

Official Report (Hansard)

Tuesday 5 November 2013
Volume 89, No 2

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Northern Ireland Assembly

Tuesday 5 November 2013

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

Members observed two minutes' silence.

Assembly Business

Mr Allister: On a point of order, Mr Speaker. Is it not a comment on the relevance of this House that, today, after last night's devastating programme on the disappeared —

Mr Speaker: Order.

Mr Allister: — there is no opportunity to raise the matter —

Mr Speaker: Order.

Mr Allister: — even as —

Mr Speaker: Order.

Mr Allister: — a Matter of the Day?

Mr Speaker: Order.

Mr Allister: Is that not a shameful dereliction in this House?

Mr Speaker: Order. I ask the Member to take his seat or leave the Chamber. The Member knows quite well that he is totally out of order. Well he knows that. It is not — *[Interruption.]* Order. It is not in order to question such decisions. I will leave it there.

Public Petition: Exploris

Mr Speaker: Mr McCarthy has sought leave to present a public petition in accordance with Standing Order 22. The Member will have up to three minutes to speak on the subject.

Mr McCarthy: The petition to save Exploris contains the signatures of over 11,000 people from all walks of life who have one thing in common, which is their demand that the Assembly and different Departments provide

regional funding and work with officers in Ards Borough Council to draw up a plan and a vision to enable Exploris to continue to operate in Portaferry as the Northern Ireland aquarium.

Exploris is one the top 10 tourist attractions in Northern Ireland. It is sited in Portaferry on the edge of Strangford lough and has been in existence since 1987. At its height, it was capable of attracting over 100,000 visitors per annum. The aquarium has a fantastic array of local fish, and Exploris takes visitors below the lough to experience the habitat and existence of a wide variety of marine life. In addition, of course, we have the famous seal sanctuary. The 100,000 visitors contribute to the economy, not only of Portaferry but of every small village in the Ards peninsula. They use the Strangford ferry and contribute to the economy of the village of Strangford and beyond.

Exploris is a world aquatic site in Northern Ireland. Our appeal this morning is to do what is necessary to save Exploris. Mr Speaker, I will also hand you an A3 page containing the signatures of a dozen local schoolchildren who are desperate to save their fish and their seals. Let the Assembly listen to the cry of those dozen children and the 11,000 adults who have signed the petition and prove that we are a listening Assembly that can rise to the challenge and save Exploris.

Mr McCarthy moved forward and laid the petition on the Table.

Mr Speaker: I will forward the petition to the Minister of the Environment and send a copy to the Chair of the Committee for the Environment, Anna Lo.

Ministerial Statement

Child Sexual Exploitation Inquiry: Appointment of a Chairperson

Mr Poots (The Minister of Health, Social Services and Public Safety): I wish to make the following statement on the independent inquiry into child sexual exploitation (CSE) in Northern Ireland.

In my written ministerial statement of 25 September 2013, I indicated that, following the appointment of the independent chair to the inquiry and agreement of the terms of reference, I would make a further statement on the independent inquiry and the thematic review by the Safeguarding Board for Northern Ireland (SBNI). I advise the House that I have appointed Professor Kathleen Marshall to lead the inquiry into child sexual exploitation. Professor Marshall has a long and distinguished career as a practising and academic lawyer. She is a former Commissioner for Children and Young People in Scotland. She was part of the team that undertook the youth justice review in Northern Ireland, which reported in 2011. She also chaired a statutory inquiry into child abuse in children's homes in Edinburgh, which resulted in a published report.

Professor Marshall will lead an inquiry board, which will include the chief executives of the Regulation and Quality Improvement Authority (RQIA) and Criminal Justice Inspection Northern Ireland (CJINI). I am also confident that we will secure the involvement of the Education and Training Inspectorate (ETI) with the agreement of Minister O'Dowd. The board will be supported by an inquiry team, which will include individuals with experience and knowledge of child protection.

The methodology will be a matter for the chair to decide. However, I understand that it is intended to hold an initial summit this month. I also understand that it is intended that calls for evidence will be made and that key stakeholders will be involved throughout the process of the inquiry. I have emphasised the need to ensure that the views of children and young people are considered and given due weight. I met Professor Marshall yesterday. Among other things, we discussed and agreed the terms of reference for the inquiry.

As agreed with Professor Marshall, the inquiry will seek to establish the nature of child sexual exploitation in Northern Ireland and a measure of the extent to which it occurs; examine the

effectiveness of current cross-sectoral child safeguarding and protection arrangements and measures to prevent and tackle child sexual exploitation; make recommendations on the future actions required to prevent and tackle child sexual exploitation and on who should be responsible for those actions; and report the findings of the inquiry to the Minister of Health, Social Services and Public Safety, the Minister of Justice and, with his agreement, the Minister of Education within one year of the commencement of the inquiry. In addition, I have agreed that the inquiry should consider specific safeguarding and protection issues for looked-after children, taking into account the SBNI's ongoing thematic review; seek the views of children and young people in Northern Ireland and those of other key stakeholders; and engage with parents to identify the issues that they face and seek their views on what needs to be done to help them keep their children safe from the risk of CSE.

The inquiry will not focus on the circumstances and/or responses to the 22 children who are part of the ongoing police investigation known as Operation Owl. That will be the focus of the separate thematic review that is being undertaken by the SBNI. However, available learning that is generated from that review will be taken into account by the inquiry. The terms of reference reflect that this is a wider societal issue affecting children in a variety of circumstances, not just those in the care system.

I expect the inquiry to conclude and report before the end of 2014. Where learning is identified by the inquiry, it is essential that it be shared and acted on quickly. I want to ensure that, as far as possible, we prevent further sexual exploitation of children and young people in Northern Ireland. I also want to ensure that our child safeguarding systems are sufficiently robust across all sectors. In particular, it is essential that those who are responsible for exploiting children in that way face the full rigours of the law.

I have agreed with the inquiry chair that information will be made available at appropriate junctures; for example, at the end of the call for evidence strand of the inquiry and when the inquiry board and team have analysed evidence that has been provided. An inquiry website will be established to facilitate the sharing of information throughout the process. Of course, any evidence that emerges throughout the process that indicates that immediate action is needed to protect children in the here and now will be made available to

the appropriate authorities, that is, the police and/or social services.

Members are aware that the SBNI is being directed to conduct a thematic review into the 22 cases that triggered the ongoing police investigation. As I am required to in law, I have consulted the SBNI on the terms of the direction. Consultation is ongoing, and I hope to be in a position to report further to the House on the terms of reference for the review in the near future. The SBNI review is a complex piece of work in the sense that it interfaces directly with an ongoing police investigation. So, we need to be assured that the risk of interference with that investigation is kept to an absolute minimum. That is the ongoing discussion with the SBNI.

Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety): Go raibh maith agat. I thank the Minister for his statement. I welcome the appointment to what is a critical piece of work into safeguarding our children and young people. The Minister will be aware that the Committee has written to the Department three times in the past six weeks asking for sight of the terms of reference in advance of it coming to the House. Therefore, why has the Minister chosen to simply ignore that offer of assistance and has, effectively, undermined the Committee's scrutiny role? Will the inquiry have powers to address the failures in the system that have been identified throughout the process? What powers will be in place to deal with that?

Mr Poots: First, we agreed the terms of reference last night with Kathleen Marshall, who is going to head up the inquiry. The terms of reference were then agreed with the Justice Minister, and they have also been sent to the Education Minister. If the Committee wants to draw the process out, elongate the process and slow down the inquiry's actually starting, I could have started engaging with it on that basis. However, in that respect, I think that there has been adequate opportunity for key people to be involved in identifying the terms of reference for the inquiry. As the Committee looks at the terms of reference, I think that it will see that it is a process that is inclusive, a process that will involve the Committee at appropriate stages, and a process that all Committee members can participate in in a very fulsome way. This is not a process about exclusion. I want it to get started. I would have liked to have started it quicker, and I do not want further delay. So, without being disrespectful to the Committee, that is my line of thinking. I think that it is important that we get the process under way

and that the work is done and that, if there are failings and weaknesses, they are identified at an early point so that we can seek to close those gaps.

Mr D McIlveen: I, too, welcome the Minister's statement. Will the Minister advise us who will be on the inquiry team that is to be established?

Mr Poots: The inquiry team will include experts in the field of child safeguarding and protection, as well as professionals from each of the three organisations that are involved in the inquiry, that is, the RQIA, the CJINI and ETI. Other experts and professionals may be co-opted and brought on for support when required. That will be in the hands of the inquiry team, led by Kathleen Marshall and those support organisations, to facilitate.

Mr McKinney: The SDLP would also have liked to have seen the terms of reference presented at the Committee. We welcome the inquiry and the appointment. Given the way that it is designed, in thematic form and inquiry, will the Minister assure the House that we will not end up with simply a narrative about the nature of child sexual exploitation, as opposed to a robust inquiry drilling down into accountability?

10.45 am

Mr Poots: It is important to identify the fact that there are two different inquiries on two different streams. The Safeguarding Board will carry out a thematic inquiry that will focus on the 22 cases that were reported and that the police are investigating. So, you have a police investigation, and running alongside that you have the Safeguarding Board's inquiry. That will be very important in order to see where particular weaknesses can be identified in those cases. The inquiry that we are conducting will be more policy-driven, and, therefore, we need to look at how policies are implemented on the ground and see where those changes need to be made. Two different and separate inquiries are taking place. It is important that there is no considerable overlap and that each inquiry covers all the relevant issues that are of concern to Members and ensures that we have better safeguarding procedures in future.

As to the results of the inquiry, I am not sure whether our failings are significant. I do not think that we should prejudge it. However, one way or another, 22 children have been the subject of sexual exploitation. Even if many of them have been willing participants, we need to do more to protect them. It is important that we try to get to all these issues and discuss this in

a very open and honest way in an honest framework to ensure that those who have an opportunity and need to say something about it will have a chance to do so.

Mr Beggs: I, too, thank the Minister for his statement and welcome the appointment of the chair. In his original statement, the Minister announced, just like today, the close involvement of the Regulation and Quality Improvement Authority and Criminal Justice Inspection. He also expressed an aspiration that the Education and Training Inspectorate would be involved. How have you engaged with the Department of Education and the Minister, and why are they not yet on board?

Mr Poots: My officials and I have engaged with both Departments. We have been in regular correspondence on the issues, so a course of work has happened. Justice was able to come on board with the issue, and I think that Education will come on board. I honestly do not believe that Education can sit outside the process. We are looking at a situation where around 20% of children who are being exploited are in the looked-after sector, but 80% are not. Where are those 80%? Most, if not all of them, will or should be in the education system. Can Education afford to sit outside the process? I do not think so.

Mr McCarthy: The Alliance Party also welcomes the announcement this morning and the appointment of Professor Kathleen Marshall. Does the Minister agree that we should examine past practices while we await the outcome of the review? What assurances can the Minister give on measures being taken now to ensure the protection of vulnerable young people in care?

Mr Poots: We will certainly look at the past. Of course we will look at the past; we have to. A number of people have responsibilities for giving protection to children and young people now: social services; the people who look after the care of those children; the PSNI; and others. It is important that we recognise — it is one thing that I am very interested in seeing in the report — that children have human rights, but those who care for them have responsibilities. Sometimes, that responsibility may supersede what is perceived to be a human right for the child. I do not believe that 14- or 15-year-olds in a family household would generally be allowed to go out at 11.30 pm or go out with strangers. An argument can be made that you are denying that child their rights, but I also think that there is an argument to be made that you need to ensure the safety

of that child first and foremost. You hear accusations, and the review needs to identify, in the first instance, whether they are valid. We can then perhaps take actions to strengthen the confidence of the staff working in these facilities and dealing with young people with the plethora of legislation that exists and the challenges that they face, in particular, from human rights legislation.

Ms Brown: I also welcome the Minister's statement and, indeed, the appointment of the chair of this important inquiry. Will any children or young people be involved in the inquiry?

Mr Poots: It is absolutely essential that children and young people are involved and that their voices are heard. We know that many of these young people are very vulnerable. The inquiry will give early consideration to the most effective and, indeed, ethical ways of involving children and young people in its work and gaining their perspective on the issues. I have discussed this with the chair, and she is fully committed to a meaningful engagement with children and young people. She has experience of that, having been Commissioner for Children and Young People. It is intended that some engagement will also take place through our schools.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. I, too, thank the Minister for his statement. In your statement, Minister, you talked about the ongoing police investigation known as Operation Owl and said that it will be the focus of a separate thematic review by the Safeguarding Board. You referred to 22 children. Can you confirm that only 22 children are involved in that operation, or are more likely to become involved?

Mr Poots: As far as I am aware, that is the figure; that is what has been presented to me. I do not know whether there will be any change to that, but I do not think it is appropriate for me to speculate. What I do know is that there are evil, wicked people out there. There are predators out there, and predators always look for the vulnerable. Children who are looked after are amongst our most vulnerable. We need to recognise that. We also need to recognise that a lot of people have a responsibility to those young people, so, if they see things that perhaps should not be happening, they should report it, and, if they see things that could go wrong, they should seek to use the appropriate interventions through the appropriate authorities. It is incredibly important that we all recognise that vulnerable young people — vulnerable people

in general — need to be protected, as far as possible, from predators. We all have some work to do on that front.

Mr Dunne: I, too, thank the Minister and welcome his statement on a most sensitive issue of great concern to the public. If, as a result of the inquiry, major non-conformances are found that highlight system failures, what actions will the Minister take?

Mr Poots: If system failings or concerns about any agency's actions or, indeed, inactions are identified, they will be referred to the relevant organisation's senior management. The appropriate governance and accountability arrangements will then be enacted. Concerns may also need to be referred to the Safeguarding Board so that it has the opportunity, through its member organisations, to cascade learning appropriately on a wider scale. I should say that that may apply not just to major failings; it may apply to minor failings as well, because a series of minor failings can often lead to major consequences.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra agus as an fhógra go dtí seo. I thank the Minister for his announcement. I go back to a point that Mr McCarthy touched on earlier: will the Minister expand on what specific measures his Department has taken in its areas of responsibility to ensure that the abuse alleged in those 22 cases does not happen again?

Mr Poots: A number of measures were taken on the back of the Barnardo's report of 2011, including the establishment of the Safeguarding Board. A series of measures were taken in line with six recommendations, one of which was for the police, and five of which were for my Department. All those measures have been acted on. Most have been implemented in full, and some are being completed. Members should take some comfort from the fact that one key area that we have implemented is the close liaison and the embedment between the police and social services, which is absolutely essential. I know that many parts of GB will look on quite enviously at the close cooperation between those organisations in Northern Ireland. Much has been done, but do I think that more could be done? I will be very surprised if we do not identify areas of weakness, vulnerabilities and gaps that we can close to provide greater support to these young people.

Mrs Overend: I thank the Minister for his statement. Will he give a commitment that the

inquiry will focus on ensuring the safety of children through critiquing current practice as opposed to simply apportioning blame?

Mr Poots: This inquiry is about a critique of practice; the Safeguarding Board will be more associated with the 22 cases and that course of work. This inquiry is more policy-focused. When people fail, blame often has to be applied. However, the inquiry has not necessarily come about because of a series of individual failures; it is more down to a series of very challenging circumstances. People often believe that they are doing the right thing, but it may not necessarily be the right thing. The inquiry will focus strongly on policy and on identifying what more could be done. It will look at interpretation of the law and ensure that staff interpret the law appropriately so that too much weight is not given to one aspect of the law to the detriment of young people. I assure the House that all those things will be looked at.

Mr Weir: I thank the Minister for the statement and welcome it. This is a grave issue, and it is important that there is full and proper public scrutiny. In light of that, what steps does the Minister intend to take to ensure that the House is kept informed of progress?

Mr Poots: I will make regular statements to the House on the progress of the inquiry and the review in so far as my doing so will not compromise the integrity of the process. Members will appreciate that I want to be fully advised by the respective chairs on an ongoing basis, and I expect that I will receive topical and listed questions from Members because the issue is of importance to the public. It may not affect a large number of people, but, nonetheless, the effects on the relatively small number need to be felt by all of us, and all of us must ensure that we do as much as we can to make sure that it does not happen as regularly as it has in the past. I do not believe that we can entirely eliminate it, but we need to do everything that we can to mitigate the circumstances of vulnerable young people and to ensure that predators do not find easy access to them.

Mr Givan: The Health Minister and the Justice Minister have made it clear that any form of child abuse should be reported to the appropriate authorities immediately. Given that, how concerned is the Minister that, yesterday, the deputy First Minister compromised that message by defending Gerry Adams, who clearly failed to report the abuse of his niece to the appropriate authorities? Furthermore, what steps can be taken to educate not only

politicians but parents and the public about the risks associated with child sexual exploitation?

Mr Poots: I was somewhat struck yesterday by the views expressed by the recently retired Director of Public Prosecutions in GB, who indicated that those who fail to report child abuse should be prosecuted for such activity and that the law should allow that. We should all reflect on that. It is wrong for people not to report child abuse. It is one of the most obscene things that anyone can do, and those who have failed to report it have to live with their conscience. I also think that the PSNI and the Public Prosecution Service need to ensure that nobody is above the law, otherwise the law is diminished in the eyes of the people.

11.00 am

Mr A Maginness: I thank the Minister for his statement, and, along with my colleagues, I welcome it. The appointment of Professor Marshall is indeed a wise appointment, given that she was a former Children's Commissioner, a member of the youth justice review in Northern Ireland and led an inquiry into sexual abuse in Edinburgh in Scotland. Given that and the timetable that the Minister has laid down, is there not a greater urgency to get a report earlier rather than in about a year's time? These issues are very urgent and need a focused, sharp report. Would the Minister respond to that?

Mr Poots: I would, because I asked the same question myself: why do we have to wait a year? The argument was made very strongly by the RQIA that, after all its consultations and the work that it had done, it will reasonably take from nine to 12 months to produce the report. That disappoints me, because, when we did the Troop review, which was a different course of work, we had an initial report in three months and the final report in six. I have agreed with the inquiry team that, where key findings come to light, they will be made available to us so that we can act on them. The fact that the inquiry will take a year should not stop us taking action where it is identified that action should be taken. I take some comfort from that. I asked the same question myself, and a strong and convincing case was made that it will take this length of time to fully carry out the work that is required.

Mr Allister: Going back to the comments of Keir Starmer, does the Minister think that the term of reference that says:

"make recommendations on the future actions required to prevent and tackle child sexual exploitation"

is adequate to permit a recommendation that, as Mr Starmer suggested, failure to report child sex abuse should be made a criminal offence? Is that term of reference adequate for that, and, if it is not, will the Minister look further at that particular term of reference?

Mr Poots: The Member will know, because he practised for many years, that people were prosecuted under the legislation in respect of the withholding of information on wrongdoing. Therefore, I do not accept what some in the PSNI seem to think, which is that withholding information on child abuse is something that is untested. In fact, withholding information on criminal activity has been tested, and people have been found guilty of it. It is absolutely essential that the police and prosecution service do not in any way give succour to people who withhold information of any kind on criminal activity: terrorism, child abuse or otherwise. They should come forward and make what they know known to the police and the Public Prosecution Service and allow justice to flow from that.

Executive Committee Business

Fishing Boats (Satellite - Tracking Devices) Scheme (Northern Ireland) 2013

Mrs O'Neill (The Minister of Agriculture and Rural Development): I beg to move

That The Fishing Boats (Satellite - Tracking Devices) Scheme (Northern Ireland) 2013 be approved.

The fishing boats scheme forms a part of the package of strategic assistance I announced for the sea fish catching sector earlier this year. You will recall that, on 21 October, the Assembly approved a scheme to assist the fishing industry with the cost of harbour and landing dues in response to the difficulties caused by unusual weather in the first quarter of 2013 and adapting to the challenges of reducing fish discards under the reformed common fisheries policy. I said at that time that it was appropriate to look at the needs of the fleet in a strategic way. These two schemes form part of that package of measures.

As part of the requirements of the common fisheries policy, fishing vessels over 12 metres in length must fit satellite-tracking devices and transmit their position every two hours to the fishing authorities. That has been a requirement for vessels over 15 metres in length since 2005 and for smaller vessels since 2011. Larger vessels have been using such equipment since 2006, while smaller vessels have yet to be equipped. In order to meet the new requirements for smaller vessels, a new generation tracking device has been developed and is now available. As well as sending the vessel's position, the new system has the capacity to send electronic logbook transmissions via satellite link to the authorities if the vessel is out of range of mobile phone transmission. Our intention is to equip the smaller vessels with this new system as soon as possible and to offer larger vessels the opportunity to fit the system. That is because the older systems have been operating for some years and are nearing the end of their operational life, so they will be liable to more breakdowns and expensive repairs.

In the context of the provision of strategic assistance to the fleet to help it to adapt to change, I decided that it was appropriate that the Department should fund not just the first-

time installation for smaller vessels but the replacement of the older systems for larger vessels. Funding has therefore been secured from Europe for 90% of the cost, with 10% coming from the Department of Agriculture and Rural Development (DARD). The European funding is being provided through a fund for financial assistance for expenditure on fisheries control, inspection and surveillance and is separate funding from the European Fisheries Fund.

The cost of the systems will be around £1,500 per vessel. That includes reasonable installation costs and a three-year warranty. Arrangements have also been put in place to pay the supplier directly once the system is installed so that vessel owners will not have to pay any money up front. All the vessel owner has to do is complete an application form and arrange with the supplier for a suitable date to fit the equipment.

We intend to launch the scheme on 1 December. We encourage any eligible vessel to apply as soon as possible, so that installation can take place in a planned way over the winter months. I estimate that the final amount of grant awarded under the scheme will be approximately £200,000. I believe that that assistance will be a welcome boost to our fishermen to assist them with the costs of complying with the common fisheries policy. Therefore, I recommend the scheme to the House.

Mr Frew (The Chairperson of the Committee for Agriculture and Rural Development): As Chairperson of the Committee for Agriculture and Rural Development, I welcome the opportunity to contribute to the debate on this motion. The statutory rule is ultimately about European requirements for inspections and enforcement of EU rules that apply to fishing boats. Whilst that is not necessarily something that the fishing industry is keen on, I think that all recognise the need for it. If it has to happen, at least this statutory rule will allow the affected fishing boats to avail themselves of 100% funding to ensure that they comply with the regulations.

The Minister has already outlined the EU regulation that requires all fishing vessels over 12 metres to have a vessel-monitoring system capable of allowing the fisheries management authorities to automatically locate and identify the vessel. Vessels of 12 to 15 metres will be fitting such tracking devices for the first time, while those over 15 metres will have older devices that need replaced. The scheme will be funded by a 90% grant from Europe and a

10% grant from DARD. In total, DARD has secured some £294,000 for the scheme.

The Committee initially considered the statutory rule in May 2012. We noted that it was not progressed at that stage because of consideration being given to extending it to allow for the replacement of the older devices on boats over 15 metres. DARD has indicated to the Committee that some 120 boats will be able to avail themselves of the scheme. We look forward to getting an update on how many actually did. Once the decision had been made to allow for replacement on over-15-metre boats, the statutory rule came back to the Committee at its meetings of 2 July and 10 September 2013. At that point, the Committee indicated that it was content.

Mr Byrne: I, like the Chairman, welcome the statement by the Minister and, indeed, the merits of the scheme. It is an EU regulatory scheme that is desirable for a number of reasons for the commercial fishing industry in Northern Ireland. Better tracking helps safety-at-sea requirements and ensures that fishing regulations such as days at sea and total allowable catch are being complied with without doubt or unease. The proper documentation of fishing catches is necessary for the scientific monitoring and recording of fish stocks. If we want to see a proper fishing development plan for our fishing industry, centered around the three fishing ports of Portavogie, Kilkeel and Portaferry, this satellite-monitoring scheme is desirable and worthwhile for the industry in the long term. I welcome the fact that DARD has secured EU grant support funding for the scheme. I wish the fishing industry well in implementing it and look forward to the improvements that can accrue from it.

Mr Rogers: I thank the Minister for her statement, which I also welcome. When our boats leave Portavogie, Ardglass and Kilkeel to go out to fish, they can be dealing in four different fishing areas in Scottish waters, Irish waters or English waters. I am hopeful that these devices and the EU legislation will be applied uniformly across the four jurisdictions.

Mrs O'Neill: Go raibh maith agat, a Cheann Comhairle. I thank all the Members who contributed to the debate, and I think that this sends out a very strong message to the fishing community that the Assembly and the Executive are committed to demonstrating our commitment to the ongoing sustainability of the fishing industry. Thank you for the contributions.

Question accordingly agreed to.

Resolved:

That The Fishing Boats (Satellite - Tracking Devices) Scheme (Northern Ireland) 2013 be approved.

Pharmacy (1976 Order) (Amendment) Order (Northern Ireland) 2013

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

That the draft Pharmacy (1976 Order) (Amendment) Order (Northern Ireland) 2013 be approved.

I seek the Assembly's approval to introduce the aforementioned statutory rule. Subject to the Assembly's approval, the rule will amend the Pharmacy (Northern Ireland) Order 1976. I will now explain briefly to Members why the amendment is needed.

There is currently no consistency across the nine statutory healthcare professional regulatory bodies with regard to legislation or guidance on the need to hold appropriate indemnity cover. In the past, concerns have arisen about the fact that some healthcare professionals practise without cover or with insufficient cover and that, in such circumstances, those whom they treat may be left without the means to seek redress in the event of a negative incident occurring that was caused by the negligence of the healthcare professional. In light of these concerns, the UK Government commissioned an independent review of policy on insurance and indemnity cover for healthcare professionals led by Finlay Scott the former chief executive of the General Medical Council.

In June 2010, the independent review group reported. It concluded that requiring healthcare professionals to have insurance or indemnity cover in place as a condition of their registration was the most cost-effective and efficient means of achieving the policy objective that all registered healthcare professionals have indemnity cover to ensure that individuals harmed due to the negligent activities of healthcare professionals can seek redress through compensation. The Department of Health, Social Services and Public Safety, along with the other three UK Health Departments, accepted the recommendations of the independent review group and undertook to introduce legislation to implement them at the next most appropriate opportunity.

During the review, negotiations were ongoing in Europe on a directive on patients' rights that raised, amongst other topics, the question of professional indemnity. On 28 February 2011, the European Union Commission, Parliament and European Council formally adopted directive 2011/24/EU of the European

Parliament and of the Council on the application of patients' rights in cross-border healthcare. This directive came into force on 9 March 2011. The directive places a requirement on member states that, by 25 October 2013, they have transposed into domestic law:

"systems of professional liability insurance, or a guarantee or similar arrangement that is equivalent or essentially comparable as regards its purpose and which is appropriate to the nature and the extent of the risk, are in place for treatment provided"

in member states.

As the majority of the regulation of healthcare professionals is performed on a UK-wide basis, the Department of Health has been proceeding with the transposition of the EU directive on behalf of all four administrations for these individuals.

The Department of Health in England recognises that it will not be able to make the 25 October 2013 date work. However, work is ongoing, and it anticipates that the requirement to transpose into domestic law will be met by mid-February 2014.

11.15 am

However, the regulation of pharmacists in Northern Ireland is currently undertaken by a separate statutory body, the Pharmaceutical Society of Northern Ireland — the society. Pharmacists in Northern Ireland are currently regulated under the Pharmacy (Northern Ireland) Order 1976 as amended and the supporting subordinate legislation. It is anticipated that the order will come into operation in Northern Ireland approximately two weeks after the required transposition date. It is anticipated that the risk of infraction proceedings by the EU Commission in the intervening period is relatively low.

My Department therefore proposes to meet the requirements of the EU directive by transposing article 4(2)(d) through this draft amendment order, which requires practising pharmacists to have appropriate cover under an indemnity arrangement. The draft order permits the Pharmaceutical Society of Northern Ireland to make regulation on certain provisions of the order; for example, what information they will require and when to ensure that practising pharmacists have indemnity cover in place.

The proposed legislation will have little or no financial impact on the vast majority of

pharmacists. It will also permit the society to take action against a practising pharmaceutical chemist in the event of there not being an indemnity arrangement in place, a failure to comply with the information requirements or a failure to inform the registrar if an indemnity arrangement ceases. The action may be to remove the pharmacist from the register or to take fitness-to-practise action against them. The changes that are being proposed mirror changes that are proposed for the regulation of pharmacists in GB.

In summary, what I am proposing by requiring practising pharmacists to have indemnity cover in place as a statutory condition of registration will enhance patient and public confidence in the pharmacy profession and will provide a means of redress for patients in the event of a negative incident caused by negligence. Implementation of the amending legislation will have little or no effect on the vast majority of pharmacists in Northern Ireland, as insurance or indemnity cover is currently a professional requirement, which, in the majority of instances, is provided for by a pharmacist's employer.

Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety): Go raibh maith agat. I thank the Minister for the statement. The Minister explained the purpose of the draft statutory rule, which requires the Assembly's affirmation before it can come into operation. The regulations, as the Minister said, will ensure that pharmacists have insurance or indemnity cover in place as a condition of their registration with the Pharmaceutical Society and will also reconstitute the council of the Pharmaceutical Society and extend the council's regulation-making powers on discipline.

The Committee initially considered the proposed legislation at its meeting on 18 September 2013 and the draft order at its meeting on 2 October 2013. The Committee agreed to recommend that it be affirmed by the Assembly. I therefore support the motion on behalf of the Committee.

Mr McCarthy: I welcome the Minister's statement, and I am sure that all pharmacists in Northern Ireland will do the same. I spent last Friday morning in a very busy pharmacy in Ballynahinch, and I assure Members, if they need any assurance, how dedicated the people behind the counter are. Their minds have to concentrate on the work that they are doing for fear of some slip-up. I assure the Members that all the pharmacies in Northern Ireland are up for

it. This will give them support and backing, and I support the statutory rule.

Mr Poots: I thank the Members for their comments and the Committee for its work in helping to progress this. I fully agree with Mr McCarthy that pharmacists play a very important role in society. The indemnity that will now be required if the proposal passes will not be a professional but a statutory requirement. I think that it is very important that that is the case and that pharmacists receive that support and indemnity on a statutory footing.

Question put and agreed to.

Resolved:

That the draft Pharmacy (1976 Order) (Amendment) Order (Northern Ireland) 2013 be approved.

Committee Business

Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill: Extension of Committee Stage

Mr Givan (The Chairperson of the Committee for Justice): I beg to move

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 11 April 2014, in relation to the Committee Stage of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill [NIA Bill 26/11-15].

The Committee Stage of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill began on 25 September. The Bill consists of 19 clauses and covers four main areas: offences; assistance and support; the protection of victims of trafficking in human beings in criminal investigation and proceedings; and prevention and reporting.

The Committee appreciates the interest there is in this Bill, in particular around clause 6, which makes it an offence to purchase sexual services. The Committee has therefore written to a wide range of organisations and key stakeholders inviting comments and views to assist its scrutiny of the Bill. We have also placed notices in the local newspapers and on the Assembly website. To date, the Committee has received in excess of 120 submissions from a range of statutory and voluntary organisations and numerous individuals, many of which make substantial comments on the Bill.

While the closing date for written submissions was last Friday, a number of organisations have requested an extension to the deadline to enable them to submit evidence this week. Therefore, the number of written submissions is likely to rise further. The Committee will take oral evidence on the Bill from the end of November onwards. With the volume of written evidence received, the oral evidence sessions are likely to take some time to complete.

Given the level of interest in the Bill and the need for robust and detailed scrutiny of the areas that it covers, at the meeting on 17 October, members agreed to seek an extension to the Committee Stage until 11 April next year. This extension would enable the Committee to undertake a visit to Sweden to meet relevant officials and representatives to discuss the

outworkings of its legislation, which is similar to that provided for by clause 6 of the Bill, and to meet the Oireachtas Joint Committee on Justice, Defence and Equality to discuss its report on a review of legislation on prostitution, in which it has recommended adopting a similar approach to the Swedish model. These meetings will greatly assist and inform members' consideration of the issues. While the extension would result in a relatively long Committee Stage, we do have to deal with a range of other criminal justice issues during this time, including other Bills to be introduced by the Department of Justice in the near future.

As indicated during Second Stage, the Committee has made it clear that it wants to see the strongest possible legislation introduced in Northern Ireland in relation to human trafficking. The Committee wants to give the Bill the detailed scrutiny that it merits and will require time to discuss the issues covered within it. The Committee will report to the Assembly on the Bill as soon as possible within the proposed timescale of 11 April 2014.

I commend the motion to the House.

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 11 April 2014, in relation to the Committee Stage of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill [NIA Bill 26/11-15].

Committee System Review

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

Mr Maskey (The Chairperson of the Committee Review Group): I beg to move

That this Assembly approves the report of the Committee review group entitled 'Review of the Committee System' (NIA 135/11-15).

Go raibh maith agat, a Cheann Comhairle. It is my pleasure to move this motion on the work of the Committee review group (CRG) looking at the Committee system.

The need for the review came from a recommendation made by the Assembly and Executive Review Committee that it would be:

"prudent for the Assembly to make an early start to a review of the Assembly Committee System and that the CLG should have an important role in this review."

On the foot of this recommendation, the terms of reference for a review of the Committee system were agreed by the Chairpersons' Liaison Group (CLG). The review was undertaken by a Committee review group made up of one Chairperson from each of the political parties represented on the CLG, and three expert advisers. Those advisers were Dr Ruth Fox, director and head of research of the Hansard Society; Mr Art O'Leary, secretary of Constitutional Convention Ireland; and Mr Trevor Reaney, Director General and Clerk to the Northern Ireland Assembly. I would like to take this opportunity to express my thanks, on behalf of the CRG, to the expert advisers and all the other staff and officials for sharing their expertise and contributing so willingly to the review.

In undertaking the review, the CRG met regularly over a six-month period. We commissioned research on Committee systems in other legislatures and considered briefing papers on membership turnover scenarios, with different numbers of Committees and members. In addition to the research and discussion papers, the CRG of course drew on the experience and knowledge of members themselves.

I would like to point out that, while Committee reviews have been undertaken in the past, this was the first such review to take an integrated approach across all aspects of the Committee system. In addition to reviewing the structure of the Committee system, the CRG looked at options to enhance the Assembly's political policy development, scrutiny, consultation and legislative roles in the short to medium term. The group focused its deliberations on developing a vision and principles for the Committee system; identifying and evaluating the strengths and weaknesses in the Committee system; and recommending areas for improvement. The CRG provided regular updates to the CLG on our progress and the emerging findings of the review. We also consulted the five political parties represented on the CRG on the emerging findings and outline proposals.

