has called it, "debriefing", which is something of a military term that I have never liked. They should receive feedback on why they were not successful in a format that is suitable to their individual needs.

12.15 pm

There has been a bit of talk about some of InterTradeIreland's programmes. It provides an excellent programme for businesses across Ireland that gives greater confidence, knowledge and practical skills to enable businesses to tender successfully for public sector contracts. There is one such programme coming up in Enniskillen in the middle of October, and I encourage people to attend it.

To provide greater savings and opportunities for the public sector and business, we need to explore further the potential benefits of greater collaboration across the border between local authorities, North and South, and with the Department of Finance and Personnel. The level of the economies of scale that we could get should be explored, and it would be welcome if the Minister dealt with that.

Much more also needs to be done to help and support small businesses to tap into the potential benefits of public procurement. Business membership organisations, including the FSB, the CBI and NIIRTA, have produced a number of useful documents. Those business membership organisations frequently raise concerns about the Department's public procurement board. I looked at its website, which is drastically out of date. It refers to 2012 and does not know that there is a new man in the chair. Hopefully, the Minister will get that updated. The board does not contain representatives from business or the trade unions; it is mainly made up of permanent secretaries. One thing that I would like the Minister to do —

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

Mr Flanagan: — is to allow business and trade union representatives onto the public procurement board.

Mr I McCrea: As a newly appointed member of the Finance Committee, I welcome the opportunity to speak in the debate and, more importantly, to congratulate the Minister on his recent appointment. This is my first opportunity to put that on the record publicly. He knows that he has a big pair of shoes to fill — I am not sure what his shoe size is — but I certainly have confidence that my colleague can do the job well.

I commend the proposer for bringing this timely motion to the House. The issue certainly affects many people in my constituency. With that in mind, I want to take some time to speak about how, I believe, local government can play

a part in building up the SME sector by dealing with public procurement contracts.

I declare an interest as a member of Cookstown District Council. I want to spend some time detailing an initiative that was taken forward by our council's economic development department and how that has helped local SMEs in the council area.

In response to the procurement issues raised by the local SME sector in 2010, the council's economic development department applied to DETI and was successful in accessing 50% match funding from the EU sustainable competitiveness programme. The funding helped to deliver a two-year pilot programme of bespoke one-to-one tendering support for SMEs, aimed at building the capacity of up to 80 SMEs from the Cookstown district in construction, engineering, manufacturing and business services, excluding retail, to identify tender opportunities in the public and private sector as well as to prepare and submit professional tender bids.

The project certainly surpassed the targets that the council set. Although there are many bad news stories about our SME sector, it is important that we talk about some of the positive aspects. There was an expectation that we would set ourselves achievable targets for this multisectoral tendering programme, but when we looked at the final outcomes, we found that it had provided a boost of approximately £15 million to Cookstown district's economy. It supported participating businesses to win new contracts worth £12.6 million and contributed to the creation of 43 new jobs valued at £2 million. It helped companies to access other sources of support worth just over £350,000. It developed seven consortia bids, and 59 businesses, 74% of those involved, were supported to develop a pre-qualification questionnaire. Twenty businesses were referred to Invest NI for further support, and 10 businesses accessed support from six other sources. This is a good news story in the sense that it shows how a district council can take forward an initiative to try to help the local SME sector. With that in mind, as we move into RPA, there will be bigger budgets, and, as the local councils amalgamate, many more opportunities to learn from a small district council in Cookstown that punches well above its weight. Such initiatives, which currently benefit the local economy, can be used on a bigger and wider scale in the new councils after the introduction of RPA.

There are good news stories. There is no doubt that a lot more work can be done and

needs to be done. I hope that the Minister, in his response, outlines some of the issues that he feels need to be targeted. A common theme in the debate has been that there is no doubt that people in the SME sector need our help. We certainly need to do everything that we can, as government, to do that.

Mr B McCrea: One thing that surprises me about the debate so far is that there has been no discussion about the forthcoming EU procurement directive. The Cabinet Office issued a procurement policy note in July 2013 — just at the start of the summer — providing an update on the progress towards modernising the EU procurement rules. As many Members, including Mr Girvan, said, the EU tends to have a lot to answer for. So it is encouraging that a new major directive will come out this autumn — any time now — and that the UK has said that it will move with alacrity to ensure that it is transformed quickly into UK legislation.

It is interesting to note that some Members mentioned the Scottish procurement laws. A Scottish procurement Bill was tabled but has been postponed from May because the EU directives were coming out. We want to see whether there is any crossover.

Mrs Overend: Will the Member give way?

Mr B McCrea: Yes.

Mrs Overend: I just want to correct Mr McCrea. I am not sure whether Mr McCrea was present when I proposed the motion, but I want to clarify that I mentioned that then.

Mr B McCrea: I am grateful for the clarity. I did, unfortunately, miss that bit, but I was listening out for anybody picking it up during the debate.

I wonder whether Mrs Overend dealt with the proposals that were agreed and accepted by the UK Government, which include a much simpler process for assessing bidders' credentials, involving greater use of self-declarations and only the winning bidder having to submit the various certificates. There is also a specific requirement for poor performance under previous contracts to be explicitly permitted as grounds for exclusion, and that is a good thing. The distinction between Part A and Part B services has been removed — I am not sure whether Mrs Overend covered that point — and a new light-touch regime for social, health and some other services has been brought in. The importance of that is that the advertising regime has been changed, and, in

fact, the threshold has been increased to a substantial €750,000. One problem with many of the contracts is that the threshold is so low that many small businesses think that it is not worth going to that sort of expense.

Members mentioned other issues that they want to be brought in, such as a dynamic purchasing system that is greatly simplified and, in particular, the ability to reserve the award of certain service contracts to mutuals and social enterprises — we have all been keen to do that.

Again, I am not sure whether Mrs Overend was able to deal with that, but it is particularly important.

There will also be a requirement for a review of thresholds. That is because the directive includes a binding commitment on the Commission to review the economic effects of the internal market as a result of the application of thresholds. That could lead to an increase in the thresholds, which have been broadly static for 20 years. Again, that is important.

There should be legal clarity so that buyers can take into account the relevant skills and experience of individuals at award stage. That has often been a problem for us in procurement, because our people who were applying for it would say that they have particular skills that were not being taken into account.

Another element that is coming through and will become law — in the UK anyway, I presume — but may be of interest to the proposer of the amendment is the improved rules on social and environmental aspects, making it clear that social aspects can now also be taken into account in certain circumstances. That is in addition to the environmental elements that have previously been allowed. So, if you are looking for a living wage or are involved in such issues, these procurement laws would absolutely and implicitly allow them to be taken into consideration. That would surely be a good thing.

I think that I heard Mr Bradley call for e-procurement. That will be implemented within four and a half years. There is an interesting issue there. A turnover cap has been introduced to facilitate SME participation, and buyers will not be able to set company turnover requirements at more than twice the contract value. That is one of the things that most SMEs fail on. When they look at the size of the contract or the financial stability, the bigger players say that that is not appropriate.

Finally, I heard Mr McCrea talk about the councils. He will no doubt be delighted to know that, when the new directive is implemented, public authorities will no longer have to submit detailed annual statistics on their procurement activities. The Commission will collect that information directly online, thereby freeing up valuable time and resources for public authorities.

Mr Deputy Speaker, you may wonder why I happen to be so well informed about this. It is because I intend to bring forward a private Member's Bill on the matter, but, like the Scottish Government, I am delayed until we see what the EU directive says. When it comes, I trust that we will get the support of all present, and, if possible, I would be delighted to work with the Minister of Finance and Personnel on the matter.

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

The debate stood suspended.

The sitting was suspended at 12.27 pm.

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

2.00 pm

Assembly Business

Mr Deputy Speaker: Before we move to Question Time, I advise the House that the Business Committee has scheduled the remainder of the Second Stage of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill this afternoon. It will begin immediately after the debate on access to public procurement opportunities has finished. A revised Order Paper and revised indicative timings have been issued.

Oral Answers to Questions

Enterprise, Trade and Investment

Mr Deputy Speaker: We will begin with topical questions, which will last for up to 15 minutes, and we will then move on to deal with questions that appear on the list of questions for oral answer. Question 7 has been withdrawn.

Energy Costs

1. **Mr Easton** asked the Minister of Enterprise, Trade and Investment, following a visit I made to a business in my constituency called 3M, what the Utility Regulator is doing to try to help businesses that are struggling with ever-rising energy costs. (AQT 101/11-15)

Mrs Foster (The Minister of Enterprise, Trade and Investment): I am not surprised that Mr Easton has been asked about the price of energy, particularly for our large energy users. It is a feature that comes up more and more in Northern Ireland. It is one of the reasons why I asked the Utility Regulator to look at that very issue. The Utility Regulator brought forward a paper earlier this year in which he pointed out the fact that we were one of the highest cost areas for electricity in western Europe. That, of course, causes me grave concerns, particularly for the manufacturing sector. Therefore, I have asked him to do more work on that issue and to come back to me by October. I am hopeful that that will come to me in the near future.

Mr Easton: Do you believe that actions will come forward from the paper that could help businesses?

Mrs Foster: I very much hope that that is the case. I met the board of the Utility Regulator a few months ago. It knows where the focus is for me as Minister of Enterprise, Trade and Investment. It knows that it is not a good selling point for us to have that level of electricity cost, particularly for large energy users. Therefore, I hope that the paper will come back to me in a timely fashion with actions and costings, which are very important as well; there is no point in bringing forward possible actions if there are no costings associated with them. Everybody in the Assembly will want to know what the cost implications are if we take certain actions. I look forward to the paper, and I hope that it has positive actions for energy costs in all of Northern Ireland, particularly in relation to the large energy users.

Manufacturing

2. **Mr Wells** asked the Minister of Enterprise, Trade and Investment whether she is aware of the good news from Kilkeel about the opening of the Metalweb factory on the old Cunningham Stone site; whether she knows that the aircraft factory in the town continues to do well and, indeed, has recently completed the construction of the new Lufthansa first-class seat; whether she agrees that that emphasises the importance of manufacturing in the Northern Ireland economy; and although there has been concentration in the construction trade, does she agree and would she accept that the bolstering of manufacturing is the crucial way through which Northern Ireland will get out of its present economic situation. (AQT 102/11-15)

Mrs Foster: I thank the Member for his question. I very much welcome the opening of that new factory. I join him in congratulating staff there and B/E Aerospace as well, which he referred to. I pay tribute to the former CEO of B/E Aerospace, who has moved on. He did fabulous work in Kilkeel. We wish him well for his new position. The Member is absolutely right: manufacturing is key to the economy of Northern Ireland, particularly manufacturing exports. I was pleased to see that manufacturing exports went up 4% in quarter 2 of this year. That will certainly help us with our Programme for Government targets. As he will know, we have a general target of a 20% increase. In new and emerging markets, we have the huge target of a 60% increase. We very much welcome the fact that manufacturing exports seem to be going in the right direction.

Mr Wells: I thank the Minister for her comments. One of the things that came out of the opening of the Metalweb factory in Kilkeel was quite a worrying indication that there was a shortage of skilled craftsmen in the particular area of moulding aluminium for various manufacturing processes. Will she liaise with the Department for Employment and Learning to ensure that, as the economy comes out of recession, we do not go back to the situation of six or seven years ago, when there were areas of the economy that were constricted by the fact that an insufficient number of skilled apprentices and craftsmen were coming through the system?

Mrs Foster: I thank the Member for those comments. I will certainly raise that with the Minister for Employment and Learning. One of the key elements of having a devolved Administration is to ensure that we have joined-up government and the appropriate skills for the

job opportunities that present themselves. That is why we have the assured skills scheme, which has been worked up between the Minister for Employment and Learning and myself. It has worked very well with regard to inward investment, in so far as we can find out what skills the inward investor needs and then manufacture, for want of a better word, the appropriate skills for him or her. It is interesting that you have mentioned an indigenous company that has clearly indicated to you that there is a need for particular skills. I am sure that the Minister for Employment and Learning will want to take that on board, particularly considering his excellent college in that region, and ensure that those skills are available.

Job Creation

3. **Ms Maeve McLaughlin** asked the Minister of Enterprise, Trade and Investment, given her indication that 13,870 jobs have been promoted during this term of the Programme for Government, whether she can state how many of those were jobs that were promoted and how many were new jobs that were created. (AQT 103/11-15)

Mrs Foster: I have the figures in my head in respect of the jobs fund. I think that over 7,000 jobs have been promoted and over 3,600 have been created. I do not have the foreign direct investment figures in my head at present, but, of course, I am happy to write to the Member with the appropriate statistics.

Ms Maeve McLaughlin: I thank the Minister for that, and I look forward to the detail. Given the announcement from INI a number of months ago that it will begin to publish the statistics on actual jobs created, do we have a timeline for when we are likely to see that detail in the public domain? Go raibh maith agat.

Mrs Foster: I am on record as welcoming Invest Northern Ireland's commitment to provide us with figures on jobs created, as opposed to jobs promoted. The Member will know that the difficulty with the figures on jobs promoted is that the number given to us by the firm depends on the amount of money that it gets in selective financial assistance and so on. Those jobs are promoted over a period, whereas Assembly Members, understandably, considering their constituencies, want to know how many actual jobs are created in a particular year. We will have those figures on a year-to-year basis now. The jobs fund already provides those statistics on a rolling basis, and I am sure that we will have the statistics on jobs created from foreign

direct investment at the end of this financial year.

Tourism: Brown Signs

4. **Mr Storey** asked the Minister of Enterprise, Trade and Investment what progress her Department is making with the Department for Regional Development on changes to the regulations and legislation for the erection of brown signs, particularly to ensure that we have, very soon, tourist directional signs for the Dark Hedges in my constituency. (AQT 104/11-15)

Mrs Foster: The Member is very persistent in his campaign to have brown signs for the Dark Hedges, understandably so. Indeed, many colleagues across the Chamber will want to have brown signs in their constituency pointing out particular points of interest and, indeed, recreational areas. I am disappointed with the progress on the policy. The policy, in theory, is shared between the Tourist Board and the Department for Regional Department's Roads Service, although Roads Service has the final say on whether a brown sign is erected. Unfortunately, the policy remains with DRD, and an up-to-date policy is not yet in place.

Mr Storey: I thank the Minister for her reply. I share her disappointment. I declare an interest as a member of the Dark Hedges Preservation Trust. Will the Minister help me to ensure that, as far as the Regional Development Minister and his Department are concerned, every effort is made to change the policy so that the many hundreds of people who regularly visit the Dark Hedges will be signposted to what I believe to be the most idyllic treeline in Northern Ireland? Indeed, it is the fifth most visited treeline in Europe.

Mrs Foster: I am sure that the Member is glad to share that statistic with the House today. I had hoped that we would by now have had a policy on brown signs that would recognise the specific circumstances of Northern Ireland and be more flexible. I understand from Roads Service that it does not want a proliferation of brown signs around Northern Ireland. When one visits mainland Europe, one can see why that is the case. There are signs everywhere in France and Germany, and it is very confusing for motorists. However, a little flexibility on brown signs would be wholeheartedly welcomed by people who are trying to find tourist attractions. I hope that we are able to come up with a policy that is flexible and workable and that, above all, works for all the tourists who come to Northern Ireland.

Business Development

5. **Ms McCorley** asked the Minister of Enterprise, Trade and Investment to outline her priorities for island-wide business development in advance of Michael Noonan's engagement with the CBI on Friday. (AQT 105/11-15)

Mrs Foster: I am not aware of the event on Friday to which the Member refers. However, we work with InterTradeIreland to increase the trade between both parts of this island — between Northern Ireland and the Republic of Ireland — because, in many instances, for many small and medium-sized businesses the other jurisdiction will be the first port of call for their goods. InterTradeIreland will, therefore, continue to work with those small and medium-sized enterprises to make sure that they have good support networks, that programmes are available to them that they can work with and that they can make the most out of their next-door neighbour and work well with them.

Ms McCorley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a freagraí. I thank the Minister for her answer. How does she propose to protect against the further marginalisation of our local economy?

Mrs Foster: I do not accept that we are being marginalised. Last week, I was in South Africa with a trade mission of 27 companies from across Northern Ireland. We were very warmly welcomed. The focus of the trade mission was on manufacturing and heavy manufacturing industry, particularly from the mid-Ulster and west Tyrone area. It was a good trade mission, and I believe that orders will come out of it. So I do not accept that we are a marginalised economy. We are part of a very stable United Kingdom economy, and I think that we will continue to grow as the UK economy grows.

Exploris

6. **Mr McAleer** asked the Minister of Enterprise, Trade and Investment what level of marketing support her Department has provided to Exploris in Portaferry. (AQT 106/11-15)

Mrs Foster: I welcome the question on the Exploris centre from the Member for Strangford — no, sorry, West Tyrone. *[Laughter.]*

Mr McCarthy: *[Interruption.]*

Mrs Foster: I know that you would welcome him down there.

The Department and, in particular, the Tourist Board have been very supportive of the Exploris aquarium. As you know, it is run by the local council, which has taken an economic decision not to continue with it. I know that that will be disappointing to the visitors — including me — who go to Exploris, but the council has taken that financial decision. It has been voted through the council, and that is where it sits.

2.15 pm

Mr McAleer: Does the Minister accept that the Exploris centre plays a very important role not only in attracting visitors to the area but in supporting the local economy?

Mrs Foster: I am sure that all those points were taken into account by the council when it decided to close the aquarium. It is, of course, regrettable that the decision has been taken, but I can assume only that it was taken for economic reasons and that the aquarium was no longer able to "wash its face".

I note that a local representative for Strangford referred to Exploris as a "fancy plaything for anoraks" and a "constant drain on ratepayers". When a local representative says that about Exploris, it leaves a lot of questions to be answered.

Mr Deputy Speaker: That ends topical questions. We now move on to questions for oral answer. I advise Members that question 9 has been withdrawn.

Dairy Produce: Cross-border Trade

1. **Mr McAleer** asked the Minister of Enterprise, Trade and Investment what steps she intends to take to equalise the cross-border trade in dairy produce, given that companies here are currently not entitled to display the National Dairy Council label on their produce. (AQO 4616/11-15)

Mrs Foster: I am concerned that the National Dairy Council (NDC) campaign is a contravention of the principles of the single market. I believe that the campaign is a misuse of country of origin labelling. It discriminates against consumers in the Republic of Ireland, who are being denied the additional choice and benefits of market dynamics that product from Northern Ireland would provide. I have raised the issue with the Irish Competition Authority and with my ministerial counterparts in the Republic of Ireland. I have discussed the negative impact of the campaign with the

Agricultural Trust, which includes representatives from the food processing sector, the Irish Farmers' Association and the Irish Farmers Journal. Finally, I, along with my colleague Diane Dodds MEP, have brought the issue to the attention of the European Commission.

I am becoming increasingly concerned by feedback from the Northern Ireland dairy processing industry about the adverse impact of the NDC campaign on local businesses. Over recent weeks, I have written to one of the major multiples in the Republic of Ireland seeking an urgent meeting to discuss the matter. I am aware that the Dairy Council for Northern Ireland is threatening to take action in the European courts to stop the campaign. I welcome that approach and will offer support in addressing the anti-competitive stance of the campaign.

Northern Ireland and the Republic of Ireland are food-exporting regions, and neither can afford to be protectionist. If the campaign were to be replicated in Great Britain, excluding product that was not produced and processed in the UK, it would cause immense problems for the food industry in the Republic of Ireland.

Mr McAleer: Go raibh maith agat, a LeasCheann Comhairle. Has the Minister engaged directly with the National Dairy Council? Is she minded to raise this at the next North/South Ministerial Council meeting?

Mrs Foster: I have already raised it with Simon Coveney, the Minister in charge of agriculture in the Republic of Ireland, not at a full meeting of the North/South Ministerial Council but on the fringes, so he knows my concern.

A Minister from the Member's party is in China promoting food from this region, and here we have the Republic of Ireland denying our dairy producers the right to sell. They will, of course, contend that they have a right to sell and that NDC is only a label, but my concern is that retailers now use the label when sourcing milk, thereby stopping our dairy processors. Indeed, very recently, one of our dairy processors lost a significant contract in the Republic, so this will have an impact here in Northern Ireland. I will meet whomever I need to meet to discuss the campaign, because I believe that it is detrimental to us now and will be detrimental to the Republic of Ireland in the long run.

Mr Irwin: Should we take a leaf out of the IFA book and encourage multiples to source only UK product?

Mrs Foster: There is a temptation to go down that line. However, we, like the Republic of Ireland, are net exporters. If we entered into that sort of protectionism, it would be to the detriment of Northern Ireland and the Republic of Ireland. We should not go down the road of protectionism. In South Africa, I spent some time talking to people on behalf of the poultry sector to make sure that there was no protectionism when it came to chicken products from Northern Ireland coming into South Africa. As far as I am concerned, protectionism does not work. The free market works. Therefore, we should, at all times, hold a light up to protectionism wherever we see it.

Mr Rogers: Will the Minister elaborate on the potential loss to northern dairy suppliers if the campaign remains unchanged?

Mrs Foster: It is not potential loss but an actual loss that has occurred already. I made reference to one of our processors, and I am happy to say who it is: Dale Farm recently lost a considerable contract in Superquinn because of the NDC mark. That will have an impact in Northern Ireland.

It is a very short-sighted policy. We export to each other every day of the week. We do not want the emergence of a tit-for-tat regime to deal with the NDC labelling or a move away from what should be a single market. We are often told that the Republic of Ireland are good Europeans, so it is about time that they took action on NDC labelling. That should happen very soon.

Economic Recovery

2. **Ms P Bradley** asked the Minister of Enterprise, Trade and Investment for her assessment of recovery in the local economy. (AQO 4617/11-15)

Mrs Foster: The global downturn has clearly had a significant impact on Northern Ireland. Local businesses are still feeling the effects. However, there are positive signs that the economy has stabilised and we are starting to move in the right direction. In particular, I welcome the fact that the number of people claiming unemployment benefits has fallen for seven consecutive months and that the economy has added more than 5,000 jobs over the past year. In addition, manufacturing exports grew by 4% in the second quarter of 2013, and a recent business survey reported that local business activity had grown at its fastest rate in six years. However, it is not a

time for complacency; there is still much work to be done.

Ms P Bradley: I thank the Minister for her comprehensive and encouraging response. The Minister touched earlier on her trade mission to South Africa — this is always the bother with having topical questions before the main questions for oral answer — but will the Minister expand on that and tell us why she chose to travel to that market?

Mrs Foster: I thank the Member for her supplementary. I think that some people do not realise that, when we talk about the BRICS, we are talking about Brazil, Russia, India, China and South Africa; South Africa is the 'S' in that, if you like.

South Africa is a very good opening market to go into from the point of view of Africa as a whole. That has certainly been the experience of some of our more established firms that have been there for a number of years. I am thinking particularly of Terex Finlay, Sandvik and Terex Powerscreen. They were all out with us again, along with a number of companies, to try to sell their wares at bauma Africa, which is a large show that showcases the crushing, screening and material-handling sector for the whole of Africa. There were people from all over Africa looking at the wares at that show in Johannesburg. I was particularly proud of the Northern Ireland presence at bauma Africa. Companies like Powerscreen and Edge Innovate are there doing business right across Africa. It is a very good feeling to see all those guys from west Tyrone, mid-Ulster and right across Northern Ireland doing business in Africa. It is something that we should be very proud of. I was just reminding the Member that he is from west Tyrone. We also had an IT company out with us and, as I said before, somebody from the agrifood sector. It was a very good trade mission.

I also took the opportunity to plug Northern Ireland as a tourist destination, as you would expect me to do. We also had a Northern Irish connections reception, at which we touched base with some people who had left Northern Ireland a considerable number of years ago but wanted to come and listen to the story of what Northern Ireland is doing today. It was a very worthwhile trip.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a freagraí go nuige. Would the Minister support the establishment of an independent Calman-style commission to

examine the sorts of powers that could be devolved to the Assembly and/or the Executive to properly and comprehensively address or help to address the economic problems that we face?

Mrs Foster: I thought that that was what the economic pact was doing at present. The Member knows that that economic pact will become the focus of attention again before the investment conference on 10 and 11 October. In that pact, we are looking not just at corporation tax but at a range of initiatives that we might take to help the Northern Ireland economy in conjunction with the Westminster Government. One of those is enterprise zones and whether they fit in to the Northern Ireland scheme of things and how they would work in Northern Ireland. All those issues will be addressed in the economic pact, and we look forward to the update from the Prime Minister when he comes to our conference on 10 and 11 October.

Mr Flanagan: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a freagraí go dtí seo. I thank the Minister for her answers. Will she outline the benefits that enhanced fiscal responsibility and powers for the local Executive will have in promoting and assisting economic recovery?

Mrs Foster: As I said, the economic pact will assess all those issues, and we look forward to what the Prime Minister has to say about the matter. Of course, we continue to press the need for the devolution of corporation tax. We believe that that would have a huge impact on the Northern Ireland economy, and there are varying figures for the impact that it would have on the jobs market. I know that my ministerial colleague in the Department for Employment and Learning has carried out some work on what we would need to achieve in skills provision if we were to be in receipt of the devolution of corporation tax. I am also watching closely what is being said at the Labour Party conference about corporation tax. Whatever you might say about the current Government, they are on a downward trajectory with corporation tax, and I somehow think that that would not be the case if we were to have a Labour Government.

Mr Cree: I know that the Minister is aware of the importance of new business start-ups for the local economy. The Northern Ireland figure for 2011 was 3,745, which was less than half the number created in Wales and less than a quarter of that provided in Scotland. Will the

Minister tell us what she proposes to do to improve the figure for business start-ups?

Mrs Foster: As the Member knows, there was a difficulty with getting the small business start-up programme off the ground, and there was a legal challenge. That would explain the difference between the figures. We very much hope that this year he will see a different story with small business start-ups.

I welcome the loans scheme that was introduced on the mainland for start-up loans. That is a very welcome additional tool for people who want to start a business. So, not only have they now got the Regional Start programme but they can apply for money from some of the delivery agents that deal with the small business loan scheme — sorry, the start-up loans scheme. There are so many loan schemes out there now. If Members would like, I can share with them the number of access-to-finance schemes that we have now. Not only are there the Invest NI access-to-finance schemes but we have some mainland schemes coming into Northern Ireland, which I very much welcome. One of the delivery agents for that start-up loans scheme is the Prince's Trust. We welcome all sorts of financial help for people who want to start up a business, but we recognise that it is about not only the financial start and that they need advice and assistance. That is certainly something that Invest NI will endeavour to provide.

Civil Unrest: Economic Impact

3. **Mr B McCrea** asked the Minister of Enterprise, Trade and Investment for her assessment of the impact of civil unrest and street protests on the economy in 2013. (AQO 4618/11-15)

Mrs Foster: I note the report last week highlighting the drop in revenue in Belfast city centre. Some of the events that occurred around the protests were clearly a setback to trade in our towns and cities and to our reputation abroad, but that is very difficult to accurately quantify. I was pleased to see the evaluation of NITB's Backin' Belfast campaign, which had a positive influence on more than 200,000 visitors. I am encouraged that air passenger traffic between NI and Great Britain has held up in the first half of 2013 and visitor numbers from the Republic of Ireland have increased in the first three months of this year compared with the same period in 2012. Nevertheless, I and my Executive colleagues remain determined to take full advantage of the opportunities presented to Northern Ireland this

year. Those include the successful World Fire and Police Games, the various UK City of Culture events being held in Londonderry throughout 2013, the high-profile G8 conference in Fermanagh and, of course, the upcoming investment conference.

2.30 pm

Mr B McCrea: I thank the Minister for her answer. Will the Minister comment on the call made yesterday by the CBI for politicians to help retailers by reducing the number of parades and protests in Northern Ireland?

Mrs Foster: I did not hear that call, but what I did hear from the CBI, and other traders, was the fact that traders and businesses are seriously worried about further street protests and, indeed, violence. I think that it was Mr Ian Coulter who said that that was having an impact on the livelihood of citizens across Northern Ireland. Of course we should be hugely concerned about such comments coming from eminent people in the business world, but there are a number of factors at play here. It is not only about the civil disturbance, although it is in part — I do not want anybody to say that I am underplaying that — but in Belfast in particular, it is about bus lanes, parking, city centre access, disposable income and other issues. I say this to the Member and to the House: I would like the people who, of course, have a right to protest and a right to parade to have a dialogue with traders in the city centre, and for them speak to each other about each other's requirements. I say that because we want trade to take place in Belfast and in all parts of Northern Ireland, but we also believe that Belfast should be open to everybody. I hope, therefore, that that dialogue will take place.

Mr Campbell: All of us want to do what we can to minimise any negative impact on the economy. In her initial response, the Minister mentioned impacts other than the parades and protests. Can she outline any representations that have been made on bus lanes, for example, and perhaps the economic downturn?

Mrs Foster: I recently took the opportunity to write to the Minister for Regional Development about cars' use of bus lanes, perhaps at weekends, to allow freer access coming into the city centre. I have not heard back on that proposal. I presume that Roads Service will have to have a look at it to see whether it can be practically implemented.

Belfast is the capital city of our country. Therefore, it needs to send out a very positive

message. The need for that positive message is coming through very strongly, particularly for tourism, and we want to ensure that it is achieved. Of course, Titanic Belfast, as well as all the other events, has had a huge role to play in the positivity that we have seen across the world towards Belfast over the past year. I note the comments from David Gavaghan, who is the CEO of Titanic Belfast. He said that Titanic Belfast is now having weekly visits from Chinese visitors, so Belfast is open to the rest of the world. We just need to deal with the issues locally and make sure that we do so in a sensitive way to ensure that Belfast is open to every society, including those who have been so upset by the removal of the national flag from Belfast City Hall.

Mr A Maginness: I thank the Minister for her previous replies, but let us cut to the chase, Mr Deputy Speaker: it is not the problem with bus lanes that is choking trade in Belfast but the continuance of parades, demonstrations and flag demonstrations, and so on.

Mr Deputy Speaker: May we have a question, please?

Mr A Maginness: Will the Minister join me in asking all those involved in demonstrations, and flag demonstrations in particular, for a moratorium on any such demonstrations by all parties during the course of the Haass talks so that we can reach a successful conclusion and rescue Belfast city centre for the traders and business folk?

Mrs Foster: I noted the Secretary of State's comments this morning in response to Mr Haass's call, and I agree with her. I think that it would be detrimental to people's human and civil rights to deny them the right to protest. However, a right to protest should be exercised responsibly. What I am saying is that I hope that those who organise protests and parades, as they have a right to do, will also recognise the rights of the traders in Belfast city centre and their need to make a living. The Member used the word "rescue". I will not use as dramatic a word, but the traders need to be able to continue to thrive. They need to employ people in the city centre, perhaps some of the people from the areas that are protesting. Therefore, I hope that there will be a dialogue with the people who seek to parade and protest about issues, which, of course, they have a right to do. Let us have some dialogue about this so that they understand the position and do not just read about it in newspapers but understand the issues from each side. I do not want a message sent out from Belfast that it is

a cold house for those people who want to protest and parade, because it is their city as well. They have a right to come into the city centre.

Green Investment Bank

4. **Mrs McKevitt** asked the Minister of Enterprise, Trade and Investment what her Department is doing to avail itself of funding opportunities through the Green Investment Bank. (AQO 4619/11-15)

Mrs Foster: The Green Investment Bank has been proactive in Northern Ireland since it was set up. Through Invest Northern Ireland, my Department organised a briefing session along with face-to-face meetings for 40 sector and business leaders earlier this year. In addition, Invest Northern Ireland hosted a series of "Funding for Renewables" events across Northern Ireland, which were attended by 100 company delegates who were given information on the Green Investment Bank and key contacts. I met the CEO of the bank in April, as did the First Minister and the deputy First Minister. Invest Northern Ireland continues to promote the Green Investment Bank as a potential funding source.

Mrs McKevitt: I thank the Minister for her reply. Having regard to funding opportunities through the Green Investment Bank, what recent discussions has she had with the Irish and British Governments on the proposed intergovernmental agreement on renewable energy?

Mrs Foster: There is an intergovernmental agreement between the two sovereign governments, the UK Government and the Irish Government. I have raised issues with our Government in relation to offshore renewables, but of course we will watch with interest and will be copied in on any agreements that the Prime Minister makes with the Taoiseach on those sorts of issues.

The Green Investment Bank has made its first investment in Northern Ireland, as the Member will know, up in Londonderry at the Evermore Renewable Energy plant. That is quite a big investment, it has to be said, and I understand that other local projects are being considered for investment as well, including Arc21 and the North West Region Waste Management Group. We will continue to highlight the opportunities that there are with the Green Investment Bank and hope that others will benefit from it as well.

Mr Dunne: I thank the Minister for her answers today. What is Invest NI doing to support businesses where banks are reluctant to take risks on such loans?

Mrs Foster: It is Invest Northern Ireland's job to try to plug the gap that has been very evident to a lot of our businesses across Northern Ireland. Earlier, I mentioned the number of access-to-finance initiatives with which Invest Northern Ireland has been involved. Those, indeed, have been supplemented by, as I said, some of the national schemes. One of the smaller schemes that Invest Northern Ireland has been involved with is the finance voucher scheme. I am very pleased that 113 vouchers have been issued by Invest Northern Ireland. That scheme allows businesses that, perhaps, do not have the spare capital to do a business plan for growth or set out the agenda for their business. The finance voucher allows them to instruct someone to do that and then pay the money to them. It is a small but very meaningful scheme for a lot of people who often do not have the spare cash to set about producing a business plan or a growth plan for the future.

Of course, there are other schemes with which the House is very familiar, such as the small business loan fund, and the growth loan fund, which continues to do very well, as well as the equity funds. Invest Northern Ireland is plugging a gap that we have identified. We hope that that gap will get smaller over time, but Invest Northern Ireland is working on it at present.

Mr Gardiner: Given that this is a £3.8 billion UK-wide fund, will the Minister outline her Department's targets for uptakes of opportunities through the Green Investment Bank?

Mrs Foster: We do not need specific targets for the Green Investment Bank. We have been spending time doing what we need to be doing, which is to look around for projects that can avail themselves of the loan fund. I am very pleased to say that the CEO, who is originally from Northern Ireland, which sometimes helps, has been very open to discussions with us. We were very pleased to get over the line with the very first investment by the Green Investment Bank. It was a very considerable investment in the project, totalling £81 million, which is a not inconsiderable investment to start off with.

However, as I say, a number of other projects have been in the pipeline; some are commercial in confidence, but others are local government

initiatives that I hope will also get funding from the Green Investment Bank.