Having looked at examples of other Committee systems, nationally and internationally, the CRG was largely content with the overall architecture of the current Committee system. Key strengths identified were that Committees have a wide remit, with powers to call Ministers and Departments to account, hold inquiries and shape legislation. It was felt that, informally, Committees have significant influence in their relevant sphere of policy and, apparently, compare favourably with other legislatures. Committees are also accessible and have a high level of engagement with the public. That is evident in the number of external visits and meetings that Committees undertake and the innovative ways in which Committees engage and collect evidence. I think it is fair to say that that is not widely acknowledged.

The CRG was mindful of the prevailing political and constitutional climate in which there has been considerable debate about proposals to reduce the number of MLAs and to reorganise and perhaps reduce the number of Departments. The CRG agrees that that would have clear implications for the Committee structure. Therefore, the group concluded that it would not be prudent at this stage to propose any fundamental changes to the Committee system of the Assembly.

In that context, the CRG considered what aspects of the Committee system it wished to retain and identified what aspects would benefit from improvement or enhancement. For example, a major conclusion of the review was that the link between each Committee and a single Executive Department should be retained. The CRG regards the organisation of Statutory Committees, which mirrors the machinery of the Government, as a key

strength that clearly finds its origins in the Belfast/Good Friday Agreement.

A Committee's ability to provide direct oversight of a Department and its ministerial team underpins the Committee's capacity to conduct focused and effective scrutiny. In considering the case for change, the CRG looked at other legislatures where the Committee structure is based on thematic policy areas or where Committees cover a multitude of departmental briefs. However, in those cases, the Committee can find it difficult to hold a relevant Minister and Department to account. The CRG also noted that the Assembly framework of one Committee for each Department is built to accommodate the consociational framework of Committees.

The Chairpersons of Statutory Committees are from a different political party than the corresponding Minister. That clear delineation might be blurred if Committees were merged. In fact, that could be detrimental to the independence of the Committee in question. However, in coming to that conclusion, the CRG agreed that there would be merit in revisiting structural issues in 2015, in advance of the anticipated changes in 2016. The CRG also agreed that the current composition of Committees is in broad proportion to party strength in the Assembly and therefore recommends that Statutory Committee membership should be retained at 11. However, that should also be reviewed in advance of any institutional changes in 2016.

In proposing no major structural changes, the CRG recognises that that consequently places limits on the scope and extent of other proposals that it can recommend at this time. The CRG considered whether any aspect of Committee work would benefit from the creation of additional powers, but concluded that Committees are currently equipped with adequate powers. Although the CRG did not see any value in extending Committee powers to amend legislation, it agreed that Committees could do more to ensure that potential amendments are fully discussed and considered at Committee Stage, and reported to the Assembly. While acknowledging that Committees have sufficient powers, the CRG agreed that a key constraining factor to more effective and strategic working is that Committees face too many demands, with limited resources and capacity to fully utilise those powers.

A number of measures were discussed to address how to make the best use of Committee powers and resources. Those

included a recommendation to improve the operation of meetings and attendance; strengthening existing protocols between the Executive and the Assembly to improve the quality and timeliness of information to Committees from Departments; and for the Assembly to initiate a dialogue with the Executive on protocols to improve appropriate access to Ministers and/or officials.

11.30 am

A key theme running through the review was the need for Committees to apply a more strategic and systematic approach to their work. Members agreed that there would be value in exploring how to develop a more strategic approach to the planning of Committee business, prioritising specific areas of work and allowing capacity for particular issues to be explored in greater depth. To support that approach, the CRG recommends that a set of core tasks are developed to guide Committees' forward work programmes and that Committees should develop strategic plans that set out key priorities, objectives and targets within a core task framework.

The Committee review group considered the role of the Chairpersons' Liaison Group and did not see merit in formalising its role in Standing Orders. However, it agreed that the role of the CLG could be expanded and could be an effective mechanism to support Committees in adopting a more strategic and systematic approach to their forward work programmes. As a point of principle, however, although the CRG sees the benefit of standard procedures and adopting best practice, it is also keen to maintain the autonomy of each Committee in determining its own forward work programme and priorities.

Although the CRG concluded that public engagement is a key strength of the Assembly's Committee system, it identified a need for Committees to maximise the use of technologies to engage to an even greater extent with the wider public and what are described as hard-to-reach groups.

I will now pass over to my Committee review group colleagues for them to outline in more detail other issues and recommendations in the report.

Miss M McIlveen: I welcome the review and endorse the report's recommendations. I thank the staff who were involved in producing the report. Others will look at certain aspects of the report, but I want to draw attention to the

review's work on public engagement, which was identified as a key strength of the Committee system. Committees are doing much to engage with the public, and that is demonstrated by the number of external meetings, online broadcasting and access, stakeholder events and an increasing use of social media networking sites.

Statutory Committees undertake a wide range of activities, from formal weekly meetings to external meetings, visits and stakeholder events. Committees strive to be accessible and in addition to holding formal Committee meetings in Parliament Buildings, undertake meetings and visits in a multitude of venues and locations across Northern Ireland.

Although 81% of visits undertaken by Committees are in Northern Ireland, they are doing much more to be accessible beyond Parliament Buildings and Northern Ireland. It is fair to say that the evidence backs the claim that Committees are committed to ensuring that as many people as possible have an opportunity to take part in the work of the Assembly and to opening up opportunities for local communities to influence the work of Committees. That was seen, for example, in June and October when 14 Committees took part in two joint visits to Londonderry to mark the UK City of Culture.

Assembly Committees have become known for using innovative methods to engage with stakeholders. There are numerous examples of Committees successfully using a range of internal stakeholder events in Parliament Buildings and external venues to target their engagement with key stakeholders, including children and young people, academic and educational institutions and key interest groups in the private, voluntary and community sectors. Those are examples of Committees not only engaging with the public but doing much more collaborative working across a number of cross-cutting issues such as health; justice; education; culture, arts and leisure; and the environment.

However, the CRG identified a need for Committees to maximise the use of technologies to engage to an even greater extent with the wider public and hard-to-reach groups. A strategic balance also needs to be struck between facilitating as many stakeholder groups and meetings as possible and ensuring that maximum value is extracted from each one in the interests of members and the public. The need for that balance should be considered as part of each Committee's strategic plan and emerging work programme.

Although not part of the terms of reference, concerns were raised about the operation of all-party groups (APGs) at the Assembly. In particular, there was concern about the growth of APGs and how that could impact on Committee business. Frustrations have been expressed about the scheduling of APGs when they clash with formal Committee business. Given that Committees are already stretched, that places further pressure on members' time.

Concern was also expressed about the inappropriate use of APGs. That was in relation to the secretariats for those groups, which are not Member led but can lead to issues around transparency, agenda setting and the control of access to APGs. There is also concern about the appointment of secretariats and how that can create the perception of hierarchy within sectors whereby a group administering an APG could be seen as being favoured.

There are 35 APGs registered that are researching issues and putting forward proposals outside the formal Committee network. CRG considered whether there should be a limit on the number of APGs in light of ongoing concerns about transparency. I therefore welcome the recommendation in the review that the issue of the number and governance of APGs and their secretariats, including their role and appointment process, is referred to the Committee on Standards and Privileges.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. I welcome this review and endorse the recommendations in the report. In particular, I draw attention to the need for Committees to manage their resources more efficiently and effectively and use Committee powers to greater effect.

As the Chair already outlined, CRG concluded that there was no need to expand Committee powers. However, Committees do not always make the best use of the powers that they have. That can be largely down to limited resources and heavy work programmes. One way of dealing with that is for Committees to take greater control of their agendas and work programmes. The benefits of adopting a more strategic approach to work programmes were alluded to as one way of dealing with that.

In terms of making the most of Committee powers, Committees can be extremely influential. For example, the statutory power to compel the production of persons or papers confirms the important role that Committees play in ensuring accountability, but it is notable that that power has not yet been exercised to its

full extent. That may be due to the fact that the threat of invoking the power is sufficient, or, on a more positive note, it could be a reflection of the general positive, productive and professional relationships that Committees have established with stakeholders, including Departments. That is sometimes due to the experience of those Departments, but, having served on the Public Accounts Committee, I know that that sends out a very sharp message.

However, whilst it is fair to say that Committees are normally successful at obtaining the information they require, one factor that can have an adverse effect on that positive relationship is the late delivery of requested papers by Departments, which gives members insufficient time to consider them before questioning witnesses. A fortnight ago, the Enterprise, Trade and Investment Committee received papers from the Office of the First Minister and deputy First Minister that were 10 months late. Late access to budget papers and departmental delivery plans have been quoted as examples of the capacity of Committees to fulfil their statutory functions having been adversely affected.

While there are protocols in place on timescales for interaction between Assembly Committees and Departments, CRG recommends that CLG strengthens the protocols between the Executive and the Assembly to ensure the quality and timeliness of information provided to Committees by Departments.

Another issue that the CRG looked at was the appearance of relevant officials before Committees and departmental controls on that. There have been instances in which a Committee may have had difficulty in gaining access to an official who was best placed or most suited to provide the relevant assistance and detail to it in its enquiries. Due to departmental machinations and the transfer of staff, that person was not made available. Further problems can arise when officials have moved on and, as a result, the full facts, as they were at the time, are difficult to establish and the chain of accountability can become blurred.

CRG recognises that it is normally appropriate for Ministers to determine who should represent them at Committees. However, it also concluded that from time to time Committees should be able to request and, if necessary, insist on the attendance of specific officials or Ministers to assist them in their enquiries. I therefore strongly support the recommendation that the Assembly initiate a dialogue with the Executive in order to agree protocols about

appropriate access to officials and/or Ministers in pursuit of full accountability.

The issue of resources, and the challenges that it presents to Committees, was also discussed at length by Committees. There is no doubt that Committees consume a large amount of members' time and that of Ministers, departmental officials and stakeholders. For example, Committees held 1,182 meetings from the beginning of the current mandate until June 2013. On average, Committee meetings last approximately two and a half hours, and it is estimated that almost 3,000 hours of time is devoted to attending Committee meetings. In addition, Committees travel to external venues for meetings, undertake visits, hold stakeholder events and informal meetings. That increases the time commitment required by members, but it was regarded as a very important aspect of Committee work, as it allows greater access to Committees and assists them and, indeed, members, in understanding and exploring a range of issues that cannot always be covered within the formal Committee proceedings.

Mr Speaker: The Member's time is almost gone.

Mr McGlone: I support the report.

Ms Lo: I welcome the report. On several occasions, the CRG discussed the importance of Committees needing to be more strategic. I will say a few words on the recommendations regarding strategic planning.

We recognise that, by necessity, Committee work plans are often dictated by the timetable for scrutiny of legislation and regulations, and that they therefore tend to follow the pace of the Department's forward work programme. However, we also recognise that Committees need to have a wider perspective on what they do and how they link into each other's policies and objectives as a whole.

I support the recommendation that the CLG should define a set of core tasks to assist with strategic and systematic planning, including scrutiny of the Programme for Government, as well as post-legislative scrutiny, which is an issue that the Environment Committee has referred to many times. The CRG also recommends that Committees should develop a strategic plan that sets out its key priorities, objectives, targets and planned outputs within the core task framework. Many businesses or voluntary sector organisations do that on a regular basis to give them the direction of travel to achieve their set goals. Why should we not?

Another recommendation is that a planning day, or days, should be held at the start of each Assembly session to inform the strategic approach of the Committee. The Environment Committee has fully embraced that suggestion, holding its first planning day in the Lough Neagh Discovery Centre on 19 September. It was held as a formal meeting which was also minuted. The minutes set out in some detail the format of the meeting, as well as the agreed outcomes, and they provide a concise and publicly available record of what the Committee hopes to achieve over the coming year. That was a useful outcome of holding the planning day as a formal meeting, albeit in closed session. I know that some of the other Committees did not do that and, subsequently, found it difficult to ratify the decisions taken at an informal planning awayday.

The use of a location outside Parliament Buildings, particularly one which allowed much more informal engagement between members than our usual venue of the Senate Chamber, was worthwhile. It also meant that there were fewer distractions for members, such as Long Gallery events, as we all know. We also found it useful to have the planning day as a pre-determined date for considering the Committee's workload. That meant that members were able to flag up areas which they believed were worth more detailed scrutiny.

Members were then confident that these issues would not be lost in the pressure of business in the coming days.

11.45 am

We also discussed the need for preparation before the planning day. We needed to identify the mandatory areas of our work, such as the scrutiny of legislation, and then decide possible areas of focus. We had to clarify and agree the scope and timescale of those areas. For example, the Committee debated which inquiries, if any, should be undertaken. After considering possible topics, it was agreed that a short scrutiny of wind energy should be undertaken before Christmas and a more detailed inquiry into water quality in Lough Neagh should happen next year.

To fully consider these, an adequate level of background information was provided in the pack for the planning meeting. This structured method, no, methodical, approach — I need my glasses, but I am just too vain — *[Laughter.]*

Mr McGlone: Is there a resource issue?

Ms Lo: No. That would defeat the purpose. So, this structured and methodical approach ensured that the planning —

Mr Speaker: The Member's time is almost gone.

Ms Lo: — day did not degenerate into an undisciplined expression of wish lists with no factual background or evidence.

Mr Speaker: The Member's time is gone.

Ms Lo: I therefore recommend a good planning day to all Committees.

Mr Hilditch (The Deputy Chairperson of the Audit Committee): I welcome the opportunity to contribute to the debate. The report of the Committee review group talks about expanding the role of the Audit Committee, and I want to set out the Audit Committee's position on the principles underpinning that recommendation.

It has been the Audit Committee's long-standing position that the Northern Ireland Audit Office should be not just independent of the Executive but actually responsible for scrutinising the financial performance of Departments and should not have to rely on the Executive for its funding. The Northern Ireland Act 1998 already recognises this in providing for the Audit Committee, in place of DFP, to agree the annual Estimates of the Audit Office and lay them before the Assembly. On various occasions, the Audit Committee has sought to have this principle reinforced in the Budget process, and it looks forward to that being the case in the forthcoming memorandum of understanding between the Executive and the Assembly on the Budget process.

Of course, given that the ombudsman and the Assembly are also independent of the Executive and, in their respective ways, responsible for holding the Executive and Departments to account, it is sensible that similar mechanisms should be put in place to ensure their financial independence. The Audit Committee looked at that issue earlier this year and last year. At the time, we wrote to the Committee for the Office of the First Minister and deputy First Minister to confirm that we were content that the Audit Committee should agree the annual Estimate for the use of resources for the proposed Northern Ireland Public Services Ombudsman. The recommendation in today's report is consistent with our position on that.

Just because a body is financially independent of the Executive does not mean, of course, that it should be any less accountable as a result. The Audit Committee is committed to ensuring that the Northern Ireland Audit Office is fully accountable to the Assembly for its financial performance. In fact, the Chairperson of the Audit Committee is meeting the Public Accounts Commission in Westminster today to see if there are any lessons to learn from the new governance arrangements in place at the National Audit Office. Equally, if the role of the Audit Committee is expanded to cover the ombudsman and Assembly, it will be important to ensure that those bodies continue to be accountable for their financial performance.

The report also talks about how secretarial support for the new single Committee should be managed within existing secretariat resources, which I welcome. When the Audit Committee agreed that it should agree the annual Estimate for the ombudsman's use of resources, it did not anticipate that a significant additional resource would be required. It is important, particularly in the current climate, for our reforms to be at least cost-neutral where possible.

On behalf of the Audit Committee, I welcome the report's recommendations on expanding the Committee's role.

Mr Ross: I welcome the opportunity to speak about the report, and I do so as Chairperson of the Committee on Standards and Privileges. Although the Committee was not formally consulted or involved in the review, the report contains a few issues that are relevant to our Committee's work.

Page 30 of the report, particularly paragraphs 149 to 152, refer to all-party groups, which my colleague Miss McIlveen outlined. A number of Chairpersons have expressed concerns in the report about the operation of all-party groups. Most Members are members of at least one all-party group and are aware of the positive work that many all-party groups can do, but I recognise that there are concerns about the growth in the number of APGs and how that could impact on Committee business. It is important to say that members of all-party groups have a responsibility to ensure that the work of those groups does not impact on official Committee business. Members of all-party groups have a responsibility to ensure that there is no clash of meeting times or that the work that they do does not interfere with official Committee business.

The report also refers to allegations about all-party groups that have been made in other places. I am sure that we are all aware of the considerable media attention that has been focused on all-party groups, particularly at Westminster. I am not sure that any of us in this House have been offered such glamorous holidays with any association that we have here, but, nevertheless, it is a concern that, I know, the media have picked up on. Therefore, the public will rightly ask what the situation is here in Northern Ireland. The report also claims that secretarial support for all-party groups is not Member-led and that that can lead to issues about transparency, agenda-setting and the control of access to all-party groups.

First, I welcome the fact that the Committee on Standards and Privileges will be asked to look at this. As a Committee, we have always been open to having issues referred to us and to giving that confidence to the Assembly that we will look at them. On the issue of the number of APGs, the Committee currently has to approve the creation of all-party groups. I am not sure whether it would be the appropriate Committee to prevent an all-party group if it meets current criteria. However, we are keen to look at that, and I pledge to do that.

It is also important, however, to make the current provision clear and to perhaps provide some reassurance to the Assembly. We already have in place measures for all-party groups in the Northern Ireland Assembly that are more robust than those at Westminster. That is a result of the changes in 2010 to the current rules on APGs, as, indeed, paragraph 150 of the report acknowledges. Prior to the introduction of the rules, membership of all-party groups was open to outside individuals and organisations. Since then, membership of APGs has been limited to Assembly Members. In making that change, the Committee on Standards and Privileges wanted to ensure that all-party groups could not be used by outside parties in a way that would either be inappropriate or, indeed, undemocratic. The current rules allow for outside organisations and individuals to attend all-party group meetings and to inform and support their work. Whether and how that is done is a matter for each all-party group to agree. I must be clear: any organisation or individual invited to attend or support an all-party group meeting cannot be regarded as a member of that APG and cannot vote at any meeting on any issue.

It is also the case that the secretariats to all-party groups have no powers. The only role that they have is the role that the MLAs on that group give to them. That means that

transparency, agenda setting and control of access to an all-party group are already matters that rest firmly in the hands of the MLAs who sit on that group. There is a responsibility on MLAs to ensure that they assert that authority when it is needed. I have heard anecdotally of concerns that certain groups perhaps monopolise all-party groups. It is up to the members of those groups to ensure that that does not happen, and I hope that that is the case.

It is permissible for all-party groups to receive financial support or material benefits from outside interests, provided that those benefits are properly registered and their receipt in no way breaches the advocacy rule. I hope that all Members in the House are aware of the code of conduct, the statutes that are on the books at present and how we have to register those things. The Assembly, of course, maintains a publicly accessible register of all-party groups that sets out any benefits that the group has received. It includes details of the secretarial support that third parties have provided to all-party groups.

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

Mr Ross: I do not want to pre-empt the outcome of any discussions that our Committee has, but it is important to put on record the steps that have already been taken on all-party groups. I look forward to examining this more closely as part of the Committee on Standards and Privileges.

Mr A Maginness: Lloyd George said that a camel was a horse designed by a committee. The question that is before us today is this: do we produce camels, or do we produce horses? I am certain that all of us want to produce horses. The question that therefore arises is this: do we have the capacity to do that and the resources to assist us in doing it? This is, therefore, a very timely debate to examine the effectiveness of our Committee system.

I believe that the architecture of our Committee system is as good as it is going to get. We have quite considerable powers, but I do not think that we have used them particularly well. Nonetheless, those powers are there, and we can use them. What is required is a good look at ourselves. The report does that, but we need to look at our individual professional capacities as representatives of the people in the House. For example, how well do we use our time on Committees? I think that we could use our time much better.

The Committee for Enterprise, Trade and Investment, of which I was a member for a long time, is the best Committee in the House, as you will know, Mr Speaker. It may well remain the best Committee in the House despite the fact that I am not on it. I note that that Committee has looked at how it times those who want to give evidence to it and those who wish to ask questions and interrogate the witnesses. That is a very important and basic step, but it is very helpful. In this Chamber, we normally have five minutes to speak, which is a good discipline, and we all fall into that discipline. In Committee, if we were given a minute or two minutes to ask questions, maybe that would be a much more effective way for us to use our time and the capacity that we have.

I pay tribute to Politics Plus, which is doing a tremendous job for us as legislators. It is very helpful with our techniques and so forth, and long may that continue. It improves our quality as representatives, particularly on Committees but elsewhere as well.

Resources are very important. Our biggest single resource is our staff, who service our Committees extremely well, but I detect that we are stretching our staff too far and that we are perhaps overloading and overburdening them. That arises from the constraints that we have on our budget. There is a cap on the recruitment of staff. I hope that I am not straying too far, but I know that the Commission has agreed a policy of capping staff numbers. That is all very well in theory, but in practice it leads to problems with resource management in Committees and the Assembly as a whole. My view is a personal view and not a party one, but I think that we should look at those budgetary constraints again. We should look at the cap on the recruitment of staff because that will give us the flexibility that is necessary to fill in those gaps and reduce the burdens and the overstretching of our staff. I invite colleagues to consider those points afresh. The time for those constraints has passed, and we should look afresh at that. I believe that that would help us to have good resources and to produce the horses that we want instead of the camels that unfortunately may be produced from time to time.

Mr McCallister: I agree with Mr Maginness. We certainly all want to produce horses and not camels.

I will use some other quotations. It will come as no surprise to Members that I am in favour of having a proper opposition here. Hopefully, when the House passes my private Member's Bill, we will have that.

12.00 noon

As Benjamin Disraeli once said:

"No Government can be long secure without a formidable Opposition."

One of the concerns that I have about the report is that the main structure for opposition in the Assembly is our Committee system. There are things that we should be doing better and changing to make our Committees as effective as possible. We have identified some of the weaknesses of the structures. In his contribution, Mr McGlone said that the Assembly and the Executive need to have a conversation. We should remember who the Executive are accountable to. They are accountable to the House. They are all part of the House, and we should not lose sight of who works for who in this set-up. We should always remember the rights of Committees and Back-Benchers in the Assembly, and that the Executive are held accountable by them and must report to the House.

We often see examples of officials failing to turn up to Committees and almost displaying contempt for the Committee structure. At times, Ministers do not turn up, fail to respond to debates or give late replies to questions. All of that shows a contempt for the Assembly that should not be tolerated. Other Assemblies and Parliaments throughout the UK and, indeed, these islands would not tolerate that. We should not accept a second-rate service. We expect the Assembly to function and to hold the entire Executive to account.

There are other changes that would be helpful to the Committee structure. When we eventually start to look at a proper opposition here, and more parties buy into that concept, we need to look at how the chairmanships of Committees are given out. There is a strong argument that opposition parties should have more chairmanships to strengthen scrutiny. I also have to state that, even in the current structure, the Chair of the Public Accounts Committee should not be held by a government party; it should be held by a Member from the opposition Benches and a non-Executive party. Sinn Féin got into some difficulties when it held the Chair of the Public Accounts Committee after it carried out an inquiry into Northern Ireland Water. That is a clear example of why the Chair of the Public Accounts Committee, a Committee that is pivotal in holding public bodies to account, should not come from Executive parties. That is a key point. During the debate, Members mentioned the work of Politics Plus and the bringing in of

outsiders to help with the training of Members to build up their capacity and that of Committees. One of the events that Politics Plus ran was a session on the way that the Scottish Parliament works. Part of every Bill in the Scottish Parliament — the financial memorandum — is referred to its Finance Committee. That session looked at how detailed the financial memorandums of the Scottish Parliament are, compared with those of the Northern Ireland Assembly. Those are all things that we should be looking at to lift the work and working knowledge of the Assembly and its Committees. Committees should not just be there to nod compliantly when their Ministers are before them. They are there because they are charged with a scrutiny role. That is why —

Mr Speaker: The Member's time is almost gone.

Mr McCallister: — some aspects of the report are a missed opportunity.

Mr Allister: We are told that the review group worked on this report for six months. It worked for six months to produce nothing. After labouring for six months, what has it produced? No change. Mr Maginness talked about whether we wanted a horse or a camel. I am afraid that we did not even get a mouse — not even a mouse that squeaks. There is not a squeak in the report about change. That is no surprise, of course, because the vested interest right around the House is for inertia and no change. Oh yes, it is very fine when it comes to elections to produce manifestos that talk about reducing Departments to eight or to six or to say that, by 2015, as the DUP manifesto stated, we would have to have an Assembly reduced to 80 Members. Here we are, halfway through the mandate, and there is no prospect of, or desire or vision for, change. I repeat the point: the inertia and the status quo suit the vested interests of the House.

The Chairman of the review group tells us that we do not need legislative change for Committees because they are doing a fine scrutiny role. I suggest that it is time that he read the legislation because, if he did, he would discover that Statutory Committees have no scrutiny role. Yes, the Belfast Agreement, for all its many faults, promised in paragraph 9 of strand one that there would be scrutiny Committees. However, when it came to section 29 of the 1998 Act, conveniently, the designation of scrutiny was dropped, and we established Committees simply with the statutory ambit "to advise and assist" Ministers.

Far from being scrutiny Committees that might dare to challenge, their statutory purpose is specified as being "to advise and assist" Ministers, which again is part of the same vested interest. Therefore, even the teeth that were in the Committees in the Belfast Agreement had to be pulled by the time it came to the legislation. It is little wonder that the House is generally held in such public contempt. It is little wonder that poll after poll illustrates that the people whom we are supposed to be serving in the community have little time and regard for the House and hold it in abject contempt on many issues, while the House is complacent and happy to have its arrangements unaltered, even though they are not working with the community out there. It is that same vested interest.

Mr McCallister rightly raised a point about the Public Accounts Committee. Can anyone tell me of another legislature in the Western World in which a government MLA chairs the Public Accounts Committee? It is standard practice across the democratic world that someone from outside the government parties chairs a Public Accounts Committee, but oh no, you could not have that in Stormont. Oh no, that might threaten the institutions and the process. So let us sacrifice that basic modicum of the modest idea of scrutiny by ensuring that even the Public Accounts Committee is chaired by someone who can be relied on, because they are a government member in that they belong to a government party. That is how bad it is for the construction of the House.

I regret the fact, but I will not pretend to be surprised —

Mr Speaker: The Member's time is almost gone.

Mr Allister: — that no change is the order of the day, because no change is what the vested interests of the House require.

Mr Swann (The Deputy Chairperson of the Committee Review Group): It is clear from the debate that there has been value in bringing this issue to the House. It has provided all Members, not just those on the Committee review group or, as Jim referred to, those from government parties, with an opportunity to look at whether our Committee system is fit for purpose and where further improvements can be made to enhance the effectiveness of Committees in undertaking their key policy, consultation, legislative and scrutiny roles. Mr Allister referred to Committees not being able to scrutinise, but I have chaired the Employment

and Learning Committee, and his putting himself down like that by saying that he did not scrutinise Ministers or departmental officials is, I think, doing himself, as well as many other Members, a disservice. I have sat on a number of Committees that were able to scrutinise and hold Ministers and their officials to account.

I welcome the report's recommendations, which provide a useful focus for Committees to achieve the vision that it sets out: the Assembly should have an outstanding, progressive and resourced system that enhances the capacity and effectiveness of Statutory and Standing Committees in delivering their statutory and other functions. I also welcome and endorse the group's main conclusion that the direct link between each Executive Department and its corresponding Statutory Committee is at the heart of the Committee system. It has been identified as a key strength that should be retained, and I hope that it was not one of the changes referred to earlier. The group discussed whether we should move to thematic Committees. However, we felt that one of the strengths that we had here, a strength enshrined in the Belfast Agreement, was that each Committee reflected directly to its Minister and was able to hold him or her accountable, if its membership was willing and able to do so. This system provides Committees with opportunities, which are not enjoyed to the same degree in other legislatures, to provide the direct oversight of a Department that leads to focused and, importantly, effective scrutiny. The Committee review group concluded that the Committee structure should remain as it is. As outlined by the Chair, the review group regarded it equally important to retain Committee membership at 11, as that is in keeping with the broad proportion of party strengths. That is at the heart of the Belfast Agreement and is also covered in Standing Orders 46 to 64C.

One of the group's key debates was on Committee membership. Alban referred to the time constraints put on Members, and we looked at all sorts of models that would reduce membership. Unfortunately, those who would have lost out were the non-Executive parties. The Committee review group thought it crucial that we kept Committee membership at 11 so that all Members had the opportunity to hold Committee seats.

As the Ulster Unionist representative on the group, I also strongly support the view that the Committees have sufficient powers. However, having been a Committee member since 2011 and the Chair of the Employment and Learning Committee, I think that it is fair to say that

Committees do not always make the most of their powers. Committees should consider how to use their powers more effectively. That is referred to at paragraph 11 of the report. Committees have the ability to call people, and they should not always have to rely on whoever the Department or Minister wants to send. As Committees and as Committee Chairs, we should ensure that we make the most of that ability.

I will now refer in more detail to other contributions. The Chair highlighted the fact that the CRG was content with the architecture, structures and number of members in the Committee system. I mentioned that alongside the reasons why CRG wish to see no changes to the structures of the Committee system. However, Mr Maskey made the point that there would be merit in revisiting these structures and issues in 2015, in advance of anticipated changes in 2016 with the reorganisation of Departments, to see whether there should be a reduction in membership. Mr McCallister asked whether there should be provision for an opposition. That is the correct time for putting those procedures in place, not now. He also pointed out that one consequence of making no major structural changes was that it placed limits on the scope and extent of other proposals that could be made at this time. Although proposing no extension to Committee powers, he pointed out that Committees were not making the most of their powers. That view came through from a number of Members. That is a key factor in the role of a Chairman and one that I intend to take forward as Chairperson of the Chairperson's Liaison Group. Chairpersons should make sure that Committees make the most of those powers. However, this had to be viewed in the context of limited resources: for example, Members find themselves overstretched and having to deal with competing demands on their time, including heavy Committee work programmes, multiple membership of Committees and party and constituency work. However, one key role of an MLA is to be on a Committee, which is as important as speaking in the House or constituency work. We are Members of a legislative Assembly, and legislation comes in front of the Committees as well as the House. That is where our role should be.

12.15 pm

Added to those demands is the growth in all-party groups, which Michelle McIlveen mentioned and Alastair Ross supported. We have to be careful that all-party groups are managed properly and that, despite having a vested interest in certain issues, their work

does not conflict with that of Committees. The Committee on Standards and Privileges has promised to look at that, and I welcome the Chairman's pledge to take it on. It is that Committee's role to register all all-party groups in the House, so the provision is already there.

Anna Lo said that improvements in strategic planning are another way to make the most of Committee resources. Strategic planning is a vital tool that all Committees should use. Day and daily, each Committee receives a request either to visit somewhere or to hold another meeting or evidence session, and unless a proper structure is put in place prior to that, a Committee's workload could end up running away from it, and that does not serve any purpose.

Patsy McGlone outlined the measures to improve Committee resources and raised a very important point about the late delivery of requested papers, especially those on budgets. He also referred to the fact that — this is, I think, the phrase that Patsy used — officials move on, but what he did not say is that sometimes officials are moved on by certain Ministers so that they do not come in front of certain Committees. We should have and use the ability to call all people and papers.

Mr Hilditch welcomed expanding the role of the Audit Committee, specifically under recommendations 31 and 32. The Chairperson is currently at Westminster to look at that. Therefore, to say that the report has produced nothing is unfair and unjust, because there are recommendations in it that will move us forward.

Alban referred to the architecture, support and structure that we have. I know that Mr Maginness sought to make sure that he did not stray too far from the subject matter, but, as the Chairperson of the Chairpersons' Liaison Group, I am willing to raise the issue of capping of staff numbers with the Commission, because the last thing that any organisation or business needs is demotivated staff. We cannot afford to have that in the Assembly or on our Committees, because our staff are crucial to the work that we do.

I take the opportunity to pay tribute to the staff who worked through the different requests that all Members submitted and the experts who came in to advise us on how things work in different places. One of the things pointed out was that in another place, south of the border, they have changed their Committee structures time and time again, to the point at which they are now using the same structure that they

used 10 years ago, and everybody thinks that it is great. Therefore, producing a camel instead of a horse can be an ever-evolving process in which we end up with neither.

John McCallister mentioned the failure of Ministers to show up in the House and their late replies to questions. Unfortunately, that does not fall under the remit of the Committee review group. Speaking as a party rep and as Chairman of the Employment and Learning Committee, I know that it is a concern that respect is not being shown to the House. I know that you, Mr Speaker, have taken that on as well.

I look forward to looking at the recommendations in more detail in my capacity as Chair of the Chairpersons' Liaison Group and of the Employment and Learning Committee. I support the notion that Committees should ultimately maintain their autonomy and determine their priorities, but I also agree that they should strive to adopt work practices that continually improve and enhance the effectiveness of Committees while also striving to provide an outstanding, progressive resource system in the interests of the people of Northern Ireland. I commend the report to the House.

Question put and agreed to.

Resolved:

That this Assembly approves the report of the Committee review group entitled 'Review of the Committee System' (NIA 135/11-15).

Private Members' Business

Blood Donations: Ban on Gay Men

Mr Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for this debate. Two amendments have been selected and published on the Marshalled List, so an additional 15 minutes has been added to the total time. The proposer of the motion will have 10 minutes in which to propose and 10 minutes in which to make a winding-up speech. The proposer of each amendment will have 10 minutes in which to propose and five minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

Ms Maeve McLaughlin: I beg to move

That this Assembly notes the ruling of the High Court on the decision to ban blood donations from gay men; further notes with concern that the Minister of Health, Social Services and Public Safety's decision was found to be 'irrational', and to have been taken 'in breach of the Ministerial Code'; and calls on the Minister of Health, Social Services and Public Safety to lift the ban and outline what steps he will take to build public confidence in relation to statutory equality duties.

I welcome the opportunity to propose this critically important motion to the Floor of the Assembly. We will also support both amendments as tabled.

Equality is the responsibility of us all, and discrimination against any section of our society is not only morally wrong but is legally wrong and contrary to the equality duties and equality legislation. In October this year, Mr Justice Treacy held that the Health Minister breached the ministerial code by failing to take the issue before the Stormont Executive. Mr Justice Treacy found that the Minister's decision was unlawful pursuant to section 28A of the NI Act 1998 by virtue of him having failed to secure Executive approval for the decision, contrary to the requirements of the ministerial code, and by section 20(3) and/or section 20(4) of the 1998 Act as the decision was controversial and/or the decision was in respect of a cross-cutting matter.

The Advisory Committee on the Safety of Blood, Tissues and Organs (SaBTO) recommended that, in addition to the technological advances in quality control, there have been significant cultural and legal

challenges since 2001 that need to be considered when reviewing blood donor systems. The Equality Act 2010 prohibits discrimination on grounds of sexual orientation.

This issue was brought to the Health Committee on 26 October 2011, when it was noted that the advisory committee was set up to advise the devolved Administration and is therefore the expert body on questions of blood safety. The Health Minister noted:

"The Advisory Committee on the Safety of Blood, Tissues and Organs ... advises the four ... Health Ministers on how to ensure the safety of blood, cells, tissues and organs for transfusion and transplantation".

The Minister has indicated that, normally, fewer than 100 units a year were received, and the indication is that we receive two lots of 40 units. However, the Minister then confirmed that the Department did not request that blood from England does not come from the men who sleep with men (MSM) category. The Minister indicates that the risks are diminished greatly by the small amounts that we receive. However, if the 12-month deferral was introduced, the risk would be 0.228 per million donations. The current risk is 0.227 per million donations. That would be a rise of 0.001 per million donations. That is recorded on page 24 of Justice Treacy's findings. It goes on to say that if there is an enhanced compliance with having a 12-month ban instead of a lifetime ban, it would reduce the risk of infection considerably, probably by one third. Even figures from the Department show that the compliance rules would be enhanced if we were to go down that route.

In an e-mail dated 9 June 2011, the Blood Transfusion Service stated that senior medical officers in Departments confirmed that, in relation to suggested changes to the lifetime ban, the blood service would have:

"no particular issues about this change",

and, furthermore, it was, in its words:

"well linked into the UK work... and will be ready to implement the change from the beginning of September [2011]."

The issue is deemed significant and controversial, and, through the findings, it is therefore clearly outside the scope of the agreed programme that is referred to in paragraph 20 of strand one of the agreement,

which states that it shall be brought to the attention of the Executive.

It is illogical that blood should be imported from elsewhere to maintain the ban in the North of Ireland, and designation of MSM category blood as "high risk" has a disproportionate effect on gay men and therefore indirectly discriminates. It is also noted that the policy is contrary to the EU principle of non-discrimination in article 21 of the EU Charter of Fundamental Rights.

The issue at hand has been through the courts. It is controversial and cross-cutting, and that is acknowledged in the SaBTO report. It is also acknowledged that the matter touches on equality issues. Furthermore, it deals with the implementation of the EU directive, and, as such, it is suggested that the Minister had no authority to act without bringing it to the attention of the Executive Committee.

Let me deal with potential prejudice. In his findings, Justice Treacy, at least implicitly, doubted whether or not the Minister's decision was motivated by a genuine concern about the safety of MSM blood donation, given the grave defect in logic apparent from that decision. In paragraph 138 of the judgement, the judge placed emphasis on the word "genuine". I suggest that it is unusual, or perhaps highly unusual, for a High Court judge to suggest, however implicitly, that a Minister might not have been acting out of a genuine concern in making a controversial statement.

Let me deal with the powers of the Assembly.

Mr Givan: I thank the Member for giving way. She referred to paragraph 138 of the judgement. I refer her to paragraph 141, which deals with discrimination. Can she point out anywhere in the judgement where the judge finds against the Minister on grounds of discrimination, prejudice or bias? I do not see that stated anywhere in this judgement.

Ms Maeve McLaughlin: I thank the Member for his intervention. I hope that he was listening to the comment that I made. It is clearly and specifically stated in paragraph 138, where the judgement, through the High Court, specifically references, underlines and highlights the genuine concern.

I want to move on to the issue of the Assembly holding the Minister to account. The decision in the High Court found not only that the Minister had acted irrationally but that he had acted without lawful authority and was, therefore, in breach of the ministerial code in respect of a sensitive and very important issue. Those

actions have caused much controversy and continue to cause much concern. They have attracted a great deal of public concern and legitimate public interest. In my view, the Assembly must now hold the Minister to account, and ensure that, as part of that process, the Minister provides the legal advice that he has received and that, until now, has refused to provide. The Assembly must also ensure that he makes that advice available to it and that he justifies his decision to maintain a lifetime ban on MSM blood donations when it is public knowledge that he received advice from the Attorney General on that issue in October 2011.

Mr Speaker: The Business Committee has arranged to meet immediately after the lunchtime suspension. I propose, by leave of the Assembly, to suspend the sitting until 2.00 pm. When the House comes back, the first item of business will be Question Time.

The debate stood suspended.

The sitting was suspended at 12.30 pm.

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

2.00 pm

Oral Answers to Questions

Education

Child Sexual Exploitation Inquiry

1. **Ms Maeve McLaughlin** asked the Minister of Education, following the Health Minister's announcement about the inquiry into child sexual exploitation, what communication has taken place between the Department of Health, Social Services and Public Safety and the Department of Education and whether he has agreed to the inquiry's terms of reference. (AQT 301/11-15)

Mr O'Dowd (The Minister of Education): I have to say that communication between the two Departments has been poor. I have been informed about the establishment of the inquiry largely through the media. I found out through the media that the Minister was hoping to involve the Education and Training Inspectorate. I was informed at the same time as all other Members this morning about the Minister's statement. I now have a copy of the terms of reference. I will study them and respond to the Health Minister in due course.

Ms Maeve McLaughlin: Go raibh maith agat. I thank the Minister for that clarification. One of the issues in moving forward is to ensure that the voices of children and young people are included in the inquiry. What can the Minister do to ensure that those voices are heard throughout the process?

Mr O'Dowd: The heart of the inquiry has to be the protection of children, particularly the most vulnerable in society: children in care. Clearly, I am keen to play a positive role in the inquiry to ensure that the lessons of the past are learned and that, if mistakes were made, those responsible are held to account. We must protect our children, going forward. My Department has included children in several consultations that it has carried out. In particular, we have used the offices of the Children's Commissioner to ensure that the voices of children are heard. I will study the terms of reference with a view to ensuring that there is a mechanism for the voices of the children affected and children in care to be heard throughout the inquiry.

GCSEs/A Levels

2. **Mr Sheehan** asked the Minister of Education to update the House on the fundamental review of GCSEs and A levels and to confirm that the recent announcement by Ofqual in England relates to England only. (AQT 302/11-15)

Mr O'Dowd: I launched a consultation process — I think I spoke to the House on 30 September — relating to a report by the Council for the Curriculum, Examinations and Assessment (CCEA) on the qualifications that we have here. The recent announcement by Ofqual affects only what happens in England. It does not affect our jurisdiction or Wales, and, indeed, Scotland has its own exam system.

Mr Sheehan: Go raibh maith agat. Gabhaim buíochas leis an Aire as ucht an fhreagra sin. I thank the Minister for his answer. Is he confident that we can retain a robust and transferable qualification system in the North of Ireland, irrespective of what happens in England?

Mr O'Dowd: I remain very confident that we can do so. We have an ongoing consultation that follows on from the CCEA report, which found that there was not an appetite to follow the example of England at this stage. The consultation has put options to educationalists and the wider community on the direction of travel for our exams. I am very confident that we will continue to have robust exams in our society and that they will be transportable and will hold currency, regardless of where the student or potential employee wishes to travel.

Pupils: Educational Attainment

3. **Mr G Kelly** asked the Minister of Education whether he is aware of the most recent report from the Social Mobility and Child Poverty Commission in Britain and what it has to say about narrowing the achievement gap and the resources that are needed for deprived and low-attaining pupils. (AQT 303/11-15)

Mr O'Dowd: I am aware of the Social Mobility and Child Poverty Commission's first annual 'State of the Nation' report, which details its assessments of child poverty and social mobility in Great Britain and the efforts of the English, Welsh and Scottish Governments in that regard. Although the report does not include an assessment of the position here, the commission's recommendations to raise the bar in standards and to close the gap in attainment for those from low- and average-income

families are of particular relevance to my Department. Indeed, they are of particular relevance to the ongoing debate on the common funding formula review.

Mr G Kelly: Go raibh maith agat arís. Do other factors contribute to the gap in educational attainment as well as the socio-economic conditions?

Mr O'Dowd: Local and international studies show that the single greatest determining factor of a child's educational outcome is socio-economic background, but we have to challenge that and resource our schools to face up to the challenge. We must also encourage communities and families to become reinvolved in their children's education. There are far too many examples of families or parents who have had bad educational experiences and are reluctant or are not equipped to become involved in a child's education. We have to correct that, and we have community funding initiatives that enable parents and families to do just that. We want to ensure that the greatest determining factor in a school is the quality of the teacher in a classroom and the quality of leadership in the principal's office. We are lucky to have many highly qualified and dedicated school leaders and teachers in our classrooms, and we must continue to improve on that and learn lessons. At this stage, a child's socio-economic background is the biggest factor determining a child's outcome in our society. We have to face up to that challenge.

Mr Deputy Speaker: I remind Members and Ministers that questions and answers should be addressed through the Chair.

Dundonald High School

4. **Mr Copeland** asked the Minister of Education for his assessment of the progress made by Dundonald High School in achieving its set goals and the implication of that on the continuance of the school. (AQT 304/11-15)

Mr O'Dowd: It is clear that Dundonald High School has made strides forward through a combination of the dedication of the senior management team and the involvement of the local community. I referred to local communities taking ownership of their schools, and that process has clearly taken place in Dundonald. I have to make a decision on development proposals affecting parts of south Belfast and east Belfast that include Dundonald High School. I am deliberating on whether the

turnaround in the school has taken place in time to ensure that there is a sustainable future for it.

Mr Copeland: I thank the Minister for his encouraging words. Can he inform me what ingredients will be necessary to assist him in taking that decision?

Mr O'Dowd: One reason for the delay is that, during the preconsultation, the Belfast Education and Library Board did not consult schools affected by some proposals in the South Eastern Education and Library Board's proposals. That has now been rectified. Those discussions came to conclusions in late September. My departmental officials are now analysing all the data, and I understand and appreciate the frustrations of the schools involved that a decision has not yet been made. I want to make the right long-term decision that gives certainty to the community affected by such decisions on the location and quality of those schools in the future.

Primary School: South Belfast

5. **Mr McGimpsey** asked the Minister of Education when the new consolidated primary school in south Belfast, encompassing Fane Street, Donegall Road and Sandy Row, will be included in his capital programme, given that another milestone has been reached, with planning permission being granted for the application from the Belfast Board. (AQT 305/11-15)

Mr O'Dowd: We continue to engage with the five education and library boards and CCMS on the next announcement on the capital build programme. In January or February, I hope to be in a position to make another announcement to the Assembly about a further programme of builds going into the future. I will keep in mind the issues raised by the Member about schools in south Belfast. I accept that there have been delays in the past and that expectations have arisen in that community about a newbuild programme, but I want to ensure that, whatever announcements I make, it is definitive that the school building will go ahead within a reasonable time frame.

Mr McGimpsey: I thank the Minister for that answer, which I see as very encouraging. To reiterate what he said, are we now saying that the new consolidated primary school will be in the mix for the allocation of the capital programme stage when it is made? In other words, is our name now in the hat?

Mr O'Dowd: There are a significant number of names in the hat. I assure the Member that, when I make my deliberations about an announcement around the schools, the schools and amalgamations he refers to will be in my considerations. I am acutely aware, through representations from him and other Members, of the need to move on to confirm a building programme for that area.

Mobile Classrooms

6. **Ms Brown** asked the Minister of Education for his Department's assessment of the sharing of mobile classrooms by P6 and P7 pupils at Ashgrove Primary School, Newtownabbey. (AQT 306/11-15)

Mr O'Dowd: I missed part of the question; the sound does not seem to be good. Is it an assessment of the sharing of mobile classrooms for P6 and P7 pupils? I do not have an assessment of that matter. If the Member wishes to write to me and give me more detail on the subject, I will happily correspond with her or, indeed, meet her on the issue.

Ms Brown: I thank the Minister for his answer and appreciate that he does not have the background information here. I am sure that he appreciates that each class requires its own classroom in which pupils can receive the tailored teaching that they deserve. I would be happy to follow up with the Minister and would be keen to see if he would be—

Mr Deputy Speaker: Can we have a question please?

Ms Brown: — amenable to additional funding being made available to the school so that it can end the practice of sharing a mobile.

Mr O'Dowd: During the last announcement on building programmes, one of the issues we took into account when considering eligibility for announcement was schools with a high percentage of accommodation in mobile classrooms. I do not have the details about the school you refer to, and I have not finalised the criteria that we will use for the next announcement either, but we clearly want to take our young people out of mobile classrooms and put them into permanent structures.

A significant number of our schools have composite classes in the sense that they share P6, P7 and other classes. It depends on the number of pupils at the schools. It suits some schools to do that because of the numbers that

they have, but I certainly do not want to see a large concentration of pupils in any classroom. I want to ensure that the accommodation for our children is fit for the 21st century.

Numeracy and Literacy

7. **Mr Hazzard** asked the Minister of Education for an update on the Delivering Social Change numeracy and literacy project, including the recruitment of recently graduated teachers. (AQT 307/11-15)

Mr O'Dowd: The programme is moving forward well. It has been a huge task to take forward. It is an example of how, when the Executive and our Departments work well together, we deliver change for the communities we serve.

As of 25 October, there were 209 full-time equivalent teachers appointed out of a total of 273 teaching posts for the First Minister and deputy First Minister's DE schemes. The schools continue to advertise, and interviews continue to take place to put newly qualified teachers into post. It has been a very successful scheme. I have met a number of the appointees on my visits to schools. Their enthusiasm is clear, as is the delight of the schools in being able to appoint newly qualified teachers.

Mr Hazzard: Go raibh maith agat. Gabhaim buíochas leis an Aire. It certainly sounds as though the scheme has got off to a very positive start. If that is the case for the duration of the scheme, is it the Minister's intention to extend it?

Mr O'Dowd: It is certainly one of the schemes about which I would like to approach the First Minister and deputy First Minister in the future, if there are further funds available through the Delivering Social Change programme to increase the number of newly qualified teachers we are using through the scheme. Indeed, in my Department, I have allocated £2.3 million to expand the scheme for another 36 teachers to be put in place. It is a scheme that has been warmly received by our schools and by the newly qualified teachers. It is a scheme that makes a real difference to young people's lives, and, as I said, it is an example of how, when the Executive work well together, we can make a difference to young people's lives.

Mr Deputy Speaker: Lord Morrow is not in his place. David McIlveen is not in his place.

School Starting Age

10. **Mr McKinney** asked the Minister of Education for an update on flexibility of school starting age. (AQT 310/11-15)

2.15 pm

Mr O'Dowd: I have asked my officials to come forward with proposals on how we can introduce flexibility into the school starting age. Although we have a very young school starting age, I believe that the foundation stage allows our young people to develop at an appropriate rate in the appropriate education stage for their age group.

Officials are examining proposals for exceptions in the flexibility of school starting age where parents can identify that, in their opinion, a child is too young to start school. One example is that of the Scottish Borders. There, a panel is established and evidence is presented to that panel about the ability and needs of the child and whether they should or should not be allowed to attend school at the regulated school starting age. So, I am looking at that to see whether we can introduce a similar system here so that parents who are concerned about their child's ability to start school at the regulated starting age may be allowed to hold the child back for a year, either in nursery provision or through some form of home tutoring.

Mr Deputy Speaker: That is the end of topical questions to the Minister of Education. We now move to questions for oral answer. Questions 1 and 14 have been withdrawn. Alex Maskey is not in his place to ask question 2.

Common Funding Formula

3. **Mrs D Kelly** asked the Minister of Education, given the public anger caused by the proposals contained within the common funding formula consultation, will he agree to extend the consultation period. (AQO 4912/11-15)

Mr O'Dowd: I agreed to extend the consultation on the proposed changes to the common funding scheme for a further week until 25 October 2013. I am delighted with the outcome of the consultation. For the record, over 14,000 responses have been received, 3,000 of those from young people. I thank all those who took the time to respond to this very important consultation. I will take my time studying the responses before announcing how the final changes to the formula will be incorporated and what effect the additional £15.8 million will have on each school's budget.

The core principle of my proposals, which is to break the link between social deprivation and educational outcome, has not been challenged, even by my political detractors. The fact remains that those schools with higher levels of social deprivation face the biggest challenges. Therefore, they require more resources to tackle those challenges. I have been accused by some of taking money off schools to give to other schools. However, no school's annual budget is confirmed until my Department does so. Therefore, the moneys that I plan to use are not any individual school's; they are from my Department's central aggregated schools budget of £1.1 billion and will be, as in any year, distributed under the common funding scheme when confirmed by me. The proposed changes to the common funding scheme for 2014 will, when confirmed, see more money from the aggregated schools budget going to schools with higher levels of social deprivation.

We as an Executive, and indeed as a society as a whole, are either serious about tackling inequality and social disadvantage or we are not. I am serious about it. The Programme for Government commits me to doing so.

Mrs D Kelly: I certainly welcome the Minister's commitment to tackle social deprivation, but I am at a loss to understand how taking money from St Teresa's, Tannaghmore and Drumcree College, which are in the heart of his own constituency and in an area of social deprivation, is actually going to work.

The Minister mentioned £15.8 million. Is that a one-off injection of cash? How are schools going to respond to their budget the following year? Are they to work month to month, with their hand out and a begging bowl to the Department?

Mr O'Dowd: St Teresa's and Tannaghmore are the two new schools that I am building. There will be brand new buildings for both those schools.

In her question, the Member stated that there is community anger out there.

Mrs D Kelly: No I did not.

Mr Deputy Speaker: Order.

Mr O'Dowd: It was something to do with anger; "anger" was in the question somewhere. I do not have the question in front of me, but it relates to the word anger. Maybe people get angry when they meet her.

Throughout the consultation, when speaking to educationalists, pupils, principals, parents and people who are interested in social justice and equality, I have found that they approach me in a rational manner, have rational discussions with me and put across their point of view in a very rational, considered manner. Some agree with my proposals, and some do not agree with my proposals.

As I said in my answer to your original question — perhaps the SDLP is going to challenge me on this — social deprivation is the biggest indicator of a child's educational outcomes. That needs to be challenged.

Therefore, a school with high levels of social deprivation requires more funding to ensure that it has the resources available to give equality to all the children whom it is there to serve. If the SDLP is opposed to that, it needs to state why it is opposed to it. If the SDLP is opposed to my common funding formula proposals, it needs to come forward with alternatives. I read the SDLP's submission to the common funding formula review and did not see any alternatives in it.

Mr Newton: I have to say, Minister, that you are not winning the argument out there in the schools.

What will the Minister's attitude be when every school principal at primary and special school level in a constituency rejects the common funding formula on the principle that they do not wish one school to be advantaged over another school that will be a loser?

Mr O'Dowd: The scenario that you paint for me is in place. Some of our schools have an advantage over other schools that are at a disadvantage. The schools that are disadvantaged are those schools with high concentrations of children who get free school meals. All the evidence points us towards that. I have not heard an outcry from any of the Benches about that. I have not heard an outcry from any of the Benches about the fact that a child who gets free school meals is 50% less likely to succeed in education than a child who does not get free school meals. That is what should be annoying people and getting them angry. That is what should be concentrating people's minds.

I am not taking money off an individual school to give it to another school. The money is coming out of the Department of Education's £1.1 billion aggregated schools budget. It is a matter for the Department of Education, after consultation, to decide how that money is best

spent. The Programme for Government sets very stringent targets for me for children who get free school meals. The Programme for Government tells me that I have to increase the educational attainment of those young people. The Programme for Government, in its opening paragraph, states that we have to tackle social disadvantage. We can produce glossy documents and distribute them to the public. We can talk about tackling social disadvantage or we can do something about it. I intend to do something about it.

Ms Boyle: Go raibh maith agat, a LeasCheann Comhairle. Is the Minister still confident of making the required changes before the start of the new financial year?

Mr O'Dowd: Yes, I am. It is important that the changes be made. There were 14,000 consultation responses: 3,000 from young people and 11,000 from interested individuals, schools and parties out there. Those responses will all be given due consideration. They will be reviewed to seek out alternatives to, and unexpected consequences of, any changes to the formula and to ensure that the objectives of my proposals are met and do not have unintended consequences.

The figures that schools are currently working to do not take into account the £15.8 million that is to be injected into the system. Mrs Kelly asked whether that is a one-off payment. The funding confirmed for the Department of Education runs up to 2014-15. Beyond that, we will be into negotiations with the rest of my Executive colleagues about funding for education. I hope, and I expect, that those negotiations will ensure that education funding is increased, because if we are to tackle social disadvantage and grow the economy, education has to succeed.

Schools Enhancement Programme

4. **Ms Fearon** asked the Minister of Education for an update on any planned investments as part of the schools enhancement programme. (AQO 4913/11-15)

Mr O'Dowd: The schools enhancement programme (SEP) is designed to enable the refurbishment or extension of existing schools. I announced recently that 51 schools have been informed that their applications have been successful at the first stage of assessment. Those projects have been demonstrated to be consistent with emerging area plans. The schools have been asked to prepare economic

appraisals as part of the next stage of the assessment process.

Decisions on funding will be made when the economic appraisals for the selected projects have been assessed. It is anticipated that those decisions will be made in the new year. The scale of the potential investment in the SEP underlines my continuing commitment to improving the schools estate.

Ms Fearon: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. Will he explain and outline some of the reasons that 16 of the applications were unsuccessful?

Mr O'Dowd: There were numerous reasons why several applications did not go through. There were established criteria against which the projects were judged. Unfortunately, 16 did not meet the criteria. I am reviewing my capital budget and hope to be in a position early next year to announce another tranche of funding under the schools enhancement programme. It is open to the schools that were turned down this time to reapply if they believe that they will meet the criteria and, indeed, to schools that did not apply this time.

Mr Storey: I declare an interest as a member of the board of governors of Ballymoney High School, which will receive money under the schools enhancement programme. However, that means that its newbuild is in serious jeopardy. What assurance can the Minister give that newbuilds will not be displaced as a result of schools being successful in applying to the schools enhancement programme?

Mr O'Dowd: The Member will appreciate that each case will have to be looked at on its merits. A number of projects agreed under the schools enhancement programme are hopeful of newbuilds, but immediate work needed to be carried out on those schools to ensure that children were taught in a proper environment. It is only right and proper that we make significant investments, even if only for the short to medium period, to ensure that young people are taught in proper premises. A number of schools that have applied to the schools enhancement programme have decided that it is the way ahead for them instead of a newbuild programme. That is their decision, and perhaps other schools will make similar decisions in future. As I said, each case will be judged on its merits.

Mr Cree: When will the Minister produce a transparent matrix of all planned investments

and, indeed, the hierarchy of the projects in that matrix?

Mr O'Dowd: I would suggest that I have. Each time that I make an announcement on capital build programmes, I announce those that were successful and the matrix against which they were judged. Of course, I understand that, when a school is not on the list, it will be deeply disappointed. There may be a variety of reasons why a school did not make it onto the list, including the fact we did not have enough money for capital build programmes in our schools estate. Something in the region of £400 million from the schools capital programme was taken off us by the Tory Government when they came to power. That has had a significant impact on our ability to deliver newbuild programmes. I would certainly argue that we are open and transparent about how and why we select schools for new capital build programmes.

Mrs McKevitt: I would like to push the Minister a wee bit more on a previous answer in which he spoke about the 16 schools that did not meet the criteria. Is there an appeal mechanism for schools such as St Louis in Kilkeel that thought they did meet the criteria for the enhancement programme?

Mr O'Dowd: No, there is not an appeal mechanism. The criteria are there, and we judge schools against them. I will not go into the case of a specific school on the Floor of the House, but perhaps the Member would like to ask herself why she believes that St Louis in Kilkeel meets the criteria.

Schools: 14-19

5. **Mr Moutray** asked the Minister of Education to outline his understanding of a bilateral 14-19 school. (AQO 4914/11-15)

Mr O'Dowd: While a 14-to-19 school is clearly one that operates within a two-tier system of junior and senior high schools, there is no official or legal definition of a bilateral school. It is a term that is used by schools in their description of themselves but can mean different things for different schools. Some schools that use the term operate a partially selective admissions process for pupils; others use non-academic criteria to admit pupils and stream them on the basis of a test once they are in the school.

Mr Moutray: I thank the Minister for his answer. Given his answer and the fact that that type of

school does not successfully exist anywhere in Northern Ireland, what evidence is there that such a school will improve and enhance educational performance in the Dickson plan area, which is above the Northern Ireland average?

2.30 pm

Mr O'Dowd: There may not be another bilateral school for 14- to 19-year-olds, but there are certainly bilateral schools, and they are very successful in their delivery of education to all the young people they serve. If the Southern Education and Library Board comes forward with an option for a 14-to-19 bilateral school, all the evidence about whether that school will be able to deliver high-quality education to all the young people it serves will be taken into account before any decision is made.

Mr Sheehan: Go raibh maith agat, a LeasCheann Comhairle. Does the Minister agree that the educational arrangements in the Dickson plan area do not meet the growing needs of our children and young people?

Mr O'Dowd: I agree. There needs to be a fundamental overhaul of the Dickson plan to ensure that all the young people in that area are served with high-quality education and high-quality educational facilities. At present, it creates an inequality in our education system that is completely unacceptable.

Mrs Dobson: Minister, nowhere else in the world does a bilateral school in the 14-to-19 age range exist, so I struggle to see on what sound evidence such a proposal could have been based. Can you assure us that, when the SELB is forced to remove option A, your Department will not interfere and force a new system until agreement is reached amongst the schools involved?

Mr O'Dowd: That is a big statement: nowhere else in the world does a bilateral school for 14- to 19-year-olds exist. I hope that the Member can stand over that statement. I am not going to argue with her, but it is a very big statement, considering the diverse education systems that exist throughout the globe.

Very few places in the world — I can stand over this — select children and divide them up into different schools at post-primary level. The most successful economies in the world do not do it, and the most successful education systems, which are related to the most successful economies in the world, do not do it, so I am in bewilderment as to why the Member

continues to insist that you have to divide children up into different schools, whether it is at the age of 11 or 14. There is no evidence to support her analogy in relation to that.

I note the term the Member used. She talked about when the SELB is "forced" to remove the proposal. That reflects some of the language and the actions in the debate in the greater Craigavon area. People feel intimidated by the actions of those who claim to support the Dickson plan. Parents have come to me feeling concerned that their voices are not allowed to be heard. Speakers at prize-giving nights are heckled from the floor because they dare to express an opinion different from that of those who support the Dickson plan. Teachers, members of boards of governors and principals all face significant pressure not to open their mouth from those who support the Dickson plan. So, let us not use force; let us use reasonable argument to win the day. Let us use evidence to win the day, and let us be prepared to stand up for all the young people in the Dickson plan area rather than the few.

Common Funding Formula

6. **Mr Weir** asked the Minister of Education, in light of Sir Robert Salisbury's independent review of the common funding formula, what examination his Department has carried out on alternatives to free school meals as an indicator of social deprivation. (AQO 4915/11-15)

Mr O'Dowd: My Department has identified that the most effective indicator of social deprivation among pupils should have the following characteristics: it needs to relate to information that is personal to the pupil's family circumstances; that information needs to be capable of independent validation; it needs to be up to date; it needs to be capable of being updated annually; and it needs to be easily gathered at school level. Free school meal entitlement is the only reliable measure we have been able to identify that meets those requirements. The view of the independent review panel was that free school meals entitlement provided an indication of the relative concentration of potentially disadvantaged pupils in a given school in a way that no other indicator does. Additionally, statistical analysis shows a strong correlation between the entitlement to free school meals and the multiple deprivation measure. I remain open to hearing suggestions of other indicators that meet the characteristics that I have just outlined. To date, I have received no suggestions that do that.

Mr Weir: I thank the Minister for his response. In light of the recommendation that the Department should look at alternatives, what alternatives has the Department looked at in relation to free school meals? In light of the Minister's response, does he believe that the Warnock factor should be reinstated into the budget?

Mr O'Dowd: One of the elements I am looking at as part of the consultation responses is the Warnock element. That has been raised with me at a personal level by principals and teachers and as part of the consultation responses. So, we will certainly look at that.

Those who stand up and criticise free school meals have, to date, not given me a valid reason why they are ineffective. Free school meals identify the individual child; they identify the circumstances of that child; and they can be monitored on a yearly basis. There have been no comments, apart from the comment about the Bristol university report, which refers to the English system. Our free school meals entitlement is much broader and wide-ranging than the English system. Indeed, the Bristol report states that we should use working tax credits as an identifier: our free school meal system does use working tax credits as an identifier of social need.

Somebody needs to come forward with a reason why free school meals are not the best indicator for the individual child and the broader circumstances. They identify the individual child, and, when you see the correlation between significant numbers of children with free school meals and areas of higher social deprivation, you see that they clearly indicate that they are matched. So, come forward with a valid reason not to use free school meals, rather than what I have heard thus far, which has been rumour, innuendo and people saying, "This one said it" and "That one said it". No one has come forward with a research piece of paper saying that our free school meals entitlement is the wrong way forward.

Mr Rogers: I thank the Minister for his answers so far. Has the Minister considered the South Eastern Regional College's study on measuring social deprivation as something that might complement the free school meals index?

Mr O'Dowd: I am not aware of the South Eastern Regional College's report on the matter. If the Member wishes to share it with me or to send on more information to me, I will be happy to read it and to take a look at it. Again, it would have to follow the characteristics

that I have set out: that it identifies the individual child; that it can be annually reviewed; and that it is information that is capable of independent validation. If those characteristics can be matched and if it matches our ability to identify social need, I will take a close look at it.

Mr Hazzard: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire. Can the Minister confirm for me — I have this feeling after all the shouting that takes place from the opposite Benches — whether any other political party in the House has presented him with any option other than free school meals? *[Interruption.]*

Mr Deputy Speaker: Order.

Mr O'Dowd: I have studied the five political parties' responses to the common funding formula scheme. None has yet presented me with an option in relation to their —

Mr Storey: Absolute nonsense.

Mr Deputy Speaker: Order, please.

Mr O'Dowd: None of the political parties has presented me with an alternative to free school meals. I assume that all the political parties are more than happy to publish their responses. Publish your responses. If the Member across the way says that I am speaking absolute nonsense, people can study his response and ask, "Has he presented the Minister with an alternative?". They will make up their own mind with regard to that matter.

The most important thing is this: no one has been able to come forward and say why they are opposed to free school meals. No one has been able to come forward and give a valid reason why they are so vehemently opposed to free school meals. It is worth noting that, in 2006, when a direct rule Minister introduced a targeting social need formula as a result of work that Martin McGuinness had done during his term in office — it was only a minor increment for free school meals and a minor increment for targeting social need — the DUP objected. The DUP, through its education spokesperson, Sammy Wilson, objected on that occasion as well.

Lord Morrow: How do you know?

Mr O'Dowd: I read the statement from Sammy Wilson; that is how I know. *[Interruption.]*

Mr Deputy Speaker: Order.

Mr O'Dowd: There are parties in the Chamber who lean to the right, and perhaps that gives their philosophy around free school meals. However, there are parties in the Chamber who lean to the left, and there are parties in the Chamber who have "social democrat" in their title: they need to come forward and state why they are so opposed to targeting free school meals.

Mrs D Kelly: Six years of education chaos.

Mr Deputy Speaker: Order. Order, Members.

Education and Skills Authority

Mr Deputy Speaker: I call Kieran McCarthy.

Mr McCarthy: May I ask question 7, please?

Mr O'Dowd: What?

Mr Hazzard: Question 7.

Mr O'Dowd: Sorry, I could not hear with Gregory grumbling in the background.

Mr Campbell: Get used to it. *[Laughter.]*

Mr O'Dowd: I got used to it a long time ago. There is — *[Interruption.]*

Mr Deputy Speaker: Order. I ask Members to be respectful to other Members in the Chamber.

Mr O'Dowd: I did get used to it. You used to grumble that you would never share power with us, and then you did share power with us. Do you remember that grumble? Do you remember grumbling, "We'll never share power with you"? There you are, sharing power with us.

7. **Mr McCarthy** asked the Minister of Education when he will bring legislation to establish the Education and Skills Authority. (AQO 4916/11-15)

Mr O'Dowd: My aim is to have the remaining stages of the Education Bill completed in the coming weeks. However, I need agreement from my Executive colleagues to bring forward the Education and Skills Authority Bill; I cannot do this on my own. If the Bill is not brought forward within the next weeks, we will not reach our Programme for Government commitment to establish ESA in 2013.

Mr McCarthy: I thank the Minister for his reply. Does he accept that the lack of a fully functional Education and Skills Authority means that area planning is happening on an ad hoc basis? What impact will that have on overall funding for schools?

Mr O'Dowd: No, I do not accept that area planning is happening on an ad hoc basis. The five education and library boards, the Council for Catholic Maintained Schools (CCMS), the integrated sector and the Irish-medium sector are all involved in the strategic planning of area planning, so it will not have an impact on that basis. However, the fact is that ESA is a Programme for Government commitment. I hear comments from Members on the Benches opposite that they are glad that it is not moving forward. Why did they sign up to the Programme for Government? There are two issues that we have found out about today: they are not that fussed on targeting social need; and they heckle me from their Benches, saying that they are happy that ESA is not moving forward. That is another Programme for Government commitment that they signed up to and committed to, and now they say that they are happy that it is not going ahead. *[Interruption.]*

Mr Deputy Speaker: Order. *[Interruption.]* Order, Members. Does a Member wish to be named? I call Cathal Boylan.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a fhreagra. I thank the Minister for his answers. Will the Minister outline the importance of the proposed Education and Skills Authority?

Mr O'Dowd: The Education and Skills Authority was designed to modernise the management of our education system, which dates back to 1973. In fairness, we have the five education and library boards, which, through quite difficult times, provided education in our society. That management style is now outdated. Having a 35-person board to run the education system five times over does not make sense. A number of structures are no longer required, and it would be more effective and efficient to bring them under one umbrella. That is what the parties agreed to and the reason that the parties agreed to the Programme for Government commitment to establish ESA in 2013. It is up to them to explain why they believe that to be no longer relevant.

Significant savings are to be made if ESA is brought into play. Those savings can be

redirected into front line education. Another topical issue, considering the alleged concerns of some Members about funding going to schools, is that I would much prefer to use the £20 million that we could save annually through ESA in front line education services. Perhaps some Members believe that keeping their fellow councillors on education boards is a more effective way of spending that money.

Mr Elliott: I thank the Minister for that. Will he confirm whether the Education and Skills Authority proposals are part of any internal discussion with the First Minister and deputy First Minister in and around that deal or any other deals that may be proposed?