Mr Agnew: In working with local businesses to have them avail themselves of opportunities through the Green Investment Bank, is the Minister finding that they face barriers or has she found that the process to date has been beneficial?

Mrs Foster: Certainly, in working with the Green Investment Bank on the Evermore Renewable Energy scheme, its officials were found by my officials to be very open, transparent and flexible with us. I found them very easy to deal with in that scheme, and I hope that that is the case with other schemes that may come forward as well.

Economic Development

5. **Ms McCorley** asked the Minister of Enterprise, Trade and Investment for an update on her Department's efforts to tackle regional imbalance in economic development. (AQO 4620/11-15)

Mrs Foster: The Executive, within the economic strategy, recognise the need to ensure balanced subregional growth. They seek to ensure that all subregions are able to grow and prosper, and the regional development strategy is a key supporting policy for achieving this. Although it is important that companies make their own decision about where to locate, our regional aid limits currently favour businesses investment projects locating outside Belfast. I understand that emerging findings from a recent evaluation of selective financial assistance (SFA) indicates that support has been delivered in a balanced and equitable manner across Northern Ireland.

Ms McCorley: Gabhaim buíochas leis an Aire as na freagraí go dtí seo. I thank the Minister for her answer. Will she please outline what specific consideration has been given to targeting investment to areas of high deprivation such as west Belfast?

Mrs Foster: We have of course worked long and hard with areas such as west Belfast. I see a Member for Foyle on his feet as well, and no doubt he will ask me something about Foyle. A number of areas around Northern Ireland require extra help. However, as I said, I have been pleased with the general thrust of the evaluation of our main tool to intervene, which is selective financial assistance. It is highlighted that almost one quarter of SFA jobs

promoted were located in 10% of the most deprived neighbourhoods, and it is concluded that SFA has the potential to support job creation in our most deprived areas where rebalancing is essential.

I remind the Member that the economic strategy for Northern Ireland is predicated on two pillars. The first is rebuilding, in which we have been very much involved through the jobs fund and other mechanisms, and the second is rebalancing. So, the twin watchwords of the economic strategy are rebuilding and rebalancing, and that has certainly been my focus since that economic strategy was put in place.

Mr Anderson: What evidence is there of financial support by Invest NI for all parts of Northern Ireland to help to attract and secure new business?

Mrs Foster: The best way to illustrate it is to look up some of the recent jobs and other announcements that we have made over the past couple of months. We supported firms right across Northern Ireland. Members will, of course, particularly want to hear about their own constituencies. However, in the spirit of generosity, they should accept that we have to go right across Northern Ireland. We had the £1.4 million expansion by McErlain's Bakery in Magherafelt. Creagh Concrete in Toomebridge has won £2.4 million worth of business in Great Britain. There is to be a £1 million expansion by Carrickfergus-based Yelo. Woodland Kitchens in Rasharkin has secured a £2 million order in Great Britain. FM Environmental in Newry is investing £750,000. It is right across the piece, right down to small companies that are opening up their offices. I had the pleasure of opening McElwaine Security in Fivemiletown recently — one must also mention one's own constituency, of course. I was also pleased to be at the £7 million Connected Health Innovation Centre at the University of Ulster in Jordanstown, the first of our competency centres that we have set up, and I look forward to visiting the second of those this week.

2.45 pm

Mr Eastwood: Thank you very much, Mr Deputy Speaker. I did not think that I was going to get in there. Has the Minister had any conversations with her counterparts in the South about cross-border enterprise zones, given some of the real difficulties in border areas that she will well understand?

Mrs Foster: No, I have not had any discussions in relation to cross-border enterprise zones — the Member is probably thinking about Richard Bruton — but we continue to have a good working relationship. I think that the first thing we need to do with enterprise zones is to see how they fit within a Northern Ireland context. If the Member then feels that we need to look at going cross-border, or if he thinks that there are benefits to working with colleagues in the Republic of Ireland, I am certainly happy to look at that. However, I think that the first thing that we have to do is to see how they fit within a Northern Ireland context as far as our policy and legislation is concerned.

Justice

Mr Deputy Speaker: We move to questions to the Minister of Justice, and, again, we will start with topical questions. I advise Members that question 9 has been withdrawn.

Prisoners: Supervision in the Community

1. **Mr Allister** asked the Minister of Justice, specifically in relation to prisoners who are sentenced for terrorist offences, and where part of their sentence involves them being subject to licence in the community, who actually — not notionally or on paper — provides that supervision in the community. (AQT 111/11-15)

Mr Ford (The Minister of Justice): I am somewhat baffled in that that question seems remarkably similar to one that has been withdrawn from the main question list and for which a written answer has been requested. *[Interruption.]*

Mr Deputy Speaker: Order.

Mr Ford: I assume that it is in order for the Member to trump himself by asking the question as a topical question. In that case, the answer is that where licence conditions are imposed on persons released from prison, they are monitored by the Probation Board with support, where appropriate, from the police, the Prison Service and my Department. Individuals who are released on licence are subject to a combination of standard conditions that are set out in legislation and, where relevant, to additional conditions. The aim of those conditions is to reduce the risk of harm to the public, reduce reoffending and support the resettlement of offenders. A licence may be revoked and the offender recalled to custody when it is considered that the risk of harm that

is posed by an individual can no longer be safely managed in the community.

Mr Deputy Speaker: Before I call Jim for a supplementary question, I ask Members to be respectful in the Chamber and to listen carefully to the Minister's response.

Mr Allister: I suggest to the Minister that his answer is what is supposed to happen and what happens on paper. However, the reality on the ground is very different, because the Probation Board refuses to monitor terrorist prisoners. Is it not the case that there are many terrorist prisoners who are supposedly on licence in the community, but who are never monitored because of that refusal by the Probation Board? Is he trying to cover that up?

Mr Ford: I do not make a habit of covering things up. I think that my record of coming to the House on a number of occasions when things have been somewhat difficult for the Department of Justice proves otherwise. I have given the Member a statement about what the regulations provide and how the operational guidance between the Probation Board, the Prison Service, the police and my Department has operated since 2011. If he has specific examples of where he believes that that is not being carried out, I have no doubt that he will write to me.

Equal Pay

2. **Ms Lo** asked the Minister of Justice, following his commitment in June to write to the Minister of Finance and Personnel about the Northern Ireland Civil Service equal pay settlement, to update the Assembly on that correspondence. (AQT 112/11-15)

Mr Ford: I did indeed write to the then Finance Minister in June. That was part of an ongoing series of correspondence, and I am sure that Members will not wish me to bore them with the full details of it. However, I certainly welcome the position that was adopted by the new Finance Minister at Question Time in the Assembly, I think it was a fortnight ago today, when he gave a clear indication of his willingness to look again at the equal pay issue.

I am certainly very keen to see the equal pay issue resolved, but the resolution is not within my powers as Minister of Justice. If it is possible to get a solution on a cross-Executive basis, I would be very pleased.

Ms Lo: I thank the Minister for his reply, and I welcome the Finance Minister's commitment as well. Is it fair to say that the Justice Minister will fully support a cross-departmental, cross-party — *[Interruption.]*

Mr Deputy Speaker: Order.

Ms Lo: — approach? This is very clearly a cross-departmental and cross-party issue. If central funding can be found, will the Minister fully support it?

Mr Ford: Yes; that is exactly the case. I have just checked, and it was a fortnight ago yesterday that the Finance Minister made his point at Question Time. I wrote to him the following day, making it absolutely clear that I welcomed his intention to carefully consider the matter in the answer that he gave that day. I outlined why it was not possible for me to take the matter forward but stated that I was willing to participate in any discussions that he wished to have.

Sexual Exploitation of Children

3. **Mr Buchanan** asked the Minister of Justice whether he can confirm, given the recent controversy about the sexual exploitation of children, that in the absence of the National Crime Agency in Northern Ireland, we will be left more exposed to this form of criminal activity than other parts of the UK. (AQT 113/11-15)

Mr Ford: Yes. I am concerned that, when the National Crime Agency (NCA) goes live on 7 October, if Northern Ireland is not part of the arrangements — indeed, clearly, Northern Ireland cannot now be part of the arrangements from 7 October — there will be something of a gap in our procedures. I am certainly well aware of the Chief Constable's statement that he will seek to ensure that the PSNI does its best to deal with the issue of child exploitation. However, the reality is that the specialist expertise for the United Kingdom exists in Child Exploitation and Online Protection Centre at the moment, which is becoming part of the NCA, and which, in the absence of agreement in this House, will not be able to operate in the devolved sphere in Northern Ireland.

Mr Buchanan: I thank the Minister for his response. Although the opposition of some to the National Crime Agency is dressed up as concerns around accountability, is it not the case that there is good reason to believe that, for some, this is more about protecting their

erstwhile friends who are involved in smuggling across the border?

Mr Ford: I have no knowledge as to what might motivate any Member of the House in the direction suggested by Mr Buchanan. I am absolutely clear that there would be significant benefits for Northern Ireland if the NCA were able to operate in the devolved sphere, subject to the appropriate accountability arrangements that I believe I have secured in discussions with the Home Office. The issue has to be considered by the Assembly as we look at serious issues such as child exploitation, human trafficking and a range of other crimes that come within our domestic legislation and which, therefore, will not be amenable to full NCA support in the arrangements under which the NCA will be operating from 7 October. The devolved sphere will be left out, while excepted matters will be covered by the NCA.

Prison Service: Staff Numbers

4. **Mr Clarke** asked the Minister of Justice, who has said that he does not hide from his responsibilities, whether he is satisfied that there are sufficient prison officers working in our prisons, particularly at Magilligan, which I visited with the Committee for Justice. (AQT 114/11-15)

Mr Ford: I think that Mr Clarke will shortly receive the answer to his question for written answer on that matter. The Prison Service has satisfied me that there are adequate numbers of staff on duty in all three prison institutions at all times.

Mr Clarke: Thank you for that answer. We heard representation from prison officers on the day of our visit. Has the Minister spoken directly to any of the prison officers at Magilligan where, in one wing, there are 50 prisoners with one member of staff looking after them at night?

Mr Ford: I am not aware that that is the position at Magilligan; it is not the way that it has been presented to me. However, we have to be realistic in recognising that, when risk assessments are done on the way in which staff are deployed, sometimes it will be entirely possible that the prisoner:staff ratio will be higher in some units than in others. The reality is that the vast majority of our prisoners are not, in that sense, dangerous, and we need to ensure that we have an appropriate staffing level for the different sorts of prisoners in the different parts of the prison estate so that we maximise the use of resources and do not have

unnecessary numbers of prison officers in some places that do not require it, at the expense of other areas where a higher staff:prisoner ratio would be appropriate.

PSNI

5. **Mr Hilditch** asked the Minister of Justice for his assessment of the PSNI's current policy of reducing hours in local stations and getting officers out from behind desks, which has outlined a clear community benefit. (AQT 115/11-15)

Mr Ford: How the Chief Constable deploys his staff is very much an operational issue for him. The fact that some 600 officers are now available for front line duties rather than performing desk jobs must surely be seen as a positive for all of us.

Mr Hilditch: I thank the Minister for his answer and the fact that it is operational. Will he assess some local policies in relation to the PSNI, particularly where there are high levels of criminal activity, and there appears to be no action?

Mr Ford: I cannot assess those kinds of operational issues by the Chief Constable. Those matters are properly for him. The Policing Board primarily has oversight of the Chief Constable. If the Member is talking about specific local issues, there are arrangements whereby the PCSPs can raise matters with their local police commander. However, it is not the job of the Minister to interfere in those kinds of operational decisions.

Armed Forces

6. **Mr Kinahan** asked the Minister of Justice to outline the work he is taking forward in his Department to support the armed forces community. (AQT 116/11-15)

Mr Ford: I am not aware whether the Member has specific suggestions as to what that should be. Perhaps his supplementary question will tease that out. The Department of Justice fulfils all its obligations to citizens in general, including the armed forces community. Given that the justice system depends on certain small elements of the armed forces, such as the work of ammunition technical officers, bomb disposal and specialist search capabilities, we fully recognise the benefits that come to Northern Ireland from the work of the armed forces and the need to ensure that we live up to our responsibilities to members of that community.

Mr Kinahan: I thank the Minister for his answer. My supplementary question will provide clarification. The recent inquiry into the implementation of the armed forces covenant, conducted by the Northern Ireland Affairs Select Committee, stated:

"We recommend that HM Government investigates the specific circumstances of veterans coming before the criminal justice system, and considers how their cases can be best dealt with."

Will the Minister commit to supporting any investigation by the Government on such an issue?

Mr Ford: If the Government take up the Select Committee's suggestion, I absolutely guarantee that my Department will cooperate in any work that will be done from it. However, as the Member highlights in the question, the Northern Ireland Office (NIO) will consider whether it wishes to take up the Select Committee's suggestion. It would be up to the Department of Justice (DOJ), and any other local Departments that may be responsible, to take forward that work in consultation with the NIO but not in advance of the NIO.

Sexual Exploitation of Young People

7. **Mr Storey** asked the Minister of Justice what discussions or correspondence he has had with the Minister of Education in relation to the inquiry into the sexual exploitation of young people, given the serious nature of the allegations that have come into the public domain over the past number of weeks. (AQT 117/11-15)

Mr Ford: I have not had any discussions with the Minister of Education on those matters. I had a joint meeting with the Minister of Health, Social Services and Public Safety and our two Committees last week. The child protection issue is primarily for social workers. There is a role for the police in support, and an assistant chief constable attended that meeting. If there are specific issues that the Chair of the Education Committee thinks that I should discuss with the Minister of Education, I will happily do so.

Mr Storey: I thank the Minister for his comments. However, is it not the case that the Chief Constable is on record as having referred to the fact that education should be involved? Given that there is a clear correlation between justice, health and education, is it not now time for the Minister to enact a process whereby the

Department of Education, in all its various influences, acts to ensure that our young people are protected and that we are satisfied that everything is being done to ensure that young people and children are not being further exploited without our intervening to prevent it?

3.00 pm

Mr Ford: I certainly agree with Mr Storey that we need to do all that we can to protect children from sexual exploitation. Discussions are ongoing between my Department and the Department of Health, Social Services and Public Safety about possible issues that may be followed up as we look at the best possible way in which to provide that protection. Clearly, there are issues that, because they fall to both social workers and police in different ways, have relevance. I am quite happy to look at what the best possible way of doing that is.

The Chief Constable has already committed to a peer review of the way in which the policing operation is being carried forward. I know that, last week, he indicated to the Committee for Justice his willingness to look at the possibility of a joint examination to ensure that we have the best possible arrangements for child protection in the future. If that joint work also involves the Department of Education, there may well be additional benefits. However, it is, primarily, not the key Department. The key issue is the work being done by social workers in health and social care trusts and the role of the police in criminal investigations.

Mr Deputy Speaker: That is the end of topical questions. We now move on to questions for oral answer. I advise Members that questions 2, 8 and 12 have been withdrawn and require written answers. William Humphrey is not in his place.

Antisocial Behaviour: Crawfordsburn Country Park

3. **Mr Dunne** asked the Minister of Justice what action the PSNI and other agencies took to manage the risk of antisocial behaviour at Crawfordsburn Country Park at peak times throughout the summer. (AQO 4632/11-15)

Mr Ford: Tackling antisocial behaviour is a priority area for my Department and, indeed, the Executive, through the Programme for Government commitment to reducing such incidents. Policing and community safety partnerships (PCSPs) are expected to deliver on the vision outlined in the community safety

strategy as well as the objectives detailed in the policing plan.

North Down PCSP's key strategic priorities for 2013-14 include reducing the number of antisocial behaviour incidents and domestic burglaries, and the proportion of violent crime in which alcohol is a contributing factor. The PSNI advises that there was significant planning and coordination with other agencies to manage crowds visiting parks in north Down, including Crawfordsburn Country Park, prior to the summer. That is, however, an operational matter for the Chief Constable.

Mr Dunne: I thank the Minister for his answer. Can he assure the House and the residents of Helen's Bay and Crawfordsburn that there will be a proactive approach by the various agencies to ensure that antisocial behaviour will not become an annual scourge in their communities?

Mr Ford: I can give that assurance only in so far as the different agencies work together. As I emphasised in my principal answer, the role of the PCSP is to carry out local coordination. It is certainly my understanding that the police had contact with a number of other relevant agencies. However, that is very much a matter for local discussion; it cannot be set as a high-level priority by the Department. The Department set the community safety strategy; it is up to local people to work that into practice in each area.

Mr Dickson: Antisocial behaviour and outdoor drinking are a scourge right across the Province. Does he agree with me that PCSPs and the work done by local councils will be the key ways in which to tackle the major part of that problem?

Mr Ford: The key issue is that although we can set the overarching strategy — I recognise that there are issues with antisocial behaviour and things like public drinking generally — the specific issue of prioritisation and how measures are put in place to deal with it at local level is very much one that requires local initiatives. The whole point of having PCSPs is to bring together not only councillors and independent members but, now, the other agencies to ensure that we get a joined-up approach and that we deal with whatever the local problems are in the most effective and joined-up way. Therefore, although I can say what the priorities are at a regional level, we can set local priorities only by putting together the best ideas from local people as they find local solutions. I have seen good examples of

that being done by PCSPs. I am sure that north Down will not be lacking either, nor will Carrickfergus.

Police Civilian Support

4. **Mr F McCann** asked the Minister of Justice what discussions his Department has had with the PSNI about its plans to significantly decrease the police civilian support and to supplement it under the PSNI-managed service contract with Resource Ltd. (AQO 4633/11-15)

Mr Ford: As that is an operational matter, I have not held any discussions with the PSNI on a reduction in police civilian support and supplementing that support under the PSNI-managed service contract. My officials approved a PSNI business case in February 2012. Approval was required as its value exceeded the financial delegated limits for the Chief Constable.

Mr F McCann: Go raibh maith agat, a LeasCheann Comhairle. It is my understanding that the PSNI has already received the review. With only 18% of PSNI civilian staff being Catholic, why would the Minister support a PSNI proposal to reduce the number of civilian staff?

Mr Ford: I am afraid that the religious background of PSNI staff is not an issue for me to consider. The Department's role was purely to consider the merits of the business case. Operational decisions as to how contracts are awarded is an issue for the Chief Constable.

Mr Campbell: While we are on the issue of recruiting personnel in the fight against crime, I know that the Minister usually uses the operational responsibility get-out clause, but does he have a view on the back-door attempt by some police officers to implement a 50:50 regime in the latest compartmentalised recruitment around only nationalist areas of Northern Ireland after 10 years of legalised discrimination against my community in employing police officers?

Mr Deputy Speaker: I ask Members to ensure that their supplementary is clearly linked to the original question. I will give the Minister the option of whether to answer that.

Mr Ford: Regardless of the linkage, I am happy to answer that question.

Ignoring the minor point that Mr Campbell does not appear to recognise the constitutional role

that I have as opposed to the role of the Policing Board or the Chief Constable, I would have thought that, as a Member of the House of Commons, he would remember what the legislation says, but there you are.

The reality is that I am firmly on record as having opposed the concept of recruiting people on the basis of which church their grandparents happened to be baptised in. I want to see police officers recruited on merit, but I also want to ensure that we get the best possible representation across the community. I believe that affirmative action is entirely appropriate at this time.

Mr Dallat: I am almost reluctant to get involved in this crossfire. *[Interruption.]*

Mr Deputy Speaker: Order.

Mr Dallat: In the interests of the civilian workers, I want to put this simple little question to the Minister of Justice: is he satisfied that they will get justice in respect of their pay-offs and whatever else they need or require?

Mr Ford: Again, if Mr Dallat is suggesting that he has any evidence to suggest that people have not been given justice in respect of their full legal entitlements, I have no doubt that he will write to me and/or the Policing Board and/or the Chief Constable.

Prison Service: Environmental Allowance

5. **Ms Brown** asked the Minister of Justice when he will decide if an environmental allowance should be paid to all Northern Ireland Prison Service employees. (AQO 4634/11-15)

15. **Mr Douglas** asked the Minister of Justice for an update on the position of staff in the Northern Ireland Prison Service who are not in receipt of an environmental allowance. (AQO 4644/11-15)

Mr Ford: With your permission, Mr Deputy Speaker, I will take questions 5 and 15 together.

I have referred the issue to the independent Prison Service pay review body for advice. The pay review body is currently undertaking a comprehensive review of this issue and will report to me by December this year. Should the pay review body conclude that it would be appropriate to pay an allowance, my Department will then seek approval from the

Department of Finance and Personnel (DFP) for any additional payment in line with normal Civil Service pay policy.

Ms Brown: I thank the Minister for his answer. Does he agree with me that it is very unfair that around two thirds of Prison Service employees do not receive that allowance given the threat that they are working under?

Mr Ford: I think that that is a rather simplistic way to represent what is happening. The reality is that, for existing prison staff, the special allowance was consolidated into the normal pay scales some years ago. At the moment, we are looking at those staff who are on separately negotiated scales. Indeed, the scales that were recently agreed for custody officers in negotiation with the Prison Officers' Association are now being re-examined to see whether it is appropriate to make any change to the pay rates. However, we have to recognise that the existing staff had those additional payments consolidated into their pay scales. They are being paid a higher rate than their equivalents in England, Wales and Scotland. That is the basis on which we are looking at those groups of staff, where there may be some differential.

Mr Douglas: Does the Minister not believe that this is a matter of equality, that all the staff should be treated exactly the same and that there should not be a differential between staff, who face the same terrorist threat when going about their daily business?

Mr Ford: That is why we are looking at staff who are not being paid on a higher pay scale than their equivalents in England, Wales and Scotland. For staff who are already being paid at a higher rate, it does not seem appropriate to consider different issues. A comparison has been made in some quarters with the position of police officers, but police officers throughout the United Kingdom are paid on the same scale, and, therefore, the Northern Ireland transitional allowance is a top-up to recognise the circumstances in which police officers in Northern Ireland work. However, prison officers are not paid on a uniform scale across the UK.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for his answers. Whatever the outcome of the need to address the issue, can the Minister give an assurance that the issue will not be permitted to become a blockage to the roll-out of the prison reform programme?

Mr Ford: I assure Mr McCartney that that is not the position and that the reform programme is going ahead. This is one specific discrete area of the pay of a small group of staff. At the recent meeting of the oversight group, I got very positive reports about the reform programme, and those reports will be presented to the Committee in the near future.

Antisocial Behaviour: South Antrim

6. **Mr Girvan** asked the Minister of Justice for his assessment of antisocial behaviour and drug-related issues in the South Antrim constituency. (AQO 4635/11-15)

Mr Ford: The community safety strategy sets out the strategic direction over the next five years for reducing crime, antisocial behaviour and the fear of crime. The strategy recognises that success in building safer communities is beyond the ability of the justice system alone and that it requires a partnership approach across government and the community and voluntary sectors. It also aligns with a wide range of Executive policies and strategies, including the new strategic direction for alcohol and drugs.

The Northern Ireland Assembly constituency profile of December 2012 states that South Antrim is the constituency with the eighth lowest drug offences rate and the eighth lowest rate of antisocial behaviour incidents. However, we all know that statistics alone do not give an assessment of antisocial behaviour, and we also have to consider local communities' experiences and perceptions of those issues. PCSPs have a vital role to play in taking forward the objectives of the community safety strategy and transforming them into reality on the ground. They are best placed to engage with local communities to assess what issues concern them and to develop action plans to address those concerns.

In relation to antisocial behaviour and drugs issues in South Antrim specifically, local PCSPs have developed a range of actions to address issues that local communities identified. Those include the establishment of a street pastor scheme; delivery of detached youth programmes targeted at young people at risk; the Speak Up Speak Out publicity campaign to encourage reporting of antisocial behaviour and crime; public meetings on drug and alcohol misuse; delivery of drugs and alcohol awareness programmes; and provision of counselling services for individuals who require assistance with alcohol or drugs issues.

Mr Girvan: I thank the Minister for his answer. I want to tease out one issue in my supplementary question. There are problems in local areas where there is a correlation between what is perceived to be crime and associated drug dealing in those areas. So, to fund their drug dealing, they are committing crime. Is there any figure for how much money has been set aside to deal with those strategies through the areas that you identified in the previous response?

Mr Ford: I do not think that it is possible to identify funds that have been specifically set aside in that way, given that most of those initiatives deal with a range of antisocial behaviour and minor crime and, therefore, will deal with issues that include, in some cases, drugs and alcohol issues but, in other cases, do not. It is not easy to say that specific money is involved in the fight against drugs when we have to look at the overall package and we are looking at the interconnectedness between different sorts of crime and different factors of antisocial behaviour. However, it is clear that a lot of very good work is going on.

Mr Kinahan: Is the Minister aware of an issue that relates to antisocial behaviour in dark alleyways, given the previous Minister for Regional Development's policy not to replace old street lights? Is he taking any action to ensure that a case is put for why street lighting that is not on main roads should be replaced?

3.15 pm

Mr Ford: I fear that if I were to say too much on the precise issue of street lighting, the Member's party colleague the Minister for Regional Development might get at me. I can say, however, that there are certainly occasions on which the DOJ has a responsibility for improving the quality of lighting, particularly when it involves the reduction of tensions around interfaces. However, once we get away from our responsibility for interface issues into more general matters, the fact that the justice system alone cannot deal with the problems of low-level crime and antisocial behaviour is another example of how we need to join things up, as I said earlier. I suspect that I may need to refer the Member to the Minister for Regional Development to ensure that Roads Service plays its part in the fight against crime.

Mr McKinney: I thank the Minister for addressing some of the localised issues and regional measures that his Department and others are putting in place. What impact are

those measures having on antisocial behaviour?

Mr Ford: I welcome Mr McKinney to his first Department of Justice Question Time. He has not had the benefit of hearing me talk frequently about antisocial behaviour. Unfortunately, I do not have the statistics for South Belfast in front of me at the moment, but as most Members will have heard me say on many occasions, we have seen a significant, ongoing reduction in antisocial behaviour over the past three years — almost every year in almost every district in Northern Ireland. It is clear that a lot of the good work being done by local partnerships is delivering generally.

I am happy to write to the Member about the specific issues in his constituency, but we should recognise that, although there are clearly problems to address, and there are particular problems with perception, we have a success story in the form of the work that is being done on antisocial behaviour. We should not suggest that we have problems only when we are dealing with many of them.

Mr McNarry: Is the Minister aware of an increase in protection racketeering?

Mr Ford: I am aware through the work of the Organised Crime Task Force (OCTF) that there are problems of protection racketeering. I am not aware of any particular increase, so I suggest that Mr McNarry write to me if he has particular points that he wishes the OCTF to address.

Community Safety College, Desertcreat

Mrs Overend: Question 6, please.

7. **Mrs Overend** asked the Minister of Justice when the on-site works on the Northern Ireland Community Safety College at Desertcreat will commence. (AQO 4636/11-15)

13. **Mr I McCrea** asked the Minister of Justice for an update on the revised business case for the Northern Ireland Community Safety College at Desertcreat. (AQO 4642/11-15)

Mr Ford: I will happily answer question 7, Mr Deputy Speaker. With your permission, I will take questions 7 and 13 together.

Members will be aware from the media attention last week that I have already approved the business case and sought Executive

approval for the Desertcreat project by way of an urgent procedure. Assuming that it is approved in the immediate future, on-site works could begin in February 2014.

Mrs Overend: I thank the Minister for answering question 7 for me. Will he outline the issues that may result in the project not progressing? Does he agree that that would have a major negative impact for the mid-Ulster economy?

Mr Ford: I am happy to accept that Mrs Overend is concerned about the mid-Ulster economy. I am also concerned about ensuring that the three services have the best possible training facilities. I believe that the project set forward for Desertcreat is the best possible way of delivering for the economy there. It would provide a real centre of excellence that will attract attention, not just from Northern Ireland but from a considerably wider area.

As to the factors for the project to proceed, the reality is that it is now at the point at which it requires formal Executive approval, having been given approval by my Department. It will then be a matter of the final details being sorted out in order for the contract to be awarded, at which stage building can commence.

Mr I McCrea: The Minister will be aware that no one wants to see this happen more than I do, although I do not think that any elected representative from mid-Ulster does not want to see it happen.

Can he assure the House and the people of Northern Ireland that the due diligence test has been carried out on the preferred bidder and ensure that, when the contract is rolled out, the companies that are brought in on subcontracts will be paid?

Mr Ford: To be technical about it, we should not refer to a "preferred bidder". There is no preferred bidder until one is appointed. We should refer to the "highest-ranking bidder". It is a technical point, but it is nonetheless significant.

Issues of concern have been raised around financial viability and so on. I have been assured by the programme board that significant due diligence checks have been made, given the size and scale of the project. A specific, detailed review was commissioned externally, and it is my understanding that there are no concerns in the project board around those due diligence matters.

Mr Deputy Speaker: Question 8 has been withdrawn and requires a written response. Cathal Ó hOisín is not in his place for question 9.

Public Disorder

10. **Mr Rogers** asked the Minister of Justice, given the level of public disorder over the summer period, much of which was related to issues of relevance to the Haass talks, what action is being taken to address the primary offences and their motivations. (AQO 4639/11-15)

Public Disorder: Impact on PSNI

14. **Mr McCarthy** asked the Minister of Justice for his assessment of the impact that recent public disorder has had on the PSNI's ability to investigate and prevent other forms of criminality. (AQO 4643/11-15)

Mr Ford: With your permission, Mr Deputy Speaker, I will take questions 10 and 14 together. First and foremost, I want to take the opportunity to condemn the disorder that occurred over the summer months. There can be no excuses for the scenes of rioting and the violence directed at the police. It has come at a heavy cost, with over £15 million spent policing parades and associated disorder since 1 April this year and 689 officers injured during public order situations since 1 July 2012. It has caused significant damage to community relations as well as to the international reputation of Northern Ireland.

As of 16 September, 127 people have been arrested and 94 have been charged in relation to the public disorder that occurred from 12 July. The police have spoken about the impact that the public disorder has had in tackling other forms of crime. The diversion of police resources has undoubtedly had an impact on tackling the issues that are important to local communities, which we have already discussed today, such as antisocial behaviour, burglaries and drugs.

The police made 3,432 fewer arrests from December 2012 to August 2013 than for the same period the previous year. I am confident that the Police Service, working with the Policing Board, will continue to manage its resources in an effective and efficient manner to deal appropriately with any pressures arising from public disorder, while continuing to deliver a personal, protective and professional service to local communities. However, it is vital that we find a resolution to these issues if we are to

avoid the scenes of violence and destruction witnessed all too often in Northern Ireland.

Mr Rogers: I thank the Minister for his comprehensive reply and sympathise with all those officers who were hurt over the summer. Does the Minister agree that flags and contentious parades are more the symptoms of sectarianism, and should we not address the key issue, which is sectarianism itself?

Mr Ford: I do not think that it will come as any great surprise that I agree entirely with the points made by Mr Rogers. This society cannot continue to depend on police officers holding the line because of the failure of politicians and community leaders to build a different shared future for all of us. That is why the Haass talks are so important and why we need all five parties totally committed to working hard in that process to deliver for Northern Ireland. I will ensure that my party plays its part, and if there is a role for the Department of Justice in backing up some of the issues that come from it, the DOJ will not be found wanting.

Mr McCarthy: I thank the Minister for his response. The Minister told us that hundreds of police officers were injured — nearly 700 — £15 million was wasted on policing parades, and there have been diversions from other crime. Does the Minister agree that that simply cannot continue? Rather than talking the Haass process down, as the Minister has referred to, all parties in Northern Ireland should put in every effort to resolve the contention around parades.

Mr Ford: Yes, I agree. I should say that, thankfully, of the 689 officers injured, relatively few were seriously injured. Nonetheless, that toll of injury is a colossal statement of the debt that this society owes to the members of the PSNI and briefly to mutual aid officers during the summer as well. Although, thankfully, very few of them were injured. It is a clear indication of the need that we have to ensure that we do not just talk up the Haass process, but commit to ensuring that the five-party talks succeed in resolving those difficult issues of parades, policing, the past and the sectarianism that underpins all of it.

Mr Givan: What steps will the Minister take in the Haass talks to make some recompense to dealing with the hurt and pain that was inflicted on members of the unionist community by the decision of his party, the SDLP and Sinn Féin that inflamed the tensions by removing the flag from the City Hall?

Mr Ford: Deputy Speaker, I am not sure that I am supposed to be here answering questions on behalf of the Alliance Party, but since you are allowing questions, I will give answers.

What happened with regard to the flying of the flag on Belfast City Hall was a compromise put forward by the Alliance Party between a proposal that there should be no flag and one that there should be flags every day. I am quite happy that the Alliance Party put forward an honourable compromise, which is in line with the flag-flying policy of the majority of councils in England, Wales and Scotland, in recognition of Northern Ireland's constitutional position in the United Kingdom and also recognising the divisions that exist in this society and how people feel about these matters. That is the reality of the decision that I took. I give no apology for putting forward a reasonable and balanced compromise on the part of my colleagues in Belfast City Council. Indeed, I am proud of what they did.

I deeply regret the fact that certain people chose to target the Member of Parliament for East Belfast. I regret the way in which the issue was personalised, the threats that were made, and the injuries that were suffered by police officers and a variety of politicians, not least in my party, but there is nothing that I have to apologise for.

Mr G Kelly: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. Since we are talking about flags, parades, protests and the public disorder around them, does the Minister agree that the Parades Commission is working in very difficult circumstances, especially due to the increase in contentious parades? Does he also agree that the continuing need for a regulatory body for parades and protests is critical?

Mr Ford: Of course, the matter of the Parades Commission is not currently devolved, but I agree entirely. Not only is there is a need for a regulatory body; there is a need for all politicians to respect the decisions of that regulatory body, whether or not they like them.

Mr Allister: It is right and necessary, of course, to condemn public order, and I join in doing that. Speaking of the Parades Commission, does the Minister have any concern about the provocative nature of the absurdity of some of its decisions, such as at Twaddell Avenue? It seems unable to cope with the fact that that protest has been peaceful. Therefore, as a provocative act, to try to provoke conflict, it has

now come up with the ludicrous imposition that loyalist bands cannot play loyalist music in loyalist areas.

Mr Deputy Speaker: The Member has asked his question.

Mr Allister: Does the Minister think that that is an advance, or is it a provocation?

Mr Ford: Mr Allister asked a number of questions. First, I condemn public disorder rather than public order. That would probably be a more positive step.

I repeat the point that I made: whether or not people like the decisions of the Parades Commission, it is the body established by statute with regulatory powers. Its decisions should be respected.

Prison Service: Target Operating Model

11. **Mr Easton** asked the Minister of Justice for his assessment of the target operating model introduced for prison officers. (AQO 4640/11-15)

Mr Ford: Much good has been done, and I am confident that the Prison Service will continue to move forward, particularly as the structural changes near completion over the next six months. The target operating model (TOM) encompasses four key elements: the staff deployment agreement; the staffing profile; the staffing structure; and the shift patterns. In combination, those will deliver a sustainable model for the Prison Service to deliver efficiently and effectively.

The staff deployment agreement was developed following a number of months of detailed negotiation between the Northern Ireland Prison Service (NIPS) and the Prison Officers' Association. It sets out working practices that can support a progressive and purposeful regime that is focused on rehabilitation. It has been in operation since July 2012. Work is continuing towards the full implementation of the new staff profiles and structures. All new entry custody prison officers have now been trained and deployed to establishments. A number of prison escorting staff who opted to move to the custody prison officer role will transfer near the end of this year.

Concerns have been raised by staff about the new shift systems. Ongoing reviews and

updating of shift patterns are a normal part of prison operations and reflect changing needs and the requirements for regime delivery. Any changes in future will be sensitive to the concerns of staff.

Mr Easton: I thank the Minister for his answer. Is he aware that, under the TOM, female prison officers are being left alone at night to manage sex offenders' wings, where prisoners in the over-55 section are allowed to come in and out of their cells 24 hours a day? What does he plan to do to protect those vulnerable women prison officers who are left alone on those single units?

Mr Ford: No, I am not aware of that situation, because that is not the case.

3.30 pm

Mr Deputy Speaker: That is the end of questions to the Minister of Justice.

Assembly Business

Mr Humphrey: On a point of order, Mr Deputy Speaker. I apologise to you, the House and the Minister for not being in my place for my question. I was attending a meeting related to my work in the Assembly.

Mr Deputy Speaker: I thank the Member for putting that on the record.

Mr Campbell: On a point of order, Mr Deputy Speaker. We have just had topical questions and questions for oral answer to the Justice Minister. At the outset of topical questions a few weeks ago, the Speaker indicated what he expected from the new regime. He indicated that there should not be an alteration between topical questions and the questions on the Order Paper. Perhaps you could draw the Speaker's attention to what appears to be an attempt to do that during Question Time to the Justice Minister. Mr Allister deliberately withdrew question 12 in advance and then posed it as a topical question, in spite of the Speaker's ruling.

Mr Deputy Speaker: The Member has put his concern on the record. Topical questions will be kept under review in the coming weeks and, indeed, months.

I ask Members to take their ease for a few moments before we return to the debate on public procurement.

Private Members' Business

Public Procurement Opportunities

Debate resumed on amendment to motion:

That this Assembly notes that the procurement of goods, services and infrastructure projects is a key driver of the economy; further notes the ongoing work in other devolved regions in this area; and calls on the Minister of Finance and Personnel to take action to address the criticisms of the current system and to ensure that there is sufficient access for small and medium-sized enterprises, as well as the social economy, to public procurement opportunities.
— [Mrs Overend.]

Which amendment was:

Leave out all after 'system' and insert

"to ensure that there is sufficient access for small and medium-sized enterprises, and for organisations in the social economy, to public procurement opportunities and to ensure that employees in companies that are contracted and sub-contracted through government procurement are paid at least the living wage."
— [Mr Agnew.]

Mr Deputy Speaker: The Minister is not able to be in the Chamber. Therefore, I call Steven Agnew to wind up the debate on the amendment.

Mr Agnew: Mr Deputy Speaker, please tolerate me for two seconds, as I was not quite prepared.

I think that we have an opportunity with the amendment to —

Mr Deputy Speaker: I ask the Member to give way. I see that the Minister has just arrived. If the Assembly is agreeable, I will call the Minister and then return to the winding-up speeches.

Mr Allister: On a point of order, Mr Deputy Speaker. Will you draw the situation to Mr Campbell's attention, please? He seemed very concerned about the minutiae of these matters, so perhaps he should be alerted to this failure on the path, this time not of a mere Back-Bencher but of a Minister. I am sure that that will greatly exercise Mr Campbell.

Mr Deputy Speaker: With the approval of the Assembly, I call the Minister of Finance and Personnel to respond to the debate.

Mr Hamilton (The Minister of Finance and Personnel): Mr Deputy Speaker, thank you for your help in that regard, and I thank the House for its tolerance. I apologise for being momentarily late into the House.

From the outset of my appointment as Minister of Finance and Personnel, I have said that I am aware of the criticisms that have been levelled at public procurement in Northern Ireland and which have been echoed in the debate. In fact, in a speech that I made to the Confederation of British Industry (CBI) a few days after my appointment, I said that I am sensitive to the criticisms of our system. Therefore, I am not surprised that procurement is the first issue that I have to respond to as Minister, and I thank Mrs Overend for bringing this motion to the House and for giving me the opportunity to address the issues that she and others raised during the debate.

Having listened to the feedback that I have received, including from party colleagues, in the past few weeks and that which has been offered in the past number of years, I think that if I were to declare that I wanted to do away with public procurement in Northern Ireland, there would be rounds of cheers and pats on the back for me. Maybe I would be carried out of the Chamber on people's shoulders. However, of course, that is neither sensible nor possible.

Public procurement, as has been accepted, operates under a heavily regulated regime established by the European Union. I am resistant to step into what I think is sometimes a family squabble between the Ulster Unionist Party and Mr Basil McCrea, but I acknowledge that Mrs Overend, in her opening remarks, mentioned that the regime is heavily regulated by the European Union. She also mentioned the new public procurement directives, which I will touch on in a moment or two.

The system is seen by the European Commission as a key driver in establishing the single European market and opening up competition to firms in all member states. Those aims immediately create tension for all of us who are focused on the development of the Northern Ireland economy and on the well-being of our citizens and businesses. Fortunately, the European Union has recognised that the directives it agreed back in 2004 require reform. Indeed, the process of revising the rules and agreeing new directives

is almost complete. In that regard, my predecessor made strong representations to Europe, through the Cabinet Office, for a reduction in the levels of bureaucracy and a simplification of procurement processes. He was particularly keen on the directives that contained procedures that were friendlier towards SMEs, which, of course, are the focus of today's debate.

I am pleased to say that the new public procurement directives are catching up with approaches that have already been adopted in Northern Ireland over recent years, particularly for low-value procurements. Those changes will help to make all public procurement faster and less costly for government and for businesses of all sizes. They include a much simpler process for dealing with bidders' credentials by self-declaration, with only the winning bidder being subjected to validation. Central Procurement Directorate (CPD) has already moved ahead on that. For example, in a recent office furniture contract tender, suppliers were permitted to self-declare details of their financial position, and only the winning tenderer's audited accounts were checked. The changes also include provisions to encourage buyers to break large contracts into lots, allowing SMEs to participate. Again, CPD has already adopted that approach. For example, catering and cleaning contracts are now awarded in regional lots.

The new directives will look at a cap to prevent buyers from setting supplier turnover requirements at more than twice the contract value. Again, CPD has already worked with the construction industry to reduce the financial standing requirement for construction contracts to just three quarters of turnover as part of a broader Constructionline assessment.

A new procedure for innovation partnerships will mean that suppliers can bid to enter a partnership with government to develop a new product or service.

One area that I am especially interested in is that the new directive will also allow contracting authorities to reserve contracts for mutuals and social enterprises for a time-limited period, provided certain conditions are met. We will be exploring how that could be used to facilitate further reforms in the way that public services are delivered in Northern Ireland. It is intended that the public sector directive will be transposed into legislation covering England, Wales and Northern Ireland next year, and CPD will be taking forward the consultation on that new legislation shortly.

Small businesses are key drivers of the Northern Ireland economy and an important source of job creation. That was recognised in the report that followed the inquiry into public procurement by the Committee for Finance and Personnel in 2010. I am pleased to confirm that the report's recommendations, which were focused on measures designed to improve the position of SMEs, have set the policy agenda over the past few years. Many of those recommendations have been actioned. For example, CPD now considers the impact on local SMEs for all procurements, and that is included in the documented procurement strategies that it provides to Departments. I believe that the Committee's report, which was referred to by a number of Members who spoke, including Mrs Cochrane, has helped to bring about significant change in the public procurement environment, and we are now in a better position to harness the potential of small businesses through public procurement to drive economic growth.

The motion refers to criticisms of the current procurement system. I appreciate that they exist. I hear complaints far too often to think that there are no issues with our procurement system, but I believe that some of those criticisms are based on misperceptions of how public procurement operates and a lack of appreciation of what has already been achieved. However, I recognise that other criticisms are valid, and I want to set out what we are doing to address each of those.

The first and most frequently voiced criticism is that procurement processes are rigid and inflexible, which places local SMEs and social economy enterprises at a significant disadvantage when bidding for government work. My Department responded to those concerns by changing the way that it undertakes procurements. Those changes have been enabled by a number of specific measures, including, as Mr Ross mentioned in response to Mr Bradley, a programme of "meet the buyer" events, at which SMEs can hear at first hand how they can access public procurement opportunities. Earlier this month, for example, CPD jointly hosted an event with InterTradeIreland, which was attended by over 600 suppliers. Other measures include the reduction and removal of barriers for smaller businesses wishing to compete for public sector opportunities. Suppliers are not required to provide evidence of financial standing for tenders for supplies or services contracts below the EU threshold. We have also looked at increasing the visibility of opportunities by requiring all central government contracts above £30,000 to be advertised on a single

procurement portal. Departments are encouraged to seek out local suppliers to tender for contracts below £30,000. We ensure transparency by publishing contract awards, and we are streamlining procedures and reducing the paperwork associated with low-value procurements, as those are of particular interest to SMEs. CPD, for example, has removed the minimum eligibility requirements for low-value supplies and services contracts.

We have been looking at reducing liability and insurance requirements, which was mentioned by some Members, by making them proportionate to the risks associated with the contract. CPD now sets modest levels of professional indemnity insurance for architects and engineers, and it limits their liability. We promote prompt payment and fair conditions of contract for construction subcontractors by putting monitoring and reporting arrangements in place in main contracts. Those measures will be further enhanced as CPD rolls out project bank accounts.

The changes are being applied across government, and the benefits are beginning to be felt. Since the new procedures were introduced for low-value procurements, CPD has reduced the time taken to tender and award contracts. We will continue to monitor the impacts to ensure that benefits are achieved for SMEs and social economy enterprises.

Contrary to perceptions, local businesses win the majority of public procurement contracts in Northern Ireland. Of course, not every business wins every contract that it tenders for. We need to distinguish between legitimate criticisms and those voiced by people who have not won contracts. In 2011-12, 78.5% of all supplies and services contracts awarded by centres of procurement expertise went to businesses based in Northern Ireland. For construction contracts, the figure was significantly higher at 96%. Some 80% of all contracts awarded by COPEs in 2011-12 were awarded to SMEs, and 60% of all contracts were awarded to businesses with fewer than 50 employees. Those are pretty impressive statistics. The figures are on a par with those in Scotland and Wales, where it is only 60%, and are substantially ahead of the position in England, where it has been reported that, in 2012-13, only 10.5% of direct spend was with SMEs. Northern Ireland firms are also doing better when it comes to getting work in Great Britain and Northern Ireland. In the past weeks, I have met firms that are building harbours, airports or rapid transit systems elsewhere in the United Kingdom. That shows that the work that we do here and that we procure through

the public sector in Northern Ireland can benefit our companies, as and when they bid for work across the water or down South, where Northern Ireland firms tend to do much better than those in the Republic of Ireland when bidding for work in Northern Ireland.

That brings me to the next area of criticism, which is that everyone else is better at public procurement than we are in Northern Ireland. The motion refers specifically to what is being done in the other devolved regions. Northern Ireland has been at the forefront of public procurement developments in the UK. The structures set up by the Executive in 2002 to deliver public procurement have now been followed, to varying degrees, by the other devolved Administrations. The strategic approach adopted by the Executive has been endorsed by public procurement reviews in Scotland and Wales, which have recommended similar governance arrangements. Likewise, Northern Ireland has been in the vanguard with measures to promote SME participation and deliver community benefits from public procurement. We have led the way in the construction sector, where CPD has worked very closely with the construction industry to implement key initiatives. CPD is spearheading work on project bank accounts, which will be an important mechanism to speed up and protect payments to key subcontractors on relevant contracts. That is in advance of anything being done in the other devolved regions. Indeed, representatives from the Scottish Government have been in contact with CPD to learn more about what we do here in Northern Ireland.

3.45 pm

The Welsh Government recently established its National Procurement Service to coordinate the purchasing of common goods and services across the public sector. Given that Northern Ireland already has structures in place to enable collaboration, CPD assisted Wales in the establishment of that new service.

In Northern Ireland, a revised strategy for collaboration across those bodies, subject to public procurement policy, was approved by the procurement board in June. Following on from that, CPD intends to publish a pipeline of forthcoming collaborative arrangements early in 2014. Supplier information sessions will also be held well in advance of any collaborative procurement competitions. That will allow suppliers to discuss directly with buyers the forthcoming opportunities.

Members may also be aware that the Cabinet Office recently launched a consultation on the

creation of an SME-friendly single market for public procurement. The consultation considers changes in three areas: pre-qualification, transparency, and payment and financial practices. We will look in more detail at the proposed reforms, but a preliminary analysis indicates that, in the main, those measures are already in place in Northern Ireland. I assure the Assembly that there is no major initiative being taken forward by the Cabinet Office or the other devolved Administrations that is not being addressed here in Northern Ireland.

I turn now to the criticism that the Government are not open for business when it comes to fostering innovative approaches through procurement. On the contrary, we recognise that the buying power of the public sector has a major role to play in stimulating companies to develop new innovative solutions. Those developments will allow companies to secure a competitive advantage in the marketplace.

We have seen some examples in Northern Ireland of the small business research initiative, which was referred to by Mr Ross, being used to help firms to develop solutions to particular problems. I am pleased to say that Northern Ireland was the first devolved Administration to run an SBRI competition — for mobile phone apps for the Northern Ireland Tourist Board — and that we have a major project under way to develop a sustainable solution for the disposal of poultry litter. However, one or two projects is not enough. I want to see many more projects coming forward. The Executive have now put in place funding for a team of innovative procurement executives, including one in CPD. Those officials will work with Departments and companies to increase the number of SBRI competitions run by public bodies. I will look to my Executive colleagues to help to reinforce this in their Department.

The last area of criticism that I want to touch on is the management of infrastructure investment. Given its importance to the economy of Northern Ireland, we need to ensure that we have efficient and effective systems in place for the delivery of that investment. Although procurement is a key part of that process, the delivery of infrastructure is about much more than that. That is why my officials have been working with the Strategic Investment Board to commission a review of the whole delivery system. The aim of that review is to produce proposals that will ensure that the commissioning, planning, procurement and delivery of major infrastructure result in value-for-money projects.

Before I close, I want to address the amendment. My Department has looked in detail at whether the payment of a living wage to a contractor's employees could be made a condition of public contracts. However, it concluded that any requirement to pay employees at a level above the national minimum wage would contravene European legislation. That is in accordance with advice that the Scottish Government received directly from the European Commission. Contracting authorities can encourage contractors to pay a living wage, but that cannot be taken into account when awarding contracts. Although I have some sympathy with the points that the Member made, there would be incredible difficulties in implementing that measure.

SMEs and SEEs are the lifeblood of our local economy. Over the years, my Department, with the endorsement of the procurement board, has taken forward a range of actions to support them. In implementing the programme, it has worked closely with industry, business and social economy representatives, and I am grateful for their constructive engagement. My Department will continue to focus on removing barriers to SME participation, simplifying the procurement process and standardising our engagement with suppliers.

This has been a useful debate, certainly when I was here. I thank Members for their questions and views on this key area of activity for the Executive. I will echo my predecessor's view and say that I, too, have an open door. If anybody has issues with procurement, please feel free to bring them to me. If there are things that we can do to resolve those problems, we will.

Mr Deputy Speaker: Before I call Mr Steven Agnew to wind on the amendment, I apologise for having interrupted him and thank him for facilitating me in calling the Minister to respond to the debate.

Mr Agnew: I appreciate the apology and accept it wholeheartedly.

We talk a lot in the Chamber about social issues and social problems. We talk about their symptoms, but we very rarely talk about the structural causes of some of them. In-work poverty is a huge issue in our society, and, indeed, the number of people on low pay has increased throughout the past 30 years as a proportion of our working population. That is something that needs to be addressed structurally. It cannot simply be fixed by government programmes, which, in some cases, ask the community and voluntary sector

to mop up some of the problems that our economic policies have created. We have to tackle those structural issues, and although we have some restrictions in Northern Ireland with the availability of economic levers, I believe that, in public procurement, there is a real opportunity to use public resources not just to create employment but to go further and guarantee a basic living wage for all those employed through government contracts.

The other issue related to that, and which continues, is the inequality between the genders in pay rates. I mentioned in my opening remarks that the majority of those in low pay — something like two thirds of those working below the living wage — are women. Again, that is a social issue that we could help to begin to address through a policy such as this. We need to grasp the structural issues that lock poverty and inequality within our economic system and start to reverse some of those harms. *[Interruption.]*

I will briefly address some of the comments that have been made. Mr Weir described this as well-intentioned but unworkable. However, we see, in England, that this is being worked by no less than the Greater London Authority. While the debate stood suspended, I saw a comment on Twitter that my proposal was somehow "economically illiterate". Last I heard, the London city economy was doing OK. It has not collapsed due to the living wage. Just as we had with the minimum wage, there will be a certain amount of scaremongering. However, I understand that both the Labour Party and the Conservative Party are making noises that this is something that they would implement. For Northern Ireland to make a first step to move our economy onto that footing may well help to prepare us for the changes that lie ahead.

I could not understand Mr Weir's point about competitive disadvantage to local businesses. In fact, this provision would have completely the opposite effect. By requiring a living wage to be paid by those who engage in government contracts, we would help local businesses, which tend to pay more than some foreign companies that can access cheaper labour. So, it would do the opposite of creating competitive disadvantage; it would tackle some of the competitive disadvantages that we face.

Ms Cochrane called it "aspirational". Again, I would say that it is a worthy aspiration, but it is something that authorities in England have taken on. It does not have to be an aspiration; it can be achieved. She also raised the point, and I think that it is a valid one, about whether this would make it more difficult for SMEs. I

propose — and, again, this is being done by local authorities in England — that, as with regional contracts with the Treasury, benefits to the Treasury could be reinvested in Northern Ireland to support SMEs and to enable them to tender for government contracts.

I will just mention briefly the Minister's comments that the advice to the Scottish Government was that it was unworkable. I am not sure what their exact proposals were, but I point to the Greater London Authority and to the answers received by my colleague in the European Parliament, Jean Lambert, from the European Commission, which very clearly state that, within certain conditions, this type of public procurement policy is legal and within EU law.

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

Mr Agnew: I am happy to provide those to the Minister, and I hope that this is something that he and his Department will explore further.

Mr Cree: It gives me great pleasure to be able to make a winding-up speech for what has been an important debate today. Indeed, it is the first debate on the economy in the new Assembly term.

As MLAs, we should all have a particular interest in the topic, due to its significance to an economic recovery. Public procurement, if taken correctly, can help to positively address the unemployment that is so prevalent, particularly among our young people aged between 18 and 24. It can help to address the high levels of economic inactivity in the economy, and it can help our struggling construction sector through investment in infrastructure. The Ulster Unionist Party has, of course, been vocal in its support for increased infrastructure, particularly through the provision of sufficient funding to the Minister for Regional Development to advance road projects such as the A26. I was told to mention that.

Many Members outlined the scale of public procurement in financial terms. It amounts to £3 billion per annum, when local councils are included. That is a very high figure, and it is important that we ensure delivery in the most effective way.

Before giving some consideration to what other Members said, I want to raise a few issues, the first of which is subcontracting. The motion mentions specific "criticisms of the current system". All too often, I find that the practice of subcontracting comes under that banner.

Those in the constituency of North Antrim were all too aware of that recently, with the news that Ballymena-based Patton had gone into administration. Patton Group Ltd was a family-run business that was established some 100 years ago and that employed over 300 members of staff. The effect of that company going into administration was felt by banks, suppliers and contractors across that constituency and, indeed, the whole of Northern Ireland. A group of subcontractors who said that they were owed about £17 million by Patton asked the Executive for a rescue package to help them. That was not possible. That is an area that we must get to grips with, because there must be sufficient protection for those subcontractors.

Project bank accounts were introduced in January of this year, and government construction contracts were awarded by the Central Procurement Directorate on behalf of Departments. The Minister already referred to those. The intention of that new payment method is to help to safeguard subcontractor payments in many government construction contracts. That is a welcome move, but its success can be judged only over time, and it must be evaluated and, if necessary, improved upon.

Clearly, there is also more work to be done to understand the methods and procedures best designed to prevent poor performing suppliers and to ensure compliance to procurement.

I will move now to the social economy. Similar to other Members, I want to consider access to the public procurement market for the social economy. Social enterprises, such as Bryson Charitable Group, undertake some excellent work and reinvest profits back into the community. It must be remembered that the social economy can flourish during economic hardship by reaching those who are most in need and bringing about positive social change. That is something that we should get behind and support as much as possible. We should be an enabling government for that sector.

Due to the fact that public procurement is the spending of public money, I believe that it must achieve more than the purchasing of a service and, as such, should require tendering organisations to demonstrate how that spend can maximise local social impact. On that note, Northern Ireland is currently the only region of the UK that will not be covered by the recently introduced Public Services (Social Value) Act 2012, as Scotland will be introducing its own version. I believe that the Executive should be looking at our own version of that legislation,

which places a duty on public bodies to consider social value ahead of procurement.

It has also been said to me that many procurement exercises are driven primarily by price competition. That often results in a race to the bottom, and, by providing marginal profit level, it increases the risk of failure, as seen in the Housing Executive maintenance contracts. We must guard against such an approach to public procurement and get that balance right. The case remains that the public procurement process is frequently lengthy and excessively costly. That has a consequence of significantly reducing the level of competition, with many social enterprises finding the cost of bidding to be prohibitive.

Lastly, on the area of social enterprise, pre-qualification criteria are important and must be appropriate. In particular, they must not act as a barrier or lockout to social enterprises or, for that matter, SMEs.

4.00 pm

I will now deal quickly with the review of public administration. With the review imminent, we must ensure that there is consistency in practice across Departments. It is the case that some councils do procurement better than others. The introduction of a new council model should present an opportunity to standardise approaches across the board to a sufficiently high level.

I will quickly summarise some of the issues raised by other Members. I was pleased to listen to the Minister. He contributed significantly to the debate and was very impressive on his first outing. I hope that that keeps up, Minister. I appreciate the DUP's support for our motion.

Mrs Overend made it clear that we need more in-depth statistics to give a proper outline of our performance. She reiterated that the Ulster Unionist Party is unapologetically pro-indigenous business in its approach to public procurement.

Sinn Féin has been vocal on this matter in the past through its chairmanship of the Committee for Finance and Personnel and in motions in the Chamber. It is apparently behind increased access for the social economy, and we can certainly agree on that point. However, I was rather amused by Mr Flanagan's comment that civil servants could do much of the work themselves. I look forward to work being done in that particular theatre.

The SDLP, I believe, was supportive, as was the Alliance Party. I congratulate Judith Cochrane for highlighting the importance of productivity in the whole exercise. That is a very important issue, which had in fact been overlooked up to that point.

Mr Agnew made his points in his usual fashion. All that I will say is that he continues to demonstrate a lack of business experience. I am afraid that we cannot support his amendment.

I call on all Members to support the Ulster Unionist motion, which places SMEs and the social economy at the heart of our thinking and holds the Minister of Finance and Personnel to account in his plans for public sector reform.

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

Main Question put and agreed to.

Resolved:

That this Assembly notes that the procurement of goods, services and infrastructure projects is a key driver of the economy; further notes the ongoing work in other devolved regions in this area; and calls on the Minister of Finance and Personnel to take action to address the criticisms of the current system and to ensure that there is sufficient access for small and medium-sized enterprises, as well as the social economy, to public procurement opportunities.

Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill: Second Stage

Debate [suspended on 23 September 2013] resumed on motion:

That the Second Stage of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill [NIA 26/11-15] be agreed. — [Lord Morrow.]

Mr Deputy Speaker: We now continue with the Second Stage of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill. I call the Minister of Justice, Mr David Ford, to respond to yesterday's debate.

Mr Ford (The Minister of Justice): I am grateful for this opportunity to contribute and respond to the points that were made in the debate, to set out the work that is being done by my Department and to explain my position on aspects of the Bill. The debate is on the principles of the Bill, but I will need to examine the potential effects of some clauses.

There is no doubt that there is significant public concern about the horrendous crime of human trafficking. That concern features in letters and e-mails that I have received, in lobbying from NGOs and faith groups, in invitations to speak and in requests for meetings. I am assured that there is total unanimity in the House, which is representative of our society, that we wish to do all that we can to put an end to trafficking.

Members from all sides have spoken as one in condemnation of the perpetrators of that crime and of the determination to drive it from our shores. I agree that our legislation should afford no foothold whatsoever for these criminals, and actions in the Department of Justice since devolution demonstrate that. However, that should come as no surprise.

In the early 1790s, Liverpool and Bristol were developing as slave ports, rich on the proceeds of the triangle of trade that involved taking slaves from Africa to the Americas. Belfast stood against that and did not allow slave vessels into its port. Our stance against trafficking today is in the tradition of those who became the United Irishmen and of Wilberforce, whose campaign ended legal slavery in Britain.

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

Therefore, as a point of principle, we stand united, all of us in this House. Human trafficking — in other words, slavery — is an abomination in any of the forms it takes. It devastates the lives of individuals and families, seeking to reduce human beings to mere commodities. I am wholly committed, as are the many officials in my Department who play a part in the fight against this crime, to ensure that the steps we take to eradicate the crime, to punish the perpetrators and to protect and care for the victims are as robust as possible. I reject claims by some Members that my officials are opposed to doing all we can to fight trafficking.

At times yesterday, some unionist Members criticised me for not doing enough, while others appeared to suggest that the Bill was needed because the next Minister of Justice might reverse my good work. I am not sure if that was supposed to be a compliment. However, in my time as Minister, I have already taken significant steps to make sure that effective anti-trafficking measures are operating across Northern Ireland.

The hidden nature of human trafficking is such that it requires a concerted, joined-up response if we are to tackle it effectively. I recognise and acknowledge the role of others in helping to stamp out trafficking. That is why I have established an engagement group that brings together civil society organisations, alongside government, because together we are stronger. Similarly, the Organised Crime Task Force provides a forum where statutory bodies can come together with law enforcement agencies to share best practice and to provide a coordinated, joined-up response to human trafficking. There is a specific subgroup for human trafficking, which is led by the police. Furthermore, the issue of human trafficking features at North/South meetings of the Intergovernmental Agreement (IGA) at both ministerial and official level, and at trilaterals with both the Irish and Scottish Governments. Indeed, I probably have never met Alan Shatter when we did not discuss the topic of human trafficking.

Members will recall that in May of this year, I published the first human trafficking action plan for Northern Ireland, which set out a challenging programme of work that my Department is taking forward in partnership with others. That plan has identified a number of priority areas for action that we have focused on, covering all aspects of trafficking and not just the sex trade. I believe that good progress is being made.

Clearly, prevention is a key element of our strategic response to human trafficking, and considerable work has already been taken forward to raise awareness of the issue. In particular, the Department of Justice has provided support to general public campaigns, such as Blue Blindfold and the Crimestoppers forced labour campaign, which ran earlier this year.

Last month, I also launched an educational resource pack on human trafficking that will allow teachers in Northern Ireland to explore the issue with the young people in their care; to raise awareness; promote active citizenship; and, crucially, to help young people to develop the tools and awareness to keep them safe and to make healthy choices in their own lives. The significant attendance in this Building in August of students and teachers vividly demonstrated the level of public concern and commitment around the issue of trafficking.

I hope to build further on that work with schools and colleges. My Department has invited schools to mark EU anti-trafficking day next month by hosting local events across Northern Ireland to raise awareness of human trafficking. I will visit some of those events, alongside the Minister of Education and the Minister for Employment and Learning. This is just one aspect of the work that my Department is doing with its NGO partners on the human trafficking engagement group to raise awareness, tackle demand and enhance protection for those at risk.

Despite these efforts, we know that there have been cases of human trafficking into Northern Ireland. Since April this year, 13 potential victims have been recovered here and referred into the National Referral Mechanism (NRM). Although the level of referrals from Northern Ireland is lower than in neighbouring jurisdictions, it is unacceptable for any individual to be trafficked, exploited and subjected to such an inhumane crime.

I fully acknowledge my responsibilities in supporting victims of human trafficking, and I am committed to ensuring that they are afforded the protections and interventions that they need. Part of that is about ensuring that victims are informed about their rights and entitlements and are encouraged to seek help. So, earlier this month, I launched a multilingual information leaflet on victims' rights.

Members will also be aware that my Department funds support for potential adult victims of human trafficking during the recovery and reflection period of the NRM process. Prior

to the introduction of the Bill, I had signalled my intention to put this support on a statutory footing, and work had commenced to that effect. Therefore, I fully agree with Lord Morrow's intent in clause 10 of the Bill, which would place a similar statutory requirement on the Department with regard to providing support for potential adult victims of human trafficking. However, I question whether primary legislation is the most appropriate vehicle for legislating for this support, particularly given the evolving nature of human trafficking. My assessment is that secondary legislation may provide a more flexible vehicle with which to respond swiftly to the evolving needs of trafficking victims.

Committee Stage will provide a valuable forum within which to debate that issue, and I welcome Lord Morrow's willingness to discuss the details.

On the issue of compensation that is covered in clause 11, guidance has been issued to staff in the Compensation Services on handling claims from trafficking victims, and the contract for support services includes steering victims to advice on securing compensation. My officials are working through the responses to the consultation on funding money damages claims, taking account of the European directive. I am happy to discuss this with Lord Morrow, as I am happy to be in the lead on progressive legislation in these islands.

I also welcome the focus on the needs of victims that clauses 13 and 14 bring to bear. Members will recall that I stated my belief that the arrangements in operation in Northern Ireland are compliant with our requirements under the EU directive. They will also recall that I had previously indicated a reluctance to legislate along similar lines to clause 14, lest that should inadvertently create a hierarchy of victims. Nonetheless, I have watched developments in our neighbouring jurisdictions with interest, and I am aware that the Trafficking People for Exploitation Regulations 2013 made similar provision in respect of England and Wales.

I am anxious to ensure that there is no perception that victims of human trafficking in Northern Ireland are afforded less protection than in other neighbouring jurisdictions. For that reason, I asked my officials to work towards legislating for these measures. Naturally, that work has paused pending the outcome of this Bill. This is another area for discussion with the proposer of the Bill and the Committee.

I share Lord Morrow's concern that those who traffic human beings should be subject to the full force of the law. To this end, training has been identified as a priority by the Organised Crime Task Force. Although I recognise that responsibility for training rests with individual law enforcement agencies, through the Organised Crime Task Force, my Department has been conducting a training needs analysis. That will mean that effective training of the front line professionals who are responsible for investigating, prosecuting or who may come into contact with victims can be taken forward in a coordinated way and that, where there are gaps, those are identified and filled. Last year, I also opened a joint training event for police and social workers, which showed the benefits of that working together.

Members will also recall that, through the Criminal Justice Act 2013, which received Royal Assent in April of this year, we have also created new human trafficking offences. To deal with trafficking in the UK and by British citizens elsewhere, I have ensured that human trafficking offences are now triable only in the Crown Court, rather than the Magistrates' Court, and that they will attract a maximum sentence of 14 years. I believe that that shows the seriousness with which the Department treats this offence. It also means that, if the Director of Public Prosecutions (DPP) believes that the sentence for any trafficking offence is too lenient, he will be able to refer it to the Court of Appeal.

I recognise that there is more to be done and that we cannot afford to be complacent, but I wholeheartedly refute the charge that my Department has adopted a minimalist approach to this issue and to implementing the EU directive on preventing and combating trafficking in human beings and protecting its victims. That simply is not the case, and the evidence does not support any such claim.

The offences that we created in the Criminal Justice Act 2013 already go further than legislation in England and Wales in implementing the discretionary extra-jurisdictional elements that are set out in article 10 of the directive. Similarly, the support that is provided to potential adult victims by my Department during the 45-day recovery and reflection period goes much further than the minimum 30-day period required under the directive, and may be extended, as required, on a case-by-case basis. As I indicated, I had already signalled my intention to bring forward secondary legislation to put that support onto a statutory footing, which, again, goes beyond the requirements of the directive. As such, I

challenge the grounds on which Lord Morrow and others criticised my Department's approach as being a minimalist one.

Indeed, it became rather boring yesterday to hear the constant repetition from the DUP prepared scripts of allegations of a minimalist approach when that is simply not the case. In fairness to Lord Morrow, he had an analysis, one which I do not entirely agree with, and was prepared to acknowledge good work by the Department of Justice. Too many others in the DUP and the UUP just revealed their ignorance.

I made it clear that I am wholly supportive of the motivation and sentiment behind the Bill. However, on a number of occasions, I also argued that many of the provisions of the Bill are covered under existing legislative or administrative provision. That remains my assessment. However, as I acknowledged, the debate surrounding the introduction of the Bill has undoubtedly added to the significant public interest. That is a positive outcome in that it has helped to raise awareness of this issue, to remind people across Northern Ireland to be vigilant and to equip them with the knowledge that they need to recognise and respond to signs of trafficking when they see them.

4.15 pm

Whilst I have some concerns, which I have expressed, about the appropriateness of bringing forward legislation that simply replicates arrangements that are already working well, I recognise that there may also be some advantages, not least in focusing people's awareness of the issues and in sending a strong signal to perpetrators that human trafficking will not be tolerated in Northern Ireland. Proposed legislation in England and Wales will also largely consolidate existing legislation. On that point, let me return to clause 2. I shall spare the blushes of the Member who claimed yesterday — the Member is not in his place — that this clause will mean that the consent of a victim is no longer relevant. That is simply wrong. Consent is not relevant under the current law, and clause 2 is one of those consolidation measures.

Nonetheless, I do have concerns about some of the provisions set out in the Bill and their impact. I have articulated those in detail on a number of occasions, and I am aware that there will be opportunities to explore those in depth at Committee Stage and Consideration Stage. However, I believe that it is my duty to draw the Assembly's attention to a number of those concerns now.