Mr O'Dowd: That is a question best placed with OFMDFM.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as na freagraí go dtí seo. How much has been spent so far on the exercise to establish the ESA?

Mr O'Dowd: I do not have exact figures in front of me, but too much has been spent on it. Not only is ESA in this Programme for Government, it was in the last Programme for Government. When a commitment is made in a Programme for Government, there is a duty on the relevant Minister to prepare for that commitment to be met. Minister Ruane in her time and I have lived up to our commitments under the Programme for Government to prepare for the establishment of ESA. However, if the Members on the Benches opposite are now telling me that they are happy that ESA is not moving forward, we will have to seriously review whether we want to spend any further money on a Programme for Government commitment that those Members clearly do not wish to proceed with.

2.45 pm

Common Funding Formula

8. **Mr Allister** asked the Minister of Education to outline the response to his proposal to change the common funding formula thus depriving many schools of funding. (AQO 4917/11-15)

Mr O'Dowd: No schools have been deprived of funding. There has been widespread consultation on the proposals for change. As I have stated previously, I am delighted to report that 11,000 responses have been received to

the main consultation and 3,000 responses to the tailored consultation for young people. I welcome the very high level of responses received. Clearly, it will take time to analyse those and summarise the key points.

Mr Allister: Would the Minister like to explain to the parents of children in all our constituencies who are not able to take up free school meals, why, under his proposals, their children should be less valued and have less financial investment than other children, since he is a Minister who belongs to a party that claims to believe in equality? He dodges the matter by pretending that it is not a redistribution, but it patently is, because that will be the impact on existing budgets.

Mr O'Dowd: It is a redistribution of Department of Education funds; I have never dodged that issue. To create equality, sometimes you have to target resources specifically at one sector or group. You do not create equality by treating everyone the same. If the Member is serious about social deprivation and about deprivation in working-class Protestant communities, he will agree that the best way out of that is through education. As I have pointed out, a child who is on free school meals is exactly half as likely to succeed in education as a child who is not. If the Member wants to get flustered and angry, he can get angry about that and then he might be able to resolve something.

Employment and Learning

BA (Hons) Air Transport with Commercial Pilot Training

1. **Mr G Robinson** asked the Minister for Employment and Learning to state whether he will fully fund BA (Hons) Air Transport with Commercial Pilot Training for Northern Ireland students, which has been an issue for a constituent recently. (AQT 311/11-15)

Dr Farry (The Minister for Employment and Learning): I thank the Member for his question. He has been in correspondence with my officials and me on that matter. He will appreciate that my Department funds UK courses. However, when part of a course is funded or takes place outside the UK, a different funding regime is in place. The overall student support settlement, as agreed by the Executive, is now in place until 2015. We can, of course, look at changes thereafter.

Mr G Robinson: Can the Minister assure me that he will pursue equality of funding with the

rest of the UK to prevent further disparity for Northern Ireland's students?

Dr Farry: Again, I say to the Member that there are areas where there are disparities between the student support regime as it applies in Northern Ireland and that which applies in other parts of the UK. However, the biggest disparity is, perhaps, the fact that we have frozen tuition fees at £3,500, whereas they go up to £9,000 in other parts of the UK. Therefore, a fixed amount of money is available to the Executive. Choices have to be made about what we can do about other elements of student support. Of course, we can look at all the issues in the future. In a context where more resources are available to us, we can drive out more and more anomalies.

Investment: DEL Support

2. **Mr McElduff** asked the Minister for Employment and Learning about his recent skills mission to the United States of America where, as I understand it, he met companies in New York, Washington and Chicago and to detail what support is available from his Department to companies that chose to invest here as distinct from support from the Department of Enterprise, Trade and Investment. (AQT 312/11-15)

Dr Farry: I thank the Member for his question. Although it is an appropriate question to ask, I stress that we will discuss Assured Skills during the formal questions.

In essence, my Department works in conjunction with Invest Northern Ireland. We have a very good relationship. More and more investments that come into Northern Ireland are attracted by the existing skills of the workforce and our potential to invest further in skills. That is why we have the Assured Skills programme. A core part of our trip to the United States was talking to existing investors to ensure that things are going well for them, talking to potential future investors in Northern Ireland and showing them the bespoke approach that we take to investing in skills, which gives Northern Ireland a major competitive advantage in attracting investment at present.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. Following on from the US mission, are any further visits of that nature planned, perhaps to other countries?

Dr Farry: No formal trips have been added to the diary at this stage, although I anticipate that there will be some follow-up missions to the

United States or to other parts of the world to showcase our skills further. We uncovered a large number of leads during our trip to the United States through engagement not only with companies but with government. It is fair to say that the United States Government in particular remain very keen to assist Northern Ireland not only with the political process but with economic issues. There are opportunities not only through company support but through exchanges for individuals where they can focus on their skills and experience different business environments.

South Eastern Regional College: Theatre

3. **Mr Agnew** asked the Minister for Employment and Learning to provide detail on the recently announced theatre at the South Eastern Regional College in Bangor. (AQT 313/11-15)

Dr Farry: I am happy to do so. This project was taken forward by my Department, and we have been very closely involved. Members will recall that the project was first mooted in the last Assembly, but, for various reasons, my predecessors in the Department decided that they did not have the resources to take the matter forward. We have revisited the situation and identified the capital resources available for the project.

I am very pleased to say that we have been able to make this important investment, which is good not just for Bangor and the wider South Eastern Regional College (SERC) catchment area but for all of Northern Ireland. We are investing in the future of our economy, particularly the creative industries, which, we all know, is an important growth sector. Hopefully, the project will also be of benefit to the town of Bangor, which has been looking for a theatre for many years. A 350-seat theatre will be made available as part of the development, and, although it is formally part of SERC and is there primarily for the use of students, the college will make it available for use by the community.

Mr Agnew: I thank the Minister for his answer and welcome the investment in Bangor, specifically in a theatre, which, as he mentioned, has been required for a long time. What engagement took place with community groups to ensure that they can make use of the theatre and it is not solely a SERC facility but will be of benefit to the wider community and meets the community's specification?

Dr Farry: That is a useful issue to explore. This will be taken forward over the coming months. We expect it to be delivered in a fairly short time frame, and there is the prospect of construction beginning in early 2014 so that the theatre can open in 2015. As I stressed, it is open for commercial bookings via the college. The precise details of how that will operate will need to be taken forward by the college itself. However, discussions are also taking place with North Down Borough Council, which has responsibilities for the development of the arts scene in that community. It is for the council to come to an arrangement with the college on how they can best support and facilitate subsidies for some of the community-based organisations to allow them to access the theatre facilities. I stress that those are dedicated theatre facilities of a proper standard, and it should be a lucrative venue for a range of organisations and drama groups in particular.

Careers Review

4. **Ms Lo** asked the Minister for Employment and Learning for an update on his plans to review the careers policy. (AQT 314/11-15)

Dr Farry: I thank the Member for her question. The careers policy is held jointly by my Department and the Department of Education. John O'Dowd and I are committed to a major careers review in 2014. At present, the Committee for Employment and Learning is finalising its review of careers policy, and we look forward to receiving that report. In the past, we have systematically gone through Committee recommendations in other reports, and we will no doubt wish to do the same with the forthcoming report.

Ms Lo: I thank the Minister for his reply. What does he believe will be the main themes of the review?

Dr Farry: It is fair to say that almost every time you have a deep conversation with the business community and others about economic policy and skills it goes back to the issue of careers being the foundation stone on which a good economy is built. One of the key outcomes we will want to see will be ensuring that careers advice is much more in tune with accurate labour market information. Although it is always for individuals to make decisions about their future, those choices should be informed by the best information about where the emerging prospects lie in the economy, so that people are fully aware of the opportunities that are available to them.

In preparation for that, we are taking a number of actions. I will take the opportunity to highlight the fact that we are placing careers advisers in industry. We are encouraging companies to offer placements to our careers advisers so that they can spend time with the companies and understand fully how they work and the future opportunities there will be not just for young people but for everyone. This is a good example of how the public sector works with business to ensure that we properly plan ahead for the future needs of the economy.

Careers Guidance

5. **Ms P Bradley** asked the Minister for Employment and Learning whether he believes that it is appropriate that careers guidance is steered in the direction that he talked about based on the needs of the employment market. (AQT 315/11-15)

Dr Farry: I thank the Member for her question. It shows that careers are always very topical, and Members' interest is very welcome in that regard.

I will answer the question: we need to strike the appropriate balance. We need to respect the fact that people will, ultimately, make decisions for themselves. They have that autonomy, and it is not for us to direct them. However, that said, it is important that we encourage people by illustrating where the opportunities lie. Whether we are talking about the Programme for Government, the economic strategy or my Department's skills strategy, we have clearly set out the areas in which we expect our economy to grow in future years, and we know the sectors that are set to expand. They include information and communication technology (ICT), engineering, agrifood and the creative industries. There is a wealth of opportunities for young people, and it is often a source of frustration when we have skills shortages or skills mismatches. We sometimes have high unemployment and, at the same time, employers suggesting that they cannot get people to fill certain vacancies because they have not chosen the right type of subject or have not expressed an interest in a certain career.

Ms P Bradley: I thank the Minister for that very detailed answer. To follow on from that, will he expand a little on how we can make this more relevant to the needs of industry in general?

Dr Farry: It is an area in which industry needs to illustrate its needs by working much more with the careers service and whatever future

models are put in place. The example of placing careers advisers in industry is a very good way of copper-fastening that type of cooperation. Ultimately, what we do in careers has to be about servicing the economy. That means servicing the needs of individual businesses and other organisations.

Living Wage

6. **Mr Newton** asked the Minister for Employment and Learning to state how many companies in Northern Ireland that are aided by his Department are paying a living wage, given that he will be aware of the topical debate around the minimum wage versus the living wage. (AQT 316/11-15)

Dr Farry: I cannot give the Member a comprehensive answer on that point today. I also imagine that there may be difficulties in collating the information in any comprehensive way in the short run. However, I can say a few things to give him some assurance. First, we have spoken to the further education colleges and universities, and they operate in a responsible manner in that regard. We also pay the minimum wage for apprenticeship support, which is a reflection of the situation that pertains in the wider market.

I think that, overall, it is important that we are realistic about all this. The minimum wage is set at a UK-wide level, and it has been increased recently. There is a case for making further adjustments upwards to the minimum wage. If we were to come in and argue for artificially setting a living wage level that is much in excess of where the appropriate level would be for the national minimum wage, there could be unforeseen circumstances where we would be denying opportunities for employment or, indeed, for creating opportunities for skills and work experience or apprenticeship opportunities. So, it is something that we need to take a very rounded and balanced approach to. Obviously, it is not a matter simply for the Assembly; it is a matter to be addressed at a UK level.

3.00 pm

Mr Newton: I thank the Minister for his answer. Towards the end of it, he did, indeed, touch on my concerns. I accept that there would be areas in the UK where the living wage may be just more appropriate as an incentive to attract people. Is it not possible that, in that attraction, we would start to lose those skilled employees that we have who are perhaps on a minimum

wage but are better-quality candidates who would be attracted towards the living wage?

Dr Farry: Again, I reinforce with the Member that it is something that we need to look very carefully at. There will be different contexts in different parts of the UK. Clearly, there are pressures, particularly in London and the south-east, with the cost of living relative to what people are earning, that are not quite as acute in Northern Ireland. However, in saying that, I by no means diminish the very challenging circumstances that people who are on the minimum wage often find themselves in.

It is important that we have a focus on trying to create job and training opportunities for people. However, as an Executive, our ultimate focus has to be on creating job opportunities and growing and transforming our economy. As we move up the productivity charts, we will see wage levels being driven up. The more that we invest in skills, the more that we will drive up the average pay that pertains in our economy. So, there are ways in which we can drive up wages that are different from artificially setting a wage floor.

Mr Deputy Speaker: That ends the period for topical questions. We will now move on to the questions for oral answer that have been listed. Questions 2, 3 and 15 have been withdrawn.

Skills Gap

1. **Mr Douglas** asked the Minister for Employment and Learning for his assessment of the concerns expressed recently by a locally based recruitment agency of the skills gap for highly skilled welders and associated professions, as well as a shortage of skilled workers for offshore oil and gas installations. (AQO 4925/11-15)

Dr Farry: When approached by companies, my Department responds through tailored training programmes that are aimed at meeting specific employer needs. My Department has anecdotal evidence that companies that are based in Northern Ireland experience difficulty recruiting some levels of welding expertise. The recruitment agency suggested that that appears particularly evident in offshore work. My Department has worked with the recruitment agency for some time to establish the actual demand for offshore welding and related trades. As a result, a pilot Bridge to Employment programme was completed to recruit unemployed people with basic skills and to upskill them to work as scaffolders and pipe fitters. That was done on the basis that

vacancies existed that the individuals would be eligible to fill. To date, the scaffolding and pipe fitting elements have been completed, and those who have finished the relevant training are available for employment offshore. My Department awaits confirmation from the recruitment agency that offers of employment have been made to the individuals.

The welding element has proved difficult, as arrangements for the provision of the relevant training have not been finalised. That centres on the identification of a suitable training provider. My Department remains in discussion with the recruitment agency on that.

Offshore welding requires high levels of precision and quality and certification to the appropriate offshore standard. The working environment also places additional demands from a health and safety standpoint. Where jobs exist, we will work with the business to recruit and train individuals to work offshore.

Mr Douglas: I thank the Minister for his answers so far. Will he agree with me that there are obviously great opportunities here in training and employment, and will he suggest ways of bringing some of those industries together to try to exploit that? I am talking about taking a proactive approach.

Dr Farry: I thank the Member for that. Let me stress that we are being proactive in two different respects. First, I stress that we are here to respond to demand from businesses and the wider economy. We are not here to artificially say where training should take place; we are here to respond to the needs of business. Our various programmes, including Skills Solutions, are there to respond to the needs of business.

We can also be proactive in trying to plan ahead. I chair an engineering and advanced manufacturing working group, and those types of skills are touched on there. I have also asked my officials to conduct a health check on our engagement with the renewables sector as a particular subsection of engineering and manufacturing to make sure that we are doing all that we can. I also stress that we have a good footprint, particularly in the further education (FE) sector, and I highlight what the South Eastern Regional College (SERC) is doing on training people on renewables, whether at the Newtownards centre or, more recently, at the GreenTEC centre that was opened at the Newry campus of the Southern Regional College.

Mr Swann: The Minister mentioned a lack of suitable training providers. Is he aware of the work that the Belfast Met does on welding and courses of a similar nature? Those courses would be suitable for training people not only for offshore oil and gas work but for offshore renewables energy. There is a big market that we can tap into.

Dr Farry: It is about matching up the various training providers, which can be the FE colleges or some of the private sector organisations, with the particular needs that exist. We are committed to working with the different companies that come forward looking for upskilling to make sure that we can signpost them to the most appropriate area. Beyond that, we also look to see where we can make further investments in the supply and capacity of our education system to respond to the needs of business.

Mr F McCann: Go raibh maith agat, a LeasCheann Comhairle. Several weeks ago, our Committee received a presentation from a group called Copius Resources who spoke of the possibility of 50,000 jobs being required offshore over the next five to 10 years. However, as Sammy and Robin said, the group stressed that the level of training and education here is not suitable to bring people to a level that will allow them to tap into those jobs.

Dr Farry: The question and my original answer are very much framed around the particular organisation that the Member refers to.

It is fair to say that we must ensure that what we hear about potential can be delivered and that we, in turn, have the flexibility in our training system to meet the demands. We are having discussions with the relevant recruitment agency in order to ensure that we are matching what it is producing. To date, the practical demands have not been of the scale that the Member suggested. I do not mean to diminish the longer-term potential that the Member outlined, but the current levels of demand are not of the quantum that he suggested.

Mr McKinney: Given the specific needs gap that has been identified, has the Minister taken into consideration any special training for reskilling those people who have found themselves victims of the recession? Will he consider funding that?

Dr Farry: To broaden this out from the particular issue that we are discussing, we do invest in reskilling. If Members recall the situation that pertained last year to FG

Wilson/Caterpillar, they will recall the heavy discussions about what could be done to offer reskilling opportunities for those individuals. We worked closely with Northern Regional College and Belfast Metropolitan College (BMC) in that discussion.

It is also worth stressing that people have often been with companies for a long time, having perhaps been recruited straight from school. They may not have gone through a formal process of qualification but are competent in their particular skill or trade. We have to find a way to get that training accredited. It may not just be a question of their being reskilled but about getting their existing knowledge formally recognised so that those skills can be transferable to other companies.

Additional Support Fund

4. **Mrs D Kelly** asked the Minister for Employment and Learning how many places at regional colleges, for people with learning difficulties, will be created as a result of the increase of funding for the additional support fund. (AQO 4928/11-15)

Dr Farry: The additional funding is initially intended to provide colleges with the appropriate means to address the technical and personal support needs of existing students with learning difficulties and of students wishing to enrol. That extra funding will also enable colleges to ensure that the additional technical and personal support needs of existing students with learning difficulties, who are currently enrolled on discrete programmes, are met.

Colleges have been utilising fully the allocations available to them through the fund. I am aware that, in the past, colleges have indicated that constraints meant that, on occasion, the level of support to individuals was restricted. The increase in funding for the additional support fund, which I announced in September, aims to ensure that the level of support provided reflects the level of support required. The impact on enrolments and the increases in the level of support, provided as a result of the increase in funding, will not be fully known until the end of the 2013-14 academic year.

Mrs D Kelly: I welcome the additional funding. Minister, will you tell me whether any account has been taken of the health trusts' proposals to reduce the level of day care facilities, which would have met the needs of young people with learning disabilities post-16?

Dr Farry: I thank the Member for her question, which touches on a very broad theme that cuts across a number of Departments. Frankly, we need to address that at an Executive-wide level. We want to avoid a situation where we are simply moving issues from one Department to another. Rather, there has to be a partnership, with different Departments playing a role in the areas in which they specialise, because that is where they will be best placed to take issues forward.

Quite clearly, the further education system has a major role to play in helping people with learning difficulties post-19, and there is provision for that. We recently did an audit of that provision to see what gaps exist, with a view to trying to address them. The disability employment service, which my Department is responsible for, is also being reviewed at present to ensure that we are offering the best comprehensive suite of interventions to support people into employment and to sustain that.

The Department of Health, Social Services and Public Safety has a key role to play in providing day care facilities. I stress that further education is not always going to be a viable option for some individuals, so those day centres will play a vital role. At times, there will need to be a partnership approach, with the FE system reaching out to the day centres and trying to provide some type of intervention, training or education to young people. I stress that this has to be taken forward on a partnership basis. I certainly encourage the Health Department to make sure that it is investing appropriately in that provision.

Mr Campbell: The Minister mentioned an audit by the Department. Has that audit taken account of the numbers of people with learning difficulties in the catchment areas of each of the regional colleges and the numbers of people with learning difficulties already enrolled to see whether there is a differential and what the colleges can do to attract more people?

Dr Farry: I thank the Member for his question. In the broader context, we have seen a significant increase in the number of individuals with learning difficulties enrolling in the FE sector over the past decade. For example, in 2004-05, that amounted to 5% of total enrolments. More recently, it has amounted to 12% of overall enrolments. So, we are seeing a very clear direction of travel.

I am acutely aware that the transition from school at 18 or 19 is a very difficult and challenging process, particularly for the parents, because their children are often moving from a

situation of relative certainty to a big unknown. I think that we need to do more to ensure that the existing audit of facilities matches the underlying data, where that exists, to meet the overall needs of the population as a whole. I think that Members can take some comfort from the fact that we have seen a significant increase in enrolments in the FE sector over the past decade, but there is obviously more to be done, and there are gaps in the system that still need to be addressed.

Mr Flanagan: Go raibh maith agat, a LeasCheann Comhairle. The Minister would obviously agree that lack of access is one of the barriers to further education colleges for people with learning difficulties, given that many of the buildings are old and antiquated. In light of that, will he provide us with an update on the business case provided to his Department on the newbuild campus for South West College in Enniskillen?

Dr Farry: I have to say that that was a very creative way for the Member to move on to that point. Let me stress by way of introduction, to at least give some respect to the thrust of the initial question, that it is important that we invest in modern buildings that are fully compliant with the needs of people who have disabilities. DisabledGo has done an audit of our facilities, and it is there to provide specific guidance to individuals on how they access buildings, and I have no doubt that that will be considered with any future investments in Enniskillen.

3.15 pm

I will get to the specifics of the Member's question. He will be aware that we have received a business case from South West College, and that is under consideration. We will not have a formal, definitive outcome from that business case until the issues of the transfer of land are resolved, and, at present, those are matters to be discussed between the Western Health and Social Care Trust and Fermanagh District Council. However, I want that to happen, and I very much look forward to progress in that regard. That is where that discussion lies, but, yes, we have received a business case from the college.

Mr Cree: I thank the Minister for his responses so far. The number of students registered blind or with a serious visual impairment uncorrected by glasses and deaf or with a serious hearing impairment have both decreased considerably since 2007-08. Will the Minister look at the introduction of support tailored specifically to those types of learning disability?

Dr Farry: I thank the Member for his question. I am aware of that context, and those stats have been commented upon by Members. It is probably more appropriate that we invest more generally in support funds that are available across the board and that the colleges have the flexibility to deploy. However, the categories that the Member mentions are within the subject matter for the additional support fund, and I have no doubts or concerns whatsoever that those funds will be deployed to support the individuals that the Member referenced.

North/South Cooperation

5. **Mr Boylan** asked the Minister for Employment and Learning to outline his priorities for greater North/South cooperation. (AQO 4929/11-15)

Dr Farry: I am committed to North/South cooperation on areas of mutual interest and of mutual benefit. Channels of communication are well established with the three Irish Government Departments with which my Department has the closest interfaces, which are the Department of Education and Skills, the Department of Social Protection and the Department of Jobs, Enterprise and Innovation. I and my officials regularly interact with Southern counterparts to share policy and good practice and to identify opportunities for collaboration in areas that include employment, training, further and higher education, employment relations, and accessing European funding.

The Employment Service has well-established links with the Department of Social Protection and shares policy and programme development on areas such as employer engagement and youth unemployment. For example, the Department of Social Protection is developing a contracted employment programme on a similar basis to our Steps 2 Success programme and is rolling out its Intreo service, which is a one-stop-shop approach similar to our jobs and benefits offices. The Department of Social Protection also works with us through the European Employment Services Cross-border Partnership, which is supported by European Union funding.

My Department is also fully committed to cross-border research and development as reflected in particular by our successful delivery of the Strengthening the All-Island Research Base programme, which supported 12 major North/South R&D projects between 2008 and 2011, and also through our continuing key role in the highly prestigious US-Ireland R&D

Partnership, which supports collaborative tri-national projects involving both jurisdictions on the island of Ireland and the United States. Those projects are focused on a limited number of priority areas as agreed by all three Governments.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a fhreagra. I thank the Minister for his answers so far. Will he provide us with an update on discussions that he has had with the Central Applications Office about the portability of A levels for entry into courses at Southern universities?

Dr Farry: I am very much aware of those issues, but the Member's colleague, the Minister of Education, is leading on those discussions. The difficulty that seems to exist is that the Central Applications Office is rather autonomous and separate from the Irish Government. The arguments have been won with Ruairi Quinn, the Southern Education Minister, and his colleagues, but it is a matter of getting the system itself to be more responsive. However, the representations continue from John O'Dowd, and I am more than happy to support him in that regard.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra chomh maith. What conversations has the Minister had, in particular, with the Minister of Agriculture and Rural Development, on facilitating cross-border transportation to enable rural communities to access further education on both sides of the border?

Dr Farry: Formal discussions have not yet occurred, but we are looking very closely at student flows around the island of Ireland as a whole. Those links are significantly underdeveloped, particularly in relation to higher education. However, I caution the Member that the overall balance of the flows as they are — and small as they may well be at this stage — is very one-sided. They are largely of Southern students coming up to universities and the further education sector in Northern Ireland. I highlight, in particular, the situation that pertains in the north-west where, of the 4,000 or so students who come to further education in Northern Ireland, over 3,000 are in the Donegal to Derry/Strabane corridor. So there is a particular issue in terms of the spatial planning of the FE equivalent in the Republic of Ireland, particularly in the north-west, which is creating issues for us.

Mr Lyttle: What work is the Minister doing to expand the research cooperation that is happening on a North/South basis?

Dr Farry: I thank the Member for his question. One of the areas that is worth highlighting is what we are doing in relation to Horizon 2020. Between my Department and the Department of Enterprise, Trade and Investment (DETI), a number of Northern Ireland contact points have been appointed to focus on particular research areas. Those are based within local universities. The Department of Agriculture has also funded one in the College of Agriculture, Food and Rural Enterprise (CAFRE), and Invest Northern Ireland has also acted on small business relations.

This is a part of a concerted effort to seriously increase the drawdown that we have from Horizon 2020. As the Assembly appreciates, those are competitive European Union funds, and we have to compete with other bids to achieve this. The basis on which we compete successfully is through building relations between our institutions of higher education and their counterparts in other European countries. In particular, we have opportunities on the island of Ireland to significantly develop the level of cooperation that we have in high-quality international research.

I must also highlight what we are doing in the US-Ireland Research and Development Partnership. Dr Kerri-Ann Jones, who is the Assistant Secretary of State in the United States Department of State, is visiting Northern Ireland towards the end of next week. We will have discussions as to how we can take that forward to the next level.

Assured Skills

6. **Mr Dickson** asked the Minister for Employment and Learning for an update on the assured skills project. (AQO 4930/11-15)

Dr Farry: During the period 2007-2012, based on the number of projects won on a per capita basis, Northern Ireland has been the most successful region in the UK, after greater London, in attracting foreign direct investment (FDI). That fact was evident at the recent investment conference in Belfast. Working with Invest Northern Ireland, the Assured Skills programme is designed to help attract new foreign direct investment companies to Northern Ireland by assuring them that the skills they need to be successful are available here.

Assured Skills support is also available to encourage existing companies that are considering expansion. The Assured Skills branch is currently engaging with nine foreign direct investment projects supporting the creation of over 2,000 jobs, with a total financial commitment of over £3 million from my Department.

Assured Skills also manages a number of capacity-building projects, which include sector-specific academies. This year's academy projects include: the Software Testers Academy, which is now in its third year; a new initiative with local information and communications technology employers around cloud technologies; and a company-specific project with Deloitte on its data analytical training academy. On completion, those academies will yield a return of 64 unemployed graduates gaining full-time employment. Once all employment targets are reached by the current FDI companies, the salaries alone will be worth an additional £46 million a year to the Northern Ireland economy.

I recently visited the United States, the purpose of which was twofold. First, I met existing clients to discuss their experience of Assured Skills and how we can improve the programme with a view to attracting more investors. Secondly, I met companies thinking of investing in Northern Ireland to explain the innovative support offerings available under Assured Skills. I am optimistic that, as a result of the visit, there will be Assured Skills projects in addition to those mentioned already.

Mr Dickson: Thank you, Minister, for your answer. Will you tell the House what you think the future plans for Assured Skills are and how they contribute to the creation of employment here in Northern Ireland?

Dr Farry: I thank the Member for his question. It has become apparent over the past number of years that skills are increasingly the key basis on which we compete for inward investment. That was very evident at the recent investment conference and very much the message that I obtained on my recent visit to the United States. It is important that we continue to invest in the key drivers of skills, whether it is through the Assured Skills programme or the longer-term investment in our further education and higher education systems and through apprenticeships. I have no doubt that there will be many more projects under the Assured Skills umbrella over the coming years.

It is interesting to note that the Assured Skills programme is still technically a pilot. However,

it has been extremely successful, so I am very optimistic that the programme will be mainstreamed in the next Programme for Government Budget period.

Mr Sheehan: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a fhreagra. I thank the Minister for his answers thus far. Will he indicate to the Assembly the type of support provided to small businesses and microbusinesses to improve the skills of their employees?

Dr Farry: I thank the Member for his question. I stress that we have a whole range of such programmes. We mentioned Bridge to Employment, which works particularly with the unemployed. The main service that we provide is the Skills Solutions Service, which is a one-stop shop to engage with businesses and discuss their particular training requirements. We can put in place bespoke programmes to address the very individual needs of companies. It is not a case of trying to shoehorn them into an existing programme; we can design something around their needs.

I also highlight that we offer management and leadership programmes at 100% cost, so they are, essentially, free to those who wish to avail themselves of them. That, again, is a very lucrative investment. It is of particular relevance to small and medium-sized enterprises (SMEs) looking to upscale. We know that good management and leadership are critical in that regard.

It is also worth stressing that, when we shortly announce the outcome of our review of apprenticeships, we will want small businesses in particular to take up those opportunities. It has been the case in Northern Ireland in the past, and it is also the experience internationally, that larger companies take on a disproportionate number apprentices and that, sometimes, SMEs are somewhat risk-averse. We must have a conversation about how we can manage and overcome those perceptions — I stress the word "perceptions" — of risk.

Mrs Overend: I thank the Minister for the detail that he provided in his answers. I am interested in finding out more about what help the Assured Skills programme has provided to existing businesses in Northern Ireland that are considering expansion. I understand that it is not just a tool for attracting foreign direct investment. I would be interested in finding out the proportion of FDI for local businesses.

Dr Farry: I can come back to the Member on what we can provide in the very specific split between existing companies and potential investors.

We are helping existing businesses through the academy model that we are taking forward. Sometimes, we have to make longer-term investments in our skills to ensure that we meet the longer-term needs of businesses. The academy model has proven to be a very flexible way of addressing particular skill requirements. It is based on taking good general graduates or others with a good level of education and, over a very short period of intense training, turning them into people capable of working in businesses. We have highlighted the software testers' academy and the cloud academy. Yesterday, we had the first graduation ceremony of the data analytics academy. I stress to Members that they will hear an awful lot about data analytics over the coming years. It is a huge growth area. We are positioning Northern Ireland to take advantage of the potential growth in that particular sector of the information and communication technology industry over the years to come.

3.30 pm

Employment: People with Disabilities

7. **Mr Buchanan** asked the Minister for Employment and Learning to outline any incentives his Department is offering to encourage employers to employ people with disabilities. (AQO 4931/11-15)

Dr Farry: My Department offers a range of incentives, financial and otherwise, to encourage employers to employ people, including, of course, people with disabilities. All the Department's mainstream programmes and services, such as Steps to Work, are available to people with a disability. In addition, a number of specialist services and incentives exist for this client group. These include the Access to Work programme, which supports employers to purchase specialist equipment, adapt premises and meet the costs of support workers such as interpreters.

My Department also manages the Workable programme. This support includes free and ongoing disability awareness training for the employer and their staff, as well as long-term provision of a disability mentor or job coach.

The Department also administers the job introduction scheme, a no-obligation subsidised

job trial, lasting up to 13 weeks. This enables the person with a disability and their potential employer to work together and decide whether there is an appropriate job match.

A new disability programme, Work Connect, was launched in September 2012. This programme offers intensive pre-employment support and in-work support to help the employee and their employer manage the early transition period and to agree longer-term disability support if necessary.

Finally, following the introduction of the youth employment scheme, a number of flexibilities have been introduced, specifically for young people with a disability. The employment subsidy element of the scheme was extended to all sectors for people with a disability, and the minimum 30-hour-a-week employment requirement has been relaxed for this client group.

Mr Buchanan: I thank the Minister for his response. There is no doubt that the Minister's Department is leading the way in employing people with a disability. Can the Minister give us an indication of what percentage of staff in his Department have a disability?

Dr Farry: I thank the Member for his question. I am not in a position to give him those precise figures, but, as far as we are able to do it without breaching any data protection requirements that protect the personal data of individuals, we will endeavour to get in touch with him on that matter.

Mr Deputy Speaker: That concludes questions to the Minister for Employment and Learning. I ask Members to take their ease for a few moments while we make a change at the Table.

(Mr Speaker in the Chair)

Assembly Business

Mr Campbell: On a point of order, Mr Speaker, I seek your guidance and help. During topical questions to the Minister of Education, there was a bit of an altercation between the Minister and me. During that altercation, the Minister indicated that I had made certain comments in the past that I had not made. I seek your guidance about how we can rectify that, because the former Member for West Belfast, when he left the Assembly, made similar comments, and it took me three years to rectify that. I seek your guidance about how we can ensure that there is equity and accuracy when Ministers are answering questions, even if it is to Members who are in a sedentary position.

Mr Speaker: I hear what the Member has been saying. This is always difficult to deal with. The Member now has it on the record, and that is important. Let me read Hansard and come back to the Member directly, or even to the House.

Private Members' Business

Blood Donations: Ban on Gay Men

Debate resumed on motion:

That this Assembly notes the ruling of the High Court on the decision to ban blood donations from gay men; further notes with concern that the Minister of Health, Social Services and Public Safety's decision was found to be 'irrational', and to have been taken 'in breach of the Ministerial Code'; and calls on the Minister of Health, Social Services and Public Safety to lift the ban and outline what steps he will take to build public confidence in relation to statutory equality duties.

Mr Beggs: I beg to move amendment No 1:

After second "ban" insert:

"from gay men who have been sexually inactive for more than 12 months"

I wish to indicate why the amendment is important. We want to ensure that we have a safe blood supply available to anyone who needs it, but, when you look carefully at the wording of the amendment, you see that it is not replicating the decision of the relevant English authority, the Advisory Committee on the Safety of Blood, Tissues and Organs (SaBTO).

In the motion, the availability of blood is opened up much wider than is agreed elsewhere, and that introduces additional risks. The purpose of my amendment is to reflect the decisions that were made by the independent committee that looks after the provision a safe blood supply to the United Kingdom and to reflect its wishes accurately about what should happen in Northern Ireland. It is important that we take scientific advice on such matters rather than an individual's point of view. I wish to go with that independent advice and with all the experts, scientists and related groups that have been involved.

In 2011, client groups — that is, those who regularly require blood transfusions — were involved, and it is important to reflect their wishes. The motion as it stands would remove all restrictions on homosexual men giving blood, but that is not approved elsewhere. What is approved is that those who have abstained from sexual activity for at least 12 months should be able to give blood if it is

deemed safe to do so. I move the amendment for that reason.

It is important that we maintain public confidence in the safety of our blood supply. A range of factors restrict those who give blood, which involves short-term and longer-term issues. People on medication may be banned for a matter of days or weeks until, for example, an antibiotic course is completed and cleared from their body so that it is not transferred to someone who might require a blood transfusion. There are other practical issues, and there are bans related to travel. People travelling to the West Nile region in Africa can be exposed to the West Nile virus. There are also additional risks in parts of South America, and, for that reason, bans are imposed for a period of time. If someone travels to an area in which malaria is prevalent, there is a ban period to minimise any risk from exposure.