The Bill makes it very clear that one of the central tenets of Lord Morrow's strategy to counter trafficking is the proposal to make it a criminal offence to purchase sexual services from any person, not just from a prostitute subjected to force, as is already the case. The reasons for the proposal were lucidly and carefully explained by the Bill's proposer. He advocated an economic model to underpin his conclusions that criminalisation of the buyer of sex will lead to a reduction in demand for paid sex, and that the fall will force the traffickers to look elsewhere for a destination for their illegal activities.

At this point, I want to make one thing perfectly clear. I have said on numerous occasions, and I meant it, that I will consider the merits of any proposal to halt the crime of human trafficking. I do not need to repeat again my determination to take all possible steps to stop this practice. I share that desire equally with Lord Morrow, and with many other key players from the statutory and voluntary sectors. The only thing that separates us, at this juncture, is the method that we believe will make the most difference.

I have indeed looked carefully at what clause 6 proposes. However, in my judgment, at this stage, there is insufficient evidence to show that criminalising the purchase of sexual services is the best way to proceed in order to reach the shared objective of reducing the numbers trafficked into forced prostitution. At this point, I am concerned about the possibility of unwelcome implications: for example, an increase in problems for vulnerable women involved in prostitution; possible costs in justice terms to the flow of information to the police on trafficked victims; inability to enforce; an increase in crime; and a threat to the safety of those in prostitution.

Let me say again that I am determined to take all necessary action to tackle traffickers. For example, I have already announced that I will bring forward legislation to increase from six months to three years —

Mr Wells: Will the Member give way?

Mr Ford: — the statutory time limit for bringing prosecutions for the offence of buying sex from a prostitute subjected to force.

I will give way.

Mr Wells: The one thing that I hope he cannot accuse me of doing yesterday was speaking from a prepared script. Unfortunately, that is,

perhaps, one of my failings. I find it very difficult to speak from a prepared script.

He will note that, during my contribution and those of Lord Morrow, Mr Givan and many others, we referred to the experience of Sweden where there is very clear evidence that making it illegal to purchase sex has resulted in a halving of the number of men doing that in Sweden, making Sweden a very cold house for prostitution and trafficking. Based on that experience, other legislators, such as those in Norway and Iceland, have introduced similar legislation. Those countries are liberal democracies, and you would not expect them to do that, but that has been their experience. Is he prepared to accept that he could be wrong in this? The Committee is going to examine in detail the situation in Sweden. In fact, we are going to Sweden at the invitation of Dr Ekberg to see the situation on the ground. Is he prepared to look at that and review the information from the police authorities and his counterpart in Sweden, and will he be prepared to change his mind?

Mr Ford: I am not sure how many of the points in that speech to respond to. On the key issue, I am making it clear that I do not believe that we have the evidence at this stage. As ever, I approach matters with an open mind and am prepared to consider the evidence. I believe in evidence-based policy making, and I look to see the evidence, and the evidence is not entirely clear in my mind at this stage. Therefore, at this stage, I am not prepared to support a proposal that might not work and that might take risks with the lives and well-being of other vulnerable individuals. None of us knows for sure whether that would happen. However, there is a wide range of opinion and I cannot rule out the concerns of those who think that it may. Nor can I ignore what many of the key stakeholders across the statutory and voluntary sectors are saying. As Justice Minister, I have an obligation to listen to Mr Wells and others, and to consider what all the relevant agencies say to me. The police are not persuaded that this measure will help them to confront traffickers. The prosecution service sees difficulties in successfully evidencing cases. Many of the key voluntary groups also have reservations, which were spelled out to me in meetings over the summer. As Justice Minister, I cannot ignore those voices either.

Mr McCallister: I am grateful to the Minister for giving way. The only advantage of the Bill that the Minister has highlighted so far is that it raises public awareness. Is that enough to let the Bill proceed?

Mr Ford: Raising public awareness and consolidating legislation is seen as beneficial in at least one other jurisdiction in the UK, so it is an issue that has to be taken account of. If we were to do a clause-by-clause analysis, the Member may find that, although I have significant reservations about a number of clauses, I have no reservations that could not be dealt with by a Committee Stage amendment to a majority of them. Of course, one and a half clauses are the responsibility of the Minister of Health, Social Services and Public Safety.

A look at the evidence base presented by Lord Morrow, and just enunciated by Mr Wells, shows that the proposal relies solely on evidence garnered from Sweden. However, there is a danger that the proponents of the Bill are mixing up two distinct and wholly different required outcomes: first, a reduction in human trafficking; and, secondly, the elimination of prostitution. Let us remember that Sweden introduced its laws to eliminate prostitution as a gender equality measure, not as a challenge to human trafficking.

In comments from, I think, Mr Wilson, in an exchange with one of his colleagues, the suggestion was that the current level of prostitution in Sweden, despite its claimed successes, is about the same as what is supposed to be the statistic in Ireland. That raises questions about effectiveness and that is why we need to get the proper evidence. I am wholly supportive of the aim of reducing trafficking, but I disagree at this stage on how we can achieve that.

On eliminating prostitution, there has not been proper consultation and informed debate. I can confidently say that, in the three and a half years since the devolution of justice, I can recall no issues raised with the Department by any body or elected representative, reporting public concerns with the failure of the criminal law to manage and regulate prostitution. In other words, eliminating prostitution has never been the topic of a public policy debate until now.

The plain truth is that none of us knows for sure what the consequences would be in Northern Ireland of criminalising paying for sexual services. Some have argued that they do know, because prostitution and its framework is effectively the same in all European countries and beyond. I do not accept that, nor do I think that the Assembly would want to accept legislative change without examining the basis in this jurisdiction for making that change. Is that not what devolution is supposed to be for?

My officials recently gave evidence to the Justice Committee on the Department's position on the Bill. They were asked why the Department had taken no action until now to gather information on prostitution, so let me deal with that.

I published a research paper in 2011 about factors contributing to women becoming involved in prostitution and looking at best practice as we dealt with those issues. That paper contributed to the Department's strategy to manage women offenders and those vulnerable to offending behaviour.

Much work has also been done to address the collection of data about human trafficking. There has not, however, until now, been a policy debate about the elimination of prostitution. There has not, therefore, until now, been a pressing need to obtain the data on the basis of which to take such decisions. That is why I announced my intention to commission further detailed research into prostitution in Northern Ireland. We need that research to provide a more credible evidence base on which to take decisions about the criminal law on prostitution.

We need to be able to make informed decisions on the basis of not just the extent but the nature of prostitution in Northern Ireland, and we need to collect all relevant points of view. If that takes a bit more time, surely that is time worth spending to ensure that we take the right path.

Mr B McCrea: I am grateful to the Minister for giving way. I am also grateful that he will undertake research, which is to be welcomed.

Will the research that his Department undertakes forensically examine lessons from the Swedish model? Will it be able to analyse whether there is some basis to support it?

Mr Ford: I assure the Member that we will look in the widest possible way at prostitution as it applies to Northern Ireland and at lessons from elsewhere. I offered to share the precise details of that with the Justice Committee as they are developed. I will also happily write to the Member about it at that time.

Mr Givan: I thank the Minister for giving way. First, will he answer a question on an issue that many of us struggle to understand, which is why the research was commissioned only in the summertime, around August, when the private Member's Bill had been published a year previously. Could the Minister not have started that research, if he felt that it was necessary, at

that point? Secondly, while I am on my feet, perhaps he could answer this question: does he regard prostitution as a valid form of work? Either you do and you then support the fact that those who are involved in that work have a higher mortality rate and worse health outcomes than the rest of the population, or you do not. That principle would then determine whether you support clause 6.

Mr Ford: The Member talks about the Bill having been around for over a year; my understanding is that we had only a draft, which has changed substantially over the past year. It was only when the Bill formally became a published Bill in the Assembly that we were entirely sure of the contents that would be presented to the Assembly.

As to whether prostitution is a valid career choice — I think that that was the term used — and, therefore, clause 6 depends on one's attitude to that, I do not think that that is an accurate way of representing the arguments. One could well feel that one would wish to see prostitution eliminated but not necessarily believe that this specific proposal for criminalising the purchase at this point is the best way to proceed. That is why we need proper evidence. If that evidence takes a bit more time, surely it is worth spending that time to ensure that we get the right legislation and we get Northern Ireland on the right path. Although some Members have suggested otherwise in the debate, I believe that there will be more opportunities for legislation in this Assembly mandate if that is the way in which the Assembly wishes to go.

Mr McNarry: Will the Minister give way?

Mr Ford: Yes.

Mr McNarry: I just want to take the Minister up to see how we could pursue the thought lines that he is developing on research. Is it possible that research is being sought to position, some time early in the agenda, legalising what is commonly known as prostitution? Will he want legislation included for that in the debate and research?

Mr Ford: As I said, the purpose of the research is to establish the extent and nature of prostitution in Northern Ireland; it is not to put out any proposals. It is to establish what the situation is. We can then develop proposals on whether legislation is appropriate or necessary and how we would go about it. I have this funny notion that you commission research because you want to find out what is

happening, not because you have a preconceived outcome. I know that that might be unusual for some people, but that is the way in which we try to operate in the DOJ. That is why I believe that, at this stage, clause 6 should not stand part of the Bill.

I want to discuss other significant concerns that I have about the proposals concerning trafficking issues in the Bill. Clause 8 would provide blanket immunity from prosecution for victims of human trafficking where they have been compelled to commit a criminal act. I recognise the intent behind that proposal, and I share Lord Morrow's concern that victims of human trafficking should not be unfairly penalised. The EU directive makes it clear that authorities should have discretion not to prosecute in cases in which there is evidence that a victim of human trafficking has committed an offence as a direct result of having been trafficked and coerced. I am satisfied that the arrangements in Northern Ireland under which prosecutors have the discretion not to prosecute when that is considered to be in the public interest are consistent with that requirement. In offering blanket immunity from prosecution for all victims of human trafficking, clause 8 goes well beyond the requirements of the directive. I do not believe that it is a proportionate response. It would impede the Director of Public Prosecutions' ability to discharge his statutory obligations under the Justice (Northern Ireland) Act 2002.

4.30 pm

I have concerns that the clause could disadvantage other victims of crime and have the unintended effect of creating a hierarchy of victims, whereby trafficking victims who have carried out offences are immune from prosecution, regardless of the seriousness of their crimes or of the views and needs of any victims of their crime. Consider, for example, a trafficked victim who may have risen to a position of power or trust in a crime group and, in turn, become involved in trafficking and exploiting other victims. Clearly, such cases need to be considered in light of their specific circumstances and the seriousness of the offences committed. Under existing arrangements, prosecutors are obliged to apply the test for prosecution, including whether prosecution would be in the public interest. In doing so, they are able to consider the specific circumstances of each case, including whether any mitigating factors exist.

I must say that that was all brought home to me by the play 'Diablo', written by Patricia Downey and performed by the Spanner in the Works

Theatre Company, and its five characters. The play was a very powerful statement when my wife and I saw it at the Lyric Theatre; it was even more powerful when we saw it performed in a terraced house in Rathgar Street off the Lisburn Road, possibly because I lived just down Rathgar Street as a student. Of the five characters, one was clearly 100% guilty, as he was, effectively, the mafia godfather; two — a woman who was there in domestic servitude and whose kidney had been forcibly removed and a girl who was brought in and subjected to rape and sexual exploitation — were clearly victims; but the other two characters were Belfast people who had started off as victims but had become complicit in the work of the gang. It is a test to be applied in each individual case: the balance between their victimhood and their responsibility for other crimes. That is why I do not accept that there should be blanket immunity. Clause 8 goes too far and would remove the scope that prosecutors need to exercise discretion in the public interest. That is the kind of issue that, I think, needs to be teased out at Committee Stage.

I am also concerned that clause 4 and the statutory aggravating factors provided for in clause 3 could fetter the discretion of judges, who, I believe, are best placed to consider the broad scope of circumstances in a specific case. That is particularly important when a difficult or unprecedented case comes along. Sentencing guidance, which is already in place for cases of trafficking for sexual exploitation, provides a more appropriate vehicle than primary legislation to respond flexibly to case law as it emerges.

Even though clause 4 provides a not-quite-mandatory minimum, I remain concerned that it appears to fetter the discretion of judges. It also appears from comments passed yesterday that some Members do not recognise the significance of the work being led by the Lord Chief Justice on sentencing guidelines or the significance of the judgement given by the former Recorder of Belfast in the case of *Pis*. The Lord Chief Justice has also indicated that guidance will be given by a senior judge on other types of trafficking such as labour exploitation. Such guidance can be refined and strengthened in a way that is simply not possible for primary legislation. In particular, I consider it unacceptable that the clause would apply equally to children and adults. I trust that Members will agree that the extension of a compulsory minimum sentence to children is inappropriate and runs counter to the "best interests of the child" principle set out in article 3 of the UN Convention on the Rights of the

Child, which commits us to using custody for children only as a last resort and for the shortest possible time. Children should not be subject to the same sentencing regime as adults, and the current sentencing framework for children offers sufficient options for the judiciary.

I also want to touch on the proposal for a Northern Ireland rapporteur in clause 16. I fully recognise the need for accountability and welcome the role of the many mechanisms already in place to achieve it, such as the interdepartmental ministerial group (IDMG), GRETA, CJINI and, of course, informally, through the Department's engagement group. The Assembly will need to give careful consideration to whether the proposal for a Northern Ireland rapporteur, as set out in clause 16, is the best way to enhance the existing arrangements. I have particular concerns that, under the clause, the rapporteur might not be aligned to the national rapporteur structure, and I am not yet convinced that it would add value to the existing arrangements.

The EU directive places an obligation that there shall be a national rapporteur. The functions of the national rapporteur are currently performed by the interdepartmental ministerial group, on which I sit. I believe that I can legitimately claim to be the only Minister who has attended every meeting of the IDMG. It is a body that, by bringing together a number of Whitehall Departments with the three devolved Administrations, should be able to recognise what is happening across the UK. Members will recall that, when the ministerial body was being established, I consistently argued in favour of an independent element to fulfil the rapporteur function. Unfortunately, yesterday, despite the fact that I corrected him, one Member continued to read a prepared script saying that that was not my position.

Most recently, at its last meeting, the IDMG was extended to include independent NGO representation. That is a positive step forward, but I also note with interest the Home Secretary's announcement that, as part of the forthcoming modern slavery Bill and subject to consultation, she intends to establish a UK-wide anti-slavery commissioner who would also act as the national rapporteur. It is probably a point of agreement between Lord Morrow and me that referring to a commissioner who may act as a rapporteur is something of a fig leaf to cover the embarrassment in the Home Office that it originally refused an independent rapporteur.

Mr Wells: Will the Member give way?

Mr Ford: I will give way.

Mr Wells: The Member has been, quite rightly, critical of those who read from a prepared speech in yesterday's debate. Is he, by any chance, reading from a prepared speech this afternoon?

Mr Ford: I am indeed, as is customary in ministerial responses. If the Member wants to see the version of it that consisted of mostly illegible scribbles that I made yesterday, he is welcome to it. It is possibly the key advantage of having had a night's break that I was able to tidy up my remarks a little bit. I suspect that the difference between myself and the Member whom I referred to is that, if I had got something wrong in the prepared speech, I would have had the ability to change what I was saying; unfortunately, yesterday afternoon, even after I corrected a Member about my commitment to an independent national rapporteur, he continued to read a script criticising me for opposing it. That is the problem with prepared speeches. However, I should have acknowledged earlier that that is at least one fault that I will never accuse Jim Wells of. Sometimes, as he said himself, he has difficulty with a prepared script, but he never has problems when he is holding forth without one.

The proposal for an independent national rapporteur has many advantages, not least because a national rapporteur will be able to look across the range of relevant agencies and not just the devolved ones. However, the arguments for a commissioner or rapporteur need to be considered properly in the Assembly when the Home Secretary's plans become clearer. My officials will continue to liaise with the Home Office on that matter, and, as the Home Office develops its thinking, I am happy to discuss with Lord Morrow or the Justice Committee how to align the good work in Northern Ireland with wider UK proposals.

As I have made clear, I welcome the focus on human trafficking in Northern Ireland, and the Bill has added to that focus. However, my significant concerns about the potential negative impact of some aspects of the Bill remain. It is my responsibility as Minister of Justice to highlight those concerns to ensure that Members are able to make informed decisions in the best interests of this society. I have outlined some of those key concerns today, and there are other points that, I believe, will require detailed scrutiny, including wider engagement with other stakeholders, when the Bill goes before the Justice Committee. I have listened as others have spoken of the need for

the Committee to examine the details of the Bill closely, and I welcome that commitment.

A few days ago, I had a constructive and positive meeting with Lord Morrow. We agreed on the need to fight the dreadful crime of human trafficking. We agreed on some aspects of the Bill and disagreed to various degrees on other aspects. However, with a commitment on all sides to get the best possible legislation for Northern Ireland to fight the crime of human trafficking and conscious of the need to mitigate the risk of any negative repercussions, I am content for the Bill to go forward to Committee Stage.

Lord Morrow: I am sure that most Members will recall my closing remark at the start of the debate yesterday that we are in for a very interesting debate. We may have failed on other things, but we did not fail in that category: it has been a very interesting debate. I recognise where the Minister is on the issue. He is not where I am, or maybe I am not where he is. Maybe one day he will be where I am, but I suspect that the day will never come when I will be where he is. However, we will wait to see what happens as we go through the debate.

I am pleased to have the opportunity to close on the debate, and I want to make it clear from the start that I make no apology for saying that I speak from a prepared script. It seems that that will now be criminalised in the Assembly. You cannot go home and prepare and come in with a prepared script. That is wrong. That is the domain of a Minister who has oceans of resource behind him. The whole Department is flung at the individual Member, but the Minister can come in with a prepared script and get on with it. I was a Minister at one time, too. I valued the fact that I had plenty of resources behind me when I was in Social Development, and very good resources they were too. Officials did not leave you offside very often. They send their Ministers in well prepared, and they have their team in the Box to consult. If someone asks an awkward question, they will soon slip in a very dignified answer. That is how the system works. However, when it comes to the individual MLA, he or she is totally exposed. They stand alone, and they have no resources in the Box that they can turn to. That is something that the Assembly may want to look at in due time, and I am sure that I will get support for that from some quarters.

Let us deal now with the issues that are before us today. I thank all those who spoke yesterday, whether they spoke well or ill, whether they spoke in favour of what I was

saying or were totally and diametrically opposed to it. Nevertheless, I listened diligently to what was said, particularly to those who were contrary to me. I am pleased that all the major parties — I was going to say "with one exception", but it is not a major party — said that the Bill merited being returned to the Committee for further scrutiny. Some said that there was no merit in it whatsoever. They said that they were total democrats and said, "Kick it out, throw it in the bin and do not let it go any further". That is democracy. We will come to that particular individual a little later and identify who he is. I do not think that anybody is in any doubt about who I am speaking about, because I see that his face is already red and he is in no doubt about whom I am speaking.

I will consider some arguments that Members raised yesterday. I will go through them clause by clause before making a few further comments on specific speeches. I will do that simply because it would be impossible to attribute what every individual said, bearing in mind that I do not have the resources of the Department and have to make the best of it from the notes that I have made in my little black book.

First, I will address clause 2. It was argued that existing legislation makes no specific reference to victim consent and thus consent is already irrelevant when it comes to human trafficking and slavery offences under existing international legislation, regardless of any specific circumstances. The Minister's argument is not quite clear. It does not follow that, since there is no reference to consent, it is already considered irrelevant. That was not the view taken in the 2013 Anti-Trafficking Monitoring Group (ATMG) report. It states:

"The UK has restricted its interpretation of the international trafficking definition by requiring only the establishment of the "act" and "purpose", excluding the need for ascertaining the means element which operates to explicitly negate the supposed consent of the trafficked person to their exploitation ... However, it is common for both the prosecution and defence to draw on the trafficked person's consent to their trafficking in such trials to substantiate their case."

The ATMG also quotes the GRETA report, saying:

"the British authorities have stated that all the means under the Convention are inherent in trafficking without being articulated in the legislation. By establishing

how a trafficker exploits the vulnerability of a victim through force, threats or deception, this would also cover fraud, abuse of power, coercion or abduction, all of which are means acknowledged in case precedent.' Unfortunately, as the concepts of deception or other forms of coercion do not appear in this offence's equation, this may result in the misunderstanding of trafficking as a crime by CJS actors and a lay jury."

Clause 2 answers those criticisms by clearly establishing those missing factors in our law, thereby ensuring that there can be no doubt that consent produced by coercion or deception is irrelevant to whether a crime of trafficking or slavery has taken place.

4.45 pm

It was argued that clause 3 is wrong because it is not consistent with judicial discretion. First, there is a precedent for placing aggravating factors in legislation, and that is found in section 4 of the Misuse of Drugs Act 1971. We already do it.

Secondly, what is not acceptable is fettering judicial discretion after you define the law, not defining the law in the first place. Then it was argued that guidance on aggravating factors already exists, making the clause unnecessary. I disagree on two counts with those who argued that. First, it is important to note that current sentencing guidelines apply only for trafficking for sexual exploitation, not for trafficking for forced labour or for the slavery offence in the Coroners and Justice Act 2009. Consequently, further action is required, and I believe that my Bill provides that.

Secondly, if you read the factors led down by Judge Burgess in *R v Matyas Pis*, you will find that the factors referred to in the judgement at paragraph 25 are mainly different from those listed in clause 3. The only overlapping factor is number 9 in the list, which relates to threats against the victim or members of the victim's family. Consequently, what is proposed here differs from the guidance and is seeking to achieve a different goal. Moreover, guidance is not binding, and therefore it will not necessarily be applied consistently. That results in a lack of clarity and transparency about the offence and the sentences that it attracts. GRETA has argued strongly that consistency and transparency are vital for victims and has called on us to make our offences clearer for them. We cannot deliver that clarity through guidance, but we can through the Bill and clause 3.

On clause 4, it was effectively argued that mandatory minimum sentence clauses are unpopular with judges and not in accordance with our legal traditions, and, as such, are an unnecessary step. I do not deny that a statutory minimum sentence is unusual in Northern Ireland law. However, it does exist. For example, article 70 of the Firearms (Northern Ireland) Order 2004 has a minimum sentence for the unauthorised possession of certain prohibited weapons and the purchase, possession or acquisition of a handgun.

To my mind, the crimes involved in human trafficking and slavery are suitable for a minimum sentence to be laid down in law. Clause 4 will send a strong signal that our society deems those crimes to be serious offences. It is also worth noting that in exceptional circumstances a judge can set a lower sentence. Although I struggle to think of a case in which a sentence lower than two years would be appropriate for those who commit such heinous crimes, the clause provides flexibility to enable such exceptional cases to be dealt with appropriately. Having a minimum sentence sends a very strong message about the unacceptability of trafficking, concentrating the minds of anyone tempted to get involved in that heinous crime.

On clause 5, some have argued that forced begging is already an offence. I know that, technically, the current law has been interpreted as covering forced begging, but nowhere is that expressly stated in statute. My objective is to make that fact absolutely transparent in legislation.

I want to respond to a number of comments made about clause 6. Yesterday, the clause got a fair airing in this House, and there was much concentration on it, just as there has been much concentration on it in the media. That is regrettable, but that is how things are. I want to state, as I did yesterday, that my Bill is not a single clause Bill; rather, it has 19 clauses. Regrettably, however, there has been a lot of concentration around clause 6.

Some who commented yesterday said that the Bill unhelpfully conflates prostitution and human trafficking. They said that they are not the same thing and that they need to be dealt with in different ways. It is important to say that that view is rejected by many groups and individuals from a broad cross section of our society. The figures that we heard yesterday for those who have been rescued from trafficking illustrate that the vast majority of victims who have been rescued were victims of sexual exploitation. Those are irrefutable facts. Given that, on the

basis of the numbers of victims rescued, demand for paid sex is the principle driver for trafficking to Northern Ireland. The production of a Bill to address trafficking in Northern Ireland would be seriously lacking without a means to address demand for the principal driver for trafficking.

Furthermore, it is said that clause 6 will push human trafficking underground and produce a more dangerous environment for those working in the sex industry. That argument is commonly made by opponents of clause 6. Although I understand where they are coming from, I do not accept that to be the case. The evidence from Sweden indicates that prostitution has not — I emphasise "has not" — gone underground. Kajsa Wahlberg, the Swedish national rapporteur on human trafficking and detective inspector of the national police board, speaking at the European conference on human trafficking in December 2009, said:

"In Sweden there is relatively little prostitution. The perception that this is because prostitution has gone underground is not true. Prostitution cannot go underground because the buyers need to be able to find the women. Prior to the law prohibiting the purchase of sexual services the pimps could easily send the women out looking for buyers. Nowadays they have to advertise and make arrangements which means that the risk of getting caught increases."

Those who were at the Justice Committee two weeks ago and heard Gunilla Ekberg speak on the subject will have seen that argument thoroughly trashed and demolished.

Thirdly, it was highlighted that most people in prostitution have not been trafficked. That statement is true; I do not contest it, but I make two points. First, the national referral mechanism figures make it absolutely clear that the single biggest driver for trafficking to Northern Ireland is the demand for paid sex. Although many people in prostitution have not been trafficked, most people trafficked to Northern Ireland are trafficked for sexual exploitation. I hope that I have made my position very clear on that, because there have been deliberate attempts to misrepresent me, to take me to a position that I never was at and to attribute comments to me that I have never made.

Secondly, my Bill is not just a human trafficking Bill; it is a human trafficking and exploitation Bill. The fact that clause 6 deals with people who may not have been trafficked is no more of

a problem than the fact that other parts of the Bill address slavery offences where there is no element of trafficking. In both regards, the clauses are phrased in that way on purpose.

Some say that they do not think that prostitution is exploitative. I encourage them to look at the statistics. I do not doubt that some people say that they are in prostitution of their own free will. However, the evidence demonstrates that they are a very privileged minority. We have a choice of whether to frame our law out of regard for the vulnerable majority or the privileged minority. I am here for the former. I will not be moving from that position, irrespective of what the Assembly does with this Bill. That is the Assembly's choice, and it will then give an account to the electorate at another time.

Fourthly, we heard from a number of quarters that we need more local research into prostitution after which we can proceed further. We have heard that again during today. I want to make it clear that I have absolutely no problem whatsoever with research being conducted into the nature of prostitution in Northern Ireland. However, it must be recognised that literally hundreds of studies have been conducted into the area of prostitution in the United Kingdom, the Republic of Ireland and across Europe. A mountain of studies has been done and is sitting on the shelves waiting to be looked at. To my mind, the results of such local research will not differ hugely from what has been found in the Republic of Ireland and in the UK. There is not something in the Irish Sea that suddenly makes prostitution hugely different in Northern Ireland from the rest of the United Kingdom.

The decision by the Minister to announce two weeks before this debate that his Department will conduct research was an obvious attempt by the Department of Justice to send clause 6 into the long grass. It is something that you would expect to find in 'Yes, Minister'. The Minister knew over a year ago that I was introducing this Bill. Why did he not order research at that time or even after I brought the Bill to the House for its First Reading? It is also worth noting that who the Department decides to choose to conduct this research will have a huge bearing on the results. As Gunilla Ekberg noted at the Committee for Justice two weeks ago, if the researcher conducting the research believes that prostitution is a valid form of work, they will come to a vastly different conclusion than they would if they believed that prostitution is inherently exploitative. I hope that the Department is cognisant of this reality when it brings this research forward.

Fifthly, some Members made the point that this Bill does not do enough to help people to leave prostitution. This is an area that I hope will be considered in Committee. To my mind, it is important that men and women who are working in prostitution, often due to circumstances beyond their control, are given adequate support to leave. I will, of course, listen carefully to any suggestions that Members may have. When I met Rachel Moran, who spent some years in prostitution, she made that point very clearly. She said that it is important that an exit strategy is provided. She made that point well, and I listened intently to what she had to say, and I have it noted.

Mr Wells: Will the Member give way?

Lord Morrow: Who is speaking?

Mr Wells: Will the Member give way?

Lord Morrow: I had inwardly decided not to give way to anyone, but, maybe, Jim, I will give way to you just for a moment.

Mr Wells: Thank you very much. I congratulate the Member on his birthday today. I will not give away which birthday it is, but I am sure that he will make very good use of his bus pass from today onwards.

Will the Member agree that he will listen to the Committee's view on this? I raised the issue that that is perhaps one of the parts of his Bill on which I felt further consideration is required. Will he listen to suggestions from the Committee about how he can provide an exit strategy for women who often have no other option in life, who have had a dreadful hand in life, who maybe have been abused as children and been brought up in poverty and deprivation? If we can offer these women an opportunity to retrain for residential care and support or something else, that would be attractive to them. We would help them to get out of this awful trade.

5.00 pm

Lord Morrow: I thank the Member in part for what he has said, but he reminded me about bus passes, and if I had known he was going to say that, I would not have given way. *[Laughter.]* However, I note the point that he has made, and I think it is very relevant. I am certain that, when the Bill goes to the Committee, that is one area that its members will concentrate their minds on. I thank him for the point that he makes.

Sixthly, the point was made that the contention that the current law on buying sex from someone who is coerced is not working is based on a failure to understand that the current offence of paying for sex with someone subject to force is a strict liability offence. Let me make it absolutely clear that I completely understand that it is a strict liability offence. However, that fact does not address the central problem, which pertains to making the offence work. That problem specifically relates to proving that the person who was purchased was coerced, not what the buyer knew or did not know, which is entirely irrelevant, because it is a strict liability offence. The current law clearly does not work, because proving that the bought person was coerced is very difficult.

Mr Ford: Will the Member give way?

Lord Morrow: OK, but this is the last person I am giving way to. OK, Minister.

Mr Ford: I am grateful to the Member. On a simple point, I think it is perhaps the case that the principal difficulty at the moment is not proving the coercion but proving the coercion within the current six-month time limit.

Lord Morrow: I note the point that the Minister has made, and I suspect that it is true.

Seventhly, it was suggested that increasing the time bar to three years will make the current article 64A offence effective. Although raising the time bar would be good, I do not believe that it would deliver the solution that we need. It will still remain a caveated offence, as in Finland, and the evidence is clear that such offences — ie, making it an offence to buy sex from someone who has been exploited — while sounding attractive, do not work in practice.

If we want to challenge trafficking, we will not do so through caveated offences. Proving coercion is very difficult, and the number of prosecutions in Finland is limited. Here in Northern Ireland, as has been detailed at length, they are non-existent. No phone calls have been intercepted between traffickers saying, "Do not bother sending women to Finland, because it is illegal to buy sex from trafficked people". Traffickers continue to send women to Finland in large numbers. However, in Sweden, where they have simply made paying for sex an offence, they have a workable offence, with approximately 3,000 convictions. In that context, phone calls between traffickers have been intercepted in which they say, "Do not bother sending women to Sweden; there is no point. The legal environment is too hostile".

Whatever way you look at the current law, it does not work. I am proposing a solution, which I hope the Assembly will, in time, embrace.

It was argued that clause 7 is unworkable because the Department of Justice does not have direct responsibility for many of the organisations that provide training. It is also unprecedented in legislation. The clause gives the Minister wide options as to how to deliver on the training requirements set out in the clause. He could decide to use regulations to set out a curriculum, minimum standards and what investigative tools should be used, in a similar way to the power to make regulations on training for police forces in England and Wales in section 97 of Criminal Justice and Police Act 2001. I hope that the Department will be imaginative on what is needed to meet article 18(3) of the European directive, which states:

"Member States shall promote regular training for officials likely to come into contact with victims or potential victims of trafficking in human beings, including front-line police officers, aimed at enabling them to identify and deal with victims and potential victims of trafficking in human beings."

Article 9(3) states:

"Member States shall take the necessary measures to ensure that persons, units or services responsible for investigating or prosecuting the offences referred to in Articles 2 and 3 are trained accordingly."

I am open to considering relevant amendments at a later stage.

With regard to clause 8, some Members stated that the PSNI does not provide blanket immunity from prosecution for any victims and that all cases must be considered on their merits. Consequently, some suggested that the clause is inappropriate. However, I am advised by counsel that there is a key distinction between providing victims of trafficking with immunity from prosecution; and providing victims of trafficking with immunity for crimes committed under the duress of their traffickers. Let me be quite clear that clause 8 is about addressing the latter, not the former. In the Anti-Trafficking Monitoring Group report 2013 it is argued that:

"It remains the case in the UK that trafficked children are prosecuted for crimes they are forced to commit while being exploited and

under the control of their traffickers, while their traffickers go unpunished."

Consequently, an issue remains to be addressed. Moreover, to those who say that this is not policy, I say that the whole point of clause 8 is that we can make it policy if we change the law, which is what I propose we do.

Some argued that clause 11 is unnecessary because the compensation procedure is already clear. I disagree with that perspective. I am deeply concerned by the barriers that remain to compensation for victims. In Northern Ireland, only two victims have successfully claimed compensation, but over 90 have been identified. In 2013, the Anti-Trafficking Monitoring Group said that:

"the current compensation avenues are ineffective in securing compensation for trafficked persons and do not fulfil the spirit of the requirement for compensation in the Convention or Directive."

Clearly, we have a real problem here, and I believe that clause 11 will help to rectify it.

It was suggested that clause 15 is unnecessary because we already have an action plan and that, if it were placed in statute, we risk it becoming redundant at a later stage. I will make two points regarding that. First, the action plan that the Minister has introduced, although a good thing, does not cover what the clause covers. The clause requires the Department to publish an action plan that considers human trafficking as well as forced labour without trafficking. The Department's plan considers only human trafficking. Secondly, I am concerned that, although the current Minister may intend to continue to publish an annual action plan, a potential successor may not share his views. Consequently, I am minded to put this in statute. Although we might trust the present Minister to do it, we may not trust the next one. Who knows?

Some suggested that clause 16 is unnecessary because of the UK Government's announcement of the establishment of a modern slavery commissioner. I am delighted that the British Government have begun to see the light on this issue. It may well be the case that it would be a distinct advantage to have a national rapporteur, which is, effectively, what the modern slavery commissioner would be, for the whole UK. However, I listened with great interest to what Alban Maginness said about the virtues of a Northern Ireland-specific

rapporteur. I look forward to discussing that matter further with him in the future.

In any event, the British Government have not published any legislation or announced when such a commissioner would be introduced. Neither have they confirmed that the commissioner's remit would cover the whole of the United Kingdom. Consequently, I believe that we need to maintain the clause until more information is available. To my mind, it is crucial, as a Member who spoke previously noted, that the relevant agencies that operate in Northern Ireland can be scrutinised by an independent body to ensure that they remain effective.

Before I finish, I want to consider two speeches that were made yesterday. One of those speeches was made by Basil McCrea. If ever there was a guy who is all over the place, it is him. I would not like to have him playing at centre half in any team of mine. He would roam all over the place and leave the defence wide open. You would be down five or six goals within the first 10 or 15 minutes, and you would have lost the game. I would respond to all his points, but it would take me all night, and I know that the House has had a tough couple of days. However, I do want to say one or two things.