Other areas have lifetime bans. People who have been involved in prostitution or have ever injected drugs, even bodybuilding drugs as opposed to heroin, which might be more atypical in people's minds, are banned. When one is exposed to such lifestyles, there are considerable additional risks, and science has deemed that there should be lifetime bans in such cases to protect the public.

Some areas require a shorter safety period to protect the public. As I see it, that list of areas has some common sense. The list includes people who have been, or who think that they may have been, sexually active in parts of the world, such as certain parts of Africa, in which HIV and AIDS are prevalent. If a partner has ever injected or been injected with drugs, there is a 12-month ban. There are additional risks if someone has a partner who has received money for drugs or sex. If you think that a partner has HIV, hepatitis B or hepatitis C, that is another issue from which real medical issues and risks would flow. For that reason, a 12-month ban is in place.

There have been developments in technology and testing, and it is deemed safe to use blood from a wide range of donors, provided appropriate periods are recognised. Science has determined that it is now safe to receive blood from gay men who have abstained from gay sex for 12 months or more. If that risk is deemed to be acceptable by scientists, along with the other risks that I listed, who are we to say no to that. A wide range of risks exists when blood is donated and received. However, there is also a big risk if there is a shortage of blood being donated and made available. I think that we have to go with the best science

and information on this, rather than someone's individual viewpoint.

We have to reflect the fact that Northern Ireland cannot survive as a stand-alone unit for the provision of blood. There are so many blood types and many different blood products, which could cause difficulties and shortages, particularly if there was an emergency, as has happened from time to time, when blood supplies do have to be received in Northern Ireland from other parts of the United Kingdom.

As reflected in the court judgement, it has been deemed irrational to apply different standards to this part of the United Kingdom than those in other parts of the United Kingdom, particularly when we are willing to accept blood donated from other parts of the United Kingdom. As such, I ask Members to support my amendment to protect the public and sustain the public's confidence in the safety of our blood supply. I ask that we reflect on what has happened but, ultimately, respect the judgement of the independent Committee on the Safety of Blood, Tissues and Organs, which contains a wide range of scientific experts and has come to a scientific decision as to what is safe. I ask Members to support my amendment.

Mr Agnew: I beg to move amendment No 2:

At end insert:

"or resign if he feels unable to do so."

As MLAs, we have the privilege of being able to articulate our views to quite a wide audience. However, with that comes a responsibility to ensure that we are mindful of the impact that our words have on the wider community.

Those in the Government have an even greater responsibility to ensure that their actions are taken in such a way that serves the common good. There will be occasions when that will require Ministers to put their personal views aside and act in accordance with the best evidence as to what is for the good of society. For example, the previous Environment Minister, on a number of occasions, stated that he did not agree with the proposed 11-council model in the reform of local government. However, as Minister, he acknowledged his responsibility as a member of the Executive, accepted the agreed way forward and progressed the reform of local government. I anticipate that his successor will do the same. That is responsible governance. That is mature governance. That is sound governance.

However, that is not what we have seen from our current Health Minister.

Edwin Poots appears to have been on a personal crusade to do all that he can to prevent people who are homosexual being treated equally to those who are heterosexual, whether it be in marriage equality, those in civil partnerships adopting or gay men donating blood. To be fair, on equal marriage, he spoke as a Back Bencher and articulated his views from the point of view of a Minister who does not have responsibility in that area. He had a democratic right to do that and a right to dissent from those who campaign for equal marriage. However, his campaigns against gay men donating blood and against those in civil partnerships adopting have been done in his role as Minister. He must reflect on his equality responsibilities. I contend that his positions and actions to date have caused unacceptable harm.

3.45 pm

He causes harm to those children who seek adoptive parents. He does harm to those couples who wish to provide an adoptive, loving home to such children. Although I agree that no one has the right to adopt, we all have the right not to be discriminated against due to an irrational prejudice. I include myself in that as an unmarried man in a stable, long-term relationship. Should I and my partner seek to adopt, I would wish for us to be judged on whether we can provide a loving home and improve the outcomes for a child or young person, not to be discriminated against due to someone's values.

Harm is also caused in this instance by —

Mr Givan: Will the Member give way?

Mr Agnew: If I have time, I will come back to the Member.

Harm is also caused by the Minister's refusal to lift the permanent ban and, indeed to bring Northern Ireland into line with the rest of the UK on gay men donating blood. No statistically significant increase is achieved by allowing men who have not had sex with other men in the past year to give blood.

This is in the context of the Minister himself having warned that, at times, there is a risk of a shortage in the supply of blood. David Scoffield QC stated in the High Court:

"Working that figure into the increased risk of one infected donation per billion, we estimate the Minister is concerned about an additional infected donation being made roughly every 50,000 years."

So, in taking his position, the Minister is causing risk. He is preventing a wider pool of blood donations when there is a risk to the health of those who need blood. I believe that that causes unacceptable harm.

The Minister's case becomes preposterous when we take into account Northern Ireland's position in the UK. There is no rational basis for a unilateral ban in Northern Ireland when we receive blood from the rest of GB. Indeed, Justice Treacy described the Minister's position as "irrational". The decision in the UK was taken based on the best and most sound scientific evidence available, and I contend that the Minister's decision has been based on neither evidence nor reason.

Further, we have to question the continued challenges that the Minister has engaged in to not just Justice Treacy's ruling but the Information Commissioner's ruling that the Minister should provide to the public the legal advice that he has received on this issue. When the Minister continually takes spurious legal cases — I will document some of them later — and continually loses them, we have to call into question the advice that he is getting. Is it a question of him receiving poor advice, or is it a question of him receiving advice from the Attorney General that he is not taking? I think that it is in the public interest to know that. The Information Commissioner has ruled that it is in the public interest for that information to be published. Yet again, the Minister and the Attorney General are challenging that decision. Again, I believe that that is unjustifiable.

I also have to call into question the Minister's understanding of the courts' positions. On 15 January, in response to a supplementary question on civil partners adopting, the Minister stated:

"we need to be very clear about this. When it comes to these issues, the House will make the laws, and the courts will interpret them; not the other way around." — [Official Report, Vol 80, No 6, p25, col 1].

I think that that has been found to be a very naive and ignorant statement, given some of the recent court rulings. Although it is right that this legislature makes laws, we do so in the context of existing local, regional, national and European laws that have been shaped over

generations through amendment and precedent in the courts. We must take that into consideration every time that we legislate in this House. We cannot simply ignore the positions of the courts. I, for one, am thankful that the authority of the court has been applied in the case of some of the Minister's decisions.

I would prefer to see the Minister spend less time and, indeed, less public money on spurious legal challenges and focus on his role as Health Minister in improving our health service.

I will list some of the expense from the public purse. Since the financial year beginning April 2011, the Minister's Department has spent £328,521 on legal costs. That is the most recent figure that I have received in response to questions for written answer. Of that, £40,000 was spent defending his position on unmarried couples and those in civil partnerships adopting; £29,990 was spent as a result of the Minister's non-appointment of a trade unionist to the Northern Ireland Social Care Council; and £37,112 was spent on defending his stance on gay men donating blood. That waste of public money is intolerable, and it is continuing. Those are my most recent figures, but I believe that the costs have since gone up.

I said that I would give way to Mr Givan if I got the chance, so I will quickly give way.

Mr Givan: I appreciate the Member giving way. He is usually generous in that regard.

He spoke about the Minister's personal values impinging on his ability to take decisions. I do not read anywhere in Justice Treacy's judgement that personal view was ever taken into account. Can he cite one example of where the Minister's personal views have impinged on his duties to carry out his job as Minister on behalf of the people of Northern Ireland?

Mr Agnew: I asked the Minister on a number of occasions, in questions for oral and written answer, to provide evidence of his position that adoption by unmarried couples and civil partners would do harm to the children that they would adopt. That evidence was never provided, so I have concluded that his decision was irrational, as the courts concluded his decision on the gay blood ban was, and that his decisions are prejudiced, when you consider the scope of the Minister's decision across equality rights.

I ask the House to support the motion and my amendment, and I ask the Minister, if he cannot meet his equality duties, to resign.

Mr Dunne: It is imperative that public safety always be kept to the fore across the Department of Health, including in the realm of blood donation. The Northern Ireland Blood Transfusion Service recognises that, and its website states that blood safety is crucial within its service. Its website also states:

"Quality is regarded as of paramount importance at the Northern Ireland Blood Transfusion Service. This commitment is demonstrated by the development of a quality management system which will ensure the provision of safe, efficacious and timely blood products and services for both patients and donors."

Safety and quality are, quite rightly, at the top of the agenda for our blood transfusion service as well as for our Health Minister, Edwin Poots. It is quite right and proper that criteria be put in place to ensure adequate quality and a safe product. The Health Minister, quite rightly, puts public safety to the fore and takes all precautions to ensure that the highest quality of blood is available for those who require it.

Locally, donors are asked a series of questions, covering health, travel and lifestyle. That is all to ensure blood safety. The Northern Ireland Blood Transfusion Service also states on its website:

"You should not donate if you have had a tattoo, ear or body piercing ... within the last 12 months."

That is an example of ensuring that quality standards are maintained. It is right and proper that the risk of contaminating blood be minimised and public confidence maximised. I was turned down some years ago from giving blood as I was deemed to have low blood pressure. I recognise that that was in the interest of blood safety and of my health and that of any potential receiver. It was not some form of discrimination.

The same legislation that applies across many developed countries, including the United States of America, Canada, Germany, Belgium, Sweden, Norway and the Republic of Ireland, is designed to ensure the highest possible standard of blood for those who need it.

The much publicised recent judicial decision states in paragraph 131 that blood donated

from men who have been sexually active with other men increases the risk of acquiring blood-borne disease. We would fail our communities if we did not ensure that all possible risks were reduced.

We are fortunate in Northern Ireland that we have relatively high levels of blood donation and are almost self-sufficient. That is to be welcomed. It is important that the goodwill in our communities when it comes to giving blood is recognised and not lost in some of the hysteria in this debate.

Mr Beggs: Will the Member give way?

Mr Dunne: No, thank you.

We must continue to do all we can to improve the health service and maintain high levels of service and confidence for our public, whom we represent.

Mr McKinney: While many of the headlines around the debate are about equality, fundamentalist views and irrationality, it is our view that primarily this is an issue of medical safety and medical science. Many of us remember several horrific policy mistakes in the area of blood products, most notably in France — issues that go back some 30 years — and in the Republic of Ireland just 10 years ago. Those led to strict rules limiting who could donate blood. The premise was that what had happened before would not happen again; in other words, it would be "Safety first".

There are equality issues that arise in relation to the central safety issue, but "Safety first" means that the equality issues were and are secondary. It is clear that the whole world is divided on the issue. For example, there is no unequivocal international best practice. Many jurisdictions with excellent equality records maintain lifetime bans on blood products from those involved in MSM relations, and it is worth highlighting some of them. They include the USA, Canada, Norway, Sweden, Denmark, Finland, Switzerland and the Republic of Ireland. In all countries, there are many categories of people who may not or should not donate blood. In every case, we have to look at risk factors first and equality implications thereafter.

Giving blood is a good thing that should be encouraged, but it is not a human right. Given the known and proven risk factors, the needs of those who receive blood products must always take precedence over those of the donors. I encourage more people to consider giving

blood, praise those who do so and praise the work of the Blood Transfusion Service. Our job, though, as legislators, is to find the best way forward for those in dire need of a low-risk blood supply. In dealing with real problems in real life, it is generally wise to avoid absolutist arguments about rights and wrongs and look to the greatest good. All the bands and categories of donor are designed to reduce risk at the start of the supply chain. That was the main option open to those who took the decisions in the wake of the blood supply controversies. Real life is seldom black and white, and certainties change, which is demonstrably true in the case of blood transfusion and donation. New science towards the end of the blood supply chain now allows us to see risk reduced to minuscule levels, and that is the game-changer in this discussion. Scientific experts can now safely say that screening means that those minuscule levels can be reduced to as little as one case in 4.4 million getting through the screening process. That applies across the board here and in the other regions of the UK that have changed their determination on who can now donate.

It is important to put some context to the judge's description of the Minister's decision as irrational. That description referred only to the fact that there was an inherent contradiction in taking blood products from Britain, which includes blood from the MSM category, while rejecting that option here. It is, of course, irrational, but it is also a red herring. The irrational argument could easily be turned on its head if the source that allowed the MSM category blood was stopped. Such an action, while possible, would not be sensible and, against the backdrop of new higher screening levels, would itself be potentially irrational, though, as I said, for that different reason. So, we need harmony with the new English, Welsh and Scottish approach.

4.00 pm

It is not the only irrational aspect of the discussion. For those who are not allowed to donate blood, it would appear wholly irrational to deny someone who is in a long-term monogamous MSM relationship the option to give blood while allowing someone who is heterosexual and engaging in a range of sexual relationships to do so. I suggest that there would be a greater risk in the latter. That serves to underscore our central point: the focus of the debate should be on the new science. Embracing the new science removes the focus on all but the most high-risk categories. It means that the lifetime ban on donations from men in the MSM category is no

longer an effective additional defence. While there may have been a bias on the part of the Minister, it is clear that the new science weakens that position considerably, and, while there may have been equality issues, it is the new science that changes and strengthens that dynamic. In light of that new science, it is the view of the SDLP that it is safe to lift the ban and, in doing so, to address the secondary equality implications. In our view, the Minister should do so. If he feels unable to do so, perhaps he should hand the decision to his permanent secretary.

Mr Speaker: The Member's time is almost gone.

Mr McKinney: If he further feels unable, then perhaps he should consider his position.

Ms Lo: The Alliance Party supports the main motion and both of the amendments. This is a serious debate and an opportunity for the Assembly to demonstrate that it is in line with public opinion on the issue. It also provides a challenge to the Minister to demonstrate that he accepts the judgement of the courts on the matter and is now willing to do his duty and to move to a situation on blood donations from men who have had sex with men that is in line with the rest of the UK.

Mr Givan: Will the Member give way?

Ms Lo: No, I am sorry.

Alliance believes that the current position of the Minister is irrational. It is irrational in the sense that it does not follow scientific evidence around what is safe and what is unacceptably risky. In 2012, the Advisory Committee on the Safety of Blood, Tissues and Organs reviewed donor criteria and recommended that the lifetime ban on men who have sex with men was no longer required and that a 12-month deferral period was perfectly safe. That is now the position in the rest of the UK but, regrettably, not in Northern Ireland. As a consequence, there is a loss of dignity for some of our citizens who want to fulfil their civic duty through donating blood and are unreasonably prevented from doing so. There is also a cost to society in a diminished blood supply.

The blood donation ban is also irrational in the sense that men who have had sex with men but have had no subsequent activity for a full year can donate blood in other parts of the UK. Given that blood is regularly imported into Northern Ireland from other parts of the UK, local supplies collected under one set of

protocols can be used alongside other supplies of blood that were collected on other terms. No doubt, the Minister will argue that this is now a matter for the UK Health Minister, Jeremy Hunt. That may be the case, but it is a cop-out from our Minister in that he retains the authority and capacity to bring the Northern Ireland situation into line with the rest of the UK. The Minister also has a challenge to prove that he operates and takes decisions on the basis of objectivity, particularly when it comes to the rights of members of the LGBT society and other social issues.

The judgement from the courts on blood donation comes in the wake of other judgements against the position of the Minister on the potential ability for same-sex couples and unmarried heterosexual couples to adopt and the requirement to produce revised guidelines on the termination of pregnancy. It remains to be seen what the Minister will do on the blood ban and on the matter of adoption. Already, the revised guidelines on abortion from the Department are unravelling. All of those are cited, as a pattern is emerging. While the Minister insists that he has not acted out of prejudice, the burden of proof very much lies with him to demonstrate that he is acting rationally and objectively.

We support the first amendment in that it clarifies that, for now, we are talking about a consistent regime across the UK. Ultimately, we should look to a situation where blood donation is regulated only on the basis of risk, independent of the sexual orientation and partners of donors. In other words, all other things being equal, there should be no difference in eligibility to donate between men who have sex with other men and men who have sex with women. To an extent, the second amendment is self-evident. It is not a direct call for the Minister to resign; rather, it is a recognition that it would not be sustainable for the Minister to remain in office if he or she is not prepared to act in accordance with the law. That is a core element of the ministerial code.

Ms Brown: As a member of the Health Committee, I rise to speak against the motion.

Yesterday, in the Chamber, we debated mental health. Whilst opinions on the way forward may have differed, there was consensus that mental health affects a huge number of our population. Sadly, the motion today is, perhaps, bringing us backwards in that it is opportunistic and has little to offer other than to score a political point or two. Were we to vote on every ministerial decision taken in this place on these grounds, there would be few Ministers left standing. It is

worth noting that other parties here have not shown the same willingness to resign their Ministers when courts found against them.

The nature of ministerial decisions is such that many go unnoticed and are routine, but some become controversial for one reason or another, and each Minister must defend his or her decisions. It is a Minister's right to make decisions and the Assembly's right to challenge and hold to account. I accept that. Such is the nature of government.

In respect of the subject matter of the motion, the Minister takes the view that he is acting on grounds of safety and not of prejudice or bias. I accept his good faith on that. Whatever the arguments or political spin by rivals, I believe that he is a Minister who has the interests of the people at heart and is quite capable of displaying compassion and integrity. His decisions may not please everyone, but that does not make them wrong.

I accept that others hold a different view on the rights of individuals to donate blood, whatever their orientation and background. I respect that. Perhaps, in time, the situation may change, but for now the Minister has chosen to move forward cautiously, and I really do not think that he can be criticised for that, particularly given the vast majority of countries that choose to keep a ban in place and show no signs of changing.

There will be many reasons why someone offering to give blood will have their blood refused. Such reasons include current health conditions and even simply what medications they are using at the time. We do not and should not talk about all those people being discriminated against or there being some issue of equality. It is good to take all precautions to ensure that our blood —

Mr Agnew: Will the Member give way?

Ms Brown: No, thank you.

It is good to take all precautions to ensure that our blood supply is and remains safe. Without wishing to sound disrespectful to those affected by it, the ban affects not just gay men but heterosexual women, those who have had sexual relationships in countries with high levels of HIV and those with hepatitis, amongst others. There are more pressing matters —

Mr Beggs: Will the Member give way?

Ms Brown: No, thank you.

There are more pressing matters in the provision of healthcare to which we should devote our time and resources.

Blood donation is a wonderful gift to those who need it. I know that as a past recipient of donated blood, and I encourage all those who are able to donate to do so.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. I support the motion. I apologise for missing the beginning of the debate, as I was in a meeting with the Social Development Minister.

The recommendation from the Advisory Committee on the Safety of Blood, Tissues and Organs was accepted in 2011 in England, Scotland and Wales. The change of policy from a lifetime ban to a one-year deferral period for MSM came into effect there in November 2011, but the North did not follow suit. The Rainbow Project states that 424 people, fewer than half of them men, access HIV specialist care in the North. The figure in England is 1.23 people per 1,000; in Scotland, it is 0.59 people per 1,000; and it is 0.4 per 1,000 in Wales. Taking those figures together, 1.12 people per 1,000 of the population in England, Scotland and Wales are in that category; in the North, it is 0.24 per 1,000.

The Minister stated that there were normally fewer than 1,000 units of imported blood per year. Justice Treacy, in his judgement, stated:

"Importing blood from other places which do accept MSM donors, even in limited quantities, leaves the door open for MSM blood to do just that. There is clearly a defect in reason here. If there is a genuine concern about the safety of MSM donated blood such that the blood stock must be protected absolutely from such blood then the security of that blood must actually be maintained absolutely. Applying a different standard to imported blood defeats the whole purpose of permanent deferral of MSM donors."

So there is irrationality in this. It is interesting to note that, in an e-mail dated 9 June 2011, a senior medical officer in the Department confirmed that the Blood Transfusion Service had no particular issues with the suggested changes to the lifetime ban.

The designation of MSM blood as high-risk has a disproportionate effect on gay men and is, therefore, indirectly discriminatory. The policy is also contrary to the EU principle of non-

discrimination and to article 21 of the EU Charter of Fundamental Rights. The Minister says that the policy is not discriminatory on the basis of sexual orientation but makes provision for legitimate differences in treatment on the basis of behaviour. However, as blood is being brought in from elsewhere, that, surely, is irrational.

This is a controversial and cross-cutting issue. It takes in equality issues and deals with the implementation of an EU directive. The Minister should pay absolute attention to it. In my view, it appears that the Minister is practising a form of what might be described as "à la carte unionism", because the ban is not in place in Britain. His colleague Mr Givan, commenting recently on the National Crime Agency, stated that the North deserved equality with the rest of the UK. Obviously, that does not work in reverse. Mr Storey mentioned welfare reform during Question Time earlier. Constantly, we in the Committee for Social Development are advised by our colleagues from the DUP that parity is paramount, so I will conclude on that.

Mr D McIlveen: I welcome the opportunity to speak on the motion. There are certain things in life that you feel that you will never live to see. I have to say that I have witnessed one today, in that we had a Sinn Féin Member vociferous in his desire to break parity on an all-island basis and have the powers taken over and devolved to the UK. That must be a first. I hope that it is a picture of things to come.

In all seriousness, we have to deal with some of the smokescreens thrown up in the debate. This is not an equality issue or one that focuses entirely on those who fall within the MSM category. It falls entirely on those who are involved in high-risk sexual activity. It does not pinpoint a particular group. A number of groups fall into the category that would be deemed high-risk. Therefore, trying to cover it up as an issue of equality really takes us down a road that, I believe, has no merit whatsoever.

Mr Agnew: Will the Member give way?

Mr D McIlveen: Not just at the moment. If I have time, I will let the Member for North Down in.

It is not a morality issue either. Trying to bring that smokescreen into the question is also erroneous.

This is an issue of public safety and of a flawed judgement. What astonishes me and what I

find irrational in the debate is that every party in the House is not questioning that judgement. It very clearly states that, even though the Health Minister is part of the Executive in the Northern Ireland Assembly, he is unable to make this decision now without the consent of the Health Minister in Westminster. That is entirely anti-devolution. So what astonishes me today is that single party in the House is not questioning the judgement. Forget about its content: on the premise of pure legality, we should all be alarmed by this and call it seriously into question.

4.15 pm

Mr Givan: I thank the Member for giving way. He makes a valid point about the legality of all this. The motion calls on the Minister to act illegally by lifting the ban, which is a decision, as the Member has rightly indicated, that is now the responsibility of the Secretary of State for Health in England. Therefore, Members of the House are calling on this Minister to break the law.

Mr D McIlveen: I thank the Member for his intervention.

If the issue were medically straightforward, we would not be having this debate. The House must be fully aware that, to describe this country, as some have sought to do, as some sort of backwater because of the decision that has been taken is, quite frankly, shameful. In many countries, a ban has been retained or maintained either by state or federal Governments. The United States of America is a perfect example, and all but two of the European Union countries still have a ban. A ban is in place across Asia and throughout the Middle East. Legislators have been at one in raising their concerns about the issue. Why do they raise those concerns? If a person is in the MSM category, the blood that is donated carries a nine times higher-risk than that of heterosexual people. That is medical scientific fact.

The safety of the people we are elected to represent should be absolutely paramount in every decision that we take. As a House, we owe it to our constituents not to expose them to any proportion of risk, particularly in health-related matters. We should be committed to that without being swayed by prejudice or deflected by a media frenzy that, in certain cases, seeks to discredit those who have a genuine desire to safeguard their communities from adding unnecessary fears to an already anxious time for patients and families.

Mr Speaker: The Member has used up the added minute to his time.

Mr D McIlveen: The basis of the motion is fundamentally flawed, as are the amendments. I do not support them.

Mr Eastwood: Over the past number of weeks, a phrase has been used that needs to be put to one side: "gay blood". I am no doctor, but I am pretty sure that there is no category called "gay blood". *[Interruption.]* Well, it is a phrase that has been used in the media in the past number of weeks. *[Interruption.]*

Mr Speaker: Order. We must not have debate across the Chamber.

Mr Eastwood: This debate, this issue and this failure by the Minister have added to a long list of things that say to the community and to people from an LGBT background that the Assembly is out of touch with you, has no empathy with you and has no real interest in your issues. That is a sad indictment of this place, whether the issue is equal marriage or the fact that, until very recently, gay couples would not have been allowed to adopt in this part of the world. How many children who are living in very difficult conditions would love to have been adopted by any couple who met all the rigorous tests of their suitability? Does anyone really think that those kids should have been left in homes or in care instead of being taken and adopted by loving parents, even if those parents are two men or two women? I do not understand the logic of that. It all feeds into the theme, not just from this Minister but from the House in a number of debates, that right-wing religious fervour takes precedence over the needs of our community. It strikes me that there is a crusade around some of this stuff.

It does not matter how promiscuous you are if you are a straight person. You can sleep with 100 people, and it will be all right for us to take your blood. However, if you are a gay person and have been in a loving relationship for 20 years with one partner, we do not want your blood. Never mind —

Mr Givan: Rubbish.

Mr Eastwood: It is not rubbish. I am sure that we have all posed for photographs when giving blood to try to encourage people to do the same. We know that if we are knocked down or are in a car accident and are very seriously injured, we will not particularly care whether the blood that saves our lives comes from a straight person who lives in Derry or a gay man who

lives in Manchester, because it is possible that you will get that blood. It is not a good message for the Assembly to send out.

I think that today will see a bit of change, because I think that the motion will pass. That is a good thing. It is about time that this place started to send out the message to gay people and especially young gay people — there is a very high rate of suicide among young gay men in particular — that we care about them, they are part of our society, and we will not discriminate against them because of their sexuality.

My colleague Mr McKinney and other Members illustrated the issues of risk and science very well. The publication from the Advisory Committee on the Safety of Blood, Tissues and Organs on the risk of HIV transmission shows that, with a lifetime exclusion, there is a risk of one infection in every 4.41 million donations, with a five-year time limit, there is a risk of one infection in every 4.39 million donations, and with a one-year time limit, there is a risk of one infection in every 4.38 million donations. Where is the significant risk difference between a one-year ban and a lifetime ban? There is virtually none. The screening has improved so much that the risk has been all but eliminated.

The ban is irrational. By the way, I did not need a judge to tell me that it is irrational. I have known for a long time that it is irrational, and the community knows that it is irrational. The point has been made, but what is also irrational is the fact that the DUP —

Mr Speaker: The Member's time is almost gone.

Mr Eastwood: — is very prepared to break parity on this issue and issues like it but not on other matters.

Mr McCallister: Like other colleagues, I support the motion and will speak in favour of it. I also support the amendments. The Ulster Unionist Party's amendment rightly brings the issue into line with what is happening in the rest of the country.

I listened to various speeches. We need to condense the issue down into the simplest terms. What is the risk? Mr McKinney, Mr Eastwood, Mr Agnew and Mr Beggs all asked what this is about. Is it purely about safety, and, if it is, where do we get the evidence and advice from? We get it from a national body in England that advises, researches and looks at all the evidence not only from the UK but from

around the world and makes an assessment. Government should follow that. Listening to some of the speeches from Members of the DUP, I think that the obvious conclusion to draw is that they think that the UK Government, the Scottish Government and the Welsh Assembly Government are putting people in Great Britain at risk. That is the logical outworking of their position.

Mr McIlveen said that the party's position was nothing to do with the DUP but was purely about protecting the citizens of Northern Ireland. It would be easier to believe that it was not a solid DUP position if it was not set against the backdrop of endless failures when it goes to court on adoption and a blood ban across the board. Who is the Minister getting his legal advice from? He really ought to think about changing them. He really ought to think about advising whoever he has on retainer to, perhaps, go off and deal with wills, conveyancing or something, because he is not getting good advice or he would not keep losing case after case after case. Effectively, the court is doing the job that the Minister should be doing in tackling some of the inequalities that he seems keen to preside over.

It is very funny that Lord Morrow added a contribution from a sedentary position. It is strange that, when it was against Minister Durkan and the Planning Bill, they were all for publishing legal advice and for adhering in strict compliance to the ministerial code. However, when it comes to Minister Poots, the ministerial code is just another piece of paper that nobody seems to have to worry too much about. It is just something more that Members from larger parties can ignore.

The Minister happily admits that he unwillingly, or unwittingly, which I think was the word he used, breached the ministerial code. However, the judge did not say that. The judge also said that the Minister's acceptance of blood from Great Britain was irrational. Like Mr Eastwood, I find that quite easy to believe. I would not have needed a judge to say that it was irrational, illogical, or whatever phrase you want to use. It just did not stack up when you looked at the evidence.

Look at the ban on adoption. We have delayed a Bill now for a number of years. How many children have we left literally rotting in our care system — in a failed care system — because we have not got on with speeding up an adoption process? How many? That is a blight on the Assembly and the Minister.

Ms Brown spoke about the debate yesterday and about the House coming together and speaking passionately about mental health. Mr Eastwood touched on that. I agree wholeheartedly with this point: you cannot come to the House and speak about mental health and have other colleagues going out and talking about homosexuality being an abomination. You cannot do it, Mr Speaker. You cannot have that, and you cannot sit and talk and pretend that you care about suicide and self-harm and use language like that. We, as political leaders — all of us —

Mr Speaker: The Member's time is almost gone.

Mr McCallister: — have a responsibility to act and behave responsibly when dealing with the lives of each and every citizen out there. *[Interruption.]*

Mr Speaker: Order.

Mr Allister: This is a judgement that has drawn a lot of comment; some of it, I have to say, is quite ill-informed. It is a judgement at first instance. Maybe we will hear from the Minister whether the matter is going to rest there or whether it will be tested further, because it is but a first-instance decision and one that, I have to say, surprises me in its methodology of argument and in some of its conclusions.

It is a judgement that contains some key findings of a constitutional nature. One that I think is most troubling, in a devolutionary arrangement, is the finding that although it would not have been Wednesday unreasonable for the Minister to find, as he did, that MSM donors are in the high risk — that is not unreasonable — it is unlawful for him to make the decision, under an EU competence, on a devolved matter. I must say that I struggle to follow the logic of the judge in that regard. There is quite an important constitutional issue that I feel should certainly be tested further as to whether Mr Justice Treacy is right in his finding about the EU competency point that flows from the directive. That is an important matter.

It is quite clear to me that the Minister was right to contest the case. He did not bring the case. Mr Agnew talked about wasting funds. The Minister did not bring the case. This case was brought as a challenge that the Minister quite properly defended. I suspect that it would have been a dereliction of his duty not to defend it, and he would be perfectly entitled to challenge it further. So, let us be quite clear about that.

4.30 pm

Let us also be clear that this judgement does not find that the Minister acted with Wednesday unreasonableness in deciding that MSM donors are in the high-risk category. It found irrationality only because of the Minister's liberality in admitting GB blood. That is the sole basis on which there was any finding of irrationality. It did not find that it was discriminatory.

I wonder how many Members have read the judgement. If you read paragraph 141 of the judgement, you will discover that it states the finding that it is "unlikely" to be discriminatory if the decision had been rational on that one issue. It expressly makes no finding of bias, yet we have heard people talk today about all sorts of imaginations of right-wing religious views etc. There was no finding of bias. If there are extreme right-wing religious views on this, is that why half the countries in the modern world have the current ban that the Minister adheres to? Is that why most countries in the EU have the current high-risk ban? Are they the product of right-wing religious extremism? I think not, and I think that those who seek to make such a point show the shallowness of their own argument.

Mr Givan: Does the Member agree with me that, for those who are making the argument that if individuals in the House happen to go to church, they are somehow not fit to be in politics, they reveal their prejudice against those of faith?

Mr Speaker: The Member has a minute added to his time.

Mr Allister: I think that it shows a sadly increasing incidence in our community of intolerance of those who dare to have any faith or religious belief. That is manifested, of course, by those who are very quick to canvass outside certain religious places of worship on a Sunday come election time. They are very quick to do that, but when it comes to one daring to have a religious view about anything, that is where discrimination has to kick in, and it kicks in very vigorously.

Mr Agnew: Will the Member give way?

Mr Allister: If I have time, I will give way in a moment.

I come back to the point that I really struggle with: the judgement that it is not competent in a devolution scenario for a devolved Minister to

set a higher standard for his part of the United Kingdom. If that power is devolved, why can he not do that? It is, as Mr McIlveen said, a contradiction of devolution in itself. That is the key issue that needs to be further tested constitutionally.

I will vote against the motion and the second amendment. I am not a political ally of the Minister, as some might have observed from time to time, but I think that he did right on this issue. He did right to defend this, and I think that he would do right to challenge it further.

Mr Poots (The Minister of Health, Social Services and Public Safety): Is it not remarkable today that, when the public are talking about issues other than gay blood, such as the disappeared or a court case involving the cover-up of sex abuse involving the leader of the party that tabled the motion, we are discussing — what? — an issue about MSM blood, when we use 53,000 units of blood each year and when we have imported an average of 73 units over the past three years? Is this the big issue of today that the House should be talking about? I do not think so. Clearly, the party opposite, which is the party that brought this forward, is more interested in covering up for its paedophile-protecting president than in serving the needs of the community.

Ms Ruane: On a point of order, Mr Speaker.

Mr Speaker: Order.

Ms Ruane: I would like the Minister to withdraw that comment, please.

Mr Speaker: Order. *[Interruption.]* Order. I ask Members — *[Interruption.]* Order. I remind all Members, especially the Minister, to be careful of their language in the House. There is a standard of debate that everybody expects in the House, even from Ministers.

Mr Poots: I accept the Speaker's ruling. There is a standard in life that people expect, and when people are aware of paedophile activities taking place, they should report them.

Some Members: Hear, hear.

Mr Poots: The leader and president of Sinn Féin was aware of and believed it but did not report it. Therefore, do not come to me seeking withdrawals, because you will not get any withdrawals from me on that issue.

Over the past number of weeks, I have received personal abuse of the most vitriolic, vile and invective type. That has been aimed not just at me but at my family, including those who have never played any active part in politics, by so-called liberals. Those are the people who, on the other hand, say that I have some sort of prejudice or bias and do not look after equality or address discrimination. If I were to show or describe some of the abuse to Members, they would see that it is of the most appalling nature.

The motion before us today is about a ban on gay men giving blood. I have never introduced any such policy nor, indeed, has anybody previously. Therefore, the motion is wrong. The motion also asks me to act outside my legal competence, because, whether I like it or not, Justice Treacy's ruling has standing in law. Justice Treacy's ruling, for the Members who clearly do not understand it or have not read it, indicates that the person to make the decision is the English Minister, Jeremy Hunt, in the Department of Health. Clearly the motion has been drawn up by incompetents, because it is not politically competent. It is very interesting that Sinn Féin wants to take the decision on this out of Northern Ireland and send it back to England. That is an interesting case for a party that supports a united Ireland.