Mr McCrea spent a great deal of time looking at the cases of R v Matyas Pis and R v Rong Chen. The key point is that, despite the large number of people trafficked, there have been only two cases. Mr McCrea got very excited about the judgements in those two cases, suggesting that they should restrain us in some way. However, the point about those judgements is that they were interpreting, and not making, the law. We are considering changing the law, which is our prerogative.

Mr McCrea went on to suggest that, because there have been two convictions in respect of one offence in the R v Matyas Pis and R v Rong Chen cases, another statute, that pertaining to paying for sex, is working, even though it has secured no convictions at all. How does any Member conclude that something is working when it does not get any convictions? A senior retired police officer said to me one time, "If you are getting so low a conviction rate or no convictions, it is legal." Convictions are not happening. I ask Basil McCrea to stop and think about what he said yesterday. He might just come to a different conclusion. He is comparing apples with pears, and apples and pears are not the same.

Mr McCrea is right to say that there is academic literature for and against criminalising

prostitution. I never disputed that fact; I accept that that literature is out there. The conclusions reached in the literature depend to a large degree on how researchers view prostitution and, as we talked about earlier, whether they see it as sexual exploitation or a valid job. Gunilla Ekberg made the point powerfully at the Committee the week before last — someone else made it here yesterday — that not many school curriculums have prostitution as a career. I am not aware of any. If someone can point one out to me, I will give way to them.

Mr McCrea suggested that Westminster got it right on paying for sex. The whole point is that Westminster did not get it right; it just did not. The offence is unworkable because proving coercion is so difficult. I am proposing legislation that is framed in response to the bad experience in Westminster; it is not good experience but bad experience. We are learning from their lessons.

Mr McCrea says that the judiciary is against the Bill. The judiciary has not said anything, and, if it has, it has not said it to me. I have not heard that from the judiciary, but he tells us that it said that. The judiciary has commented only on interpreting the law as it stands, Mr McCrea. It is misinformation to say that the judiciary oppose the Bill. The Minister spoke today about instances when he feels that he has been misquoted. I am trying not to do that. Mr McCrea, maybe you would have the grace to do the same thing and stop misquoting. I listened to you on a television programme last night, and, quite frankly, I did not know where you were coming from. I do not know where you got the information that you pumped out.

5.15 pm

As I mentioned earlier, our law does contain minimum sentences. The 2004 firearms legislation is already in place, yet the independence of the judiciary is fully intact — the legislation does not interfere with it. Mr McCrea said that I had not consulted women in prostitution, and yet at least three victims were here yesterday speaking in favour of clause 6. If you look at the list of respondents —

Mr B McCrea: Will the Member give way?

Lord Morrow: No. Hold on. You had your chance.

Mr B McCrea: So you dish it out but when it comes to —

Lord Morrow: No. Hold on a moment. You were all over the place yesterday and you accused me —

Mr B McCrea: You asked about —

Lord Morrow: No. Hold on. You accused me of many things. I never opened my mouth. You learn the habit.

Mr McCrea said that I had not consulted women in prostitution, and yet there were at least three victims here yesterday speaking in favour of clause 6, and I want him to understand that. If you look at the list of respondents to my consultation, you will find that sex worker organisations participated. It is just misinformation — something that you practise 100% — to suggest otherwise. My consultation was open to anyone to respond, even you. I did not consciously exclude anyone. Individuals who described themselves as sex workers did respond to my consultation, and I want to make that clear.

Mr McCrea was profoundly selective in his comments about the Swedish approach. Interestingly, he did not acknowledge that the major review of Swedish law in 2010 was conducted by the country's most senior judge. Mr McCrea seems to be fond of judges, but this judge found very clearly in favour of the legislation. Basil McCrea seems to be happy with Northern Ireland following behind the rest of the United Kingdom in this area of law. I thought that he was a man who was ambitious for Northern Ireland to be a world-leading nation right across our society, but obviously not. He seems perfectly happy for us to follow others. I, however, believe that we should lead the way.

I also want to respond to a few specific points made by Anna Lo. She said that displacement was a problem. Similar arguments were made against the great William Wilberforce when he fought slavery. I think that Jim Wells likened to me to a Wilberforce — what a compliment. People said that if slavery was banned, it would just carry on in other countries. Wilberforce could have given up and said that, because he could change only UK law, the trade would simply go elsewhere and, consequently, his legislation was not worth it. He did not; he led the way and the world followed.

I must also come to Anna Lo's point that my Bill would divert resources from trafficking. Indeed? Even if you accept that clause 6 has nothing to do with trafficking — obviously, I do not, for reasons that I have made plain — this is a 19-clause Bill. If, between yesterday and today, I get nothing else across, I hope that I

get that message across. This is not a single-clause Bill; it has 19 clauses. One must still recognise that the other 18 clauses would help to address trafficking, according to Ms Lo's definition, and result in new resources being made available. I understand that decisions must be made on resources, but I strongly believe that such issues can be effectively resolved.

In closing, I want to thank all Members who expressed support for my Bill. No doubt, there are things that can and will be improved as it passes through its various stages. However, I hope that Members will have heard in this debate the reason why I believe that it is so necessary. We have a real opportunity to lead the way in the United Kingdom. We can have world-leading legislation in this area, and in this small country, which will help some of the most vulnerable men, women and children who come to our Province and live within our shores. The issue that we are considering today and considered yesterday is bigger than partisan politics. I hope that Members from all sides will unite to back these measures. I am delighted that the indications seem to be very clear that the House is of an opinion that the Bill merits going to the next stage and being referred to the Committee. Thank you, Mr Principal Deputy Speaker.

Question put and agreed to.

Resolved:

That the Second Stage of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill [NIA 26/11-15] be agreed.

Common Funding Formula

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

Mr Storey: I beg to move

That this Assembly notes the current proposals by the Minister of Education to revise the common funding formula; further notes, with grave concern, the apparent disproportionate impact of the proposals on controlled schools; and calls on the Minister to establish, as a matter of urgency, a controlled schools body to properly represent the views of this sector in the consultation.

Mr Principal Deputy Speaker: Members who are leaving the Chamber should do so quietly, and those who have not taken their seats should do so quietly.

Mr Storey: Thank you, Mr Principal Deputy Speaker. I welcome the opportunity for the Assembly to debate what is a very serious issue. I am, however, very disappointed that the Minister of Education and his Department have stooped to what can only be described as a very low level of social engineering when it comes to the distribution of funding for our schools.

It would be fair to say that no other issue has generated as much anger and opposition in the education sectors at this time as this particular matter has done. It makes the blunders over computer-based assessments and levels of progression and other departmental blunders pale into insignificance. The issue of how our schools are funded has become increasingly important, especially as the budgets have come under increasing pressure from reductions that our schools already face. However, I must say that I never cease to be amazed at the way in which the Minister and his Department are able to find large amounts of money at the drop of a hat for some particular pet project from a budget that we are told is not large enough to meet the needs of the system. It is even more astounding to hear departmental officials give the Committee for Education reasons why millions of pounds have been wasted on the initiatives that I mentioned.

As the Minister said in his speech to the House on 11 June 2013 when he announced the

review, the common funding formula is the latest version of an attempt by the Department to fund schools based on the principles of objectivity, equality and transparency. He also stressed the importance of a formula that supports the Department's policies.

Members on this side of the House were generally supportive of the review, albeit with reservations. Although based on my experience over the past two mandates of listening to officials at the Education Committee trying to explain their policies and their business plans, I fear that the principles of objectivity, equality and transparency are uneasy bedfellows with many of the Department's policies.

However, from my party's perspective, the Salisbury review, when it was published, represented a missed opportunity to have a real and meaningful look at how we fund our schools. I said at that time that the Salisbury review of the funding of our schools was a missed opportunity to really tackle these funding problems, many of which were compounded by the introduction of a single formula in the first place. If implemented, the only outcome would be another review in five or seven years' time to undo the problems created by this review. I fear that that is where we could be heading.

Indeed, when Sir Bob and his team came to the Education Committee, many Committee members from a number of parties expressed concerns at the proposal. It would appear from the mailbag and from the discussions that I have had with other colleagues that there is widespread fear and concern across the system about the proposed outworking of the current proposals.

It is to that issue that I wish to turn my attention. The core of the Minister's proposals is that most money should be directed to those who are most in need. Indeed, like motherhood and apple pie, this is a concept against which it is difficult to argue. However, it is the manner in which the Minister and his Department have applied this concept that causes me most concern.

Last week in the Assembly, we debated free school meals. I do not wish to propose a rehearsing of the arguments of that debate, suffice to say that, as a party, we are committed to ensuring that those who are in need should receive appropriate support through the benefits system to help them to deal with the difficult financial and economic circumstances

that they and their families face on an ongoing basis.

5.30 pm

We are not ashamed or embarrassed to champion the cause of resources for working-class Protestant areas neglected by direct rule Ministers, the Minister currently holding the portfolio and the Department of Education, and to seek acknowledgement that there was a considerable degree of underinvestment and educational underachievement. If the Minister tries to redress that using a real and evidence-based approach, he will find support from this side of the House. However, as the Bristol report shows, the use of free school meals as a proxy measure for educational disadvantage is an unreliable mechanism, and I believe that it is not the real purpose of the current proposals.

On the proposals, one matter that even the Committee felt strongly about was the need, in any consultation, for everyone to see clearly the outworking of the proposals for schools. That has proved extremely helpful, and the analysis of the financial outworking of the primary sector is indeed illuminating, as I believe that it shows the real thrust of the proposals.

Let us look, then, at the proposals in their reality. Let Members across the House, in all constituencies, understand that 670 primary schools in Northern Ireland will lose millions of pounds as a result of the proposals. Only a small number of schools will benefit from increased funding, while the vast majority must endure a decrease. Of the five education and library boards, only the Belfast Board would see an increase. That needs to be taken seriously. It is a very serious issue for every Member. That means that 80% of schools will lose.

I will quote from the representative of the Northern Ireland Primary Principals' Action Group, who is not someone with an agenda other than a concern for Northern Ireland primary schools:

"This divisive, unfair policy will create a new form of inequality where the minority of pupils are educated in small classes with wonderful resources and plentiful support staff, whilst the majority sit in large classes with scant resources and no support staff."

This is not the policy of 'Putting Pupils First'; rather, it is a new policy of putting some pupils first.

When you look at the proposals by sector, the situation is even more worrying. Put simply, 85% of controlled primary schools will lose, while only 15% will gain. In the maintained sector, and be clear, Members, that this is not a case of this party making a sectarian attack on any sector, but these are facts that cannot be disputed: the maintained sector will lose 76% of its funding, while 24% will gain. There is a 9% difference between the two sectors. That is despite the Audit Office report identifying the controlled sector as having particular problems with educational underachievement, an issue that the House has debated on a number of occasions.

Therefore, the thrust of the proposals appears to be a movement of funding from the controlled to the maintained sector. That will impact not only on funding but on job opportunities for those who teach in the controlled sector, or indeed in any other sector, were they able to gain admittance and overcome some of the current hurdles for education employment. Were my party to bring forward proposals such as these, which have such a differential impact on one community, there would be uproar from those on the Benches opposite, calls for an equality impact assessment and accusations of sectarian politics, yet we are told that these proposals are in keeping with objectivity, equality and transparency and in support of the Department's policies.

We certainly have transparency, because the public, principals, parents and boards of governors can now see that the warm words on educational disadvantage and equality mean very little when it comes to putting them into practice.

The real thrust of the education policy is now being seen and displayed. Perhaps the Minister can therefore explain to the Assembly his rationale for not bringing forward an equality impact assessment on this formula. Do not tell us that the figures are only indicative, that they do not mean anything, and that this debate is being used as a sectarian scaremongering tactic. Minister, no one believes that that is the case.

In conclusion, the challenge —

Mr Dunne: I thank the Member for giving way. Does the Member agree that many primary schools have worked their way back from budget deficits through stringent budgeting, and are now going to be hit again up to 35% —

Mr Principal Deputy Speaker: Sorry. The Member's time is up. I call Mr Sean Rogers. Sorry, I call Pat Sheehan.

Mr Sheehan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. In the debate last week on free school meals, which was described as a warm-up event for this debate, I predicted that there would not be a knockout blow. I want to change that view. After listening to the previous Member who spoke, I do not think that there will even be a glove laid. If this debate is about anything, it is about underachievement in our education system. There are numerous reasons for that underachievement. There is the learning environment at home and whether children have books at home and whether their parents have qualifications. We could also look at poor leadership and poor teaching in schools. However, the single most important predictor of academic performance is socio-economic background. Evidence and research show that socio-economic disadvantage has a stronger impact on educational outcomes than even religion or gender. Students from disadvantaged backgrounds perform less well in transfer tests, in GCSEs, and in accessing third-level education. That is a fact. So, how do we reverse that trend? First, we definitely do not do it by sectarianising the issue as some parties will try to do here today. Members from those parties should hang their heads in shame.

It should come as no surprise that the party opposite is going to try to sectarianise this issue. We witnessed the First Minister's intemperate outburst yesterday in relation to the selling of land to republicans, as if that was some sort of crime.

Mr Storey: Will the Member give way?

Mr Sheehan: No. Not on that issue.

We know that many on the opposite Benches were cheerleaders for the sectarian thugs during the flag protests earlier this year, and, of course, we listened to the ambivalence —

Mr Storey: On a point of order, Mr Principal Deputy Speaker. Can you have the Hansard record checked to see the allegations that are being made by the Member opposite? He is making allegations, which I assume are directed towards me as an individual. Can you have the record checked to see how that stacks up with reality? I have no criminal convictions or terrorist convictions, unlike the Member.

Mr Principal Deputy Speaker: I am not certain that that was what the Member said but I think that we should check Hansard and report back.

I remind Members that they should ensure that the debate is delivered in a temperate manner, that Members who speak are allowed to be heard and that remarks are made through the Chair at all times.

Mr Sheehan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Just to finish the point that I was making about the sectarianism, we listened to the ambivalence of many of the Members opposite regarding the violence during the summer, particularly on the thuggish attack on Belfast's first citizen. Will anyone on the opposite Benches, even now, get up on their hind legs and unequivocally condemn that attack?

What we have in this motion is a subtext that says, "The Fenians are going to get the funding when it should be going to Protestant schools."

Mr Storey: Seventy-six percent are Catholic schools.

Mr Sheehan: That is not true.

Mr Storey: It is true.

Mr Sheehan: That is not true; it is a lie —

Mr Principal Deputy Speaker: Remarks should be made through the Chair.

Mr Sheehan: — that ought not to be peddled by anyone in this Chamber.

In the debate last week on free school meals, I said that funding is not directed at schools or sectors. It follows the child.

The independent review led by Bob Salisbury recommended that funding should be directed where it is most needed. Given the clear link between socio-economic disadvantage and educational underachievement, it is simple logic that should determine where funding is directed. We should always put the children first. Many of those children are from disadvantaged working-class unionist backgrounds. They will benefit from proposals to revise the common funding formula, and perhaps some of the Members opposite might like to acknowledge that fact.

Mr Storey: I thank the Member for giving way. Just so that it is clearly on the record, the 317

schools in the maintained sector will lose £2,469 million. That is 76% of schools in the maintained sector. You explain to them why your Minister is doing a raid on their bank. That is not a sectarian point; that is the truth.

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

Mr Sheehan: Go raibh maith agat. We all know that there is not a bottomless pit of money. It has to be shared out, and it has to go where it is most needed. *[Interruption.]* Why did you not mention that in your motion instead of focusing on the controlled schools? Because you wanted to make a sectarian point. Your protestations of concern for boys from working-class Protestant backgrounds ring hollow here today.

As we know, the indicator used for deprivation is free school meals. It is not by any means perfect, but it ensures that the funding goes to the individual. As I said, it does not go to sectors and it does not go to schools. I have yet to hear anyone from the opposite Benches offer any sort of plausible alternative as an indicator for deprivation.

Moving on to the issue of a sectoral body for the controlled sector, I have no difficulty in supporting that proposal. However, it is the party opposite that has held up the establishment of such a body by blocking the introduction of the Education and Skills Authority.

I am opposing the motion on the basis that it does not put children first.

Mr Principal Deputy Speaker: I call Mr Sean Rogers.

Mr Humphrey: On a point of order, Mr Principal Deputy Speaker. I would appreciate it if you would have a look, in the Hansard report, at the contribution of the previous Member who spoke. He shouted across to these Benches, "That's a lie". I do not think that that is parliamentary language, and it should not be used in the House. It is something that you need to look at as Principal Deputy Speaker.

Mr Principal Deputy Speaker: The Speaker has addressed that issue before. We take the standard of good temper and moderate language, and I think that Members should remind themselves of that, but those issues will be noted.

I call Mr Rogers.

Mr Poots: On a point of order, Mr Principal Deputy Speaker. How appropriate is it to use words like "Fenian" in the House? I would anticipate that, if I were to call Members on the other side of the House Fenian, there would be a howl of protest. I think that we need to ensure that our language is moderated and temperate, as people outside are looking in on this.

Mr Principal Deputy Speaker: I thank you for that comment, because I think that it reinforces my own. Members should remind themselves of good temper and moderate language, deal with the arguments and address their remarks through the Chair at all times.

Finally, I call Mr Sean Rogers.

Mr Rogers: I welcome the opportunity to speak on the motion. The SDLP wants to express its concerns about the proposed revision to the common funding formula. Although the motion focuses on the effects on controlled schools, it affects all sectors. In my constituency, rural schools will be negatively impacted on from Rathfriland High to St Colmcille's, Crossgar. In fact, I was hard pushed to find a primary school that was not worse off as a result of these proposals.

The impact that those changes will have on small primary schools could result in an average loss of £24,500 for each school, which, in essence, means losing a teacher.

5.45 pm

That is a significant reduction to school budgets, and it will have a direct impact on their ability to deliver the high standards of education that they want to provide for their pupils. There will be more classes of over 30 pupils. With respect to a departmental official who told us last week that being in a class of 30 did not have a negative impact on a child's ability to learn, has the Department lost contact with what actually happens in the classroom? Ask any teacher or parent. When did those officials last get into the shoes of our children or teachers?

The SDLP is calling on the Minister of Education to urgently find another mechanism to support strategically important primary and post-primary schools in the North. Last week, I visited St Mary's High School, Brollagh, a strategically important small school in County Fermanagh that is in danger of closing. If that school closes, children will have to travel for an hour or more on a bus or buses to Enniskillen.

It was Clontifleece yesterday and Brollagh today. Where next?

I am sure that the Minister was well-briefed on the hundreds of parents who attended the public meeting. The people of Brollagh have clear plans for the development of their school. The Department and CCMS must listen to the community, pause the process and allow for a local solution.

It is of the utmost importance that the basis on which the Department allocates funding is transparent, fair and reflects and supports the Department's core strategic objectives, and takes full account of the needs of children.

Mr Storey: I thank the Member for giving way. To clarify the point about need, we want to ensure that need is directed towards pupils who have need. Does the Member agree that if we use solely the blunt instrument of free school meals, we could have children in our schools who have a free meal but whose educational needs are being neglected?

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

Mr Rogers: I agree with the Member and will come to that in a few moments. The SDLP asks the Minister how he believes that funding cuts to small schools could possibly be viewed as a supportive gesture to help schools to deliver the set curriculum, or is it about speeding up the close small schools process? We have grave concerns about the reduction in funding under this formula.

The Minister has said that he was not satisfied that the current scheme adequately supported the Department's key policy objectives, particularly in relation to social need. We in the SDLP fully support the idea of tackling social deprivation but our analysis must be based on sound information. I am not convinced that the Salisbury recommendations are taking full account of the needs of all children. The report is built on shifting sand. Free school meals uptake is not an accurate measure of the level of deprivation in our communities. What about the working poor whose children cannot afford school meals?

The proposed change to the common funding formula will not accurately address social need or improve delivery of the Department of Education's key policy objectives. Rather, the proposals will result in greater disadvantage among small schools. I am only too well aware of the finite nature of the resources available for

education services. However, increased budgetary restrictions on schools will result only in more expensive problems in school maintenance and future provision.

I know that there are challenges in running a small, effective school, but it can be done with fewer than 105 children in a primary school and fewer than 500 in a secondary school. There are many good examples of that. Did Lord Salisbury visit any of those schools?

The consultation process was carried out over the school holiday period and at the most hectic time, at the beginning of a school principal's year. I also take issue with the on-line consultation for children with the title 'Putting Pupils First'. To me, that is carefully crafted to get the right results. It is manipulative. Take, for example, question 1:

"Do you think that the Minister should give extra money to schools to help children from families with less money, who may not do so well at school?"

Of course, the answer is yes, but what if that means that your school will lose out?

I declare an interest as the chair of a board of governors of a school that will get £4,500 less. That will mean £45 less per pupil in my school. You start to get a different answer if you look at all the facts. The proposed change to the common funding formula will not maximise value for money and raise education standards. Another mechanism has to be found that supports strategically important primary and post-primary schools.

Mr Kinahan: I, too, welcome the debate. I am sad that I have only five minutes, because there is so much to say. However, I am very pleased that the Chair of the Committee has taken up the UUP points on rural and small schools in expanding the motion. I also welcome the chance to speak because I was quite appalled by the attitude that was shown by the consultation being issued in July, just after the schools had gone on their summer break. There was no chance for people to really think about it, look at the detail and work on it until they came back in September. At times, it seems as though the Department really does not care about its schools, teachers or pupils.

The Ulster Unionist Party supports the motion and agrees wholeheartedly with its expression of grave concern over the disproportionate impact that the common funding formula is likely to have on controlled schools. However, we are equally concerned that we seem to be

turning the fight into a sectarian battle, a class battle, and even an urban versus rural battle, because we now see division in almost every area between sectors, teachers and parents, just as we see happening over flags and parades. Of course we need a sectoral body for controlled schools. We need it now. However, we also need a recognised voluntary sector body and a similar body with proper power to run schools in the integrated sector. Most importantly, we need a drive towards shared education and a system that puts all schools on an equal footing as we move towards a shared society.

I am concerned that the motion refers only to controlled schools because the common funding formula affects so many other areas. I hope that the DUP will now join with the UUP to block, once and for all, all that this Sinn Féin Minister does, especially these imbalanced cuts.

Mr Storey: I thank the Member for giving way. I want to clarify that the reason why we have focused on the controlled sector is that it has not been well served by the boards. The voluntary grammar schools have the Governing Bodies Association (GBA), and the integrated sector has the Northern Ireland Council for Integrated Education (NICIE). Therefore, every other school group has a sectoral body. The one sector that is left out every time — bottom of the pile and bottom of the pitch — is the controlled sector. I have to say that those days are over.

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

Mr Kinahan: I see where the Member is coming from, and I understand that. However, I feel that we need proper sectoral bodies and control in the other sectors so that there is an equal playing field.

I want to read a section from a headmaster's speech that was made recently. I think that it illustrates how schools feel about the Department, the Minister and all of us in deciding the future of the education system. He said:

"I sometimes say that I wish that people who sit behind desks and have big ideas would stop trying to improve things because, often, they only succeed in making things worse. What makes the difference is not this initiative or that initiative, this centralised body or that, this commissioner or that — it is good, talented, committed, well-qualified,

well-trained, well-motivated teachers doing an excellent job in the classroom, motivating, inspiring and igniting young minds. That is what improves things."

He went on to say:

"My plea is for funding to enable schools to take responsibility for themselves; to have the freedom from bureaucratic interference and centralised strait-jacketing; to find local, common-sense solutions to local problems; to get jobs done instead of spending time simply ticking boxes and complying with unnecessary and burdensome time-wasting regulations thought up by people who haven't been in school since 30 years ago or more."

That is probably not fair on many people. However, I think that Members would find that many principals, if not all, are very much in agreement with the sentiment behind that statement.

Immediately after we saw the proposed changes to the common funding formula, I contacted every single school by e-mail. The replies that I received state that the changes will mean cuts to the number of classroom assistants, special-needs teachers, reading-therapy teachers, main teachers and/or, at the same time, bigger class sizes. Is that really what the Minister wants: a mass of people losing their jobs and class sizes getting much bigger?

I will touch on another lack of logic that goes through the system. I know of two schools with the same number of pupils. One receives £573,000 and the other £806,000, yet they are similar schools with a similar number of pupils who receive free school meals. We need this to be worked out all the way through so that we know what happens with every school. We all know that we need to put funds into disadvantaged schools, and we do not disagree with the idea of targeting social need, but we must not rob one school to pay for another. We must not rob Peter to pay Paul.

As I mentioned this morning, there is the social investment fund, and whether it is £100 million — I have spoken to Minister Bell since — or £40 million, there are funds to address deprivation. We should look for funds from elsewhere as well as for savings. We should also get the Department to prove that it can be the most efficient Department instead of the worst.

Minister, my biggest concern is that we never ever —

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

Mr Kinahan: — seem to have an agreed way forward. If we had an agreed way forward and all worked together, you would not have these blockages, and we would not have these arguments.

Mr Lunn: I am sure that everybody is in the same boat as me in being lobbied heavily about the issue, almost exclusively by the concerned principals or governors of controlled primary schools. There is obviously a reason for that: they, along with a number of people from maintained primary schools, are the ones who stand to lose. Every one of them who has been in touch with me has made the point that they do not argue with the need for more resources to be targeted towards disadvantaged schools and areas. They absolutely agree with that. Their problem is that money is being taken from them. It is, if you like, the Robin Hood-type principle of taking from the rich to give to the poor. However, in this case, the rich are not actually rich, and their budgets are already under extreme pressure. Take the example of one school that has a budget of about £1.1 million but stands to lose about £30,000. That does not sound like much until you realise what it entails and that they are already stretched to the limit. So I wonder whether this is the way to go.

I want to talk briefly about free school meals as the criterion for establishing which schools are disadvantaged and which are not. I will make the same point as others: it is a blunt instrument and is not perfect. We have had the Salisbury report, a report from the University of Bristol and, I think, one from the University of Bath, and all have made the point that it is not perfect, but not one of them has come up with an alternative. In the absence of nothing better being suggested, either from inside or outside the House, it seems to me as if the only criterion to use —

I can see that you want to intervene.

Mr Storey: I thank the Member for giving way. We dance around the issue, but is it not the case that there are alternatives: intervention and teachers offering one-to-one tuition? Professor Tony Gallagher, who has been across this in relation to educational issues many times, has clearly said that there are alternatives. In dealing with underachievement,

surely the best alternative is to have teachers in our schools rather than on the dole, which is what this proposal would do.

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

Mr Lunn: Thanks.

I have a great deal of respect for Tony Gallagher, and I do not often disagree with what he says, but he has not come up with an alternative; nobody has. Somewhere down the line, there may be a better system, but we will park that for the time being.

The motion:

"notes, with grave concern, the apparent disproportionate impact of the proposals on controlled schools".

It is not a disproportionate impact. It is because of the fact that there are more deprived schools in Catholic/nationalist areas than in what you would call loyalist/Protestant areas. That is just a fact, so the percentages are bound to work out in the way that the Chairman detailed. To me, it is a question of whether you want to direct resources towards deprived areas, irrespective of which sector the school happens to belong to: in other words — to put it bluntly — working-class areas.

We have had a lot of discussion in the House over the years about the needs of working-class Protestant boys. That has been referred to today, and no doubt we will come back to it. That category really needs attention, and it will get attention if these proposals go through. That said, I am not keen on the proposals as they stand because I think that we are putting the cart before the horse.

I have a fundamental problem with all this. The education system needs a proper structure. Others may disagree, but, to me, that starts with the Education and Skills Authority, which we have delayed for far too long. That body then needs to look at the ongoing and everlasting problem of area-based planning.

We are trying to target resources at schools that may or may not be there in the future. We need to get the structure right and sort out area planning so that we can see which schools are — I will not say "left". However, there will be a reduction in the number of schools. Let us look at the problem at that point, when we know exactly what we are dealing with. We have reasonably efficient schools to deal with,

probably slightly bigger schools than we are looking at now. There is a sequence to the process that we seem to be missing.

6.00 pm

I will go back to free school meals and Michael Gove's proposal — sorry, Nick Clegg's proposal — the other day that all P1 to P3 pupils in England get a free school meal. That is to be offered to us as well, but I gather that it will not be offered in such a way that it is compulsory to use the money in that way. In fact, the Minister of Education may well have to fight a battle to extract the money from the Department of Finance and Personnel. However, if he can get that money, a better approach would surely be targeting it at the needs of disadvantaged schools rather than trying to take money out of the stretched budgets of schools that really cannot afford to give it up. Everybody around the House, let us face it, is absolutely in favour of disadvantaged schools getting more attention. It is an absolute priority.

Mr Wilson: I am glad to take part in the debate. When I look at the figures presented to us, it occurs to me that the Minister is engaging in a smash-and-grab raid on schools in east Antrim. Of its 31 primary schools, 30 will lose money, to the tune of up to £250,000 each year. That is not the result of re-prioritising resources. I understand the concept that, if you want to put more money into one area, you have to find it from somewhere else. I am not convinced that educational problems and disadvantage can be dealt with simply by throwing money at them.

Since I was first elected to Belfast City Council, we have had initiative after initiative in working-class areas of Belfast to try to raise educational standards. Money has been thrown at that since the 1970s, and we still have the same problem. So whether additional money is the answer has still to be ascertained. Indeed, the Salisbury report indicated that there needed to be a rationale and clear, conclusive evidence that money spent in that way would have that effect.

We are witnessing the effect of the Minister's financial incompetence. Let us look at the facts: Northern Ireland schools receive a lower percentage of the total education budget than schools anywhere else in the United Kingdom — some 20% less than is normally the case for aggregated schools budgets in other parts of the UK. Even the Salisbury report recognised that and said that the Minister should look again at the central initiatives undertaken by the Department with a view to saving on

administration and saving time for schools. What indication have we had from the Minister that, before he started raiding other schools, he started looking at some of the centralisation and central initiatives in his Department? There is about £90 million wrapped up in those.

Mr O'Dowd (The Minister of Education): Will the Member give way?

Mr Wilson: The Minister will have plenty of time in a minute, but I will give way.

Mr O'Dowd: The Member talks about the Salisbury report and the £90 million of initiatives that my Department funds. Where does the Member think that the £90 million ends up? It does not end up in the administration of my Department; it ends up in schools, which is where it belongs.

Mr Wilson: That was the whole point of the report. Maybe he should read the report before coming here to respond to the debate. The whole point was that those initiatives took money away through their administration.

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

Read the report. The report makes it quite clear that the Minister should look at those initiatives because money was wasted in their administration. The report states that the number of initiatives should be restricted in order to "minimise administrative costs": does that go to schools? I do not think that it does. It will also minimise:

"effort both at centre and within schools."

That effort absorbs time and resources that could have gone to children.

The second uncomfortable fact for the Minister is that, over this period, he has used money and has been given additional money that, if he needed to put extra money into schools, should have allowed him to avoid taking it from the schools that he is taking it from at present. He came to me when I was Finance Minister and pleaded poverty, and over three years, we gave him additional money. He said that he needed assurance of that money, and over those three years, he had an additional £100 million to go into the schools budget. Indeed, in June, he announced that he had money for teacher redundancy — £20 million — that he did not spend. Did he give it back as a reduced requirement? No, he absorbed it. He alone among Ministers has resisted any budgetary changes because he does not want the incompetence in his Department and the

administration of his budget to be exposed. That is why budget reforms have been held up in this House.

Let us get to the point here: when schools lose their budgets, and when 31 schools in east Antrim, primary schools in the maintained and the controlled sector, lose money in their budget as a result of the new common formula funding, it is not because it was necessary to redirect it to areas of social disadvantage. It is because there is a Minister who has not been able to get to grips with spending in his Department. He has not even listened to what the professionals who he appointed have said about spending in his Department, and therefore, he has to smash and grab to raid money from schools. That has an impact on children.

As I said and the Salisbury report said as well, throwing money at schools will not necessarily deal with social disadvantage. However, if you are going to throw money at schools, you should make sure that you do not take it from those who are already spending it on what it was meant to be used for. Look instead at how the Department is run and what efficiencies there might be. A bit more transparency from the Minister about his savings delivery plans and a bit more transparency about his budget may have enabled the Committee to identify where he wasted money —

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

Mr Wilson: It may then have been able to ensure that schools were not affected in the way that they have been here.

Ms Boyle: Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to speak in the debate. The core of the review of the common funding formula was to guarantee the addressing of social need and underachievement and to improve the quality of our teaching in order to have a revised system that would be fit for purpose.

Extensive research and evidence given to the panel by all of the stakeholders that took part in the review — and that was made up of over 400 written submissions and evidence from over 130 varied stakeholder groups that the panel met ranging from schools management, educationalists and community groups — reflected the need for reform. The independent review looked at the apparent links between social deprivation and educational underachievement and at ways to close that gap by considering how the financial

management framework is used within a school's budget and how that review could create a system that was fair and transparent. In Robert Salisbury's words, it will create a "more logical outcome" for schools with funding going to meet pupil need.

The review's recommendations called for increased funding for socio-economic deprivation, weighted towards schools with significant disadvantage. I welcome an opportunity to hear from the Minister on the common funding formula overall, but particularly on the rebalancing of funds for children in care, Traveller children and special needs schools, and how the impact of the recent special educational needs review will formulate management of funding to such schools. Given that the long-term core funding needs to be directed to those who are most in need, the current formula gives low levels of additional funding for pupils from socially disadvantaged backgrounds who are likely to require further additional support.

The motion calls for the establishment of the sectoral body to represent the controlled sector. A clause in the ESA Bill allows for the creation of such a body. I ask Members on the opposite Benches to tell the House why they continually fail to progress on ESA.

To conclude, reviewing the common funding formula is needed to benefit all schools, all sectors and all pupils. It lays down —

Mr Storey: Will the Member give way?

Ms Boyle: I am just about to finish. It lays down a foundation for changes that will benefit all pupils. I oppose the motion.

Mr Newton: I support the motion. This morning on BBC's 'Good Morning Ulster', your common funding formula was described as "robbing Peter to pay Paul". Trevor Lunn and I must be talking to the same people, because it was put to me that, again, this was acting in a Robin Hood-type manner, except there are no rich schools from which to steal to give to the poor.

Minister, you, and everyone in this Chamber, regard education as important. You like to think that there is a desire to tackle underachievement as a way out of poverty and of increasing social mobility. A sound education is key to that mobility, but this initiative can be perceived only as somehow tinkering around the edges of the problem. It cannot be seen as a solution in any way to the problem when you take from one and give to

another, but the one that you are taking from is not rich in the first place.

It is the law that all children should attend school, and we are fortunate to have that in Northern Ireland. There is a common curriculum, teachers are trained to a high standard and they are professional in their approach. All the evidence confirms that children who are well prepared at primary-school level benefit when they move to secondary-school level. However, there is lots of evidence that children coming from varying baselines will not achieve the best educational experience at secondary-school level. Children, therefore, have different experiences of their schooldays, and some benefit more than others. Some have a positive experience and some have a negative experience.

On the other hand, those children who have a negative experience are ill-prepared to move to second-level education, and the teacher who receives those children who are underachieving at primary level will have a major job trying to help them to achieve their educational or vocational outcomes.

As Mr Rogers, I think, said, the Minister needs to walk in the shoes of the teachers who are trying to address those issues. It is generally those children who come from the poorest and most socially deprived areas who are likely to achieve the lowest academic outcomes. Will the Minister's common funding formula address those issues, or will it just disadvantage others who he has taken the money from and who also need support to achieve?

The Assembly needs to send out a clear message about the future of our children and the need to address social inequalities and underachievement. There are many different approaches across the UK to tackling this cycle of disadvantage and underachievement. It remains a major social problem and restricts the life chances of many of our children at school. Gaining a better understanding of how to achieve success at school and the potential to move up and out of deprivation remains a challenge that our society and this Assembly face.

Many factors impact on our young people's ability to succeed and achieve their full potential. Many interventions have taken place in inner cities and large housing estates across the UK. That does not mean that we should not have interventions, but we have seen the reaction of school principals. We saw the reaction of schools and the attitude of school principals last week when there was a

suggestion of giving free school meals to pupils. A principal from east Belfast made the point that he was not consulted about what would make a difference in his school. The approach to school meals remains, as he perceives it, a top-down one rather than a bottom-up one.

6.15 pm

The Minister needs to think again.

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

Mr Newton: You cannot disadvantage some pupils by taking away from them and giving to others in isolation in the hope —

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

Mr Newton: — that that will achieve the objectives that we all want to see for the less well-off pupils in our society.

Mr Hazzard: Go raibh maith agat, a LeasCheann Comhairle. I will be speaking against the motion this evening. Indeed, I speak against the entire insidious context in which the DUP and the Ulster Unionists have framed their discourse on the subject over the past few weeks. To approach today's debate through the toxic lens of community background is woefully inaccurate and highly dangerous. The dire consequence of poverty respects no boundary when confronted with the colour of a pupil's uniform or the confines of any particular education sector. Unfortunately, for too many of our young people, poverty is poverty. It continues to be a fundamental catalyst in high levels of educational underachievement across all communities, be they Catholic, Protestant or none of the above.

To break the link between social disadvantage and educational underachievement would be a remarkable feat for any Department of Education throughout the world. To do so with the limited resources made available to this Assembly would be an astonishing achievement that would not merely make an unprecedented impact on the educational attainment of our young people but would help to create a more equitable society. To realise such an aspiration, we must first set ourselves the task of ensuring that every child, regardless of his or her educational need, is afforded the greatest chance of success. The existing model of funding fails to maximise opportunity for all pupils. It fails to target sufficiently educational underachievement and to address

adequately children with additional educational needs, such as children in care.

Mr Givan: Will the Member give way?

Mr Hazzard: No. I want to get through this today. We have heard enough from the Benches opposite.

When we have a situation in which only 34% of children entitled to free school meals are achieving five good GCSEs, compared with 68% of children who are not, we know that something must be done to remedy such a problem. The Chair talked about the:

"blunt instrument of free school meals".

Free school meals is actually quite a specific instrument, in that it targets individual need. The use of the term "blunt" needs to be modified. He also talked about the Bristol report. He gave half the story. The Bristol report states that the English criteria are not wide enough when it comes to income. Our criteria here are wider, so that backs up the use of free school meals.

Mr Storey: Will the Member give way?

Mr Hazzard: I want to get through my speech this evening.

Mr Storey: Will the Member give way on that point?

Mr Hazzard: Yes.

Mr Storey: I thank the Member for giving way. If it is not as blunt an instrument as he is trying to make it out to be, can he explain to the House, on the basis of the money that we have invested in free school meals — this follows on from the point that Sammy Wilson made — where the evidence is that we have increased the outcomes? We still have one in four pupils leaving primary school not having attained adequate levels of numeracy and literacy. Where is the evidence that it works in Northern Ireland?

Mr Deputy Speaker: The Member has an extra minute.

Mr Hazzard: Not a problem. In the past five years, we have seen a 10% increase in the educational achievement of children entitled to free school meals. The Chair has never given an adequate explanation of why that is. My

guess is that he knows exactly why that is. We will leave that issue there.

A focus on putting our pupils first, coupled with a determination to address the fundamental issue of educational achievement in our most disadvantaged communities, appears to be at the very heart of the proposed changes to the funding formula. It goes without saying that nobody wants to see schools losing out on funding. I stress that the review proposals are still out for consultation. I encourage everybody to participate in the process, especially those schools that feel that they may lose out. However, there needs to be a realisation that limited resources have to be targeted at those in greatest need if we are to finally address the reality of educational underachievement.

I noticed that most of the DUP Members who spoke did not get around to the controlled schools body part of the motion. The DUP calls for the establishment of a sectoral body to represent controlled schools, although the wording in the motion conveniently ignores the fact that such legislative provision is indeed contained in the Education Bill, alongside the provision of the education and skills authority. Indeed, if the DUP were not so busy stalling the progression of the Bill, we could have had a controlled sectoral body in place today. Instead, it placates a small number of elitist schools that feel that they should not be accountable for the public money that they spend.

So, if the Members opposite want to look for a scapegoat to blame for the fact that a controlled sectoral body is still not in place, I suggest that they take their heads out of the sand and face reality. Despite the rhetoric from the Benches opposite, Minister O'Dowd has already facilitated the creation of the controlled sector working group and has committed significant resources to assist in its work to date in advance of the body being formally established in the months to come, hopefully. The DUP needs to realise that it will not come into being until ESA does, so I reiterate my call for the Members opposite to move beyond the narrow ground of sectarian grandstanding and start to tackle the real issues.

It is the real issues that I want to finish on. We have heard the call for alternatives, but we have not been given a single alternative, not from the DUP, not from Danny Kinahan and the Ulster Unionist Party and not from the SDLP.
[Interruption.]

Mr Deputy Speaker: Order, please. The Member will take his seat. We are discussing

schools, where you are not allowed to shout across the classroom, so we will apply the same standards here. Continue.

Mr Hazzard: This morning, I was delighted to hear on the radio the Chair finally recognise that we need to address social disadvantage. However, in this debate, the Chair ran away from the issue by not providing an alternative. That is what we need to look to now.

I want to pick up on a point that Danny Kinahan from the Ulster Unionist Party made, and it sums up the position of that party, if it knows the position itself. Danny Kinahan today called for the DUP to join with the UUP in blocking everything that the Minister does. I ask Mr Kinahan: how does that help the children that need help? How will this improve the life chances of our young people? How will this help to tackle social inequality if the UUP and the DUP block everything that the Minister does? The naysayers opposite seem intent on modifying Einstein's theory of insanity.

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

Mr Hazzard: They want us to do the same thing over and over and then they do not seem overly bothered when nothing ever changes. I oppose the motion.

Mr Beggs: I declare an interest as a governor of Glynn Primary School and that my dad is a member of the North Eastern Education and Library Board.

The Ulster Unionist Party believes that the current common funding scheme is in need of reform. It is too complex, and the right areas are not being appropriately targeted. Therefore, we welcome the comprehensive review that Lord Salisbury undertook during the second half of last year, and it was not particularly surprising that the review reported that the current funding model was not working particularly well.

The challenge was always going to be about what was going to replace it, but, unfortunately, this is where the wheels have fallen off the wagon, and the Minister is currently trying to drive through proposals without appropriate consideration of their adverse effect. I know that the Minister has made an effort to try to consult the schools and to try to involve young people, and we have to welcome that attempt, but I have heard concern about the nature of some of the questions that were made and also the aspect of issuing a consultation to schools

just before the summer break. Clearly, that was bad timing.

Nevertheless, it was not so much the manner of the consultation but the funding proposals that have emerged that give greatest concern. What is surprising is the scale of the losers. It is definitely in the order of four out of five schools in many areas that are losing money, ranging from a few hundred pounds to tens of thousands. In my constituency, numerous schools are losing five-figure sums. Larne High School is losing £23,000; Whiteabbey Primary School, more than £20,000; Greenisland Primary School, almost £20,000; Carrickfergus Model, £13,000; Carrickfergus Central, £12,000; Eden Primary School, £10,000; Victoria Primary School, £15,000; Whitehead Primary School, £10,000; and St Anthony's in Larne, £17,000. There are also a number of other schools that may not be losing five-figure sums but are having a very significant proportion of their budget —

Mr Storey: Will the Member give way?

Mr Beggs: Yes.

Mr Storey: I appreciate the Member confirming that his father is a member of the North Eastern Education and Library Board. Will he ensure that, when the board comes to respond to this issue, he will use his vote to ensure that this proposal does not go any further?

Mr Beggs: I thank the Member for his intervention, but my father is an independent man who makes up his own mind, and I am not on the education and library board; he is. I do not understand the question.

I will return to the proposals. It was going to be very stark because the vast majority of primary schools in my constituency were losing money. That is very strange, given the proposal that additional moneys should be going to a review of the early years. I notice from the figures that nursery schools tend to be receiving some additional moneys, but virtually every primary school in my constituency was losing money.

Will the Minister also advise whether he is proposing that playgroups, which have been out of kilter with nursery schools in recent years, should have additional moneys? There does not seem to be much mention of them, or I have certainly not picked that up, but it is important that the early years are addressed. His proposal to take a considerable amount of money, particularly from the primary school

sector, is surely the wrong direction and one that we should not be going in.

I firmly believe that it is appropriate to address educational underachievement, and those early years are vital. Free school meals provide one important measurement that identifies a risk of underachievement, but there is the issue of at least 8,000 pupils identified by the Audit Office who have not been registered for free school meals. Is there a danger of being over-reliant on that issue alone and not looking at the effect that that measurement will have on a range of other schools? The outworking of the proposals is going against the flow of what many have been pushing for, which is early years investment, particularly in primary schools.

It would also help if the Minister would advise how his own savings plans are going. As others said, not enough funds are ending up in the classroom. Has he been looking at the bureaucracy within his own organisations? Will we release our teachers to allow them to teach more, rather than having excessive paperwork and policy sitting on shelves behind them that consumes their time and efforts? We need to allow teachers to teach. We need to free them from the bureaucracy. Of course, when you create all that bureaucracy, you also need a bureaucrat to read it, and that is another cost, so you can have too much bureaucracy in the system. Let us get more money to the coalface — our classrooms. Then, of course, there is the £15 million that has been spent on the new Education and Skills Authority to date, even though it does not officially exist. Minister, cut waste, not schools' budgets.

Like many people, I welcome the additional £10 million that has been made available to schools, but I would like clarification. Is that a one-off top-up, or is it recurrent funding? Schools certainly need to know. We all need to know. Another area that, no doubt, is of concern to many is the voluntary schools grant, maintained integrated schools and the issue of VAT. There seems to be a lack of clarity in the figures that have been presented. Is that with or without the VAT, or is there an additional hidden cut that is still to come? We need clarity on that issue.

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

Mr Beggs: Surely, if schools are operating in a tax-efficient manner, that should be encouraged and supported, not penalised. I will support the motion.

Mr McCallister: Like others, I am somewhat disappointed with the tone of the debate, although it was probably fairly predictable. It was disappointing that, in the main motion, the DUP chose to pick a sector, and I think that has been reflected in the tone of the debate, which is unfortunate. The main focus of the debate goes to the failure at the heart of our government. We have a coalition Government here, yet we have no agreement on how we deal with those issues or how we make changes to the funding formula. We are effectively being asked to have a pupil premium on the cheap by robbing Peter to pay Paul, or by Robin Hood — whatever analogy you want to use. We should not move forward with this unless we identify the money. That is the problem.

I do not think I have heard many dissenting voices against the idea of targeting need. I am certainly one of those voices that say that we should target need and we should direct resources to the most disadvantaged, but I do not think that taking them away from some areas is the right way to do it.

6.30 pm

Mr Givan: Will the Member give way?

Mr McCallister: Certainly.

Mr Givan: I agree entirely with what the Member is saying about targeting disadvantage, but I am sure that he, like me, fails to understand why, in my constituency, the disadvantaged are the ones who are being robbed. Primary schools in my constituency are having money taken away and the two top-performing grammar schools in Northern Ireland, in my constituency, are going to be better off as a result of the changes that the Minister wants to put through.

Mr McCallister: If you look through the list, you will find those bizarre outworkings in many other constituencies. I, like Mr Rogers, represent a large rural constituency. I look around and see the profound effect that this would have on my constituency. The difficulty is that we are using a very blunt instrument, effectively only one measure, to say what that would be. I know that Mr Hazzard does not like the term "blunt instrument" when it refers to free school meals, but I am afraid that it is a very blunt instrument to do what the Minister wants to do, if we are serious about tackling disadvantage. It also has a profound effect on the rural/urban mix. It will drive some of our smaller rural schools to closure.

Look at some of the amounts being taken out. Mr Lunn talked about a school losing £30,000. That is the equivalent of one teacher and possibly more. That is the effect that it is going to have. You should not go down the road of this policy without securing the resources. That is the problem. I think —

Mr Storey: Will the Member give way?

Mr McCallister: Briefly.

Mr Storey: It is not an issue of securing resources. The Department has money literally coming out of its ears. It is about the way in which it spends the money. That is the issue. There is no transparency with the Minister or the Department.

Mr McCallister: I hate to sound like a broken record, but you are in government with them. It is a coalition Government. The difficulty we have with this is that one of the Minister's coalition partners is attacking him and another is suggesting that they should block all the policies of the Government.

Mr Storey: You left them.

Mr McCallister: I think that, if you recall, I wanted to take them into opposition. It was not my fault that they did not want to go.

Mr Deputy Speaker: Order. Mr McCallister, will you resume your seat? I discourage this dialogue across the Chamber.

Mr McCallister: Absolutely. I am probably as surprised as you are, Deputy Speaker, that the Chair of the Education Committee would behave in such a manner.

This is where we get to when we do our politics like this. We end up with a system that has deadlock. We are now into the second Education and Skills Authority Bill. I served a stint with my colleague Mr McCrea on the Education Committee during the first ESA Bill. We are now doing the second one. We were assured, over two years ago, that it would be quite a fast track process. That was clearly wrong. There is no agreement at the heart of government. Policies of this size and magnitude, with the impact that they have on individual schools and, hence, individual pupils, should not be carried forward by one Department in such a manner. They should be government policy —

Mr A Maginness: Will the Member give way?

Mr McCallister: I do not have time, Mr Maginness.

They should be government policy driven forward properly, agreed from the heart of government and be in the Programme for Government. If we cannot find the money, we should not be proceeding with the policy.

Mr Deputy Speaker: The Member will bring his remarks to a close.

Mr McCallister: We need better and more efficient government. Locate the money before you make the policy changes.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. Tá mé buíoch deis a bheith agam freagra a thabhairt ar na pointí a rinneadh le linn na díospóireachta seo. I am grateful for the opportunity to respond to the points that have been made during the debate; well, most of the points made during the debate.

The motion deals with two issues: the impact on one sector of my proposals for changes to how schools are funded, and the establishment of a sectoral representative body for that sector. It is worth noting that the proposers have avoided the substance of their own motion. Their motion deals with the needs of only one sector. Those who propose to support the motion need to read it, rather than just listen to what is said from the Benches.

Mr Storey: Will the Minister give way?

Mr O'Dowd: I will give way later. Regardless of what has been said since, it is disappointing that the proposers of the motion chose to focus on just one sector. For that reason, I will not support the motion.

My response, like my policies, will focus on the needs of all our children and young people, regardless of where they go to school or the sector in which they are educated. It is that focus on putting pupils first and a determination to address the particular issues of educational underachievement in our most disadvantaged communities that caused me to commission a review of how we fund our schools. That review, led by Sir Bob Salisbury, took time to examine specifically, and in some depth, the relationship between social deprivation and educational attainment. The review, in common with a huge body of national and international research, recognises that pupils from socially deprived backgrounds have greater obstacles

to overcome and that good schools, well supported, can assist in breaking that link.

The review reiterated the need to ensure better targeting of resources to help schools provide support for young people from disadvantaged backgrounds. That support must be designed to address the level of educational underachievement, which, despite recent improvements, is still too high.

I want to clarify for the record that the figures that Mr Storey gave on underachievement at primary school level are not correct. We do not have one in four pupils leaving primary school with lower than expected outcomes. The figure is closer to one in six, which is still too high, but it is improving. The record needs to be corrected on that matter.

Mr Storey: Will the Minister give way?

Mr O'Dowd: Yes.

Mr Storey: I will clarify for the Minister the reason why the controlled sector was mentioned. The reason why it was mentioned, as he well knows, is that it is the only sector that ends up with nobody to represent it and give it a voice. Every other sector is represented. Since April, the Minister has failed to ensure that the controlled sector is represented in area planning, yet the Catholic sector has two representatives at the table. That is not equality.

Mr O'Dowd: Let me digress slightly. Over three decades, the education and library boards were dominated by unionist councillors. I served on a council that refused to nominate a nationalist councillor to the education and library boards. Are you suggesting that unionist politicians were not representing the controlled sector in the time that they spent on those boards? If you are suggesting that, I agree with you. They were and continue to be interested in only a small minority of schools.

Mr Newton: Will the Minister give way?

Mr O'Dowd: I will not; no.

As for the second part of your motion, there would be a fully functioning controlled sectoral support body, funded to the tune of £100,000 a year and perhaps more — sorry; it would be closer to £1 million a year — but the ESA Bill is blocked. The ESA Bill is not blocked because of an issue concerning the needs of the Protestant working class. The ESA Bill is blocked on an issue concerning the needs of a

small minority of schools. It continues to be blocked on that basis. So the crocodile tears —

Mr Storey: On a point of order, Mr Deputy Speaker. It is clear that the Minister is misrepresenting the reasons why ESA has not been implemented. I will give him one reason, namely ownership of the controlled sector. That is nothing to do with a small group of unrepresentative, elitist schools like the one that Mr Hazzard went to.

Mr Deputy Speaker: That is not a point of order. I appeal to Members please to exercise a little bit more discipline and listen to the Minister.

Mr O'Dowd: I assume that, since it was not a point of order, I will be allocated the time that it took away from my address. What he said is news to me. That is not mentioned in the heads of agreement, although I know that agreements do not mean very much to those on that side of the Chamber. This new issue that Mr Storey has brought to my attention tonight is not mentioned in the heads of agreement. The only aspect of the heads of agreement that has been implemented was implemented by me. I implemented the controlled sectoral support body. I brought it together, funded it, made sure that it was working, and supported it.

I assure the Member that it has funding until December this year. However, if the ESA Bill has not moved on by then, it will be very hard to convince me to fund it beyond that point.

Mr Storey: Are you threatening now? Back to the old tactics?

Mr O'Dowd: There is —

Mr Deputy Speaker: Order. Minister, it might be helpful if you were to address your remarks through the Chair as well. That would discourage Members from engaging directly with you. We will try that out and see how it goes.

Mr O'Dowd: Fair enough, a LeasCheann Comhairle. I apologise for that.

Mr Kennedy: On a point of order, Mr Deputy Speaker. This relates to a point of accuracy. The Minister said that it was his view that unionist councillors or elected representatives formed the majority of a great many education boards throughout Northern Ireland, but that was never the case —

Mr Deputy Speaker: I am sorry, Mr Kennedy —

Mr Kennedy: That was never the case. Education boards comprised the entire community.

Mr Deputy Speaker: Mr Kennedy will resume his seat, please. On your own admission, you accept that that is not a point of order. Minister, continue.

Mr O'Dowd: The Salisbury report recommended that:

"More funding should be directly targeted at pupils from socially-disadvantaged backgrounds"

— and that that funding:

"should be weighted towards schools with significant concentrations of disadvantage."

I make no apology for wanting to target more funds towards the schools that serve our most disadvantaged communities. We cannot grow as a society and an economy if we are prepared to tolerate a situation in which children from poor families have, after 12 years' compulsory schooling, half the chance of their better-off counterparts of reaching the levels of attainment that we all want. That is 34% compared with 68% — half the chance.

Mr Wilson commented on the Salisbury report. I welcome the fact that he has taken time out of his leadership tour to come to the Chamber today to involve himself in the debate, but I want to correct him on a few matters. Sir Bob recommended that I examine the initiatives valuing up to £90 million, and I am on record as having said that I accept that recommendation and intend to do something about it; I will do that. However, the savings involved will be minimal. Many of those initiatives are also directed towards socially disadvantaged communities.

Mr Wilson claimed that I have been less than studious or effective in managing my budget. The Member will know that I was one of the Ministers who never had to return money during any of the monitoring rounds.

Mr Wilson: That is because you ignored the monitoring rounds.

Mr O'Dowd: I did not ignore the monitoring rounds. I spent the money that was allocated to

me on education. That is what I was tasked to do as Minister.

The Member referred to the savings delivery plan, which he believed in some way would manufacture new money. I told my officials that it was a paper-shuffling exercise in which I would not allow them to become involved. I do not see it as the role of any Department to shuffle papers from one Department to another. I did not get involved in politics to do that.

As to how we move forward with funding, I presented proposals — they are only proposals — but now that I have seen the increase in the delegated schools budget over the next two years, I intend to put in £30 million to increase the targeting of social need as part of those proposals.

The figures that I am citing from different schools are accurate and based on this year's budget. Next year's budget increases by almost £16 million. I suspect that there will still be winners and losers in that scenario, but the aggregated schools budget next year increases by that sum. It is difficult to forecast the funding of individual schools at this stage. You do not know how many pupils will be there, how many will be entitled to free school meals, how many will need care and so on. However, we have given schools last year's figures and said that if we were to implement based on this budget, this is what would happen, but there is an additional £16 million in next year's budget.

In my comments on looked-after children, I mentioned that we are all acutely aware of the vulnerability of these young people and the importance of ensuring that they get the maximum support possible from the schools that they attend. My proposals would deliver a significant recognition of the complex educational needs of that group of young people, which the motion criticises.

My proposals are only proposals. They are out for consultation. Mr Rogers urged me to find an alternative. I put the question back to him: come to me with an alternative. I put that question to all parties in the Chamber. The consultation is ongoing, so come to me with an alternative. I assure Members that those alternatives will be given due credence as long as they target social need. That is the key.

6.45 pm

As my colleague Mr Hazzard said, Mr Kinahan said that he wants the DUP —

Mr Beggs: Will the Minister give way?

Mr O'Dowd: I will not give way, because I am short of time.

Mr Kinahan challenged the Democratic Unionist Party to join his party in blocking everything that a Sinn Féin Minister does. I suggest that Mr Kinahan, if he thinks that he can move that agenda forward, would have to get up a lot earlier in the morning. As my colleague said, it is a very negative presentation. Mr Kinahan, too, can come forward with proposals on the way forward.

Mr Kinahan: Will the Minister give way?

Mr O'Dowd: I will not, no.

The consultation is a genuine attempt to hear from our schools, pupils and elected representatives on the way forward. Of course, it is quite easy to get up and criticise, and say that it should not be this way. Let us hear how you would like us to tackle social deprivation and its impact on schools.

Returning to the motion, I assure Members that I will base my decisions on need, not on creed. The evidence is that children from poor families are at greater risk of underachievement. I will target those children for extra support because they are at risk, regardless of where they go to school.

I have covered many of the points in the debate. Free school meals are a targeted source of support for schools; they are not a blunt instrument. Again, Mr Hazzard raised that point. We know exactly which children require support, and we can identify them — right down to the individual child. I think, therefore, that it is important that we use free school meals.

I move now to the way forward. During the debate, and in the media during the day, it was suggested a number of times that we use funding from the Office of the First Minister and deputy First Minister (OFMDFM). Mr Kinahan came forward with that suggestion. I am happy to support Mr Kinahan and work with him in that regard. He mentioned his concern that we would be using SIF instead of the common funding formula. I believe that SIF money, although delayed, is an essential part of tackling social disadvantage in our communities, and I have no doubt that that money will find its way into communities. However, if the view of the Assembly is that we require further funding for the aggregated

schools budget, let us work in common cause on that.

I totally reject suggestions that I have improperly managed or not been transparent about my budget. The Education Committee has a copy of my Department's savings delivery plan. My officials and I have been available to the Department of Education to discuss my budget. I redirected around £90 million over a couple of years, and that money was set aside for redundancies. The money referred to by Mr Wilson, which was a direct result of interventions from the Finance Minister, the Office of the First Minister and deputy First Minister and me, allowed us to stabilise the education budget. It allowed us to ensure that there were not as many redundancies as once planned. I took the proper decision to use that money to secure posts and jobs in education, and I do not apologise for that either.

The idea that there is money swilling about in the Department of Education is utter nonsense. Compared with the same stage of the previous mandate, the education budget is down £300 million for resources. That was standing still — down £300 million. That does not take into account inflation, rising costs, wage increases etc. With the intervention from the Office of the First Minister and deputy First Minister and the Finance Minister, we are now around £150 million down from where we were at the end of the previous mandate. It was tight in the previous mandate, so it remains tight. I am using my budget as effectively and efficiently as I possibly can, but I assure Members of this: you need to get out of your head any notion that there is money swilling about the Department of Education. There are still very, very difficult times ahead for education, but, if Members wish to join me in lobbying for further funds for education, I will happily join them in doing that.

Mr Craig: It is with regret that I find myself coming to the debate. The proposals for primary schools are a smash-and-grab, and even those for the secondary school sector are very, very flawed. I will come on to that later.

All politics is local, and I have heard many Members focus in on their own particular circumstances this afternoon. It is no different for us in Lagan Valley, as my colleagues know by the amount of phone calls, e-mails and personal grief that we have all taken on this issue. I will give a prime example of what is happening here. Pond Park Primary School has had £27,883 taken out of its budget. Does anyone want to tell me how that is going to be funded? I know the answer; it means a redundancy. It is as straightforward as that.

That school is not sitting with tons of money in excess.

The same goes for Riverdale Primary School, Meadow Bridge Primary School and Downshire Primary School. Downshire Primary School is another nice new school; it is an amalgamation that was agreed years ago. It has lost £30,455 from its budget; that money is gone. It is quite clear that that school can barely take the capacity in its new school building. What is going to happen there? If another teacher goes it will result in larger classes. How does that help those who are in that situation?

I do not want to play the sectarian card that our friend Pat suggested we were playing here today. Not a bit of it.

Mr Storey: It was shameful.

Mr Craig: I heard that and you are quite right; he is no friend of mine and no friend of ours.

Let us take a look at it. In my constituency, we have only three maintained schools. Ballymacward Primary School has had £5,500 taken from its budget. Bingo; it is gone and there is no improvement there. St Aloysius Primary School has had £3,500 taken from its budget; it is gone.

However, the most interesting one of all is St Colman's Primary School in Lisburn. I had the pleasure of attending the opening of that new school only a few months ago. I found it fascinating, because as I sat there as one who had helped to get that new school build, I was lobbied by the principal afterwards, who told me that it was too small and that they needed another classroom. They had converted their library into a classroom because the school is bunged out. What are these proposals going to do for that school? Oh, but they can look forward to piles more funding. Sorry; they have had £44,000 trailed out of their budget.

I would ask the Minister to go and explain this situation to the man who officially opened that school.

Mr Storey: I wonder who that was?

Mr Craig: It was the deputy First Minister, Martin McGuinness. The Minister should explain to him why the school that he was so proud to open is now left in practical bankruptcy. That is where these proposals lead to. There is nothing sectarian about that.

Mr O'Dowd: Will the Member give way?

Mr Craig: The Member will give way, yes.

Mr O'Dowd: As the debate has gone on, Members opposite have shown a growing concern for the maintained sector, and I welcome that. Why did you not include it in your motion? Members are being asked to vote not on what you said but on what is in your motion.

Mr Storey: I already explained it.

Mr Craig: I will explain it again. The only sector that has no supporting mechanism is the controlled sector. That is why we are highlighting that fact. That is the only reason it is there; there is nothing sectarian about it.

However, I will say this, Minister: I want to nail the free school meals myth. It is a myth. I am tempted to call it something else, but I would be ruled out of order. I have in my hand a list of the 35 worst-performing schools in Northern Ireland. When we take the free school meals criteria and look at what the Minister is proposing under this funding formula, one would think that the worst-performing schools would surely do better and would get more money in the secondary sector. Actually, the worst performing school in the Province — I will not name it — is minus £17,500.

Mr Storey: What sector is it in?

Mr Craig: It is in the maintained sector. The second worst-performing school in the Province, again in the maintained sector, is minus £2,500. I do not want to go on, because I do not want to be accused of being involved in a sectarian headcount, but there are controlled and maintained schools on this list. Of the 20 worst-performing schools in Northern Ireland, six are losing money under this wonderful formula. How does that help those schools in their very difficult situation?

Members around the House have said time and time again how blunt this whole equation for free school meals is. There is a prime example of how blunt it actually is.

Mr Givan: Will the Member give way?

Mr Craig: The Member is more than happy to.

Mr Givan: I appreciate the Member giving way. I declare an interest as a governor of Ballymacash Primary School and Pond Park Primary School. Ballymacash targets children from loyalist estates such as Rathvarna, and

Killowen, of which the Member is a governor, also takes children from that area. Largymore Primary School in Lisburn takes children from the Hillhall loyalist estate. The Member will know that, under these proposals, all those schools are losing money. The Member will know that many of those kids go on to the secondary schools — Laurel Hill, Lisnagarvey, Forthill Integrated — yet, under these proposals, it is the grammar schools in Lisburn that are better off as opposed to the secondary schools. The system is flawed under these proposals.

Mr Deputy Speaker: Order. I remind Members that interventions are to be short, succinct and to the point.

Mr Craig: I thank the Member for that detailed intervention. It was very pointed and true. If the free school meals criterion and this new funding are going to help all these schools, where is the evidence for that?

The thing that strikes me, and I have always been proud of this fact, is that the two top-performing schools in the Province are in the constituency that I and my colleague represent. I make no bones about it — Friends and Wallace are known across the Province for their academic performances. You would think that, under this formula, there would be some penalty for them and that they are going to lose out. No. I have sat and worked the figures out. The two schools between them are going to get an additional £120,000. Well done; I congratulate those schools for getting that additional money under this formula. However, it is certainly not targeting the disadvantaged. It is certainly not targeting those who are underachieving, is it? There is something fundamentally flawed with the way that this system is working.

Mr Storey: Will the Member give way?

Mr Craig: Yes.

Mr Storey: Would the Member agree with me that an area of our education system that is being totally ignored is the increasing number of children who are on the special needs register? Does he further agree that there is absolutely nothing in these proposals that in any way addresses the increasing number of children on the special needs register and that it could be used as a means of directing funds to children who are in need?

Mr O'Dowd: Send me the proposal.

Mr Craig: In fact, had that criterion been used, we would have seen a much more sensible spread of the funding around these lower-performing schools. That is something that I plead with the Minister to look at.

I need to comment on another thing that a number of Members pointed out. I will not go through the list, but it concerns the timing of the consultation. I have had the primary principals' association on with me today complaining about this. The exercise was done in late June. Schools were going on their usual summer holiday, and, for two months, there were few staff members in the schools, which were actually closed. I ask the Minister to extend that consultation. Even the Minister —

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

Mr Craig: — is bound to have seen from the debate that there are huge, fundamental problems in here. Give the schools the time to respond properly to you, Minister.

Question put.

The Assembly divided:

Ayes 53; Noes 24.

AYES

Mr Allister, Mr Anderson, Mr Attwood, Mr Beggs, Mr Bell, Mr D Bradley, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Campbell, Mr Clarke, Mr Copeland, Mr Craig, Mr Cree, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Frew, Mr Girvan, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCausland, Mr McCrea, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr P Ramsey, Mr G Robinson, Mr P Robinson, Mr Rogers, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr Wilson.

Tellers for the Ayes: Mr Anderson and Mr G Robinson

NOES

Mr Boylan, Ms Boyle, Mr Brady, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr

Maskey, Ms Ní Chuilín, Mr O'Dowd, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr Hazzard and Mr Sheehan.

The following Members voted in both Lobbies and are therefore not counted in the result: Mr Agnew, Mrs Cochrane, Mr Ford, Mr Lunn, Mr Lyttle, Mr McCallister, Mr B McCrea

Resolved:

That this Assembly notes the current proposals by the Minister of Education to revise the common funding formula; further notes, with grave concern, the apparent disproportionate impact of the proposals on controlled schools; and calls on the Minister to establish, as a matter of urgency, a controlled schools body to properly represent the views of this sector in the consultation.

(Mr Speaker in the Chair)

Driver and Vehicle Agency: Support for Office Staff

Mr Speaker: The Business Committee has agreed to allow 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. All other Members who wish to speak will have five minutes.

Before I call Mr Robinson, I want to say to the people in the Public Gallery that the public are always welcome in the Chamber, but there should be no noise and no applause. Let me make that quite clear. But, yes, you are very welcome.

7.15 pm

Mr G Robinson: I beg to move

That this Assembly supports the staff of Driver and Vehicle Agency offices in Northern Ireland; calls on the Westminster Government and the Northern Ireland Executive to take the necessary steps to retain the existing jobs and services; and further calls for new investment by the Department for Transport in equipment and technology.

At the outset, I must state that it is an all-party and non-political motion. Contrary to what some people appear to think, given a personal and hurtful attack on me in a recent e-mail that was circulated to 108 MLAs about my capabilities to lead on this debate, I want to assure the House that I am still 100% in support of the retention of all Driver and Vehicle Agency (DVA) jobs in Northern Ireland. Of that, there is no doubt.

Some Members: Hear, hear.

Mr G Robinson: In fact, I have numerous items of correspondence from Ministers and others in support of my commitment to DVA jobs in Northern Ireland and, in particular, at the Coleraine County Hall centre in my constituency. I also welcome the fact that it is a cross-party motion to support the jobs and services that are currently in Coleraine and the other Northern Ireland offices. I look forward to a unanimous outcome to the debate.