To deal with the issue, over the decade from 2000, there was a 300% rise in HIV in Northern Ireland. SaBTO identified in its report — for those who do not tend to read such things, it is on page 68 at appendix 5 — that, since 2008, undiagnosed HIV in the MSM community was 900% greater than it was in the heterosexual community. In paragraph 132 of the judge's ruling, he identifies that HIV prevalence in gay men ranges from 8.6% to 13.7%.

I accept that blood screening is good, but it is not good enough if I have a chesty cough or a sore throat, in which case, I cannot give blood. It also is not good enough if I have had hepatitis or jaundice in the past 12 months, or acupuncture or a tattoo in the previous four months, or if any member of my family has had CJD or received growth hormones, or if I have travelled abroad to certain countries in the previous six months. Indeed, if I had ever injected drugs, I could not give blood — ever. If I were a commercial sex worker, I could not give blood — ever — in spite of the fact that there is less incidence of HIV in that community than there is in the MSM community. If I had syphilis, I could not give blood — ever. People say, "Oh, screening is brilliant. That is where the science lies", but if it is purely down to screening, why do we have all those exclusions? Those same people say, "Just

forget about the exclusions, and we will do it all by screening". That is the logic of the argument, and it is, I might say, an illogical argument.

The review group that advised SaBTO included representation from Stonewall, Gay Men Fighting AIDS, the National AIDS Trust and the Terrence Higgins Trust. Was there any prejudice or bias in that decision-making, given that four groups representing people from MSM communities were on the advisory group? Where were the representatives of the commercial sex worker community, which has less incidence of HIV than the MSM community?

By the way, Spain and Italy are the only two countries in Europe where the lifetime ban has been lifted. Therefore, if I am the irrational, prejudiced and biased one, I am in the company of an awful lot of Ministers in very stable countries right across Europe, North America and most of the world. The UK is the first country in Europe to remove the lifetime ban for MSM, with the exception of Italy and Spain.

Our colleagues over here claim to desire a united Ireland, but I sometimes wonder. I wrote to the Minister for Health in the Republic of Ireland, and this is his Government's position:

"The Irish Blood Transfusion Service has a responsibility to ensure that there is a sufficient supply of safe blood to meet the needs of patients. In order to supply blood for transfusion all decisions on donation criteria are based on a review of the evidence bearing in mind the desire of individuals to donate, the safety of the recipient, and the tolerance of society in general of any transfusion related infection occurring. The exclusion of men who have/or had sex with other men from donation is based not only on risk factors for HIV but on other blood borne agents known to be associated with MSM".

They are not changing. For me, public safety will always supersede political correctness.

We almost get the impression that, if a judge says it, it must be right. It can never be wrong if a judge says it. Well, I am sorry, but that is not the view of our public prosecutor. Over the past year, our public prosecutor has referred no fewer than 14 cases back to the courts. Why? Because he thought that the judgements were wrong. In seven of those cases that have been heard, they decided that the previous judge was wrong. Members in this House say that we

have to go with this judge because he has made the decision and he must be right. Well, judges are not always right. The conversation amongst lawyers is that the judgement itself is irrational. We use something like 53,000 units of blood in Northern Ireland and have maximised safety, and he recognises that. He suggests that, because we have been importing an average of 73 units of blood over the past three years, that would somehow make it so unsafe that it becomes irrational. I suspect that the decision itself is irrational.

Let us look at some other aspects of the decision. He has gone against the mode of devolution. He wants to put powers back in the hands of the national Government and, in this instance, the Department of Health in England. However, never mind this instance, given that it affects EU directives, I suspect that the Minister most affected by this judgement will be Mark H Durkan in the Department of the Environment because many of his decisions would have to be taken by the Environment Department and the Environment Minister in England. It is really good to see that the Members opposite are so keen to accept this judgement because it gets at this Minister that they cannot see the problems that it causes for them and their Ministers. It demonstrates their ineptitude in reading this, understanding it and making a rational argument. The judge indicated that I should have referred the matter to the Executive. Just a minute here. How can I refer the matter to the Department of Health in England on one hand and to the Northern Ireland Executive on the other? Which is it? I suspect that the learned judge has got it wholly and completely wrong.

The question is this: will I appeal it? I am very reluctant to appeal it. Number one, it gives the larger parties in the Executive considerably more power. Number two, it refers a lot of governance back to the national Parliament and, as a unionist, should I be that concerned about that? Number three, do I believe that I would get fairness in the Court of Appeal or would there be a circling of the wagons? I am concerned that that may not be the case.

People have made suggestions about my own moral views and so forth, and, although there has been no bias found — because there is no bias to find — it is interesting to see that just last week in England Sir James Munby outlined that secularism rules in courts now and there is no place for religious beliefs. He had to be rebuked by the former Archbishop of Canterbury George Carey who said that we are now living in:

"An age when all faiths are equal - except Christianity".

When I was at the Department of the Environment, I was asked a question by a BBC journalist as to whether I was fit to be a Minister and a Christian. What a shameful, despicable question, particularly when there are people in this Government who have engaged in terrorism and have been convicted of terrorist activities. It is all right for them to be in Government, but, if you embrace Christian values, you should not be there. That was the substance of the question.

4.45 pm

There is a continual battering of Christian principles, and I have to say this: shame on the courts, for going down the route of constantly attacking Christian principles, Christian ethics and Christian morals, on which this society was based and which have given us a very good foundation. It is a shame that George Carey had to respond in the way that he did to a judge in GB who made such a statement. It appears that our judges are rushing headlong in behind them.

Therefore, I am not sure that I would get a fair hearing. Mr Allister is quite right. I did not take any of these cases; they were all supported by legal aid, the Human Rights Commission and so forth. However what I have witnessed in the last number of judgements is a degree of judicial activism. For the unlearned amongst us, and there seems to be quite a few of them, that essentially means that judges are making laws as opposed to Parliament or, in this instance, the devolved Administration making them.

I do not believe that it was in the least appropriate, when the Assembly was conducting work on adoption legislation, for the courts to rule in advance of its completion. That should never have happened until after the Assembly had ruled on it. It should not have been reviewed, in that respect. And as to this issue of blood safety, I was well within my rights to ask why we should rush into this, if every other country in Europe except two, every country in North America and most of the western world maintains a lifetime ban? Why do we have four groups from the MSM lobby on the advisory group?

Remember this: someone told Margaret Thatcher at one stage that it was all right to allow bonemeal to be fed back to ruminant animals. The consequence of that was BSE, CJD, dead people and billions of pounds lost. If

we have a system that works, has demonstrated safety and does not require huge amounts of blood to be imported, why should I take any element of risk?

A lot of Members have spoken. All of those who have spoken from the DUP have given blood. I would love to know whether those who have jumped up on the Benches opposite and have been exercised about the issue have given blood. When they came here, many years ago and long before I was Health Minister, only three of us turned up to give blood. I hear a lot of Assembly Members who are very exercised about this issue, but they do not appear to be sufficiently exercised to give blood themselves.

I want to do what is right, and I will do so. I will challenge the judiciary when I believe that it has got it wrong and, in this instance, it has very clearly got it wrong. Will it have the guts to admit it? I suspect not.

Mr Agnew: First, yes, I have given blood, Minister, and will do so again.

I must say at the outset that I regret and condemn any threat or intimidation that has been made to members of the Poots family in response to the Minister's views. I think that that is wholly unacceptable. As I mentioned earlier, his position has been articulated, and he has the right to dissent from views different to his.

On his point about whether this is an issue that we should bring to the House on this day, I have to say that the Minister may not consider equality to be a big issue worthy of the House, but the Green Party does. He might not consider the waste of public money to be a big enough issue for the House, but the Green Party does. He may not consider it to be important that we seek to uphold the judgements of the courts in the House, but the Green Party does. He might not consider it to be a big issue that Members of the House seek to ensure that government policy is based on the best available evidence about the common good for the public, but the Green Party thinks that that is an extremely important issue.

We have seen gut discrimination, particularly from the Minister's party. It was mentioned by Mr McCallister, I think, in relation to mental health. The discrimination that has been vocalised by members of the DUP is politics of the gut, and it is sheer gutter politics. It does only harm to our society.

Mr McKinney rightly said that this issue should be about safety first. The irrational decision of the Minister to have Northern Ireland out of step with the rest of the UK shows that it was not based on the best available evidence and that it was not about safety. The equality implications that Mr McKinney referred to were central to the Minister's position. It has been stated by those defending the Minister that the court has not found bias in the Minister's decision. However, time and again, he has failed to produce evidence to justify his decision. In the absence of evidence, what other explanation could there be?

I agree with Ms Lo: the burden of proof is on the Minister, because the public perception is very clearly that he has acted on his personal opinion rather than on the best available evidence or in the best interests of the health and safety of the public. That public perception has been demonstrated by the 8,898 signatories to the petition online —
[Interruption.]

Mr Speaker: Order, Members.

Mr Agnew: — that calls on the Health Minister to resign or be removed from office.

I come back to Mr Allister and Mr Givan's point about whether this is a persecution of religious belief. It is certainly not that, but I hope that it is not being suggested that, when a decision is taken on the basis of religious belief, the House should not challenge it, or that, somehow, challenging values is not appropriate in the House. It is the job of the Assembly to ensure that decisions are made on the basis of the common good and public interest. We must ensure that, whatever the motivation of a decision, we interrogate it and seek the best possible evidence.

Mr Storey: Will the Member give way?

Mr Agnew: Yes.

Mr Storey: If the Member is going to give us a lecture on what ought to be ethics, will he tell us what the basis of common good is? What would be the place where you would look for a definition of what is good and what is wrong if you do not have it on a faith basis?

Mr Speaker: The Member has a minute added to his time.

Mr Agnew: In this case, we look at the health and safety of the population. Indeed, the Minister — *[Interruption.]*

Mr Speaker: Order.

Mr Agnew: — has warned in the past that, at times, we risk facing insufficient supply of blood. Therefore, by restricting the numbers of those who can give blood, we do harm to the cause of increasing blood donation. We risk harming the health and safety of the public.

On behalf of the Green Party and the 8,898 members of the public who called on the Minister to resign, I ask that, if, and only if, his personal beliefs and values prevent him —
[Interruption.]

Mr Speaker: Order.

Mr Agnew: — from acting in the best interests of the health and safety of the public, he step aside and resign as Minister.

Mr Copeland: Mr Speaker, I want to reiterate publicly the apology that I gave to you for my inability to be present during the greater part of this debate. At the outset, I should say that I am precluded from giving blood and have been for almost 35 years because of the virus that left me with my distinct limp. I remember that, when my wife was going through treatment for cancer and needed an operation, she required blood. My blood would have been suitable, but I could not give it, and I know what that felt like at that stage.

I welcome the opportunity to wind on the Ulster Unionist Party amendment, the point of which, as explained by Roy Beggs, was to add further factual clarity to the motion. Please let me say that donating blood should not be an issue on which the House divides. In fact, the act itself should be one that unites us. Unfortunately, as we have heard, many are unable to get away from the suspicion that the Minister's decision not to lift the total ban is based on ideology and prejudice rather than medical evidence. That is for the Minister to answer. The most important question is whether the blood is safe. We have heard the statistics, and I do not dispute them. It would be foolish to do so, just as it would be foolish to justify the current ban by using them.

The Minister said something else, and I do disagree with it. First, let me say that I was concerned to hear that he, his family and others had been the recipients of abuse or anger directed at them. Although I may and frequently do disagree with the Minister, I have no doubt about his sincerity or faith when he makes such arguments. However, I feel that the remarks attributed to him on extending the ban to people who may have had sex with

somebody in Africa are rather broader than one holding a ministerial position in our Executive should perhaps make.

Very few things in this world are totally free from risk, and donating blood is no different, regardless of the donor's sexual orientation. There are a number of restrictions on who can donate blood, as there should be. Those restricted include people with certain infectious diseases or people with a number of other general health issues, including me. However, a further swathe is banned simply for ticking a box on a form saying that they have been involved in a homosexual act. Given the risk that the Minister refers to, why does he have seemingly total confidence that such a form is accurately filled out? What is to stop a man involved in sexual activity a number of years ago failing to state that on the form and going on to donate blood? There is nothing to stop that, and his blood would be screened just like everyone else's. Admittedly, the risk is increased if men have been involved recently in sexual activity.

My party supports allowing only gay men who have been sexually inactive for 12 months or more to donate blood. That would put us in line with the rest of the UK and greatly reduce the risk, and yet it would still leave open the option of donating blood to many currently blocked from doing so. As I said, that policy has already been adopted in England, Scotland and Wales, where the popular medical opinion clearly tallies with the legal opinion here. The Minister did not mention — perhaps he will clarify this at some stage — any engagement with his English counterpart, whether by phone, letter or e-mail.

In conclusion, at a time when the demand for blood has rarely been higher, it is vital that we do not needlessly turn away potential donors. Blood is a gift. It should be cherished and not dragged down into futile political debate.

5.00 pm

Ms Ruane: Go raibh maith agat, a Cheann Comhairle. *[Interruption.]*

Mr Speaker: Order, Members.

Ms Ruane: Cuirim fáilte roimh an díospóireacht seo. Ceapaim go bhfuil an comhionannas an-tábhachtach ar fad. I welcome the debate. I believe that equality for all of our citizens — *[Interruption.]*

Mr Speaker: Order.

Ms Ruane: — is essential. Sinn Féin tabled the motion because the Minister has been running away from his responsibilities on this and, indeed, many issues affecting the lesbian, gay, bisexual or transgendered (LGBT) community. I welcome the constructive debate we have had up to now right across the parties, apart from the party opposite, the DUP. I think that we have had a very reasoned, logical debate, and I think there is broad consensus right across the House that there should not be discrimination or prejudice against any community. I also believe that the vast majority of parties in the House understand the difference between the role of Minister, and a Minister using his or her political beliefs when they should be a Minister for all people.

Mr Storey: Has John O'Dowd resigned?

Mr Speaker: Order.

Ms Ruane: A member of the DUP — Mr Dunne, I believe — started talking about hysteria. The only hysterical reaction I have heard is from the DUP Members who spoke, particularly the Minister himself, in the way that he began the debate. He was the only Member of the House — this is particularly worrying, and he can check the Hansard report if he wants to — to use the offensive term "gay blood". *[Interruption.]*

Mr Speaker: Order.

Ms Ruane: Nobody else did, apart from Colum Eastwood, who was explaining why it should not be used. It ill behoves the Minister to speak in such a way, and I have to say that it was very disappointing to hear that.

What we have seen is irrational decision-making. We have seen recklessness with public money. Other allies who have fought with the DUP and who sometimes jump in and out of supporting them do not seem to mind about public money being wasted on defending the indefensible, because that is what this is. This is not just about a ban on blood donations from gay men. This is about a pattern of discrimination and discriminatory actions. You can dress it up and you can dance around it, but, at the end of the day, it is discrimination against our LGBT communities. That is what it is, whether we are talking about equal marriage, the ban on blood donations, or adoption. *[Interruption.]*

Mr Speaker: Order.

Ms Ruane: Here we have a Minister, rolling his eyes and talking out of the side of his mouth. He had his chance to make his points. He did not make them particularly well. The least he and his party colleagues could do — *[Interruption.]* — I hear Mr Storey snapping from the background — is listen to the argument. *[Interruption.]*

Mr Speaker: Order.

Ms Ruane: Maybe they do not want to hear the arguments. *[Interruption.]*

Mr Speaker: Order. The Member is concluding on the motion and it is not in order for Members who have been absent during the debate to come into the Chamber and make a contribution from a sedentary position. It will not happen. The Member is winding. Allow the Member to finish her contribution.

Ms Ruane: Go raibh maith agat, a Cheann Comhairle. Thank you, Mr Speaker. Today, we heard the Chair of the Health Committee, Maeve McLaughlin, state that the ban is contrary to the EU principle of non-discrimination and to article 21 of the European Charter of Fundamental Rights. We also heard that the Minister has refused to provide the legal advice. I will give the Floor to the Minister if he will say yes or no. We are asking you. Parties in the House are asking you. Will you provide it?

Mr Poots: I thank the Member for giving me the Floor. I wonder how it is discrimination against the LGBT community when lesbians can give blood. The Member got that completely wrong.

Ms Ruane: You did not answer. I gave the Floor to the Minister —

Mr Speaker: Order.

Ms Ruane: We all note that he did not answer the question. *[Interruption.]*

Mr Speaker: Order. The convention is very clear. If Members give the Floor to another Member, they should not then interrupt. The Member may continue.

Ms Ruane: I note that the Minister did not answer my question. He has no answer. He has refused to provide the legal advice. He and his colleagues are ignoring scientific advice, citing blood safety as an excuse to justify a blanket ban.

Maeve and other Members, notably Fearghal McKinney, identified some of the key issues. What we absolutely need is blood that is safe. The role of the Department and the Blood Transfusion Service is to manage the safety of blood. However, you do not blanket discriminate against an entire section of the community in making sure that blood is safe. If you are the Health Minister, you certainly do not ignore scientific evidence, and you do not place your personal religious beliefs above being Minister and upholding the law for all.

The Minister tried to take us off — *[Interruption.]*

Mr Speaker: Order.

Ms Ruane: — on a little distraction by pretending that there is discrimination against Christian beliefs. That is laughable. That is absolutely laughable. *[Interruption.]*

Mr Speaker: Order.

Ms Ruane: Every decision that he has made is based on his particular Christian belief. He should be the Minister for all people. He has a ministerial code and statutory equality duties, and he has failed in those. Sinn Féin is not in the business of calling randomly for resignation. *[Interruption.]*

Mr Speaker: Order.

Ms Ruane: We understand — *[Interruption.]*

Mr Speaker: Order.

Ms Ruane: — the role of party leaders in nominating a Minister. A party leader — I note that his party leader is not here today — when nominating, needs to ensure that the person can do the job. *[Interruption.]*

Mr Speaker: Order.

Ms Ruane: That the person — *[Interruption.]*

Mr Speaker: Order.

Ms Ruane: — can do the job in the interests of all — *[Interruption.]*

Mr Speaker: Order.

Ms Ruane: — not based on personal religious belief. If Minister Poots feels that he cannot do the job, the sensible thing would be to go to his party leader and say, "I have personal Christian

beliefs that mean that I have to go against the law and my equality duties, and I really shouldn't be in this position". If he does feel that, that would be the sensible thing to do. *[Interruption.]*

Mr Speaker: Order.

Ms Ruane: Let the party leader choose somebody who can carry out the role of Minister and fulfil his or her statutory duties.

Look how quickly parity went out the window. We had the nonsensical thing of saying, "Sinn Féin is an all-Ireland party, so why is it not sticking with the South in relation to blood?" Sinn Féin is very clear on that. If there is bad law somewhere, whether in the South or the North, we will not support it. The whole idea of a united Ireland is to bring about changes, North and South. *[Interruption.]* We will continue — *[Interruption.]*

Mr Speaker: Order.

Ms Ruane: — to do that.

There is a pattern of discrimination by this Minister, whether on adoption rights, marriage equality or equality in blood donation. There is a very serious side to all this. One Member spoke about it — I think that it was Steven Agnew: it feeds homophobic behaviour. Yesterday, I had somebody in my office who had had 99 attacks on his and his partner's house. We have a Health Minister who is participating in defending the indefensible, and he is using public money to do so.

I welcome the fact that the Minister said that he is reluctant to appeal. Whatever his excuse is — we all know what his excuse is — I am glad that he is reluctant to appeal. I do not want my taxpayer's money used — *[Interruption.]*

Mr Speaker: Order.

Ms Ruane: — to justify discrimination. *[Interruption.]*

Mr Speaker: Order.

Ms Ruane: I pay tax. *[Interruption.]*

Mr Speaker: Order.

Ms Ruane: The Minister tried to detract — *[Interruption.]*

Mr Speaker: Order. Let me say to Members on the right that, should they continue, I will name Members. I ask Members to behave in a professional manner.

Ms Ruane: Go raibh maith agat, a Cheann Comhairle.

I am glad that he is reluctant to appeal it. He needs to get off the hook. He needs to accept the court's ruling. He should not detract from the debate. He asked whether people give blood: I give blood. He asked whether people had read the judgement: I read the judgement as, I have no doubt, did every person participating in the debate.

He really belittles himself. I also think that his comments in relation to the judgement and the judiciary were not well made — *[Interruption.]*

Mr Speaker: Order.

Ms Ruane: — in his role as Minister. *[Interruption.]*

Mr Speaker: Order.

Ms Ruane: I ask that the Speaker examines those comments in relation to the judiciary.

Mr Speaker: The Member's time has almost gone. Order.

Ms Ruane: In the interests of equality — *[Interruption.]*

Mr Speaker: Order.

Ms Ruane: — the right decisions need to be made. It is in the Minister's hands —

Mr Speaker: Order. The Member's time has gone.

Mr Allister: On a point of order, Mr Speaker. Before we move to a vote, I ask you to rule on whether it is within the competence of the House to vote on the motion. According to Mr Justice Treacy, the motion invites and, indeed, instructs the Minister to take an unlawful act. In light of the ruling of Mr Justice Treacy, is it within the competence of the House to instruct the Minister to act unlawfully?

Mr Speaker: In taking Mr Allister's point of order, I say that the motion does not instruct the Minister; it asks the Minister. I can also assure the whole House that I have taken legal advice

and other advice on the motion. *[Interruption.]*
Order. The motion is competent.

Mr Poots: Further to that point of order, Mr Speaker, I wish to indicate that our party will not participate in the vote because there is a very clear call on me to act outside the law. It is not wise for the Assembly nor any Member of the House to ask a Minister to act outside the law. *[Interruption.]*

Mr Speaker: Order. Before I put the question on amendment No 1, I advise Members that, if amendment No 1 is made, the question on amendment No 2 can still be put. *[Interruption.]*
Order.

Question, That amendment No 1 be made, put and agreed to.

Question, That amendment No 2 be made, put and agreed to.

Main Question, as amended, put and agreed to.

Resolved:

That this Assembly notes the ruling of the High Court on the decision to ban blood donations from gay men; further notes with concern that the Minister of Health, Social Services and Public Safety's decision was found to be 'irrational', and to have been taken 'in breach of the Ministerial Code'; and calls on the Minister of Health, Social Services and Public Safety to lift the ban from gay men who have been sexually inactive for more than 12 months and outline what steps he will take to build public confidence in relation to statutory equality duties or resign if he feels unable to do so.

Exploris

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 to propose and 10 minutes 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 to propose and five minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

Mr McCarthy: I beg to move

That this Assembly acknowledges the regional significance of Exploris — the Northern Ireland Aquarium in terms of tourism, culture, science, education and environmental protection; recognises its importance to the economy on the Ards peninsula and across Northern Ireland; calls upon Ards Borough Council, working with the local community and businesses, to formulate urgently a coherent plan for investment and financial support; calls upon the relevant Ministers to offer assistance in developing a plan; and further calls on the Executive to respond quickly and positively to such a proposal, with a view to ensuring that this facility has a sustainable basis.

5.15 pm

Thank you very much indeed, Mr Speaker. Following on from the petition to save Exploris that I presented to you this morning, Mr Speaker, I tabled this afternoon's motion to seek the support of all parties and Members to help to save Exploris in Portaferry from closure. To do that, I am asking our Executive and other Ministers to acknowledge Exploris as a Northern Ireland regional tourism, educational and environmental facility. As such, the various Departments should assist, not bail out, Ards Borough Council to provide funding for Exploris and help to retain, sustain and, hopefully, expand this excellent regional provision.

Exploris started in 1987 as the Northern Ireland Aquarium, situated on the edge of Strangford lough in Portaferry. It was the brainchild of Ards Borough Council, of which I was a member but no longer. The aquarium was designed to allow the public to see the unique and amazing diverse marine life that exists around this island, and particularly in Strangford lough and the Irish Sea.

Portaferry, at the tip of the Ards Peninsula, has been an ideal site, just a stone's throw from the lough itself and also —

Mr Newton: Will the Member give way?

Mr McCarthy: No. If I have time at the end, I will oblige. It is also adjacent to the Queen's University marine biology unit, which studies the entire environs of Strangford lough.

The aquarium is the place to go for hands-on experience of many varied and interesting aquatic species, so much so that the council invested in and extended the facility to include an education suite and exhibition hall. That was followed shortly afterwards by a purpose-built seal sanctuary. That continues to be a vital part of Exploris, in that a great many seals have been saved from certain death due entirely to the tender and loving care of the staff at Exploris, who nursed them back to health before returning them to the lough.

Exploris provides not only a wonderful display of marine life from the lough but includes public access to an area of parkland with a children's play area, a small putting green and a bowling green. All that makes for a fantastic day out for the family. It also provides a super location for local people and visitors to enjoy peace and tranquillity. I invite you all to make your way to Portaferry to experience that.

Unfortunately, like many other leisure and tourist facilities, despite the huge number of people passing through Exploris, with over 100,000 at its peak, the facility was costing the local council a significant amount of ratepayers' money. So, the council decided a few years ago to seek an outside partner or possibly someone to take over the whole Exploris site and manage it on behalf of the council.

It has to be said that because Exploris proved so popular across Northern Ireland and beyond, the powers that be here at Stormont over the years should have assisted Ards Borough Council with financial help in recognition of the regional importance of Exploris to Northern Ireland through the environment, education and tourism, as well as its contribution to the social fabric and local economy in the Ards Peninsula and further afield. It is reckoned that some 40 jobs depend on Exploris and are at stake.

We recognise the valued contribution from the Northern Ireland Tourist Board and, when the seal sanctuary was being constructed, the sponsorship that was received from Northern Ireland Electricity, which helped to make the sanctuary a reality. Exploris has continued to

provide an excellent product for many years but has, like so many other facilities, succumbed to the effects of the 2008 credit crunch. The result since then has been a loss of footfall at a time when costs were increasing.

In 2011, Ards Borough Council agreed to look at some market solutions as a potential way forward. In fact, there was interest shown from other aquarium groups. Livingstone Leisure showed an interest, and Ards Borough Council agreed to work with it to secure the future of Exploris in Portaferry. During the negotiations, there was unfortunately no marketing manager employed at Exploris, and it is believed that Ards Borough Council suffered a huge fall in visitor numbers and a fall in investment as a direct result.

Then, the announcement came from Livingstone Leisure that it could not meet the unique Northern Ireland legislative requirements for staff pensions, and its plans were shelved. Following that, a decision was taken on 18 September 2013 by Ards Borough Council to close and dispose of Exploris. That was on a majority vote of 11 for and seven against. The final decision was scheduled for 25 September.

However, there was a public outcry when the council made public its decision, and that continues to grow. Local people and others are furious. They see the closure of Exploris as a fatal blow to the efforts of small businesses operating throughout the Ards peninsula and across the lough to Strangford village, the Lecale hinterland and beyond.

After the closure proposal, support came from around the world. I have a recent publication, which states that the case of Exploris has gone global and that we have support for the retention of the facility from the USA, Israel, Peru, Australia and other parts of the world.

There was also a huge protest at Ards Borough Council's offices on 25 September. As a result, the council agreed to a two-month deferral. My colleague Councillor Alan McDowell proposed an amendment calling for a public consultation, an equality impact assessment and an economic study. However, that amendment was unsuccessful, and rather than lose a two-month reprieve, we supported the deferral as proposed.

The Save Exploris campaign was born with the help of marine experts, Exploris staff, unions, the general public and councillors. We must save Exploris: closure simply cannot be accepted, and it should not be an option. To

achieve that, the Alliance Party supports regional funding from Stormont, coupled with a vision and a plan from Ards Borough Council to invest in, reorganise and promote Exploris towards a sustainable future.

As was mentioned earlier, the Department of Finance and Personnel (DFP), the Department of Culture, Arts and Leisure (DCAL), the Department of Enterprise, Trade and Investment (DETI), the Department for Employment and Learning (DEL) and the Department of the Environment (DOE) must get together and provide combined assistance for Ards Borough Council to retain this regional asset for everyone in Northern Ireland and beyond. I urge officials from those Departments to respond positively to the chief executive of Ards Borough Council's request for a round-table discussion with the Friends of Exploris and our trade union colleagues to draw up a plan and a vision for a way forward as soon as possible.

We have in Strangford lough a wonderful and uniquely important area of biodiversity, flora and fauna that has been awarded various designations, including special area of conservation (SAC), area of special scientific interest (ASSI), area of outstanding natural beauty (AONB) and marine nature reserve (MNR). Most recently, it was designated as the first marine conservation zone (MCZ) in Northern Ireland.

Exploris ranks as a top tourist attraction, as was acknowledged in a letter from the Minister of Enterprise, Trade and Investment to me. Therefore, it is vital that the Assembly support this fantastic facility, which is set within the most superb marine habitat, and help to safeguard it for future generations.

Educational visits to Exploris are an essential part of the learning process and should be partially funded by our Department of Education in return for educating our public about the truly unique natural resource of Strangford lough.

Very recently, the town of Portaferry and the Exploris centre were delighted to host a visit from members of the Enterprise, Trade and Investment Committee. At that meeting, members of the Committee heard from representatives of Portaferry Regeneration Ltd, who described Exploris as a linchpin of the 'Destination Strangford Lough Tourism Management Plan 2013-2018'. Exploris, it said, is vital to the economy of the Ards peninsula because it brings around £3 million each year into the local business community.

The Committee also heard from representatives of the Northern Ireland Public Service Alliance (NIPSA) and Save Exploris and from senior officials from Ards Borough Council, all of whom are pleading with the Assembly to accept its responsibility and support Exploris by acknowledging that central funding for this regional asset is both merited and necessary to put it on a sound footing so that it will continue to serve everyone in Northern Ireland. I was delighted when, after the meeting, the Chair of the Committee, Patsy McGlone, said in public that it would be madness to close Exploris. So it would; I totally agree with what he said.

Dr Bob Brown, a renowned marine conservationist, has warned the Northern Ireland Government —

Mr Speaker: The Member's time is almost gone.

Mr McCarthy: — that is us — that this is a priceless asset. He advises government to act now across Departments, along with the council, to develop Exploris into a regional showcase.

Mr Nesbitt: I beg to move the following amendment:

Leave out all after the second "Northern Ireland;" and insert:

"and calls on the relevant Executive Departments to provide the regional funding, resource and support required by Ards Borough Council to maximise the benefit of Exploris to the economy of the Ards peninsula and to Northern Ireland."

I thank Mr McCarthy for bringing forward the motion. It is an important subject. I hope that we can debate it in better spirit and humour than we did the previous debate. That said, I rise to request support from the House for the amendment. In doing so, Mr Speaker, I ask the House to focus on the end. What is the outcome we are seeking in this debate and for the Exploris facility in Portaferry? We can anticipate only a limited number of outcomes: closure, clearly, is one; renewed opening, but a rebirth of some description, is another; and the third is maintaining the status quo, which some people, no doubt, support.

Let us look at the status quo. Is it right to support the status quo when Exploris is costing the ratepayers of Ards Borough Council a disputed sum of money, but a sum of money. Some say that it is £600,000 per annum; some

say that it is half of that. I suspect that the true figure is somewhere in between at around about £450,000. Against that, people will say, "Yes, but that investment generates another pot of money. It generates income for the economy of the lower Ards". Again, it is a contested figure, but, as Mr McCarthy has pointed out, some say it could be as much as £3 million per annum. Can you argue that that is good and that the status quo is acceptable? Certainly, some politicians do that.

In the 'News Letter' on 26 September this year, Henry Reilly, a councillor from Kilkeel, said that he fondly remembers bringing his children across on the ferry to visit the aquarium when they were younger, and he pointed out that the attraction brings several millions of pounds into the area annually in indirect visitor spend. Critically, he also said:

"The argument being pushed that the aquarium is a loss making business is utter nonsense as councils have a statutory duty to promote tourism and provide such facilities. If councils are to adopt a policy of closing every loss making facility there will be no swimming pools, sports centres, community centres, playing fields or museums in Northern Ireland and we would quickly return to Victorian times when only the rich and very wealthy could enjoy such attractions."

I suspect other views are available from that political party.

Ards Borough Council clearly believes that it is no longer reasonable to continue to ask the ratepayers to subsidise what they believe is a regional facility. I believe that the subsidy works out at something in excess of £7.50 per visitor to the aquarium. Against that, Exploris has consistently achieved visitor numbers of around 90,000 per annum, but, of course, that could be improved. The council has spent in the region of £100,000 since 2007 in an attempt to sell the aquarium, but both deals have not been successful. Again, Mr McCarthy made mention of private sector interest.

During this process, Exploris has not had a marketing officer and could not benefit from what, I believe, is £375,000 in possible infrastructure grants, because of the short-term nature of the existence. So, it was not possible to reconfigure the physical layout of Exploris to attract people perhaps into areas where there could be a shop or a restaurant without them having to pay an entrance fee. Working with the local community, stakeholders and the great

swell of public support, we could do a lot to transform the aquarium in the short term.

5.30 pm

Let us not be under any illusion: if the Assembly and Executive do not help to fund this as a regional asset, it will close in less than three weeks, because option 2 is closure. The House should not be in any doubt. It should remind itself that Ards Borough Council and all the parties on it voted for closure after a period of two months.

Mr Clarke: Really?

Mr Nesbitt: Yes, really; from your sedentary position — *[Interruption.]*

Mr Speaker: Order.

Mr Nesbitt: — really. Is that truly desirable? Does anybody really believe that to be the best way forward? I certainly do not. I believe that the council debates have had a positive effect in bringing a focus, not least in the House, to the issue of whether we want to see Exploris close or transform to the position where it is more viable. I will give way to Mr Weir.

Mr Weir: I thank the Member for giving way. On timescales, the document that the council provided to the Committee for Enterprise, Trade and Investment talks about a process starting in November. To quote Ards Borough Council, on which there are representatives of my party, Mr Nesbitt's and others:

"Due to the above, it is envisaged that any potential closure would not take effect until after March 2014".

So, we are not talking about closure immediately; you are talking about something that would not take effect for another four months, at the earliest.

Mr Nesbitt: I thank the Member for his intervention. I think that we are playing with semantics here. Clearly, you cannot close it, when you have seals — *[Interruption.]*

Mr Speaker: Order.

Mr Nesbitt: — there is obviously a process that has to be gone through. To use the maritime expression, I believe that that is a bit of a red herring, Mr Weir.

I do not favour closure —

Mr Weir: It is not closure.

Mr Speaker: Order

Mr Nesbitt: So, how do we take it forward? Well, after the vote at Ards Borough Council, I contacted the four relevant Ministers — Environment, Education, Culture and Enterprise — to invite them to come to a meeting in this Building on the Monday evening. If they could not come, and, of course, they are busy and dropping everything at two or three days' notice is not always possible, I invited them to send an official. If they all agreed, Friends of Exploris and others, including local elected representatives, would also be invited to the meeting, which was to be held in this Building to make it handy for everybody. No Minister was available, and only one Department said that it would be prepared to send an official. That makes me question the political will to save Exploris. Out of four Departments, not one Minister and only one official was prepared to say that they would come along and help.

The answer, I believe, is regional funding to allow Exploris to transform itself. To again use a maritime analogy, I think that it is a trident. I think that we look on the future of Exploris in a binary or a two-dimensional way when it should be three-dimensional. It is not just a question of whether it should be the public sector or the private sector or a combination of the two working together to help save Exploris; there is a third prong, and that is social enterprise. We need to look at the public sector, the private sector and the community, working as a social enterprise, working in combination as the way forward.

Again, there should be a trident of tourism, marine research — both of which currently happen at Exploris — along with what, to my mind, is the missing element of renewable energies. Everybody knows that since SeaGen went in, Strangford lough has become a global leader in experimentation and the development of renewable tidal energies. It seems to me that, for whatever reason, Exploris has not tied into that and exploited its potential as a way to move forward.

So, I believe that a lot can be done to reinvigorate and reconstitute Exploris in a way that will give it a viable future. Whatever Mr Weir says about it closing in a few weeks or a few months, it seems to me that it will close unless the Executive agree that it is a regional facility and, therefore, will need regional funding. Without that, the future is bleak to the point of total blackness. I ask the House to

support in a clear way the idea that Exploris is a regional facility.

I direct the following remark at Mr Flanagan, who I heard suggest on BBC television that the decision to close was in some way sectarian.

I have worked with Portaferry Regeneration Limited on many occasions. I got Minister McCausland down. He was willing to help, but unfortunately the population size meant that it was outwith his brief. He directed me to the Agriculture and Rural Development Minister, Michelle O'Neill. I wrote to her and invited her to come down to Portaferry and meet the regeneration board. Do you know what? She said no. So I say to you, sir, that it is a regional facility, and if it were not —

Mr Flanagan: On a point of order, Mr Speaker. *[Interruption.]*

Mr Speaker: Order. Let us have remarks through the Chair. Order.

Mr Nesbitt: He made a point of order, Mr Speaker.

Mr Flanagan: The Speaker dealt with it.

Mr Speaker: Order. The Member's time is almost gone.

Mr Nesbitt: OK. I will let my time go, Mr Speaker, by asking for support for the amendment. Let us make this a regional centre with some regional funding to kick it off to a better future.

Miss M McIlveen: At the outset, it would be appropriate to declare that I am a former member of Ards Borough Council and my brother is currently the mayor of the borough.

A great deal has been said about the decision to close Exploris since it was made by Ards Borough Council. While there has been a certain amount of constructive debate, sadly, as Mr Nesbitt has indicated, some quarters have sought to sectarianise the matter. That is entirely counterproductive and detracts from efforts to find a solution. As a ratepayer and former councillor, I appreciate how the council has sought to address the significant problems of running Exploris. However, Sinn Féin and the SDLP have been falling over themselves to play the sectarian card. They should be utterly ashamed of themselves.

Sinn Féin's Phil Flanagan told the BBC that there were:

"serious questions about whether there is a genuine commitment within the unionist councillors of Ards borough to maintain this important asset. Talking to local people, there certainly is a perception in the Portaferry area that the DUP-dominated council is attempting to close Exploris because of its location in a nationalist part of a unionist council area."

The council minutes of 25 September clearly shows that the council unanimously backed the proposal to close and dispose of the facility with a two-month stay of execution. I know that "unanimous" may sound a lot like "unionist" to a Fermanagh man, but, when the SDLP and the Alliance Party are also voting in favour of the proposal to close and dispose, it kind of undermines the sectarian argument.

Of course, the SDLP's councillor in Ards could not stop himself getting in on the act, claiming that the decision to close Exploris was:

"bordering on the verge of a political decision for a political reason".

He referred to Portaferry as the only nationalist majority area in the borough, despite voting in favour of the proposal himself. He went on to tell the 'Belfast Telegraph':

"They are seeking to deprive a certain community of what little they have."

Portaferry is by no means the Cinderella village in the borough. On spend a head, Portaferry residents received around £780 from Ards Borough Council in the past year. Compare that with Ballygowan residents, of whom I am one, who received around £8-84; Ballyhalbert residents, who received £39-62; and Carrowdore residents, who received £38-65. In fact, the closest were Cloughey residents, who received £78-31 a head. The total spend in Portaferry by Ards Borough Council last year was £1,925,678. Newtownards, which has over 10 times the population of Portaferry, received £2,384,317.

I turn to the issue of Exploris. Ards Borough Council has, on two occasions, sought to transfer the running of the facility to the private sector. On each occasion that the council did that, it was a tacit recognition by councillors that they recognised that the running costs of Exploris had become so great that it was unreasonable for the council to run it. Sadly, on

both occasions, those attempts failed. Each time, as it was tried and as Mr Nesbitt has pointed out, it resulted in considerable expenditure to the council to undergo the procurement process. Those are not decisions that are taken lightly. Each visitor to Exploris costs the council £7-58. Compare that with Comber leisure centre, where each user costs the council £1-80, Ards leisure centre, where each user costs £2-27, or Portaferry sports centre, where each user costs £6-63.

Since 1992, Exploris has represented a net cost to the council of £10,783,274. Last year, it attracted only 78,500 visitors, down from its peak in 1994-95 of 206,786 visitors. It has not had 100,000 visitors since 2009-2010. Even on the day when the Enterprise, Trade and Investment Committee met at the facility, it had only 28 visitors, and that was at the height of the publicity about the closure. It has been recognised by a number of interested parties that the running costs of Exploris cannot be left solely to Ards Borough Council. Friends of Exploris and NIPSA have stated that no council is set up to deal with a regional centre such as Exploris.

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

Miss M McIlveen: The facility needs investment in capital refurbishment and recurring running costs. One without the other would not be sufficient, and any offer would need to be substantial.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom labhairt i bhfabhar an rúin seo agus an leasaithe. I support the motion and the amendment.

The Environment Committee received a presentation from NIPSA and Friends of Exploris. My contribution will be about the question on the Floor, which is about Exploris itself. I listened to the previous contributor, who spent three minutes trying to introduce politics into the issue. *[Interruption.]*

Mr Speaker: Order.

Mr Boylan: There is no doubt that other Members will make political comments later on, and that is grand, but I am here — *[Interruption.]*

Mr Speaker: Order.

Mr Boylan: I am here to talk about how councils run facilities, because I have experience of that in Armagh City and District

Council. We have a wonderful place called Navan fort. For years, I saw bad management practices and council practices and saw how one of our best facilities lacked marketing for tourism and the attitude and appetite to support it. It is recovering now.

The first question that I want to ask is this: is Exploris a feasible and viable project? I believe that it is. The story sold to me in the presentation that I heard was that it is a viable project. We need to take into consideration its location, the number of jobs involved and the impact that it might have on that community. If people make the argument that it is not viable, let them make it, but I believe that it is a viable project.

If a facility has not had a marketing or development officer for many years, how do you market it? I thank the people who compiled the report on Exploris. The report states that NITB spent £1.8 million on Exploris over a 26-year period. In the grand scheme of things, that is nothing. I see also that, in a response to a question to the Finance Minister, it was stated that no one had come from Exploris to ask the Tourist Board for money. Surely there is a responsibility to promote the rest of the country, not just the Titanic Quarter and the Giant's Causeway. I am only listening to and going on what people have said, which is that Exploris is a good facility, so let us concentrate on that. That is what I want to concentrate on.

From reading some of this information, it seems to me that the council has tried its best with its input. However, down through the years, there seems to have been a lack of a proper business plan or a marketing strategy. If you accept the principle that Exploris is feasible and viable, that is what should have been put forward. It should have not been running for 25 years without that.

Mr Weir: I thank the Member for giving way. I concur with his remarks about having a need for a coherent plan, which is referred to in the motion. However, the amendment, because it removes about 60% of the motion, removes any reference to a coherent plan. He also mentioned Navan fort. I can understand support for Exploris, which is fair enough in relation to the motion, but, when the idea of regional government putting in the money to ensure that Exploris would continue was discussed in the Committee —

Mr Speaker: Can I ask the Member to conclude?

Mr Weir: — the Member said that that would set a dangerous precedent. In light of the fact that he said that it would set a dangerous precedent for regional government to pay for it, which is the tone of the amendment, why is he supporting the amendment, and what has changed between the Committee meeting and today?

5.45 pm

Mr Boylan: I thank the Member for his intervention. I was coming to that point. I believe that it is a —

Mr Speaker: The Member has a minute added to his time.

Mr Boylan: Thank you very much, Mr Speaker.

I believe that it is a viable and feasible project, but I also recognise that it will need some support and funding, which will have to come from the Executive. I do not agree with it coming from the Executive without a proper, collective business plan that is brought forward through partnership, and I said that in Committee. Partnership is the way forward. Mr Weir is right, and he was sitting in Committee when I said that. I have not changed from that position. However, I believe that there needs to be investment up front and an element of support at this time. That is why I am supporting it this time.

I reiterate that the Assembly should not take the lead on the matter. A collective partnership should take the lead, and we will support that. It will not be indefinite or an annual thing, and we need to look at that.

Mrs McKeivitt: It is my privilege to contribute to the debate, which I see as very worthwhile. When considering the contribution that the Exploris aquarium makes to our society in tourism, culture, learning and environmental protection, it is impossible to deem it as anything other than a true regional asset that deserves to be protected from closure.

It is estimated that Exploris attracts almost 100,000 visitors a year. Those numbers may seem small when compared with the 800,000 people who visited the Titanic building, but Portaferry is not Belfast and the contribution that those 100,000 visitors make to the economy of the Ards peninsula is vital. The business community is therefore understandably worried about the negative impact that the closure of Exploris could have on their businesses. On that note, I want to

recognise the vast contribution of my party colleague, SDLP councillor and local businessman in Portaferry, Joe Boyle, who has strongly campaigned to keep Exploris open. I know that his efforts are greatly appreciated by the local community.

Departments have recognised the need to make improvements to the local area to improve tourism numbers. Improvements include an upgrade of the Strangford ferry and the resurfacing of roads in Portaferry, for which £271,000 is to be allocated by the Department for Regional Development. That is welcome, but it will fall to nothing if Exploris, a vital tourist facility, is shut down.

A key commitment in the Programme for Government is to increase visitor numbers to 4.2 million and tourist revenue to £676 million by December 2014. The Executive should note that any progress towards those targets could be undone by the closure of this tourism attraction. We should invest in assets such as Exploris that provide visitors with fun and educational aquamarine life experiences, while being a refuge and sanctuary for marine life, particularly seals.

The Save Exploris campaign has gained massive support since being launched by the Friends of Exploris Trust. Over the weekend, the 'Belfast Telegraph' reported on the global support behind the campaign, and I note that my colleague referred to that in his opening speech. Yesterday, I joined the 28,000 other people who have signed up to the dedicated "Save Exploris" Facebook campaign. Through these campaigns, the public have indicated their support for Exploris and their desire for the Assembly to intervene, prevent its closure and safeguard its future. We must take action. I support the motion and commend the Alliance Party Members for initiating the debate. Let us secure the future of Exploris.

Ms Brown: I am happy to support the motion.

Exploris, in its current state, is unsustainable. It requires significant capital investment and restructuring, which would be extremely difficult for a council to undertake. Many of the voices that we hear in opposition to the closure recognise and accept that Ards Borough Council cannot be expected to do this. A £600,000 annual deficit would be difficult for many councils to justify, particularly one the size of Ards. The unanimous decision by Ards Borough Council cannot have been an easy one; a decision that puts employees' livelihoods in jeopardy never is. It is a credit to the council that it stayed the execution of its decision to

allow some means of saving Exploris to be formulated.

I pay tribute to those who have campaigned and continue to campaign to save Exploris. Their hard work has not gone unnoticed. It has been disappointing that some individuals have sought to hijack their campaign and make political capital, but the vast majority involved have their community and the love of the facility at heart. That said, there are arguments for the retention of Exploris in some form. There are educational benefits for such an aquarium, with a significant proportion of the facility's visitors being schoolchildren. Furthermore, there is an environmental research aspect, particularly through the aquarium's link-up with Queen's University. If the Executive are unwilling to make Exploris a regional facility with regional funding — there have been no indications that such willingness exists — what are the options?

Mr Newton: I thank the Member for giving way. It is desirable across Northern Ireland that there are facilities for tourism, education and research and that there are attractions for visitors. Does the Member accept that the case being made for regional aid, if that is the case that is being put forward, could be made by Belfast City Council in support of Belfast Zoo, which is on a much larger scale, is a bigger attraction and is currently borne by the ratepayers of Belfast? That would allow the council to seek regional aid for that facility.

Mr Speaker: The Member has a minute added on to her time.

Ms Brown: Thank you, Mr Speaker. I definitely agree with the Member, who makes a very valid point about Belfast Zoo.

There is a possibility of subventions from relevant Departments to assist Ards Borough Council. However, given that there is a £600,000 annual black hole to fill as well as a serious need for capital investment in refurbishment and redesign, that will require a number of Departments to work together and to do so quickly. Overtures must be made to Ards Borough Council at the earliest opportunity if that is to be an option. If that option is to be pursued, it perhaps requires the promptest action. A number of Departments in the Executive could have an interest in Exploris, but, from the outside, it appears that each of them is waiting to see who blinks first. If the Ministers are sincere about helping, brinkmanship is not the way to do it.

Another option would be to look into a trust or a social enterprise. I know that Friends of Exploris has expressed an interest in that. Obviously, for such a project to be sustainable, it would require significant assistance, and the Executive could assist that in some way.

Another option is that the council proceeds to close and dispose of the facility, which may sound unpalatable to some. The prevailing view of the opposition to such a proposal is that Exploris would be gone. However, history has shown that there has been significant interest from the private sector in the aquarium. It does not stretch credibility that that interest still exists and that the facility could then fall into private hands. Portaferry could end up with a world-class facility, which Exploris, sadly, is not. If the council were to proceed with closure, I would like the Executive to seek to ensure that all necessary steps are taken to have another facility take its place, whether within the community or the private sector.

The relevant Departments should not sit back and simply watch what unfolds. They can be part of a newer, better, economically viable and much more attractive establishment at the heart of Portaferry. We must bear it in mind that, even if the council follows through with its decision to close when the stay period expires, it will still take a number of months before the facility is completely shut down. As Deputy Chair of the Environment Committee, I recently enjoyed a visit to Exploris, and I am committed to ensuring that all options are explored to ensure its survival.

Mr Hazzard: Go raibh maith agat, a Cheann Comhairle. I thank my colleague for proposing the motion today. As my colleague from Armagh said, we are happy to support the motion and the amendment. I also record my thanks to the Save Exploris group. I do not think that anyone will be surprised at the passion and enthusiasm that they have shown not just for saving local jobs but for this tourist facility. I also thank my party's spokesperson in the area, Naomi Bailie, who has worked like a Trojan in lobbying us, and the party across the water in South Down too.

Opened in 1987 by Ards council to promote the diverse marine life along Ireland's shores, Exploris has long been a significant tourism and scientific centre of interest. There can be no doubt that Portaferry on the shores of Strangford lough, with its ready access to sea water expertise through the Queen's University marine biology centre, was and still is the ideal location for Exploris. Portaferry, with its proud and diverse maritime history and its beautiful

natural and built heritage, represents huge untapped potential to be a leading maritime tourism and visitor attraction for any part of Ireland. For that scenario to be realised, it will take significant investment, prudent management and ambitious marketing: three strategically important ingredients that will be vital to ensure the long-term sustainability of Exploris.

There can be little doubt that the reason we are in this dire situation today is the complete and utter failure of Ards Borough Council and, indeed, the DUP as the dominant political party in Ards to support and invest in the long-term success of Exploris. For as long as the facility has been operational, the DUP and many unionist representatives have championed not the cause of Exploris but the need to relocate Exploris out of Portaferry and into another town such as Comber or Newtownards. One unionist representative who sits in the House described Exploris as a "plaything for anoraks" and said that it should be relocated to Comber because Portaferry was nothing more than a backwater. We are not playing politics with this: that was said. Given that insidious political context, it is little surprise that we find ourselves in this difficult situation.

Serious questions need to be put to Ards Borough Council and the DUP, as well as DUP Ministers such as the tourism Minister, Arlene Foster. I wrote to Mrs Foster previously on the need to support Exploris. You can imagine my surprise when she replied that, in the three decades since Exploris opened, the Tourist Board had provided a meagre £1.8 million in assistance. Bearing in mind Exploris's unique standing as the North's only aquarium, surely a facility with such strategic tourism value should be a higher priority. Mrs Foster went on to state that she recognised the importance of the aquarium as a major tourist attraction in the Strangford lough area — I repeat: a major tourist attraction in the Strangford lough area — yet she will not consider providing financial assistance.

Mr Frew: Will the Member give way?

Mr Hazzard: No, thanks.

In what other jurisdiction would a tourism Minister acknowledge the importance of a major tourist attraction but decline to provide assistance when such an attraction was in severe need of help? No doubt, if the aquarium were situated in the Titanic Quarter, the tourism Minister would be tripping over herself to get up the A4 to find the necessary funds. We need to seriously ask why Mrs Foster's Department,

which has a statutory obligation under the Tourism Order 1992 to see that tourism is developed, has, up to now, made no advance to Ards council regarding the need for financial assistance. If Mrs Foster feels it appropriate that every other Executive Minister should provide funding for this valuable tourism product, the people of Portaferry and the staff of Exploris deserve an explanation of why she, as the tourism Minister, will not take the lead.

What we need to see now is very straightforward. First, Ards Borough Council and the ETI Minister need to sit down immediately and determine what assistance is available from her Department on an urgent and long-term basis. I also think that the Environment Minister should explore whether he can override the Ards council motion for closure following the lapse of the two-month period because it is not adequate for long-term and sustainable solutions to be arrived at and in the knowledge that no public consultation or EQIAs have taken place. Thirdly, the passion and enthusiasm of the Save Exploris group should be harnessed by a cross-departmental task force in order to plan for the future. Those are three simple steps that can be taken straight away, and they would be very productive in the long-term sustainability of Exploris.

Mr McNarry: None more than myself wishes to see the Exploris brand secure and not exploited.

6.00 pm

Over its lifetime, Exploris has invariably needed propping up, in excess of £10 million keeping it afloat. Annual losses amounting to hundreds of thousands of pounds are sums that no borough can sustain or justify. Those are the hard facts, and they have taken us to the point of closure.

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

I applaud the emotional effort that has been put in to save Exploris. Indeed, my party chairman is a keen cheerleader. I have read the intention to present a strategic case to the council at the end of November, but to insiders, the closure proposal is not really surprising, given that the decline in Exploris set in some years ago.

In the distant past, good initiatives have sought to promote Exploris. Northern Ireland Electricity made a one-off capital donation of £30,000 to the seal sanctuary. Thirteen years ago, I suggested to the council, of which I was a member, that it should look for £5 million for

Exploris from the Government. Another initiative of mine was the Ards bus. That was an in-service Ulsterbus that was decked out in exclusive Exploris livery, at a cost of over £10,000, that would tour other constituencies. Then, there was the idea of joint ticketing for Exploris, the Saint Patrick's Trail and Mount Stewart, but it got nowhere. In the courtyard development on site, the coffee shop ended up failing, and the country furniture venture pulled out. Close by was an excellent craft shop, but, sadly, it did not survive.

So, I look at the motion with withering contempt for the game of tricks that it invents. Typical Alliance Party: playing to the Gallery and dabbling in its usual baloney. Had the council a plan, it would have been out there not last week or last month but five years ago, when even Alliance could have admitted that the writing was on the wall. Kieran McCarthy MLA was, until recently, one of the longest-serving councillors. He is calling for business to step forward, but did the council that he sat on not agree to offload Exploris to businessmen, and was it not businesspeople who, in the end, turned down the deal?

What is implicit in the motion and the amendment is a kidology in bidding for a blank cheque without quantifying the sums of money that are involved. Have they told the Gallery that that is not how we do business in here? Is it not interesting that there is no mention by anyone of an approach to North Down council — the soon-to-be amalgamated partner and co-ratepayers in the area?

In this brutal world of taxpayers' public funding and commercial reality, the question is this: how can Exploris be preserved? Exploris is a moveable brand name asset, as is the expertise of its skilled staff, but, ultimately, all rests on a council decision that has yet to happen, which makes this debate somewhat premature. Until the council speaks, how can the Assembly take a view? When we do take a view, what power do we have over Ards council?

Look around. Where are the absent Ministers that the motion refers to? Where are the Ministers who are prepared to stand up tonight and say to the Assembly, "Without a plan, without a council verdict and without a notion of cost, my Department will take over responsibility for Exploris. Let us switch the cost from ratepayers to taxpayers". Let us hear about it. Where are they? Effectively, that is what needs to be said.

Otherwise, there is no message of a commitment to send to Ards council. We in the

House should not be indulging in raising expectations in the false way that they have been raised today with this motion, which we cannot deliver on.

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

Mr Weir: I can support the motion but not the amendment, and I will come to the reasons for that. A number of Members mentioned that they visited Exploris fairly recently. I did not have the opportunity to do so on that day but subsequently took the opportunity to visit it as a private citizen, if you like.

There is potential in Exploris and good facilities there. However, although some focus has been on the ongoing running costs, it is undoubtedly the case, certainly from my observations, that if the facility is to succeed, it will not only require ongoing subvention in annual costs but a very large capital sum. One of the problems is that we do not have a clue, as Mr McNarry said, what level of capital investment is required.

Mr McNarry is right to say that the status quo is not an acceptable option. My colleagues have mentioned the ongoing cost of £10 million over a period and, indeed, the cost of about £600,000, or perhaps a little less, a year. Indeed, there have been declining visitor numbers, and I simply do not think that that is sustainable in the long run. The fact that the status quo is not sustainable was acknowledged unanimously by Ards Borough Council, and all the councillors from all parties therefore voted that it was not sustainable and voted for the closure. I notice the praise for the SDLP in Ards Borough Council for the hard work that it has done to keep it on, but the SDLP councillor voted for its closure. I am tempted to say this: with friends like that, who needs enemies?

If the current situation is not sustainable, what about the idea proposed in the amendment of the tab being picked up by relevant Departments? Because that is what the amendment says. I agree with Mr Nesbitt when he talks about the trident with three elements, yet the purpose of his amendment is to weaken the motion and take away those elements. References in the original motion to, for example, working with local businesses and the community are scrubbed out if we accept the amendment, but the reality is that working with local businesses and the community is the route that we have to go down.

However, what really takes the biscuit for me is the views of some of the Members opposite, who commit this Assembly to picking up the

tab: support the amendment and put in the high levels of regional funding. Let me quote one person:

"let us be frank about this: we cannot have a situation in which people claim that a council-run facility that is currently under threat ... is regional, which, I am sure, it is, and expect the Executive to pick up the cost. ... We could end up with a queue, particularly in preparation for RPA, of other facilities that we will be expected to fund as well." — [Official Report, Vol 88, No 3, p23, col 2].

Those are not my words but the words of the Culture Minister, Carál Ní Chuilín. For all the fine words from the party opposite, not only is there no commitment from DCAL for a penny to go into it, it has clearly refused to do so. Similarly, in the context of rural development, I understand that the Minister of Agriculture and Rural Development has also written to the Committee to indicate that she will not contribute a penny towards it. I agree for once with Carál Ní Chuilín that we cannot simply have a situation in which the Executive ride as the saviour to help save Exploris.

Mr McCarthy: Will the Member give way?

Mr Weir: It would set a very dangerous precedent, and that is why I prefer the motion as it stands. I will give way very briefly.

Mr McCarthy: I do not speak in defence of either Minister, but does the Member not agree that, in saying what they said, they gave a caveat that that was the position without further information? I am proposing in the motion that we can, with the help of the Save Exploris campaign outside, put something on the table to further that information, and perhaps we can get some funding.

Mr Deputy Speaker: The Member has an extra minute.

Mr Weir: With respect, even the Minister of Culture, Arts and Leisure referred to any help being a very "big 'if'", as she put it. Again, I am quoting directly from Hansard. There has been no commitment whatsoever. Indeed, if anybody on the opposite side wants to give a commitment on behalf of DCAL as to the amount of money that it is willing to put in, I am more than happy to listen and more than happy to give way.

The reality is that there is going to be a number of Ministers who are keen to commit that support —

Mr Flanagan: Will the Member give way?

Mr Weir: I am sorry, my time is running out.

Mr Hazzard: You asked us for our opinion.

Mr Weir: Well, if the Member is willing to give me a commitment about the exact amount of money that DCAL is willing to commit to this —

Mr Flanagan: You would be quicker to give way.

Mr Weir: OK, I will give way.

Mr Flanagan: I thank the Member for giving way, but I really cannot understand why he thinks that DCAL should take the lead. Even though there are fish in the tanks, nobody is fishing for them.

Mr Weir: With respect, DCAL figures in the suggested amendment, so Members can make reference to it.

Yes, it is support right up until the point when it comes to giving any money or degree of financial support. The party opposite, in particular, is misleading people in Strangford. It is trying to exploit the situation on a sectarian basis to indicate that it is the champion of the people of Portaferry but, when it comes to any level of commitment, there is none from the party opposite.

Unfortunately, the amendment contradicts this, but what needs to happen is work between the council, the relevant Departments and the private sector to try to find a long-term solution. It is that work that is needed, not the giving of a blank cheque which, unfortunately, is what it effectively states in the amendment. From that point of view, the amendment would set, in the words of Mr Boylan, a very dangerous precedent.

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

Mr Weir: I support the original motion, which I think is better. I oppose the amendment, which would take us into very dangerous territory.

Mr Flanagan: Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to speak on this important motion

and the amendment. Before I get into the thrust of my speech, I pay tribute to the local community that is involved in this important campaign and the people involved in the Friends of Exploris group who have done a great job in highlighting their campaign and in bringing people to the knowledge that the place exists. One of the biggest problems is that people do not know that it exists, and you really have to wonder why, when it is such a good facility and 100,000 people visit it each year, people do not know that the place exists. That is a huge problem to start with. Local political representatives who are committed to retaining this centre, regardless of what party they are from, also need to be commended.

I was delighted to join my colleagues on the Enterprise, Trade and Investment Committee, and some from the Environment Committee, on a recent visit to the centre. We heard at first hand what a great centre it is and about the positive benefits that it brings to Portaferry and the wider area. It is an excellent facility, but it has been neglected by Ards Borough Council for a long time. If you walk around the facility, you can see where investment is badly needed and where things have been taken out and have not been replaced. There is huge potential there. Given that it is one of the premier paid tourist attractions in the North, it would be a ridiculous decision if it was to close.

There has been little investment in improving the facility, keeping it up to standard and keeping it modern. Much more work could be done there that should have been done over the last decade or so, but that has not happened. The fact that the marketing team was removed years ago and has not been replaced highlights the problem that is going on there. If somebody thinks that you do not need a marketing team to promote a place, there is something seriously wrong somewhere.

The Committee recently visited Exploris, and I really enjoyed it. I thought it a great opportunity to get out and hear what is going on. It is quite a distance from where I live to Portaferry, there is no doubt about that, but I was glad to go. The marketing and promotion of Exploris has been an absolute failure. Ards Borough Council has completely failed to promote the centre, and I wonder why. The vast majority of the people I spoke with in Fermanagh and Tyrone before Exploris hit the headlines had never heard of the place. They never knew it existed. Schools did not know that it existed. It was never offered as a potential destination for school trips or for visitors. That really is part of the problem.

I support the retention of Exploris through a proper partnership between the Executive and Ards Borough Council, or between Ards Borough Council and North Down Borough Council. I should probably have put North Down Borough Council first; maybe other Members will not be too impressed that I did not.

It is a public facility, and anybody who tells me that it is a public facility and it is losing money does not understand how public services work. We do not run a business; we run public services that are not supposed to make a profit. That is what ratepayers and taxpayers' money is for: to subsidise things that do not work in the free market because they do not make money. I would have thought that the DUP would agree with that. No business is going to go into something that is not making money, and that is why government intervenes.

What is really striking for me is that, on the night of the council meeting, the unionist councillors proposed that they contact the Department of the Environment, which is run by an SDLP Minister, and the Department of Culture, Arts and Leisure and the Department of Education, which both have Sinn Féin Ministers. However, not one person throughout the lengthy debate thought that maybe they should contact Arlene Foster, the Minister with responsibility for tourism and the economy. Given that it is a tourist facility that brings £3 million into the local economy every single year, I find that very strange. Nobody can tell me that that was not done for political opportunism. That is the only reason why that was done. It cannot have been that none of the political representatives in the council thought that they should contact the Tourist Board or DETI.

6.15 pm

Ards Borough Council has turned down grants to improve the facility. Why did that happen? Money was coming in to fix the place up, but Ards Borough Council turned it down. I cannot get my head round that. The place is bringing in £3 million, and the council is going to get money for nothing to do the place up, but it turns it down. That does not make sense. It tells us that it cannot afford to run the centre that brings in £3 million, but the same council can propose to spend £27 million on a new leisure centre in Newtownards. I am not that knowledgeable about the geography of that part of Ireland, but I know that Newtownards is not that far from Bangor and that there are world-class facilities in Bangor. There is questionable need in Newtownards for a new leisure centre in a council area that is going to merge with

North Down Borough Council. Could some of that £27 million —

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

Mr Flanagan: — not have been put into it?

We are also told that we cannot afford to put money into the Exploris centre. However, we could afford to put £18 million into the Titanic centre, not once but twice. The money was found for that twice.

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

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. As I listened to the debate, I was reminded of the seanfhocal Gaeilge, an old Irish saying: agus téann an seanfhocal sin mar seo: "Ná lochtaigh gan leasú". In more contemporary days, as Tony O'Reilly would have put it, "Don't bring me problems; bring me solutions." I have heard very little of that this evening. I hope that we eventually get to that point.

I was in Exploris for the first time at the behest of the Committee for Enterprise, Trade and Investment, which took the initiative, in response to a letter from Portaferry Regeneration, to go and find out about the place. I pay tribute to Portaferry Regeneration and Friends of Exploris for the work and effort that they and many people put in to present their case to the Committee on the day.

I welcome the motion and the opportunity to debate the future of the Exploris aquarium in Portaferry and any proposed plan for investment or financial support. I hope that we all agree on its significance and its potential impact on the local economy as a tourist attraction, the work done by the staff on marine conservation in the facilities to look after sick or abandoned seals from rescue to release, and its educational programmes and exhibitions. It was, therefore, a huge disappointment in the local community and wider afield to learn of Ards Borough Council's decision to consider closing the aquarium and placing the site on the market for sale after 25 years as one of the top 10 paying tourist attractions in the North, with around, depending on the year, 90,000 visitors per annum.

Having taken the decision to pursue a private sector takeover of Exploris in 2011, the late withdrawal of Ards Borough Council's chosen bidder is obviously a matter of regret. It represents a failure to successfully complete

negotiations for that takeover, but the council had been aware for some time of the problems that that company had with the proposal. Those private sector difficulties centre on the desire for significant changes to staff terms and conditions of employment, including a significant reduction in staff numbers and their contractual entitlements.

For the council to publicly threaten to close the facilities while campaigning for Executive involvement is playing politics with the livelihoods of the staff and the commitment that they have to the work that they are doing. All avenues should have been fully explored before the council even considered the nuclear option of moving towards the closure of Exploris.

My party colleague the Minister of the Environment has raised the issue of the future of Exploris at the Executive Committee for discussion. It seems clear that the Executive need to work collectively to address the threat to the future of Exploris, given that a number of cross-departmental interests are involved.

On 23 October — I have already referred to it — the Enterprise, Trade and Investment Committee went down. During deliberations the following day at the Committee, we agreed that the themes of Exploris cross many Departments: DETI on tourism and economic development; environmental concerns; educational concerns; and university concerns and issues. DCAL has already been referred to, and it concerns DFP and the Department of Agriculture and Rural Development (DARD).

It is also clear that the responsibility for agreeing a coherent plan for the future of Exploris lies primarily with Ards Borough Council, at least until the new local government structures are up and running. Executive Ministers have a responsibility to assist in developing that plan and, where possible, to offer concrete proposals for investment and financial support to secure the future of Exploris. The public want political parties to take note of the economic circumstances and the benefit to the local economy, marine conservation, tourism and education of continued operation of that facility.

Ards Borough Council should lift the threat of closure immediately and enter into a constructive process, working with the local community and businesses and the Executive to develop a coherent plan to secure the future of Exploris and to develop that facility, because it is quite clear that some investment is required to bring us into a more contemporary age. It is seen, rightly, as a regional asset —

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

Mr McGlone: — that should be protected for current and future generations, so I end as I started: “Ná lochtaigh gan leasú.” Let us hear the productive stuff.

Mr Rogers: Before I start, I welcome the people in the Public Gallery, who are so passionate about Exploris. I applaud their efforts. I must also applaud the efforts of my colleague Joe Boyle in his work to keep Exploris open. Despite what other people are saying, Joe does not vote to close it.

I welcome the opportunity to contribute to this important debate, which, quite rightly, marks the significance of Exploris. The aquarium makes an outstanding contribution to the tourist sector and is particularly important to the economy on the Ards peninsula and, indeed, across Northern Ireland. The Executive must adopt a collaborative approach to ensure that this vital facility can be sustained and remain open well into the future. This will require creative and joined-up thinking from Executive Ministers. We also need to ensure that there are ongoing conversations with Ards Borough Council so that a coherent plan for investment and financial support can be put in place. Every effort must be made to avoid closure of one of our greatest tourist attractions.

Exploris is essential to the tourist development and investment opportunities in the Strangford and Lecale areas. Through the use of the Strangford ferry, many people visit the lough area. It is a major attraction and must remain open. In the most recent monitoring round, money was awarded to the Strangford ferry and to the improvement of the roads. Indeed, these improvement works will facilitate access to this tourist attraction. I agree with other Members in that I do not simply want Exploris kept open. Its whole potential must be developed, not only in marine tourism but in marine research, renewable energies and, indeed, maybe our aquaculture industry.