Recently, Swansea MP, Siân James, told a Coleraine newspaper that the Driver and Vehicle Licensing Agency (DVLA) service in

Swansea is under severe pressure and that the quality of service to Northern Ireland customers would suffer if operations were transferred there. She also told Coleraine media that there was a possibility of an increase in identify fraud and that scams have been uncovered by regionally based staff — yet another benefit to retaining services in Northern Ireland and proof of the quality of the staff. Now, I might be mistaken, but most MPs I know are fighting to get work for their constituencies, not saying that there is no scope for expansion due to already existing pressures, as is the case according to Siân James. However, those comments lend great weight to the campaign by local representatives who believe that jobs must stay in Coleraine and the other offices in Northern Ireland. At this stage, I want to commend all the councillors, MPs and everyone who has put their shoulders to the wheel and nailed their colours to the mast. Along with me, I think that they are doing a very good job.

Recent years have seen the north-west hit severely with job losses. We cannot, therefore, afford to lose any more. The loss of more jobs cannot be justified, especially as performance targets are regularly exceeded by the DVA. In the past five years, 98.7 % of transactions have been completed within the timescale. That is outstanding professional service from all staff.

There is also a proposal for more online business to take place. Although I am not opposed to online business, it has to be remembered that over 60% of DVA customers are over 44 years of age. That is the age group that has the least confidence or desire to use computers. Will we really agree to a system that sees the majority of customers who live in Northern Ireland having to use a worse service because they are not confident in using computers? Personally, I think that it is hard to beat the face-to-face contact that is currently available.

The DVA office in Coleraine currently processes 100% of 66,000 refund applications within five working days. DVLA staff in Swansea will process only 95% of Northern Ireland refund applications that are received by post within 30 working days. That is an unsatisfactorily low standard of customer service.

I wholly endorse the statement from staff that the new proposals, if implemented, will see a great deterioration of that service. That is not acceptable. At a recent public meeting, it was revealed that £1.65 million has been spent on overtime at the Swansea office since local office closures began on the mainland. That

further proves that the Swansea office cannot cope at present and would probably collapse entirely under the strain if the Northern Ireland operations were transferred there.

Add the additional unemployment created in Northern Ireland, and it paints a depressing picture of poorer service and more people out of work. The majority of jobs would be lost at the Coleraine centre, which is in an area that has seen many jobs lost due to the recession. Indeed, 1.25% of the entire workforce in the Coleraine area would become unemployed if the plans go ahead. It is an area of the UK that already has above-average unemployment and below-average wages. That, of course, does not include the job losses in the wider economy in Northern Ireland that would happen as a result of the loss of at least £20 million from our economy. The cost to the public purse in benefits would be immense.

There is no financial sense or justification for these proposals. At present, there is a very high satisfaction rate with DVA services among car dealers, who appreciate the speedy and easy service provided by the local offices. That would be lost under the proposals, with dealerships and customers greatly disadvantaged. Again, there would be a loss of service to the public and, in this case, to business. Let us say no to change for change's sake.

The proposals also go against the published wishes of all UK parties to see government jobs spread across all areas. I must also question why there is a long history of underfunding for the Northern Ireland DVA. That underfunding could be seen as a precursor to removing the service altogether. I am proud to say that, despite that, the Coleraine office has provided a service that, in performance terms, has outstripped that of the DVLA in the rest of the United Kingdom. I applaud the Northern Ireland staff for their magnificent achievements despite that underfunding.

I believe that, with proper funding, the Northern Ireland DVA could have the best equipment to do the required jobs and take some of the pressure off the Swansea centre. The staff are more than capable, and, indeed, there would be the possibility of creating more employment, rather than destroying it. It is my understanding that the Coleraine office carries out work for the DVLA Swansea office anyway. Indeed, I would support DVA operations being devolved so that the current situation could not happen again. That means that all aspects of the DVA would be under Assembly control. Remember that all other aspects of the DVA are already under

Department of the Environment (DOE) control, so we might as well have control over all functions for the benefit of the people of Northern Ireland. We can lead the way for the rest of the United Kingdom because we have a skilled and willing workforce that can be expanded and take the strain off Swansea.

I believe that it is a scandalous failure that Stephen Hammond MP, who is charged with overseeing the current proposals, has failed to visit the Coleraine site, but, as I suggested at the recent public meeting, perhaps the union and the staff should go to see him, hosted by some of our MPs. I have to admit to receiving very disappointing responses from him to my correspondence. That, of course, mirrors the behaviour of the Secretary of State, who seems to have shown little interest in the protection of these public sector jobs.

Mr Campbell: I thank the Member for giving way. I confirm that we have just received confirmation from Minister Stephen Hammond that a meeting, which the Member alluded to, will take place in a few weeks and will include representatives of the workforce, local Members of Parliament and other interested bodies.

Mr G Robinson: I thank my colleague for that information. That shows, as I said a bit earlier, that if we all work together, we can, hopefully, get somewhere on this issue.

Compare the attitude of the Secretary of State and Minister Hammond with the positive attitude of the previous and current Environment Ministers and local MPs. There can be no doubt about their commitment to the retention of, among others, the Coleraine office.

Northern Ireland has always maintained its own vehicle register. I understand that that has proven to be a great asset for the police and has directly led to a drop in tax evasion, from 10% in 1996 to 0.7% in 2012. That is highly commendable. It is proof positive of the quality of the service and the staff — it is the staff I want to emphasise — in DVA Northern Ireland. Online services cannot replace that kind of professional service to businesses, the police or public customers. With proper investment in the DVA service, I would be confident that Northern Ireland can continue to lead the way in the United Kingdom and, indeed, relieve the undoubted stress that the Swansea operation is experiencing, all while still doing the highly efficient job that it has done over many years.

I am sure that other Members, in their contributions, will make relevant points that I may have missed due to time constraints, but at this stage I urge all Members to support the cross-party motion and to protect these much-needed jobs and the skills set of our local dedicated and loyal DVA staff in Coleraine and throughout Northern Ireland.

Some Members: Hear, hear.

Mr Speaker: Order.

Ms Lo (The Chairperson of the Committee for the Environment): On behalf of the Environment Committee, I support the motion and commend the Members for tabling it. The potential closure of the vehicle licensing office in Coleraine and the consequent job losses have concerned the Committee since it first became aware of plans to transfer that function to Swansea. The Committee is not opposed to the modernisation and improvement of the current system, as some of the proposed changes could result in a more convenient online service for customers in Northern Ireland, but members believe that that can be implemented by the existing experienced staff in Coleraine.

The Committee has fully supported the Minister and his predecessor in their efforts to ensure that the public sector here does not suffer savage job cuts at a time when rebuilding the economy is the top priority for the Northern Ireland Executive. We were encouraged when the Minister managed to obtain agreement from the Department for Transport to carry out an additional public consultation, and we hope that the responses received will influence the final decision of the DVLA. The Committee has also written directly to the Department for Transport to request that its officials brief us on the rationale behind the proposed closures and at the same time provide us with an opportunity to feed back our views. We are hopeful that that can be arranged soon.

I will add a few words as the Alliance Party Member for South Belfast. I very much support the motion. As Chair of the Environment Committee, I have kept a close eye on developments around the Driver and Vehicle Agency. I welcome the consultation secured by the previous Environment Minister and await with interest the analysis of the responses. The list of benefits to Northern Ireland customers outlined in the Department of Finance and Personnel (DFP) consultation is impressive. However, I can see no reason why that cannot be delivered from the office in Coleraine, which

has functioned so well for so many years. Investment in the IT infrastructure for the DVA to do that is long overdue.

IT systems here have not received investment from the UK for many years as integration was being considered. Although the benefits to the customer are good, the closure of the offices in Coleraine and across the country are not good for Northern Ireland in any way. Coleraine is an unemployment hotspot. That office is an important asset for the town, and we must do all that we can to protect it. The impact on Northern Ireland would be to remove up to £22 million per annum from our economy. It is a shame that, in 2010, when the DVLA first made the proposals to relocate the system, greater attempts were not made to secure the posts and technology for Coleraine.

Although being able to undertake certain vehicle-licensing tasks online or via an automated telephone line is beneficial, some of the plan may mean a step back for the Northern Ireland customer.

Under DVLA's proposals, for example, refunds of vehicle excise duty will go to Swansea. The DVLA target is to complete 95% of refunds within 30 working days. The target for refund applications at the DVA in Coleraine is to process 95%, the same percentage, but within five working days — what a difference.

7.30 pm

The Department for Transport has not considered proposals such as transferring work from Swansea to Coleraine. I hope that, following consultation, that option will be considered —

Mr Speaker: The Member's time is almost gone.

Ms Lo: — and that my fellow MLAs would support it.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom cúpla focal a rá. I apologise that, being from Armagh, I might not be able to articulate certain points as well as other Members, but I have some sympathy for the people in these jobs. A couple of years ago, when I was on the Environment Committee, we had the opportunity to go to Coleraine to look at the work done there. The alarming thing in all this is that we are talking about 300-plus jobs and livelihoods, as well as the impact on mortgages and everything else. The Chair spoke about modern technology and

looking at new ways forward. She is correct, but, in today's economic situation, we need to look at protecting and providing secure jobs.

Mr Clarke: Will the Member give way?

Mr Boylan: Yes, certainly.

Mr Clarke: I agree with what the Member says about supporting jobs. That is why so many people are in the Chamber tonight listening to the tenor of the debate. However, I go back to what the Member for East Londonderry said previously about how the service has been stripped over the years. He referred to the motor trade, and it is on record that I have been involved in the motor trade for many years. While England has enjoyed the retention of registration plates, that is one of the things that we have not had in Northern Ireland. They have been stripping the service received in Northern Ireland, and what they propose now is a continuation of that stripping. Given what the Member for South Belfast said about the percentage of refunds processed, we have been disadvantaged and are being treated as second-class citizens. I am not trying to take away from the main points made by Members from Coleraine about employment.

Mr Speaker: Interventions should not be statements. The Member has an added minute.

Mr Boylan: Thank you, Mr Speaker.

I take the point that you made in your intervention, but the important thing today is to look at securing those jobs.

I took some valuable points from an earlier briefing, although I missed some of it. I heard that the service has been stripped back and run down over many years, and that is the problem. I know that previous Ministers have tried to support the DVA, but, in this case, it is a reserved matter. Every day in the Chamber, we talk about supporting and creating jobs. Tonight, in this debate, there is an opportunity for us to take this process forward and see exactly what we can do.

I want to pick up on a few points about the impact of this. Earlier, someone asked what the point was of transferring jobs from the North of Ireland to Swansea. There is no point in losing 300-plus jobs here and creating them over there. We have heard from people across the water that Swansea cannot cope. Let us protect and support what is here now.

The Chair of the Environment Committee mentioned a loss to the local economy of £22 million. However, it is not just that; there are other jobs in the North. Other areas will lose out; not just those around Coleraine.

There is talk of moving some of the services to post offices, but those would then need to be upgraded, so why not look instead at upgrading the IT systems in this area?

My final point in support of the motion is that maybe the Finance Minister should look at devolving this matter so that we can run it from here. Perhaps Members will support that suggestion.

Mr Rogers: I welcome the opportunity to engage in this important debate. I was delighted to meet some of the workers earlier today. I see the debate as seeking two specific outcomes. The first is the retention of the existing functions, jobs and services at DVA in County Hall, Coleraine and the local office network, which is spread throughout Northern Ireland. The second is new meaningful investment in DVLA by the Department for Transport into hardware, IT development and services, and for the development of alternative and new methods of service delivery.

Other Members have talked about the potential job losses. Like them, I am deeply concerned about the major job losses for Coleraine and right around the North. In Downpatrick in my constituency, it could mean eight people losing their job. Those jobs must be secured in Northern Ireland. I do not accept the argument that, to deliver electronic services for motorists here, they have to be managed from Wales.

Since the start of the closure programme earlier this year affecting regional local vehicle licensing and registration offices, Swansea, in the four months of April, May, June and July, has spent over £1.65 million on overtime payments. That is totally indefensible. Clearly, DVLA, the staff and IT systems in Swansea are unable to cope with the growing workload that is now being expected of them. What chance have they of coping if the large volume of work from Northern Ireland is transferred there? That is from a Government agency already suffering from customer satisfaction standards that are well below those enjoyed by DVLA here.

The Northern Ireland motorist has stated repeatedly and unambiguously that the DVLA has performed magnificently in delivering all its services. In recent years, the customer satisfaction level for transactions with the Driver

and Vehicle Agency has been consistently measured at between 98.7% and 100%. That covers all sorts of transactions. That is an incredible performance for an organisation that the paymasters in Swansea and the Department for Transport claim could be better if uprooted and dragged off to Swansea. DVLA locally outperforms all other Government agencies in customer satisfaction. Indeed, DVLA is only one of 25 holders of the customer service excellence awards in Northern Ireland.

I commend my party colleague John Dallat, who has been consistent in his approach to this issue, and the previous Minister of the Environment and the present one. Other people talked about the Northern Ireland public. The Northern Ireland public deserve the highest quality service. If I am to re-register my car, I can take my documents to Downpatrick and the whole process takes just a few hours. What will the new process take? Weeks? Maybe it will take months, which is what we heard earlier. That is if my documents do not get mislaid or lost in the post. If I sell my car and wish to cash in my tax disc, that can be processed within two weeks if I write off to Coleraine. How long will it take if it goes to Swansea? It might take two months. Those are only two examples of how we would be accepting an inferior service.

Mr D Bradley: I thank the Member for giving way. He has certainly clearly outlined some of the losses to the public here in Northern Ireland. There are other losses. The service staff here have developed very good relationships with licensing and registration in Shannon and an Garda Síochána. They play a vital role in reducing car crime and improving road safety figures. If the service is moved to Swansea, that will be lost to us. It is a very significant part of the service, and it should be retained here.

Mr Speaker: Once again, I remind Members that those who have the Floor give the Floor and take the intervention, but then interventions should not become statements in the House. Interventions should be sharp and to the point, and then we should move on.

Mr Rogers: I thank the Member for his intervention. It was a very worthwhile point, but a little long-winded.

Mr Speaker: The Member has a minute added to his time as well.

Mr Rogers: The all-party support that the workers have attracted is indication of the esteem in which they are held. However, it is

much more than that; it is a clear message that every Member of the House has had enough. Our patience is exhausted with the haemorrhaging of public service jobs in Northern Ireland to shore up political support for a coalition Government who have a clear intention of destroying the public sector and dressing it up as efficiency savings. Thankfully, our MPs at Westminster are engaging in the campaign. I sincerely believe that they are working on it together, just as we are here in Stormont. These jobs are too important for this region, and we must do all in our power to ensure that they are retained in their rightful place.

Mr Elliott: I apologise on behalf of my colleague Robin Swann, who was to speak. Unfortunately, he has had to go to England with his young child, so we wish them well in the coming days.

This is a very important issue. We listened to the Members who spoke earlier highlight the numbers of employees in Northern Ireland who are involved in this matter. Although Coleraine is a big area of employment, we also have other centres in Armagh, Belfast, Ballymena, Downpatrick, Enniskillen, Londonderry and Omagh. The significance to the economy cannot be underestimated. I think that there is widespread and total support in the House, and I commend the previous Minister of the Environment, Mr Attwood, and the current Minister on their support for the continuance of these jobs and this service in Northern Ireland. I am led to believe that there is a manned telephone service for the people of Northern Ireland, but it does not seem to be very widely advertised or publicised. When he is up, I would like the Minister to give us some indication of whether that telephone service has been advertised in Northern Ireland and how widely it has been made available to the public.

To me, no convincing argument has been made about moving these jobs or this service entirely to Swansea. However, I could make a very convincing argument to keep them here. That argument is based on the face-to-face and direct contact that there is Northern Ireland. How many of you have tried to contact some of the consumer advice lines, or some of the statutory agency advice lines, or, indeed, some of the big business advice lines to try to get some assistance? I would say that there a few of you. I know of one body for which there is an MLA helpline, but, one day, I tried to go through the ordinary consumer line to see what it was like. Let me tell you, it was an absolute nightmare. I spent 49 minutes on the phone trying to get someone to talk to, and I was quite

impressed by the message that I kept receiving every minute:

"Your phone call is important to us. Please do not hang up."

I do not want to have that same service from Swansea whenever I try to phone about my driving licence or my tax disc.

A group of businesses in this community have lobbied me on this matter. They are car dealer businesses, and they feel that it is very important that they have that face-to-face contact. They have numerous problems on a weekly basis. Sometimes those are very minor problems, and they can get them sorted very quickly. I do not think that that has been taken into full consideration. They can have that face-to-face, direct contact — that personal contact, if you want. You do not have to phone the helpline number and wait for 40 minutes to get speaking to a human being instead of a machine. What is this society coming to if we cannot get that direct contact? Whether it is an advantage or a disadvantage, at least there are now MLAs in every constituency who most of our constituents can get speaking to. I think that that is helpful, because quite often in today's society, we do not do enough of that face-to-face and direct contact.

I appeal to the current Minister of the Environment to please keep up this battle and this fight. Do not let this go by the wayside, because, if we do, we will regret for years to come that we do not have this direct contact. Those 300-plus jobs are very important to the economy here, but much more than that is the importance to the wider business community and the individual face-to-face direct contact, which we will lose forever and a day. I fully support the motion, and I am fully behind —

7.45 pm

Mr McGlone: I thank the Member for giving way. I, too, support and endorse everything that he said there. What I find very useful is the ability to tax the car by telephone, but we need more resources dedicated to it at certain times of the month when almost everybody is trying to do it. That, too, is something that could be rectified in the Department. I find it a great facility to use. Once you ring through, it is very easy to call up the details of your vehicle.

Mr Elliott: Thank you very much, Mr McGlone. That is an internal management issue that could be improved as well.

I say this to the entire House: let us get behind the motion, let us get behind those jobs, and let us retain this service in Northern Ireland for the people of Northern Ireland.

Mr Campbell: I support the motion, as I hope everyone will. As has been stated by a number of Members, this is not just about job retention in the Coleraine/north Antrim area. There are over 200 jobs in that part of Northern Ireland, but there are another 100 jobs scattered right across the rest of the country. I am sure that those who are with us today from the DVA, and from the rest of the workforce, will be heartened to know that there is such support for the retention of not just the jobs but the services. That is what many hundreds of thousands of people want to know. They want to know that they are going to a high quality of service retained, and a number of Members mentioned that.

The proposer of the motion, Mr Robinson, used a very interesting stat, which is that over 60% of DVA customers are over 44 years of age. We all know that, the further up the age range that you go, the less likely people are to be computer literate and to do business on the internet. When almost two thirds of your customers are in an age range that makes them less likely to be adaptable to internet usage, you have to take that into account when providing your service. Investment is required. Given the fantastic turnaround time that exists at the moment, further investment is needed, not a diminution and elimination of the service.

I want to deal with some of the issues in the few minutes I have. This issue has not just arisen in the past few years. Back in 2005, there was an initial attempt at closure. I raised the matter then in the House of Commons, and my question for written answer was responded to by the then Minister, Dr Stephen Ladyman. After elaborating on what was going to happen between Coleraine and Swansea — that the services were going to be retained — he then said:

"However, service to NI customers will continue to be delivered from Coleraine and NI local offices."

That was on 4 July 2005.

I then followed that up throughout the rest of 2005 and 2006 with further questions to try to ensure that that was the case. In 2007, when the matter was still rumbling on, I raised it again at the Northern Ireland Grand Committee. In 2008, I sponsored a debate in Westminster Hall in the Houses of Parliament about the HMRC

staff that are also based in County Hall in Coleraine, but, because I knew that the DVLA was still a live issue, I raised it as well at that debate to ensure that, in the words of one late Member, it had not gone away, you know.

Mr Clarke: Will the Member give way?

Mr Campbell: Yes.

Mr Clarke: I see the case that the Member has outlined, but is he cynical that there is a different approach from the Westminster Government as to what their intention really is here, and there has been for some time?

Mr Campbell: Yes, I thank the Member for that.

Mr Speaker: The Member has a minute added on to his time.

Mr Campbell: I am glad to hear that.

It is not just a cynical approach. I think that people are looking at it as a cost-cutting measure. That is why we need to concentrate on the level of service that exists.

The issue rumbled on into last year, when I raised it again with the then Under-Secretary of State for Transport, Mike Penning — who is now the Minister of State for Northern Ireland — and, again, reassurances were given.

The most crucial reference that I want to use is this: in March this year, at Northern Ireland Questions in Westminster, I raised the issue with the Secretary of State. She was very much aware of the importance of the issue. She was in Coleraine last week; and I have discussed the matter with the transport Minister. This is her quote from six months ago:

"It is important that he takes into account the views of Northern Ireland before he makes his decision."

Well, if it is important that he takes into account the views of Northern Ireland, he is going to get them tonight. He is going to get them and he is going to get them unanimously. Hopefully, without exception, the opinion from Northern Ireland will be: retain the jobs; retain the services.

I alluded in an intervention to Mr Robinson's speech that the issue is going to develop in the next few weeks at Westminster. We now have a meeting agreed with Minister Hammond. Hopefully, we will be able to drive the point home. I understand that a DVD has been

prepared to give him the message not just orally but visually, so that he gets the message very loud and very clear.

In conclusion, it is heartening to see unanimity around the Chamber. All too often, the press zone in on issues that we disagree upon. Here is an issue that we agree upon. It is a matter that generates all-party support. It would not be a good idea for a Minister of one party with an MLA, and local councillors from the same party, to go off on a solo run at County Hall. Hopefully, that will not happen in the future.

Mr McKay: Go raibh maith agat, a Cheann Comhairle. I add my support to the motion. I thank Members for staying to this late hour to discuss the issue. It is not often that we get such a good turnout for a motion at this time of the evening. It is important to have cross-party support.

I add apologies from my party colleague Cathal Ó hOisín, who cannot be with us this evening but remains fully supportive of the workers based in Coleraine and elsewhere.

The Tory Minister involved, Mr Hammond, said in recent months that it was essentially a good thing for the North to lose the jobs because there was less chance that driver and vehicle licensing services would be biased to a particular religious group. That was an absolutely extraordinary statement to make. In other words, we should be thankful for losing these jobs. I think that all sides of the debate and all sides of the House were bewildered by those comments from the Minister and the Department. Each and every one of the workers involved provides an excellent service to the entire community and has 100% support from the House in upholding their integrity. Those comments need to be put on the record.

The question has to be asked, however: why are Ministers in the Office of the First Minister and deputy First Minister (OFMDFM) and the Department of Enterprise, Trade and Investment (DETI) working day in and day out to create hundreds of job through investment and inward investment? The Ministers are building up the blocks of a skilled workforce in full-time employment, then a London Minister comes along and knocks them all down and throws in a comment that I would say was quite ignorant, putting salt in the wound of many of those workers who are worrying about how they are going to feed their families in six months to a year's time.

This is a classic Civil Service trick of winding down and neglecting a service for, some would

say, some 15 years. The Minister of the Environment needs to ask why that has been the case. Coleraine has sought funding for years to develop services, such as the telephone relicensing that other Members have referred to. Again and again, head office said no, no, no; no further funding and no improvements to services. So, it does appear that this has been a policy of deliberately running down the local service to bring us to a position where jobs would be transferred to Swansea. Despite all that, the DVA provides a world-class service, superior in many ways to Swansea, which is currently under some pressure, as Members alluded to.

Tom Elliott referred to a local service with local knowledge. I have been in contact with the service on many an occasion and have spoken to people who I actually know from the Ballymoney district.

It is worth reminding ourselves that this is not only about Coleraine. It affects people in Limavady, Ballymoney, Ballycastle, Ballymena and elsewhere.

The other part of the Civil Service trick concerns the consultation. The consultation was carried out in eight weeks over the summer, when people are on holidays etc. That is a classic trick to try to catch out the politicians and workers, and it will not be stood for.

The elephant in the room is that this should not be the call of a Tory Minister in London. It should not be the call of McLoughlin or Hammond. This decision should be made by local politicians who know the importance of the service provided, the importance of the decentralisation of public sector jobs — in this case to west of the Bann in Coleraine — and the cost to the local economy in services and jobs.

I appreciate the work that the Minister has done in the relatively short time that he has been in post. However, he needs not only to push for these jobs to be secured in the short term but to engage in talks with the Minister of Finance and Personnel and other Executive Ministers to secure support for the transfer of all DVA responsibilities to the Executive. That is how we can secure these jobs in the longer term and address the matter of the DVA being starved of the finance that is urgently needed to improve the service.

I add my support to that of the Members who have spoken. This is not only about jobs; it is about families and about parents putting food

on the table and keeping a roof over people's heads. These jobs will be on the line over the next six months. We need to put our shoulder to the wheel and defend those jobs.

Mr McQuillan: As a representative of East Londonderry, where the Coleraine DVA office is situated, I support the motion. The closure of that office would represent a major blow to not only Coleraine but the whole local community. For many years, the Coleraine DVA office has provided a high level of service to the population of not only Northern Ireland but the UK as a whole. Any closure would represent a failure to recognise the dedication and work ethic of the staff based there.

I have to say that I was saddened, disappointed and angered by the language used in the consultation document, which implied that the staff based there are biased on religious grounds. The comment was an insult in itself, but further insult was added when it was used as a reason to close the regional office. Perhaps any accusation of bias should be thrown at those responsible for including such a statement in the Government document. The comments fuelled further the upset of the staff and local community amid the news that their jobs were on the line. I am pleased that the mainland Minister responsible has apologised and ruled the comment out of order.

Any decision to close the office would have a devastating impact on the local community. The office employs over 300 people, which represents 15% of the local workforce. To put it in context, that is equivalent to the loss of 12,000 jobs on the UK mainland. It is well known that there are limited job opportunities out there, with the Northern Ireland economy heavily dependent on the public sector. The private sector economy in the Coleraine area could not absorb a workforce of over 300 people.

Those looking for work have to look elsewhere and outside of town, which could take them and their families out of the community. I fear that the job losses could result in families not only moving away from the area but losing their homes if they are unable to secure alternative work.

Today, we aspire to a healthy society. Such a decision has health implications, as poor health and well-being are directly linked to unemployment. The Minister must think about the stress caused by the current situation, in which staff and families are waiting to see what will happen.

Local business would suffer from a loss of trade, as local traders are dependent on the public investment in local people and the jobs that that creates. The loss of these jobs will remove a large proportion of revenue from the local economy. The impact will be devastating, as local shopkeepers and businesses in general are struggling in the current climate. Coleraine has suffered a 9.2% decline in jobs, owing to the downturn in the economy over the last few years.

In January 2013, the unemployment benefit claimant count in Coleraine was 2,045, which was an increase of 144% on the January 2008 figure. Between 2001 and 2011, the number of those employed in manufacturing fell by 38%. The construction sector has also suffered a dramatic 42% decline in the last four years. Vacancy rates in our town centre have increased by 100% in the past year. Where will this all end? I am in favour of retaining this office. With people's livelihoods in the balance, I support the motion and urge every Member of the House to do so.

8.00 pm

Mr Storey: Like other Members, when it comes to this stage in the debate, one is always in the invidious position where most of the salient points have been made. However, that will not stop me trying to make some others.

There is an old saying that, when you make change, there should always be a compelling argument for it. In none of the documentation that we have seen to date has there been any compelling argument as to why these jobs should be relocated to Swansea. Indeed, the counterargument has been made. I have to commend all those people, many of whom are in the Public Gallery tonight, who have made an outstanding case to prove that the best place for this service to be provided is not in Swansea. That is not to be disrespectful to those who are employed in Swansea or to that location; but the best thing is for these jobs to be retained in Northern Ireland.

Look at the customer satisfaction survey that was carried out. If we were trying to defend the indefensible, or we had statistics that proved that this service was failing to meet its targets or the requirements of the public, then it would be difficult to counter the decision. However, that is not the case. I commend those in the office in Coleraine, many of them are from my own constituency of North Antrim and travel to work in Coleraine, as another Member for North Antrim has already said.

Let us look at a number of other issues that are pertinent. Some comment has been made already about the scurrilous attack that was made on staff in Coleraine. I am glad that that has been apologised for. However, surely, on the basis of that alone, the Minister is now not only duty-bound to apologise but to withdraw this consultation and ensure that such a scurrilous attack on the staff in Coleraine and in Northern Ireland is never again registered.

Mr Clarke: Will the Member give way?

Mr Storey: Yes.

Mr Clarke: Would that be going far enough? Given that the Minister has made those comments, is he in a position to preside over a decision, now or in the future, on this service?

Mr Speaker: The Member can have another minute.

Mr Storey: The Member makes a very valid point. We have already seen in the past that Ministers who make a comment that predetermines or prejudices an outcome of a supposed consultation process are unable to continue it. For that reason and for others, this process is now not only fundamentally flawed but was discredited at the public meeting organised in Coleraine.

I commend all the parties which have lent their support to this. It is not often that, in this House, unanimity breaks out. It is an unusual thing, so people in the public gallery might see something that has not been seen for some time in Northern Ireland: their public representatives speaking with one voice. So I commend the current Minister, the previous Minister from the SDLP who worked on this issue and other Members. It is only right and proper that we also mention a Member who, unfortunately, cannot be here this evening but who has lent his support to this campaign. I refer to Mr McClarty, who has signed the motion. Our thoughts and prayers continue to be with him as he recovers, and we trust that soon he can be back amongst us. So, unanimity is a given.

I must say to Members of the House that we can have unanimity, a motion and opposition, but we need to ensure that we continue to drive this case forward. I welcome the comments made by the MP for the area, Mr Campbell, and the efforts that have been made by our colleagues at Westminster to ensure that this matter has been raised not only in the past number of weeks but as far back as 2005.

I would like to mention a particular group that contacted me. I would be failing in my duty if I did not place this on public record and convey my appreciation and thanks to the staff at Coleraine for it. The Cloughmills Vintage Club contacted me and named particular individuals in the Coleraine office — which I will not do — and made it abundantly clear that they get an outstanding service. There are some Members who will know that vehicles from as far back as 1952 can be traced by a chassis check. I have to say that the vintage club in Clough Mills is very concerned that the service that it has received, as has been mentioned by my colleague Mr Clarke and others, will not be delivered from Swansea.

I have to make a final comment, going back to my original remarks, and it is this: if you are going to make a change, you have to make a compelling argument for that change. No such argument has been made. Therefore, Mr Speaker, in light of the motion, which I was glad to have been of some help in putting together for the debate tonight, I trust that the House will send out a very clear and unequivocal message to the Government that these jobs should remain in Northern Ireland. I commend the staff and everybody involved in the campaign.

Mr Allister: I, too, happily join in supporting the motion. However, I would be happier if we did not have to debate it, because there should not be a threat to these jobs. That has to be the starting point. However, for a variety of reasons, there is a threat.

I think that the resolve around the House to resist the job losses is all to the good, indeed necessary, not just to save the 200 or 300 jobs in or about Coleraine and Ballymoney, but to save what are strategically vital jobs in an area of the Province where we seldom see new job creation. How long has it been since into Coleraine or Ballymoney we have had an injection of jobs of any quantity? Yet, here, at a stroke, we have a proposition that we should be robbed of jobs in circumstances in which there is no justifiable reason and where the service, for which things have been made very difficult by dint of a lack of investment, has been performing to an exceptional degree and has built into it a local, caring dimension such that the traders who go there to tax cars and other vehicles are amongst those most complimentary about the service provided.

Very often, you meet people who, when they are dealing with officialdom, complain vehemently about bureaucracy, needless delays, and all of that. I do not hear that about the DVA office. What I hear, in contrast, is a

recognition of the people who work there — real people who care about other real people and who will go the second mile to help them. No disrespect —

Mr I McCrea: Will the Member give way?

Mr Allister: Yes; I will give way.

Mr I McCrea: I think that this has been said on a number of occasions by various Members, but will the Member agree with me that Northern Ireland people are different from people in the rest of the United Kingdom in that we are a kind race and provide a kind voice on the other end of a phone? Does he agree that it makes a difference when you have a difficulty if there is somebody on the other end of the phone who understands your problem and wants to help?

Mr Allister: Yes. It can also be a help, on occasions, if they understand the accent.

Mr Speaker: The Member has an added minute on to his time.

Mr Allister: To have injected into that situation the slur on the workers that there was a sectarian issue that needed to be rooted out by rooting out the jobs was, as has been said, wholly scurrilous. It is right that all scurrilous remarks should be apologised for. It is right that those who make scurrilous innuendoes and assertions should apologise for them. Not all do.

I trust that the Minister, who has apologised somewhat, will be a big enough man for that; not all are.

Another part of the motion is important. The second limb of the motion calls for new investment by the Department for Transport in equipment and technology. That is part of the reason why this service is being put in jeopardy: the absence of technology. My message is that it is not enough to save the jobs; we need to underwrite them with the support of new investment. I trust that that most assuredly will and must happen. It will have to be the second part of the campaign, which must not be forgotten. When the campaign is successful in saving the jobs, it cannot be left there. It has to be carried on to underwriting the jobs through proper investment.

I commend the staff and the union for the excellent campaign that they have run, along with politicians of various ilks. It is right to acknowledge the outgoing and the new Minister

of the Environment in particular for their efforts. Frankly, the issue is more important than worrying about whether someone turned up for a photograph without the involvement of others.

My name is not on the motion; no one asked me to sign it, but I am not griping about it. It is a bigger, more important issue. I commend the SDLP Ministers for the manner in which they have addressed the issue. There is a burden on them to deliver, and I trust that they will deliver and that we can all rejoice in that.

Mr Durkan (The Minister of the Environment): I welcome the motion and the cross-party support that it has received. There is no doubt that the resounding opposition that has been expressed today by all Members sends a very clear signal to the British Government about the importance that the Assembly places on having our public services delivered locally and to the high standard to which we have become accustomed from vehicle licensing staff.

Let me take this opportunity to praise the staff in all the vehicle licensing offices, not only in Coleraine but across the North. Those staff have continued to deliver an exemplary service to the public despite the threat of losing their jobs, which has not just arisen over the past few months but has, unfortunately and regrettably, been the case on and off for almost 10 years.

I visited my local vehicle licensing office in Derry a few weeks ago and was struck by the dedication of staff who diligently helped customers to ensure that a high-quality service was provided. I went to Coleraine, where I talked to staff and heard at first hand their concerns not only about the potential loss of their jobs and the impact that that might have on their families but about their genuine concerns that customers here will receive a much lower standard of service if the work is taken to Swansea.

Like many in the House, I welcome the availability of greater access to the vehicle licensing services that the DVLA is now proposing. Indeed, I would ask why it is only now that these enhanced services are being made available to citizens in the North when they have been available for almost 10 years in Britain. There has been almost a decade of neglect and underinvestment in vehicle licensing services here by the DVLA. That explains, Mr Elliott, why the telephone service is not advertised. That is because the DVLA refused to invest in it despite demand from the public for that service. It is another in a long line of examples of DVLA underinvestment.

However, despite having access to online services for almost 10 years, almost half of all vehicle licensing transactions in Britain are still conducted over the counter. Not everyone has access to the internet, nor do they necessarily have the confidence and experience to go online to pay for their motor tax. Some people need assistance to complete the necessary forms, which is why they prefer to interact on a face-to-face basis with staff in local licensing offices. That is their choice, and it should not be taken away. Without access to expert staff, some customers will, undoubtedly, be left confused, and there will be more or bigger errors. There will be lost revenue and delays in processing, which not only inconvenience customers but potentially threaten the viability of small local businesses. Small car dealers and traders rely on the quick turnaround of licensing transactions. They currently receive this service at their local licensing offices, which allows them to continue to trade in these difficult economic times.

8.15 pm

The ongoing closure of local offices in Britain has already resulted in backlogs of up to six weeks for some transactions, and the situation in Scotland has been labelled a "shambles" by the chief executive of the Scottish Motor Trade Association. That is not the sort of service that we want here. The Department for Transport and DVLA in Swansea attempted to bulldoze ahead with their centralisation plans, without any meaningful engagement or consultation with the public or political representatives here. However, thanks to the relentless efforts of my predecessor, Alex Attwood, they reluctantly conceded the need for a public consultation before they reached a decision on the future of vehicle licensing.

Unfortunately, the consultation process was deeply flawed. It was launched at the beginning of our holiday period in July and lasted for the minimum period of eight weeks. It was completely one-sided, amounting to little more than an announcement of the DVLA centralisation plan, without any proper consideration or evaluation of other options. It dismissed the impact on the local economy and on the lives of DVLA staff, and it outrageously slurred the reputation of the agency's hard-working staff by suggesting that taking this work to Wales would avoid any risk of services being delivered in a biased, sectarian manner. I protested to Stephen Hammond in the strongest possible terms about that offensive and totally unfounded accusation, and I acknowledge his public apology in the House of Commons to DVLA staff.

Not only would DVLA's proposals for centralisation lead to a poorer standard of service for the public, they would be catastrophic for our local economy. The proposal to centralise all residual work in Swansea would result in the closure of all motor tax offices in the North, with a direct loss of over 300 jobs in the public sector. When you apply the multiplier effect, as the loss of these jobs would undoubtedly impact on businesses in the private sector, the local economy would be set to lose over 500 jobs. That is the equivalent of about 20,000 jobs being lost in Britain. The annual loss to the local economy would be over £11 million in wages and over £22 million in gross value added.

As many highlighted today, the impact on Coleraine would be devastating, with 235 public sector jobs being lost in an area that depends heavily on public sector employment and in which unemployment has doubled since 2006. The impact on Coleraine would be 18 times greater than on any location in Britain where a vehicle licensing office is being closed. However, let us not forget the seven other locations that have local licensing offices — Belfast, Downpatrick, Armagh, Omagh, Enniskillen, Derry and Ballymena. The economic impact of the DVLA centralisation proposals would have a profound effect right across the North. The economic impact here is totally disproportionate. The DVLA proposals fail to take account of the local economic, social and political context, and they fly in the face of commitments by the British Government in the recent economic pact to assist the Executive in growing the local economy.

As for how vehicle licensing should be delivered here, there are other options that the DVLA could and should have considered but has chosen to ignore.

Mr Storey: I thank the Minister for giving way. My intervention is on that point. It also ties in with the motion that we are debating, which we are quite confident will be approved. The motion calls on:

"the Westminster Government and the Northern Ireland Executive to take the necessary steps".

Will he assure the House tonight that, as the Minister respondent, he will take that back to the Executive and that it will be a priority? He has outlined the steps that could be taken. Will that be endorsed not only by Hansard in this debate but by the Executive?

Mr Durkan: I can certainly give the House that assurance. In fact, I can tell the House that I raised this issue on Thursday at my first Executive meeting. This is a priority for me, and I believe that it is also a priority for the Executive.

There is no reason why the availability of alternative ways of licensing vehicles should lead to the closure of local offices. There is no reason for moving the work to Swansea. There is no reason why the staff in DVA could not continue to provide vehicle licensing services to those customers who prefer to renew their licences over the counter. Indeed, with the exemplary track record of customer service and high satisfaction levels, there is no reason why the British Government should not consider moving additional work here to support our local economy.

I agree with the comments of Laurence Robertson MP, the Chair of the Northern Ireland Affairs Committee. He said that the DVLA proposal is another example of how centralisation proposals by GB Departments always act against the interests of Northern Ireland and how Northern Ireland is never considered as a suitable base for UK-wide business.

I have written, once again, to Stephen Hammond in response to the DVLA consultation. I have set out clearly a robust and comprehensive case against the centralisation proposals and the loss of local services and jobs, which is based on evidence and facts. In that, I relied heavily on an independent economic impact assessment commissioned from Oxford Economics. That independent assessment confirmed the devastating impact that the cuts would have in the North. I assure you that I will continue to drive this case. I have demanded a meeting with Mr Hammond and arrangements are being made for that.

I found the intervention from Mr Bradley on the role of DVA staff in helping to tackle car crime very interesting. Even more interesting would be an extension of that point to include its role and work with its counterparts in the South and police forces in both jurisdictions to tackle terrorism and share sensitive information about car ownership and movements on both sides of the border. I will seek further support on that point from the Justice Minister to strengthen our argument to retain these vital services.

It is imperative that Mr Hammond takes account of the local context here before he reaches a decision on the future of vehicle licensing. I

have also arranged to meet the Secretary of State about the issue.

I know that many Members have responded equally strongly to the DVLA proposals, and I know that I can count on continuing support here and at Westminster. Again, I will call on my Executive colleagues to do everything possible with me to ensure that the centralisation plans are abandoned and replaced by sensible and sustainable proposals that safeguard the quality of services provided to motorists here, that provide motorists with genuine choice, that safeguard jobs and that protect our economy.

Mr Dallat: At the outset, I want to wish David McClarty every health in the future. I also want to wish Robin Swann success with his baby. Both Members have been unstinting in their support, and they deserve our praise.

I was very happy to draft this motion with Mervyn Storey for circulation to the other parties. I just wish that we had more opportunities for doing work like this. Today, Mr Speaker, is a good day for the Assembly, and I know that you, as Speaker, will be extremely proud that, at this late hour of the night, the Public Gallery is packed with people who have come here united and emphasising to each and every one of us the absolute need for unity. That is because, at the end of the day, we have a tremendous opponent to confront.

Today's contributions are very important. However, several Members emphasised that this is only the beginning. It is the beginning of a campaign. Yes, the consultation is over. Several Members referred to the highly offensive remarks that were made in the consultation paper. I want to say, very briefly, that those remarks were offensive, deeply hurtful and, very importantly, an illustration of just how badly informed the author of that document was. The document is not just offensive; it is totally discredited by the very fact that anybody would accuse the workers in Coleraine of bias.

There are, of course, many other myths in the document. They have told us that, to deliver electronic services for the motorist, the system must be managed in Wales. Again, like the bias comment, that is totally untrue and not necessary. In fact, the workers here could tell you that the very opposite is the truth. Let me explain for a moment. Newfangled technology — the internet — means that the DVLA IT system in Swansea can be easily accessed by a secure network connection from the DVA in

Northern Ireland. If that is possible, surely it is also possible the other way.

I am pleased that our Minister, Mark Durkan, has raised this issue at an Executive meeting. That is because we need to expand our campaign to the Executive. I think that Mervyn Storey mentioned that as well.

Mr Elliott: I thank the Member for giving way. Very briefly, I think that this matter needs to go beyond the Executive. It might be useful, although it is not part of the motion, if, because the entire House is agreed, we ask for a cross-party delegation to support the Minister with the UK Minister.

Mr Dallat: I am wondering whether Tom has seen my speech, because I was coming to that. Of course, that is the natural progression to what should happen, and I believe that it is already in process. I emphasise that, when that delegation goes to London, it must be as cross-community as the unity that is shown here today.

Mark Durkan came to Coleraine, and I take full responsibility for that. He was on a half-day visit to his constituency, and I was given total freedom to choose the places he might go to. Every Member knows how that works. I make no apology for not only taking Mark H Durkan to County Hall to meet the workers but for taking him to the council offices where he met all the political parties and was hosted by the mayor. So, let us get that out of the road. That is the only wee tiff that we will have.

The First Minister and deputy First Minister are travelling the world looking for jobs. One of the workers quite rightly said to me, "Is it not a bit daft that those men were over in New York while the British Government are planning to rob 300 jobs from Coleraine?". I know that you could laugh at it, but it is plain crazy.

Let me return to the debate and to the logical arguments that have been made. The centralisation programme has started. It has already run up almost £2 million, and it will run up a great deal more. That is because it is a sham. Coleraine deals with 170,000 customers, so God bless Swansea if that descends on them on top of what is already there. It is a nonsense. The author of this discredited consultation document said that the move is about improving the service. However, could any Member tell me of any public service in Northern Ireland or anywhere else that consistently records a performance target of 98.7% to 100% across all services delivered?

I make my point.

8.30 pm

It is useful to mention the online service again. For 15 years, there has been no investment in Coleraine. For the past seven years, Brendan Magee, the previous chief executive, made at least seven business proposals to modernise Coleraine. Is Swansea now telling us, "Well, you did not modernise, so we will close you."?

Mr Speaker, I am heartened. When I was reflecting on this last night, and perhaps some people do not remember this, I was thinking of the shipyard workers in Gdańsk who could not take any more. They united and transformed democracy in that whole eastern part of Europe. "Solidarity" is a word that we do not use enough in here, and we need to use it more. I have heard Mark H use it consistently and frequently in recent times in relation to the workers at Coleraine.

We should make the word "solidarity" our motto, because it is the DVA workers today, but will it be Castle Court tomorrow? Where else will that right-wing coalition descend on? One contributor rightly pointed out that centralisation is bad news for Northern Ireland because we always seem to be on the losing end of it.

Mr McCallister: I am grateful to the Member for giving way so that I can put on record my support and wish them well in their cross-party delegation. A cross-party delegation will be key for the Minister, showing that solidarity and a forward programme of how you can not only keep the service but build on and improve it, and support extra jobs and work coming to Coleraine.

Mr Dallat: I thank Mr McCallister very much for his contribution, and we welcome his support.

Across the Chamber, our patience is exhausted, and for perhaps the first time in our life we will stand shoulder to shoulder. Never before have I seen so many MLAs go out to the front of this Building as I did this afternoon to greet those workers. I felt emotional about that, because this place sometimes has an image of spending too much time on motions that are perhaps not relevant. I hope that people outside will see what happened here today.

A little bit of history was made, but it is only beginning, and we cannot rest on our laurels. I am glad that the Minister is meeting the Secretary of State. I will not create any

problems by saying any nasty things about the Secretary of State, other than to remind her that she has a role far more important than being a colleague of Stephen Hammond. She is, after all, the Secretary of State for Northern Ireland. She has a responsibility for the political welfare of this part.

Perhaps the Minister will remind her that this Assembly, for all its criticism, is trying to build a political and economic foundation that will give stability. We all know that it is economic instability that creates the opportunities for people who have another way of approaching our problems.

Since this Assembly came into being, we have faced many challenges. This is one that we will win — and we will win it together as long as, from this day forward, we show solidarity with those people who, at this late hour, are here to hear this debate.

Some Members: Hear, hear.

Question put and agreed to.

Resolved:

That this Assembly supports the staff of Driver and Vehicle Agency offices in Northern Ireland; calls on the Westminster Government and the Northern Ireland Executive to take the necessary steps to retain the existing jobs and services; and further calls for new investment by the Department for Transport in equipment and technology.

Mr Storey: On a point of order, Mr Speaker. There is a stunned silence over the Assembly. However, my point of order is on another issue. I just want to correct a comment that I made during the previous debate on education for the Hansard record. I think that I may have said that there was a net loss. There was a net gain to the maintained sector of some £2,469 million. I trust that that figure will be recorded in Hansard. I apologise to the House if inaccurate information was given earlier.

Mr Speaker: The Member has put it on the record.

Motion made:

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

Adjournment

Death of Kirk Watters: Historical Enquiries Team Report

Mr Speaker: Order. The next item on the Order Paper is the Adjournment. The proposer of the topic will have 15 minutes. All other speakers will have approximately eight minutes. I ask Members who are leaving the Chamber to do so in an orderly fashion.

Mr Douglas: I will wait till we get this crowd out.

Mr Speaker: Order, Members.

Mr Douglas: Thank you, Mr Speaker. It is with some sadness that I bring before the House this evening the tragic circumstances of the death of Kirk Watters, a young man who was just 19 years old when he was shot and killed in disputed circumstances in Belvoir Street off the Newtownards Road in 1974.

Two other young men were also shot in the same incident that night, when members of the Royal Military Police, during a disturbance in the area, claimed that they had identified four gunmen and opened fire from the back of their Land Rover. Kirk's friend, Gary Reid, also died from his injuries a couple of weeks later. Right from the outset, I want to be clear that this is not about being anti-police or anti-army: it is about the record of a young man who was killed in tragic circumstances. I want to outline some of the discrepancies of some of the reporting at the time.

A couple of years ago, two members of the Historical Enquiries Team (HET) contacted Kirk's sister Margaret and her husband Herbie. They are here tonight in the Gallery. I am delighted to see them. They were informed that the HET was carrying out a reinvestigation into Kirk's untimely death. He was a young man in the prime of his life, a former shipyard worker and soldier with the Royal Engineers. As the report stated, at the time:

"Kirk was, clearly held in high regard by his commanders, who believed that he had a promising career ahead of him in the armed forces."

Unfortunately, due to the death of his grandmother and his grandfather's illness, Kirk had to leave the army to look after his grandfather.

As you will appreciate, Mr Speaker, that encounter with the HET opened up all the family's hurt, anguish and wounds of some nearly 40 years ago. I believe that we in the Assembly have a moral obligation to help the Watters family to bring closure to that sad chapter in their lives. That report undoubtedly raises a number of serious questions.

Let us turn to the HET's findings. The report calls into question aspects of the original testimony of soldier A and soldier B regarding the circumstances that led to Mr Watters' death. It states that:

"There are aspects of the evidence given by the RMP witnesses that simply cannot be true and there are strong indicators to suggest that Soldiers A and B fabricated large parts of their respective accounts."

The report goes on to state:

"On a specific level, there are aspects of this investigation which have not been fully explained by the RMP officers, and on some issues their statements are at variance with the evidence offered by Reserve police officers and other witnesses at the scene."

Finally, it states:

"It now seems incredible"

— what a word to use in a report —

"that even though there was evidence that cast doubt on the accounts of the RMP personnel, they were not effectively challenged to explain the contradictory evidence that the investigation had uncovered."

The original investigation into Kirk's death was carried out by RUC Detective Inspector Hamilton, who, at the time, stated:

"There is therefore very little evidence to substantiate the claims of soldiers A and B that they were justified in opening fire."

Before Inspector Hamilton forwarded his report to his chief superintendent, he stated:

"that criminal charges should be brought against soldiers A and B."

However, at the time, the chief superintendent and the Chief Constable's office stated that, on balance, despite the evidence, no criminal charges should be brought. The DPP agreed, and the case was marked, "no prosecution". No one has ever been charged with any offence, and no record exists of internal army disciplinary action against soldier A or soldier B.

I want to be very clear: the family is not interested in retribution. They are a forgiving, committed Christian family. In light of the HET revelations, I went with the family to meet Jeffrey Donaldson MP, who wrote to the Minister of State for the Armed Forces, the Rt Hon Andrew Robathan MP. Let me just quote his response. He said:

"I am grateful to Mrs Bowes for allowing my officials sight of the Historical Enquiries Team report on the death of her brother Kirk Watters so that we can make an informed decision on the family's request for an apology."

That is what the request was about: purely an apology to bring closure.

On pages 60 to 61, the report states:

"it was impossible to establish whether soldier A, soldier B or another person was responsible for Kirk's death."

That is because Kirk was shot in the back. The bullet went right through his heart, and they were never able to find it.

The Minister then goes on to say:

"If we were to apologise that would imply an acceptance that Mr Watters was killed by shots fired by a member of the army, and it is far from being established that this was the case. While I would like to extend every sympathy to Mrs Bowes and her family for their loss, I am afraid, therefore, that I am not able to offer the requested apology."

In light of this family's experience, their hurt and all the wounds that have been opened up, one could easily expect to find an aggrieved family, full of anger and seeking revenge — nothing could be further from the truth. The family do not seek a high-profile inquiry that would seek to live out the case in the full glare of the media for all to see. The family simply seek an acknowledgement that their loved one was wrongly killed. They seek recognition that no forensic evidence — the report is very clear about this — was found to link Kirk to the

discharge of any weapons and that there was no evidence of shots being fired at the military, and an acceptance that Kirk was an innocent victim in the wrong place at the wrong time.

To conclude, although tonight's debate cannot bring Kirk Watters back, it does at least afford the family an opportunity to hear that the Assembly — the seat of Government — listens to families of victims and shows compassion and concern for the Watters family, who still suffer from the legacy of the past.

I hope that the Minister of Justice, who was unable to attend tonight because he believes that this is an operational matter, will meet the family in the not-too-distant future to hear their story and to acknowledge their pain, suffering and loss.

Mr Maskey: Go raibh maith agat, a Cheann Comhairle. First of all, I thank Sammy Douglas for raising this matter tonight. I, again, place it on the record that I have not had the opportunity to speak to the family and loved ones of Kirk Watters.

Therefore, I want to be very measured and sympathetic in my remarks, which I will keep brief.

8.45 pm

Sammy Douglas outlined the very tragic circumstances in which this death occurred. The fact that it happened in 1974 is a stark and sad reminder to the House that the conflict that we have gone through cast, and continues to cast, a long shadow over many families. Sammy very eloquently and passionately articulated the way in which the family do not want what he described as retribution but want some form of acknowledgement or closure and some type of apology. That strikes me as a family that would be, dare I say it — I use my words wisely — easily pleased if they were to get some acknowledgement. In other words, they would find some comfort in an acknowledgment that their son was not guilty of any wrongdoing at the time of his death. That does not appear to be an awful lot to ask. I dare say that virtually all Members of this House have, at some point, engaged with families who have been bereaved during our conflict. Many have engaged with the HET, other inquiries and so on, and we can only sympathise with this family for the continuing trauma that they will go through in reliving those very tragic events from 1974.

It is regrettable that the Minister is not here, because although it is, as he described it, an operational matter — the HET has a responsibility to the Chief Constable and so on — he could, nevertheless, have considered it right to be here to hear the case and, perhaps, speak to the family. We all understand the demarcation of those matters. The Minister of Justice here does not have any responsibility for the running of the police or the judiciary *per se*, but we all have a role. I hope that the family can at least take some comfort from the fact that all the parties will give support to Sammy's Adjournment topic tonight to give the family some support. We will all deal with the Minister on this matter, and perhaps the MoD as well, to try to ensure that the family's very reasonable requests are met to allow them to get the closure that they so desperately seek.

Sammy Douglas has put on the record well that there was really no evidence at the time to back up the assertions that were made. As I said, I do not intend to go into any more detail on that, but suffice to say that this is another family bereaved during our conflict who have had a long shadow cast over their lives. At this stage, almost 40 years on, it is important that we all do as much as we can to help the family to get some type of comfort and closure. I thank the Member for raising the matter and commend the family for their stoicism over the past decades.

Mr Attwood: I welcome the fact that this debate has been brought to the Chamber tonight, because it is important in itself and in its timing, in that it is a week after the first visit to this part of the world of Richard Haass and Meghan O'Sullivan. I convey to the family condolences this late, 40 years after the death of their son, because pain is not determined by time; it stretches across the decades. I was not familiar with and did not know about this case until it was put on the Order Paper and only know about it from speaking to the proposer of the Adjournment debate, but, nonetheless, I have a sense that this family have great dignity, great resilience and great determination to secure for them closure in the circumstances of the case.

I agree with something the proposer said: in this case, as with all cases of victims and survivors, the needs of the victims and survivors and what they seek must have primacy. If we stand with victims and survivors, we will stand on the right side of how to deal with our past, be it by way of apology in this case or by way of other mechanisms in other cases.

As Sammy Douglas said, we have a moral obligation to bring closure to this family, just as we have an ethical obligation to deal with the past in a comprehensive and decisive way, not least given the Haass discussions. There is a need to fulfil that moral obligation and to deal with the past on an ethical basis. In this case, the family are looking for an apology, but we also have to acknowledge that other victims and survivors will look for something other than an apology; they will look for truth, accountability and justice.

On the back of this debate, and taking the Haass process into account, we have to base our moral obligation on whether the outcome of the Haass process will give victims and survivors the full menu of options when it comes to acknowledgement, truth and accountability. If, on the far side of the Haass discussions, we have not been able to secure that for all victims and survivors, including the family of Kirk Watters, then, to borrow the words of Sammy Douglas, we will have failed in our moral obligation and we will not have dealt with the past on an ethical basis.

In supporting this request from the family, I also support the requests of all the other families who seek acknowledgement, truth, accountability and apology. This Assembly and the parties in the Haass process should judge themselves and be judged on whether we produce those options to fulfil the wishes of all families.

I acknowledge what Sammy Douglas said about the fabrication of accounts. Other Members of this House, including Mr Maskey, will corroborate this: I do not know how many times I have read testimony about how there was fabrication of accounts. If this debate has some wider significance beyond that which it has for the family of Kirk Watters, it is that we must acknowledge on this occasion that there have been claims that seem to be well grounded that members of the security forces fabricated accounts about the use of force and lethal force. There are many other examples of fabrication of accounts about the use of force and lethal force by members of state and security forces. If this debate is to have significance beyond that which it has for the family, it is for all of us to acknowledge that, just as there was fabrication in this case, there was fabrication in many other cases. The recognition that there was fabrication in many other cases provides a liberation of thinking and ambition when it comes to dealing with the past.

I also acknowledge that, at some stage in the investigation into the death of Kirk Watters, a

decision was made that there should be no prosecution. How different our society would have been if wiser decisions had been made in the early 1970s on prosecutions for the illegitimate use of state force. In my view, the story of the past 30 or 40 years would have been different as a consequence.

Inasmuch as this particular case involved the use of state force and lethal force at least in disputed and, in my view, unjustified circumstances, let us recognise that, if we are to deal comprehensively with the past, there must be accountability. That accountability, in this case, may be by way of an apology, but there also needs to be accountability not just for state use of force but the use of force by terror organisations that inflicted enormous grief and pain on so many in our society. Either we deal with this comprehensively across the range of organisations, state and illegal, or we will not be able to deal with it at all.

Mr Copeland: I also congratulate Sammy on securing the debate. I echo Mr Alex Maskey's sadness that the Justice Minister is unable to be here.

It is late in the day, and we are all tired. Many of us have been here for eight, 10 or 12 hours. However, we must balance that against the 40 years that this family have waited for the opportunity to seek justice — if that is the right word. We are dragging ourselves slowly from the past to the future. There is a school of thought that argues that a lot of things that happened in the past should be left in the past. On some occasions, those who continually seek justice are accused of living in the past. The truth is that this family, and, I have no doubt, many others, have the past living in them. That presents all of us with a particular set of difficulties.

As many of you know, I am a former commissioned officer in the Ulster Defence Regiment. That presents me with difficulties in accepting that, in the past, things might have been done that should not have been done. I have some knowledge of the events because they happened around the start of my service. I have read a good number of HET reports, ranging from the La Mon atrocity — if that is the right word — to the murder of Tommy Herron. On occasions, I find myself shaking my head and wondering how decisions that were taken at the time could ever have been taken, and, more importantly, how they were ever held up to the test of history and not found wanting. This case is no exception.

I understand that the weapon involved was a 9 millimetre Sterling sub-machine gun, which was not the standard infantry weapon of the day. That was the 7.62 millimetre self-loading rifle (SLR), which was capable of firing single shots repeatedly at aimed targets. A Sterling is a very inaccurate weapon. The magazine holds 28 rounds. It is my understanding, if the actuality of the reports that I have received is correct, that the magazine was changed. That indicates the firing of approximately 32 rounds. It is impossible to fire 32 rounds from a Sterling sub-machine gun and calculate or count them as aimed shots. That in itself calls into question the recognition that was given to the yellow card, which governed the circumstances under which all members of the security forces, but, most particularly, those involved in the military, could use lethal force.

The search for justice — if, again, that is the right word — is fraught with tears. One of the heaviest responsibilities that lies on us in the Chamber is not to use the past as a weapon of political debate to batter one other with but to try to begin to understand that terrible things happened. The biggest responsibility for all of us is to make sure that they do not happen again. We need to look, honestly and objectively, at the cases around which there are question marks so that such families might find some honest closure.

As I said, looking at the evidence available now, I can conclude only that this case was not best handled at the time and that there are questions that need to be answered. Above all, even after 40 years, Mr Watters was a citizen. He is entitled to the respect of a citizen, and he, his memory and his family's memory are entitled to honesty and truth. Trying, for whatever reason, to brush the issues under the carpet will do nothing to ensure that the events of the past are not repeated. It places upon all of us a very heavy duty, and it is a duty that I think we are coming to the point of being mature enough to deal with properly. No words spoken by me or in this Chamber can ever take away the events of that awful night, but they can alter perceptions and, perhaps, give this family, at long last, some peace.

9.00 pm

Mr Lyttle: I thank the Member who secured the Adjournment debate for having the courage to bring this sensitive issue to the Assembly. I also thank Members for the mature way in which they handled the debate this evening. Hopefully, that will, further to recent days, provide some encouragement to you, Mr Speaker.

I found reviewing this case a humbling and challenging experience, both as an Assembly Member working to understand how we best deal with an extremely traumatic and violent past and as a very close friend of the sister of Kirk Watters, Margaret. She is a woman whom I know to be filled with dignity, faith and, as Sammy Douglas said, forgiveness. She has held herself admirably throughout the process of the HET review of her brother's death.

The HET has received significant criticism in recent times, and, indeed, in my opinion, it is a limited way to deal with the past. However, it has clear objectives: to bring a measure of resolution to families of victims who died during the Troubles; to re-examine Troubles-related deaths to ensure that investigations satisfy PSNI standards; to command the wider confidence of the community; and to ensure that reports make no moral or political judgement about the victims.

In reviewing the report, I found that it established the circumstances around the death of Kirk Watters. He was 19 years old and a former soldier, an apprentice tradesman with the Royal Engineers. He was also a carer for his father. When Kirk was discharged, his commanding officer stated that, without doubt, his outstanding characteristics were leadership and supervision. The report also found that Kirk was a member of the UDA and that the inquest into Kirk's death returned an open verdict, which meant that no one had been held responsible.

The HET review of the investigation considered 54 witness statements, 19 depositions, a post-mortem, an inquest report, forensic RUC reports, public prosecution reports, intelligence and photo maps. The post-mortem found that Kirk had been shot in the back. Forensics found no firearms discharge on Kirk's hands and no evidence of bullet marks in the area from which the shots that killed Kirk were fired or on the Royal Military Police Land Rover involved in the shooting. The report also found that there had been a state of disorder and tension in the area and that numerous arms finds had occurred there in recent times. The report found that the RUC detective inspector and investigating officer clearly recommended that soldier B be charged with a criminal offence in relation to the death of another man killed at the same time and in the same area as Kirk Watters but that the chief superintendent, for some reason, overruled that. Although soldier B had used excessive force that also resulted in the death of Kirk Watters, the chief superintendent ruled that he was justified in

opening fire and should not be subject to criminal charges. For some reason, the Chief Constable also accepted this ruling, as did the Director of Public Prosecutions, and no charge or disciplinary action was brought.

The HET report, however, found that although the original police investigation had been initially of a good standard, there were flaws in the follow-up investigation, particularly on the part of the Royal Military Police. In particular, it found that junior staff had interviewed more senior RMP staff involved in the shooting and that the failure to address significant discrepancies between the RUC and RMP statements had compromised the investigation. It is also, therefore, of concern to me that, despite the HET ruling that the original investigation failed to adequately challenge the soldiers' witness statements, the HET review then decided that there was:

"little value in tracing soldier B to account for discrepancies in the statement".

I think that that is something that can be looked at again.

As has been mentioned, the conclusions of the report clearly stated that there had been a breach of the yellow card guidelines for firearm usage, which might have amounted to a criminal offence; that there was fabrication of statements, and potentially lies, designed to conceal the truth in order to protect personnel from prosecution; and that, although it is impossible to establish whether soldier A, soldier B or another person was responsible for the death of Kirk Watters, it is highly likely that Kirk was shot after soldier B fired a burst of automatic fire at Belvoir Street.

I know that Kirk's sister is grateful for the clear understanding that the report has provided, not least in comparison to other, less evidence-based accounts, but there are questions and limitations that remain, including, as I said, why the HET review has not traced soldier B, and, indeed, the limitation of the little power that it has to compel witnesses. Despite the RMP failings in the original investigation and the high likelihood that Kirk Watters was shot dead by a burst of automatic gunfire, there has been little recognition from the MoD in relation to that. I agree with other Members that that is something that needs to be looked at.

The report also has significance to the wider challenge of how we best deal with the past. As has been mentioned, this is another review in relation to actions of the state, and if we want a comprehensive mechanism, other non-state

actors need to be held accountable for their actions as well. We also need to look at how any process can actually compel witnesses to give statements or information in addition to the existing information that we have to work with. It does, however, give an insight into the complexity of victimhood and the horrendous context of fear, tension and unprecedented public disorder that existed at that time.

My party and I believe that if we are to build a better future, we need to address that traumatic past in a more comprehensive manner. The Eames/Bradley report was a good basis from which we could start. It recommended a legacy commission with powers of investigation, information recovery, thematic inquiry and storytelling as a way to get closer to truth, accountability, acknowledgement and reconciliation. The Haass process presents an opportunity for the political parties to step up to the mark to try to put that type of comprehensive mechanism, which so far has eluded us, into place.

I know that the family of Kirk Watters believe that the HET process has provided them with a degree of information, but I agree that we have a responsibility and moral obligation to improve on that process and to make sure that that opportunity and process extends to as many people as possible to ensure that truth, accountability and reconciliation are achieved across our society, that no one is held captive by the past and, indeed, that it is never allowed to happen again.

Mr Newton: I thank my party colleague for bringing forward this Adjournment debate on the death of Kirk Watters. Like others, I want to be very measured, but I also want to be very factual, and, with your permission, I would like to refer extensively to the HET report on the matter.

I think that it is regrettable that Minister Ford is not here. I do not understand how this is an operational matter, since the HET report has been concluded. I just do not understand that. The HET was established to assist in bringing a measure of resolution to those families of victims whose deaths are attributable to what we call the Troubles between 1969 and the signing of the Belfast Agreement. It is required to do so in a way that commands the confidence of the wider community.

On reading the report, I can see the difficulties, and I can see what I imagine is the hurt, which has been referred to, that has been caused to the relatives of Kirk Watters. It is nearly unbelievable. The report states that, at the time

when Mr Watters was shot dead, a constable, Constable Arbuthnot, heard no gunfire other than that fired by the Royal Military Police. He did not see the bullets striking the wall, as claimed by the RMP, and he did not hear the whistle blast or see gunmen. Another reserve constable who was in the same vehicle stated that he heard two low velocity shots just before the RMP opened fire, but the civilian witnesses do not substantiate the claims that other persons were firing weapons. However, partisanship, the report says, might be a factor.

Mr Douglas: Will the Member give way?

Mr Newton: I will give way.

Mr Douglas: Does the Member agree that, as Mr Lyttle said, that time was a very traumatic experience for everybody because of the tensions? As it said in the report, a lot of young people in the area actually joined paramilitary organisations. I know that it has been alluded to that Kirk Watters was a member of the UDA, and it states in the report that he was a member of the young UDA. It also says:

"There are no intelligence reports to suggest that Kirk had previously come to the attention of the security forces, or that they were aware of his connection to the UDA prior to his death."

Do you agree that that suggests that the report exonerates Kirk Watters and states clearly that the security forces had no evidence that he was involved in any activity, particularly where gunfire is concerned?

Mr Newton: I thank the Member for his intervention. That does become quite clear later in the report.

The report states that the scene and the Land Rover were examined by a Constable McCrum from SOCO. All the strike marks that were found indicated only firing from the Newtownards Road direction, and he found no strike marks on the Land Rover. That was the same Land Rover on which strike marks were found four days later. There is, therefore, the report says:

"little evidence to substantiate the claims of Soldiers A and B that they were justified in opening fire."

Although we are dealing only with Kirk Watters, the report goes on to further indicate:

"The entire circumstances surrounding the death of two youths and the injury of one more is very unsavoury."

The evidence of the civilians in the area is clearly that there was no gunfire except that from the RMP vehicle. The evidence of Reserve Constable Porter is that soldier B ran out of ammunition. The report says that that evidence:

"would lead one to think he had, on this occasion, lost his nerve and either accidentally, or on purpose, discharged automatic fire to his left hand side in Belvoir Street, which resulted in this terrible tragedy. There is no ballistic evidence to show that shots were discharged from Soldier 'A's weapon, as both weapons had been cleaned before reaching DIFS."

The report specifically says:

"there are aspects of this investigation which have not been fully explained by the RMP officers, and on some issues their statements are at variance with the evidence offered by the Reserve police officers and other witnesses at the scene."

That is RUC Reserve police officers.

The report goes on:

"In these situations it is always difficult to balance the weight that one ought to attach to the latter category of witness since he may be biased, or indeed he may give an accurate account of what he himself perceived at some interval subsequent to the incident."

9.15 pm

The report continues:

"The HET has examined the original investigation carried out by the RUC and acknowledges the difficulty of comparing modern investigative processes and techniques with those which were current during the time of the 'The Troubles'."

That is really saying that, had we had the knowledge that we have today, this case might not have been just so difficult.

This question has to be asked on behalf of Kirk Watters's family: did the RMP personnel adhere to the rules of engagement? Those rules are never to use force more than the

minimum necessary to enable you to carry out your duties; to try always first to handle the situation by means other than opening fire; and, if you have to fire, to fire only aimed shots. If the magazine was empty, that may well indicate that that was not the case.

The report also states:

"There are aspects of the evidence given by the RMP witnesses that simply cannot be true and there are strong indicators to suggest that Soldiers A and B fabricated large parts of their respective accounts."

Given the circumstances and the content of the report, you can understand the family's feelings, concerns, hurt and, indeed, hope that something else might come out of this. I am not sure that we can offer them anything except what has been said this evening in the Chamber, where there has been a great deal of empathy with their position. Maybe, just maybe, the Haass talks will allow us to take another step forward.

Adjourned at 9.16 pm.



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