Exploris contributes directly to the tourism economy in south Down and complements the family-friendly cultural tourism on offer in the neighbouring St Patrick's country and Lecale. It is vital that Exploris, a highly respected and loved tourism attraction, is given every opportunity by Ards Borough Council to continue trading.

Exploris also tells the story of the diverse marine environment: the mammals, the fish, the flora and the fauna of Strangford lough. To

close this facility would be detrimental to education provision, not only in the area but across Ireland, at a time when we are trying to promote science and see real-life science in schools.

I accept that there are challenges in terms of finding ways to meet the costs of the facility. We must do all that we can to save Exploris. Too many jobs are at stake, never mind the wider implications. If this facility were to close, it would affect everything right down to local shops. Investment opportunities and the wider economy in the surrounding area would be affected if it were shut. As other Members have said, it really is time for the Executive to work closely with Ards Borough Council and to put their heads together and work out a comprehensive and fully proofed plan to save Exploris.

Mr Deputy Speaker: The last Member to speak is Mr Fearghal McKinney. He will be restricted to four minutes.

Mr McKinney: I, too, had the good fortune to attend the recent ETI Committee meeting at Exploris in Portaferry just a few weeks ago and take the opportunity to welcome Exploris supporters to the Public Gallery.

I will just broaden the context. As I made my way from Newtownards to Exploris, the true beauty and majesty of the Ards peninsula was clear, bounded as it is on the inner shore by Strangford lough. Any tourist visiting the area knows that Exploris is a real window on that world. As we arrived in Portaferry, it was a different story, as it is clear that the town, as our Committee was to hear, scores highly in deprivation. It was not my first visit to Exploris. I have been there a number of times, so I know the educational, environmental, cultural, tourism, economic and jobs benefits of the facility. However, it has been clear to me and others — it was highlighted here — that there has been a deterioration in the facility in recent years and a drop in visitor numbers. I link the two deliberately. However, two million people like me have visited Exploris since it first opened as the Northern Ireland Aquarium. Although there has been a cost, there has also been a real benefit to the community in the terms that I highlighted. More visitors would reduce the per-head cost.

Exploris began life as a regional asset funded by local government. As I said, it has attracted millions of visitors. Even up to recent years, it was attracting something like 100,000 visitors a year. It is important to say that it has grown

from a simple tourist facility into something that is a major additional benefit.

One might think that a new devolved Government would have something formal to say about or would even consider its potential closure. You might think that the Department of Education would have something to say about a facility that has proven popular with many of our schools. You might think that the Department of Culture, Arts and Leisure would have some similar input. I know that the Minister of the Environment is an SDLP Minister, but you might think that the Department of the Environment would have something to say. You might even think that the Department of Finance, which, as we have just heard, has announced a major funding initiative for the Strangford ferry, would have given the matter some consideration, given that a considerable number of the 100,000 who visit Exploris come by — guess what — ferry. You might think that the Department of Enterprise, charged with encouraging tourists here, would have something to say about the closure of a facility that attracts about 100,000 people a year. In short, you might think that a regional Government with some joined-up thinking would have some reasonable input to the situation. You might think that, but no. It appears that, when it comes to an important regional facility such as Exploris, Ards Borough Council's bottom line has the final say. I just want to put it on record, because this is important to note, that significant opposition was voiced at the council debate. It has the final say to the extent that it does not even think that it is imperative to involve the Department responsible for tourism in its decision making. I hope that Ms Brown's —

Mr Weir: Will the Member give way?

Mr McKinney: Yes — sorry, I do not have time. The Deputy Speaker is saying that I am not getting an extra minute.

Mr Weir: You said yes, and the Deputy Speaker seems to be shaking his head.

Mr Deputy Speaker: By way of information, we are running out of time, and I restricted the Member's time to four minutes. There is not time.

Mr McKinney: I would like to say that I hope that it does not turn out that Exploris fails because of a stand-off at —

Mr Weir: On a point of order, Mr Deputy Speaker. My understanding from the previous

ruling was that, once a Member had given way, he had given way, and, even if there were 30 seconds left, because the Member had agreed to give way, surely —

Mr Flanagan: He agreed but did not give way.

Mr Weir: He did, he said "Yes".

Mr Deputy Speaker: I have no idea whether the Member gave way or not. The important thing is that I have made a ruling, and I ask the Member to respect it.

Mr McKinney: The point that I am trying to make is that I hope that Exploris does not fail because of some stand-off at the Executive corral. Whatever about the present circumstances attaching to Exploris, it is a facility that is much more than a simple aquarium.

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

6.30 pm

Mrs Overend: I welcome to opportunity to wind on the Ulster Unionist amendment.

Many will be pleased that the Assembly is debating the issue, not least the people of Strangford, who are particularly concerned by the potential closure of the facility. We are all aware of the short reprieve that Exploris is currently operating under. My hope is that today's debate will contribute to a meaningful, long-term solution that will ensure the future of Exploris as a first-class aquarium.

I genuinely feel that there is potential for Exploris in Portaferry. It already attracts in the region of 100,000 people to the area each year, and they spend up to £3 million in the local economy. It employs 42 people, either directly or indirectly. It is situated in an area that is in the NISRA top 10 deprived wards. Given that the nearest tourist facility is Mount Stewart, it has increased importance to the Ards peninsula.

My children and I enjoyed a visit to Exploris, probably about eight years ago. My children have been there again with their grandparents, so Exploris is not just a one-off visit.

Mr Weir: Twice.

Mrs Overend: Well, they are not adults yet, Peter, so we might make it back again. Sorry, through the Deputy Speaker. *[Laughter.]* Of

course, improvements are necessary if it is to be viable in the long term. Financially, we know that it will operate at a £450,000 loss following loans being paid off. That deficit needs to be dealt with. The council must play its part, particularly through the provision of a marketing officer, which we have heard mentioned on many occasions. I was disappointed to learn that one has not been in place since 2007. That needs to be rectified, especially if there is financial provision for the post. If Exploris is to be successful, it must be marketed properly and professionally. The facility needs to embrace new technology. The Giant's Causeway has shown that a tourist destination can maximise its potential in that way. During our recent visit to Exploris, the Committee Chair pointed out that Exploris does not even have Wi-Fi. Keeping up with current technology is the only way to appeal to young people. It also improves access for those with learning difficulties.

Much focus has been on who should be responsible for Exploris; in truth, responsibility should be cross-departmental. DETI is in charge of tourism, and DARD is in charge of rural tourism. The Department of the Environment has an interest in the seal sanctuary at the facility, and Queen's University is involved in marine biology research.

I now turn to what other MLAs said during the debate. In proposing the motion, Mr McCarthy covered all aspects of the debate to encourage Members to support Exploris. However, the Ulster Unionist amendment seeks to focus on the outcome. We urge Members to clearly support Exploris as a regional facility that should be funded accordingly.

Mr McCarthy: I thank the Member for giving way. Does the Member accept that, at this late stage, the Executive have clearly said that there will be no regional funding unless and until there is a plan and a vision provided by the council, which actually owns the facility? The sooner that is done, the sooner we can expect regional funding for the facility.

Mr Deputy Speaker: The Member has an extra minute.

Mrs Overend: Thank you very much. I believe that it is the Executive Ministers' responsibility to look at what they can do for Exploris. They need to take responsibility for that and provide the funding, the knowledge, the vision and the ideas on how Exploris should go forward.

I thank Miss McIlveen for adding to the debate the issue of the costs to Ards Borough Council. It was interesting to hear the detail of that in comparison with other council provision. Without getting into the political spat between Sinn Féin and the DUP, I appreciate Sinn Féin Members' support for the amendment. Mrs McKeivitt mentioned that the business community is worried about the economic impact should Exploris close. She said that we should invest in places such as this. It is recreational and educational, as well as providing environmental research and protection.

Ms Brown referred to the desire to avoid brinkmanship. I agree with that. It is time for each and every Department to examine what it can do to provide support to Exploris. Mr Hazzard complained bitterly about the lack of funding from the Enterprise Minister, yet he agrees that all Departments should look at ways to provide financial support. That includes his own Sinn Féin Ministers, whom he failed to mention. I thank the Member for Strangford Mr McNarry for clarifying his support for Exploris. *[Interruption.]*

Mr Deputy Speaker: Order, please. The Member will resume her seat. I am sorry to have to warn Members, particularly those who have just entered the Chamber, that they are not to shout from a sedentary position. Continue.

Mrs Overend: Thank you for the quietness. I will continue now.

Mr Weir said that the status quo was not sustainable. He felt that the amendment takes away from the motion. However, our aim is to add to the motion and focus on the responsibilities of the Assembly and what it can do for Exploris.

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

Mrs Overend: I urge members to support the amendment. I appreciated the ETI Committee's visit to Exploris, which added very much to our knowledge.

Ms Lo: I thank all the Members who contributed to the debate on the motion to consider urgently a way forward for Exploris. I also take the opportunity to thank all those who made presentations to the ETI Committee and the Environment Committee at a special meeting in Exploris recently at which I was present. As

many Members acknowledged, many of those people are in the Public Gallery.

I believe that there is support for Exploris in the House and among the many thousand members of the public who have signed petitions online and on paper. The question is this: how are we going to save Exploris? Many MLAs acknowledged the importance of Exploris to the local economy, tourism, culture, science, education, the SeaGen experiment and environmental protection. We also recognise the potential negative impacts not only on Portaferry, which is already a deprived area, but across the Ards peninsula, should Exploris be forced to close. It is the only aquarium and seal sanctuary in Northern Ireland, and its closure will be a loss to all the people of Northern Ireland. In the debate, we also heard about the two failed attempts to privatise the facility since 2008. It appears that, because of the uncertain future of the facility, there has been a lack of investment in the marketing of Exploris over the years.

Our motion calls for a united effort from central government, the local authority, the local community and stakeholders to work together to formulate a coherent plan not only to rescue Exploris for the moment but to put it on a sustainable long-term footing. I am glad that many Members expressed the same view. As many of us said, we need a partnership, with Ards Borough Council taking the lead, assisted and supported by the relevant Departments. To do that, we also need to modernise and promote Exploris as a centre of excellence for tourist experience, educational enhancement, environmental protection and marine research and development.

I will make a number of brief points. I am disappointed that no Minister is present for the debate. I also note Mr Nesbitt's comment about the lack of departmental officials willing to turn up at a meeting that he called for. I am very disappointed at the tone of today's debate. Some Members, in particular Miss McIlveen, changed the focus of the debate from a genuine attempt to find a solution to save Exploris to one of party political and tribal bickering.

Mr Boylan believes that Exploris is a viable project and recognises that Executive support and partnership are needed to bring it forward. Mrs McKeivitt mentioned the contradiction of Roads Service investing in local roads and the ferry getting upgraded, yet we are looking at closure of the facility.

Ms Brown put forward a number of options and urged that all are looked at. That is sensible

and in line with the motion. Mr Hazzard said that Portaferry was the ideal location for the aquarium but investment was needed to make it viable in the long term. He queried the ETI Minister's lack of interest in Exploris.

Mr McNarry introduced quite a bit of cynicism in questioning our sincerity in raising the issue in the House. He worried that we may raise expectations that we are not able to fulfil. I have known Mr McCarthy for a long time and know how passionate he is about his constituency and Exploris. It is important to recognise that.

Mr Weir said a lot, but his main point was that the Executive could not give a blank cheque to save Exploris. However, councils and everybody need to work together to find a solution.

Mr Flanagan said that Exploris was an excellent facility. He was there to witness it. He acknowledged the neglected state of the place but said that it had huge potential. He raised the important point that it is a public service and we need to subsidise it. Public services are not there to make profit, which is an important point that we need to remember.

Mr McGlone, Chair of the ETI Committee, took us all to Exploris, and I certainly enjoyed the trip. He said that his Minister, Mr Durkan, explored the issue with his Executive colleagues, and I thank Mr Durkan too for taking a lead in this. However, Ards council needs to take the lead and work with the Executive. He thought that the council should lift the threat of immediate closure and that we should all work together with the local community, businesses and all the stakeholders.

Mr McCarthy: I thank the Member for giving way. Just for information, it may be useful for Members to know that there is an Alliance motion on 20 November that, in view of all that has gone on, the council should rescind the decision taken earlier and allow further time to save Exploris.

6.45 pm

Ms Lo: Mr Rogers said that Exploris was a major tourist attraction with huge potential to thrive but we need a coherent plan. Mr McKinney listed the relevant Departments that should have responsibility for Exploris. He said that regional government should have joined-up thinking in producing a coherent plan. He hoped that the attraction would not fail because

of a stand-off between Departments and between Ministers.

I think that those were all the contributions, and I thank everyone who spoke. I certainly think that we all need to work together. It is a wonderful place. I went there when it first opened. My children were very young and were really wowed by the large fishes in the tanks. I went again last week, and I am still very impressed by it. When you see the seals lying in their little cubicles or apartments — whatever they are called — they look so helpless. Surely we have to make every effort to make the place viable and keep it going.

We need to look at investment in the facility to bring it into the 21st century to make it a modern, attractive and must-visit venue. Let us all do it together. Let us grasp the opportunity to make Exploris an economic, educational and environmental hub and show the world what we can offer here in Northern Ireland.

Question put, That the amendment be made.

The Assembly divided:

Ayes 45; Noes 38.

AYES

Mr Agnew, Mr Allister, Mr Attwood, Mr Beggs, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Copeland, Mrs Dobson, Mr Eastwood, Mr Elliott, Ms Fearon, Mr Flanagan, Mr Gardiner, Mr Hazzard, Mr Hussey, Mrs D Kelly, Mr Lynch, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr B McCrea, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Milne, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mrs O'Neill, Mrs Overend, Mr Rogers, Ms Ruane, Mr Sheehan, Mr Swann.

Tellers for the Ayes: Mr Nesbitt and Mrs Overend

NOES

Mr Anderson, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Dickson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Ms Lo, Mr Lunn, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson, Mr P

Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir.

Tellers for the Noes: Mr Dickson and Mr G Robinson

Question accordingly agreed to.

Main Question, as amended, put.

The Assembly divided:

Ayes 52; Noes 31.

AYES

Mr Agnew, Mr Allister, Mr Attwood, Mr Beggs, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mrs Cochrane, Mr Copeland, Mr Dickson, Mrs Dobson, Mr Eastwood, Mr Elliott, Dr Farry, Ms Fearon, Mr Flanagan, Mr Ford, Mr Gardiner, Mr Hazzard, Mr Hussey, Mrs D Kelly, Ms Lo, Mr Lunn, Mr Lynch, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Ms McCorley, Mr B McCrea, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKevitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Milne, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mrs O'Neill, Mrs Overend, Mr Rogers, Ms Ruane, Mr Sheehan, Mr Swann.

Tellers for the Ayes: Mr Nesbitt and Mrs Overend

NOES

Mr Anderson, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr Moutray, Mr Newton, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir.

Tellers for the Noes: Mr Clarke and Mr G Robinson

Main Question, as amended, accordingly agreed to.

Resolved:

That this Assembly acknowledges the regional significance of Exploris — the Northern Ireland Aquarium in terms of tourism, culture, science, education and environmental protection; recognises its importance to the economy on the Ards peninsula and across Northern Ireland;

and calls on the relevant Executive Departments to provide the regional funding, resource and support required by Ards Borough Council to maximise the benefit of Exploris to the economy of the Ards peninsula and to Northern Ireland.

Motion made:

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

Adjournment

Justice for Derg Valley Victims Voice

Mr Deputy Speaker: The proposer of the topic will have 15 minutes, and all other Members who wish to speak will have approximately seven minutes — *[Interruption.]* Silence when you are leaving the Chamber, please.

Mr Buchanan: I am glad to see some members of Derg Valley Victims Voice with us in the Public Gallery this evening. The material that I will use in the debate was mainly collated by members of the group, because I believe that it is important that the voice of the victims be heard in the Chamber this evening.

Derg Valley Victims Voice was formed in February this year to remember the innocent victims of IRA terrorism in Castlederg and district. It is an entirely voluntary campaigning organisation that seeks to ensure that the voices of victims' families are heard by the Government, their agencies and political representatives.

The members of Derg Valley Victims Voice believe that innocent victims of the Troubles in Castlederg district have been neglected and their interests forgotten in the ongoing political process that has concentrated on placating and appeasing unrepentant terrorism. That has been to the detriment of decent citizens who stood for law and order and happened to be in the wrong place at the wrong time or were selected for assassination because of their religion or place of worship.

As well as the sense of exclusion from the political process, the members of the group are united by the continuing sense of injustice that they feel for their loved ones. A total of 29 people were murdered in Castlederg by IRA terrorism during the Troubles, but only two murder convictions have been made, and 93% of the cases remain unsolved. The few murderers convicted for their crime have long since been released from prison as a result of the Belfast Agreement. For the overwhelming majority of victims' families, there has been no closure. When we talk to them about the past, we are, in fact, discussing their present-day situation. When we listen to their stories, it is impossible not to be moved by the sense of loss, hurt, injustice and grief that they feel to

this very day. Equally, one cannot fail to be impressed by their modesty and dignity. In Castlederg, the past has never been adequately addressed. Perhaps that, in part, explains the continuing division between the nationalist and unionist traditions in the town.

It is the contention of the victims' group that it is the Government's duty to take the lead in releasing the families of victims of terrorism from the shackles of the past. That can be achieved only through the delivery of justice — no matter how uncomfortable that process might be for the perpetrators, how difficult it might be for the political institutions in which they are embedded or, indeed, how difficult that might be for political representatives in the Chamber. Peace cannot be built on injustice and inequality.

Most of you know that Castlederg is one of the most westerly towns in the United Kingdom. The north, south and west of the town have a land boundary with the Irish Republic. Before the Troubles, Castlederg, like any other place in Northern Ireland, was a peaceful place to live, to rear a family and bring up your children. However, that tranquillity ended when, in August 1970, a bomb was left in Castlederg. A home-made device was placed at the local council offices in the middle of the night. Although no one was injured in the attack, the blast damaged the council buildings and 11 homes in the nearby park.

The IRA carried out a further 16 bomb attacks in the locality in the following two years. Such were the ferocity and intensity of the bombing campaign against the commercial centre of the town that, during the 1970s, the Belfast press described Castlederg as Ulster's most bombed small town. In all, the IRA carried out more than 70 bomb attacks in the area during the Troubles, mainly against Protestant-owned businesses, local government facilities, the local RUC station and the UDR camp at Rockwood.

Those attacks brought a constant feeling of fear and trepidation to the local community, and Castlederg quickly became a place where the presence of a stranger, an unfamiliar vehicle or an unusual package prompted suspicion that another terrorist attack was about to take place in the town.

7.15 pm

As well as a bombing campaign aimed at causing damage, disruption and death, the Provisional IRA conducted a sectarian assassination campaign against local members

of the security forces and Protestant civilians. Twenty-one people were murdered by the IRA in Castlederg and the district, and a further eight men from the area were murdered by the Provos in other parts of Northern Ireland. Of the 29 Castlederg people who were victims of IRA violence, 28 were Protestants, nine were civilians, and 12 of 20 members of the security forces were off duty when they were murdered. Two of those who died were women, and just two murder charges have been brought in connection with this litany of sectarian killings. The first UDR soldier to be killed in Northern Ireland and the youngest police officer to be murdered during the Troubles were from Castlederg.

From August 1971 through to October 2001, the following 29 Castlederg people were murdered: 22-year-old Winston Donnell, single; 28-year-old Kenneth Smyth, married; 29-year-old Daniel McCormick, married; 34-year-old William Clark, married; 27-year-old William Bogle, married; 18-year-old William Brown, single; 37-year-old Jacob Rankin, married; 31-year-old Brian Russell, married; 59-year-old William Clarke, married; 39-year-old Lexie Cummings, single; 24-year-old Thomas Harron, married; 32-year-old Ronnie Finlay, married; 25-year-old Greg Elliott, single; 44-year-old Thomas Loughlin, married; 32-year-old Norman McKinley, single; 20-year-old Heather Kerrigan, single; 28-year-old Jackie Hamilton, married; 18-year-old Victor Foster, engaged to be married; 27-year-old William Pollock, married; 44-year-old Desmond Caldwell, married; 28-year-old Michael Darcy, single; 59-year-old William Monteith, married; 26-year-old Stephen Montgomery, married; 32-year-old Olven Kilpatrick, married; 43-year-old Andrew Bogle, married; 23-year-old Ian Sproule, single; 47-year-old Ronnie Finlay, married; 74-year-old Annie Bogle, widowed; and 30-year-old Charles Folliard, single.

Each murder not only ended the life of the victim but changed the lives of their families forever.

Mr Humphrey: I am grateful to the Member for giving way. Does he agree that, given the age profile of the people whose names he read out, it clearly demonstrates that the IRA was involved in a campaign of genocide against Protestants along the border?

Mr Buchanan: Absolutely. I think that the Member could not have put it in better words.

Children grew up without the love and guidance of their father; sons and daughters predeceased their parents; and brothers and

sisters were left to mourn the death of their siblings. Their grief has been further compounded over the years by the continuing absence of justice for their loved ones.

The wider community in Castlederg also suffered as a result of the IRA terrorist campaign. In addition to the terrorist attacks that resulted in the loss of life, countless other failed bomb and gun attacks were carried out by the IRA against Protestant-owned businesses and the unionist people of the district. Members of the security forces and their families lived under constant threat of death, and many businessmen were intimidated, attacked or put out of business for trading with the security forces.

A number of families lost more than one member to the IRA. Of what was and remains a small community, most people would have known someone who was murdered by the IRA: a family member, a friend, a workmate, a neighbour, a school chum, or whatever. The impact of that on the Protestant/unionist community has never been properly assessed by the Government or statutory bodies, let alone addressed.

The IRA assassination campaign led to inter-communal strife between Roman Catholics and Protestants who had previously lived together in relative harmony. As the IRA campaign intensified, suspicions developed, alienation followed, and housing became segregated. During the 1970s, three new housing developments were built in Castlederg. The religious denomination of their tenants was mixed, but that had changed within a decade as Protestants, and particularly security force families, were intimidated out of those areas. Today, out of 228 homes on those three estates, only one is Protestant. That is the stark reality of what people had to live with in Castlederg.

The decision by Sinn Féin to relocate an annual commemorative event for IRA terrorists away from its usual venue in the republican area of Galbally to Castlederg on 11 August resulted once again in the town being thrust into the media spotlight to become the centre of the political arena. Victims' families were appalled and outraged at Sinn Féin's deliberate and provocative decision to commemorate terrorists killed by their own bomb as they transported it to Castlederg in August 1973. Sinn Féin showed absolutely no consideration for the hurt and trauma that the event brought to the victims' families.

The event itself saw republican bandsmen dressed in terrorist regalia walking the streets where IRA terrorists had brutally murdered and bombed with reckless disregard for human life. The parade passed the scene where two members of the security forces had been murdered. This devastated the families of the victims of IRA terrorism. Community relations in Castlederg were propelled back in time by some 20 to 30 years as a result of the events of 11 August. Members now await the outcome of a police investigation into the multiple breaches of the Parades Commission determination, although more in hope than expectation, and hope that those who broke the law are made amenable for their actions.

Members of the Derg Valley Victims Voice advocate the need to develop and deliver a comprehensive strategy, underpinned by legislative change where necessary, that can deal fairly and thoroughly with the effects of Northern Ireland's past, present and future. The 1998 Belfast Agreement ushered in the prisoner release scheme, a controversial priority in the agreement, with arrangements for the early release of convicted criminals. When the early release scheme came into operation, terrorist prisoners who were responsible for some of the most heinous crimes walked free from prison straight back into the communities where they had caused those crimes and, in many cases, into the same towns or streets where their victims' families lived. Chance encounters with the murderers of loved ones on the streets became a frequent and distressing occurrence for victims' relatives. This was the beginning of a continuing sequence in which innocent victims were retraumatised as a direct outcome of the political process.

Releasing convicted terrorists early and the limiting of sentences for new convictions relating to qualifying pre-1998 terrorist offences also served to enable the cheerleaders of terrorism to claim that terrorist offences carried out prior to the Belfast Agreement were in some way justifiable while those of recent years are not. That argument is, of course, entirely flawed, because murder is murder irrespective of when it occurs, by whom or for what cause it is carried out. It is hypocritical, therefore, for senior republicans such as Martin McGuinness and Gerry Kelly to take every opportunity that they have to attempt to legitimise Provisional IRA terrorism, the murder and maiming of hundreds of innocent people, while condemning the latter-day standard-bearers of physical force Irish republicanism.

The range of agencies and mechanisms that emanated from the Belfast Agreement and that

are in place to deal with the past are fragmented, under-resourced and based on bad legislation. Conversely, some agencies or inquiries have been hugely over-resourced and made available only to nationalists or in instances in which the state is alleged to have had a role in particular killings. This negligence of others and a means of recognising the enormous hurt these people continue to suffer —

There are a number of matters that the Derg Valley Victims Voice considers to be priorities in dealing with the past. The group feels that it is paramount to its members' needs to have each and every one of these priorities dealt with. There are seven priorities, and I want to leave them with the House tonight.

First, an appraisal and review of the definition of a victim should be conducted; secondly, that there is acceptance of responsibility by republicans for the consequences of the campaign they instigated under the cover of the objectives of the civil rights movement, and the issuing of an apology without reservation or qualification for their actions; thirdly, that there is an acknowledgement by the Irish Government —

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

Mr Buchanan: — of the consequences of the support that they gave in relaunching the IRA and of the other actions and policies in respect of Northern Ireland that enabled terror; fourthly, that there is acknowledgement by Her Majesty's Government that they failed to provide a security policy —

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

Mr Buchanan: — to meet the needs of the security situation in the west Tyrone borderlands; —

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

Mr Buchanan: — fifthly, that there is the establishment of a mechanism that delivers justice for the victims created by the actions of the IRA and other terrorist organisations —

Mr Deputy Speaker: Sorry, I must ask the Member to resume his seat, please.

Mr Buchanan: — with the complicity or negligence of others, and a means or

recognising the enormous hurt those people continue to suffer today.

Mr Deputy Speaker: Sorry, you must —

Mr Buchanan: Mr Deputy Speaker, if you will allow me, I have only more thing.

Mr Deputy Speaker: No.

Mr Buchanan: Sixthly, that there is legislative change that prevents the glorification of terrorism anywhere in Northern Ireland, and, seventhly, that there is recognition of the restraint of many hundreds of members of the security forces who served with distinction in west Tyrone — a fact not given the recognition it deserves.

Only when these matters are dealt with thoroughly —

Mr Deputy Speaker: I am sorry —

Mr Buchanan: — will those who suffered and continue to suffer the most from Northern Ireland's troubled past be in a better position to move forward with the rest of their lives.

Mr Deputy Speaker: The Member —

Mr Buchanan: I commend this to the Office of the First Minister and the Justice Minister —

Mr Deputy Speaker: Sorry —

Mr Buchanan: — and trust that action will be taken —

Mr Deputy Speaker: I ask the Member to please resume his seat.

Mr Buchanan: — to alleviate the continual suffering that the victims of Castlederg have suffered for over 30 years.

Mr Deputy Speaker: I am sorry; I know that this is a very sensitive issue, and I have given the Member almost two minutes over his time. I am sure that I will be in trouble about that.

Ms Boyle: Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to speak to the House and to those in the Public Gallery today on what I and Sinn Féin regard as a very important part of our past and our future.

Peace and reconciliation have been the cornerstone of what republicans have been

about in Ireland for decades. When our party leader, Gerry Adams, began discussions with other political parties and interested people, Sinn Féin's aim was to end the conflict in Ireland through dialogue. We remain committed to that desire today, as much as we ever have been, and give a commitment that we will pursue all avenues through entirely democratic and peaceful means to ensure that all the people on this island can live together peacefully through an understanding of each other's cultures and beliefs and an understanding of the right to stand up to injustice in whatever shape or form it may take.

As an elected MLA for the Castlederg and Aghyran areas, and from my time as a councillor in Strabane District Council, I have come to know many people in the Castlederg area through my constituency office, and they are very good people. They, like everyone else, want to move forward and do not want to keep looking over their shoulder at the past.

Mr Humphrey: Will the Member give way?

Ms Boyle: No.

However, I understand that the political conflict in Ireland and Britain caused terrible devastation and loss and that, as a result, there has been much hurt and pain, and the Castlederg area has seen many dark days.

I have listened with total sympathy to the Members opposite speak about the unimaginable loss suffered by the unionist community in Castlederg and about the hurt and pain inflicted on family members down through the years. As a republican, I cannot ignore that, nor can I fully understand the grief that a wife, husband, mother, father, son or daughter felt or continues to feel when a member of their family died as a result of the conflict.

Mr Buchanan: Will the Member give way?

Ms Boyle: No, I will not give way.

That is a challenge for us all. Just as republicans are willing to try to understand the unionist community's hurt and pain, so, too, must unionists understand that they and the British Government must recognise the hurt and pain they caused to the nationalist and republican people.

Unionism is not without blame. Unionism was part of the conflict in Ireland, just as it will be part of the solution to a new Ireland. Victims

were created by all sides of the conflict: republicans, the British state, its forces, its agencies and unionists. Listening to the Members opposite —

7.30 pm

Mr Clarke: They did not wear balaclavas.

Mr Deputy Speaker: Order, please. The Member will resume her seat.

I appeal to all Members to show respect and dignity to the subject under discussion. Let us have no more shouting from a sedentary position. That is only showing disrespect —

Mr Clarke: They are glorifying terrorism.

Mr Deputy Speaker: I am sorry, are you questioning the ruling of the Chair?

Mr Clarke: No.

Mr Deputy Speaker: I hope not. Continue.

Ms Boyle: Go raibh maith agat, a LeasCheann Comhairle. Listening to the Members opposite, an independent observer would be forgiven for believing that it was only republicans who caused loss of life and suffering in the Castlederg and Aghyaran areas. That could not be further from the truth. Pre-1969, the nationalist/republican community, as in every part of the North, suffered discrimination and injustices at the hands of the one-party unionist state. Some would still prefer that to be the prevailing circumstance in Castlederg and other areas.

The RUC and the UDR — the local armed militia of the British Government — must also accept responsibility for their actions in the Castlederg and Aghyaran areas. Both those state forces caused terrible hurt and pain to the people whom I represent. Their campaigns of harassment, house raids, collusion and shoot to kill were totally justifiable in the eyes of some of the Members opposite. Republicans did not ask for the conflict in this part of Ireland. The unionist/loyalist death squads controlled by the British state were also active in the Castlederg and Aghyaran areas from the early 1970s. They planted a no-warning bomb in Killeter, killing one local woman, Kathleen Dolan, in 1977, and they shot dead a local man, Mick McHugh. In the 1980s, they were very active in planting numerous firebombs in local GAA halls and shops, and they killed a local bread man, Dermot Hackett, who was supposedly killed by

loyalist Michael Stone. They also planted a booby trap bomb on a tractor, seriously injuring a 15-year-old boy, and they shot my party colleague Pádraig Shanaghan in 1991 after years of continued harassment by the RUC, the UDR and the British Army.

The moral compass on which the Members opposite base their condemnation of republicans does not take into account their support for the campaign of death and destruction carried out by Britain or her proxies against the nationalist and republican people of Castlederg and Aghyaran. Yes, we too have suffered; we all have. In recognising the pain that each side of the conflict has inflicted on each other, it must be fully recognised that there was a war, but we must not allow a hierarchy of victims that would discriminate against one community or the other. We are told by the unionist Members opposite that Tyrone republicans are insensitive to those who have suffered at the hands of republicans in the Castlederg area. However, in Castlederg, Sinn Féin, initially led by the late Sinn Féin councillor Charlie McHugh and Pat Doherty MP, has been involved in dialogue with the local loyal orders and other representatives from the unionist community for over five years. We have continually recognised the need for dialogue as a way forward. Can Mr Buchanan say the same? In recent times, Sinn Féin contacted the Derg Valley Victims Voice offering to meet it or offering assistance. We await a response. That offer still stands.

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

Ms Boyle: Without dialogue in the Derg or anywhere else in the North, we cannot progress. Unionist leaders need to show positive leadership.

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

Ms Boyle: The people of Castlederg and Aghyaran look to us, as local MLAs and community leaders, to provide leadership and a way forward. That is a challenge that we must face, and, as a republican from west Tyrone, I am prepared to meet that challenge with the local MLAs: Mr Tom Buchanan, Joe Byrne and Mr Ross Hussey.

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

Ms Boyle: Will they agree, on leaving this debate, to meet me and other local politicians and community leaders to work through our past?

Mr Clarke: *[Interruption.]*

Ms Boyle: And that is the challenge.

Mr Clarke: — that your party was involved in.

Mr Deputy Speaker: I must warn the Member that he is in very serious breach of the normal conduct of Members in the Chamber, and it will be noted.

Mr Byrne: The Castlederg area has suffered a lot from the Troubles through bombings and the deaths of civilians and members of the security forces. It has had more bombings than any similar-sized town in Northern Ireland, as Mr Buchanan mentioned. Too many people have been killed needlessly in this part of Tyrone. Too much tragedy, pain and suffering has been endured by many victim families.

The recent republican commemoration in Castlederg was offensive and insensitive to the vast majority of victim families and, indeed, the local community. It has been interpreted and witnessed almost as a revisiting of the trauma on many local victims in the Castlederg area. No one wants republicans to be denied their desire to honour and commemorate their volunteers who have died, even those on active service, but they have to be sensitive to the trauma and the pain that has been endured by many of the unionist and Protestant victims in Castlederg.

The Derg valley victims' group has been vocal and organised since it was formed this year. It allows victim families to meet and make representations. They are mainly people associated with unionist-minded families and with security personnel who have suffered much in this part of Tyrone. They are entitled to be heard and acknowledged by the House and, indeed, the wider Northern Ireland community. Many other victims' families suffer in silence and isolation. The Eames/Bradley exercise afforded many silently suffering families the opportunity to come forward and tell their story of pain and suffering, and that was worthwhile. Indeed, many of the victim families of Castlederg appeared before the Eames/Bradley hearings.

I must put on record the names of some of the other victims in the Castlederg area: Kathleen Dolan of Killeter, who was posting her wedding invitation cards when she was killed; Dermot Hackett, a bread man from Omagh who lived in Castlederg and was killed; Patrick Shanaghan, a Rivers Agency worker; and Mick McHugh, a forestry worker. Others, too, were murdered or

killed in that area. All those people were civilians who were going about their normal work.

All the victim families need the Haass process to deal with their pain and suffering through an outcome relating to dealing with the past. The reason why dealing with the past has to be dealt with sensitively and with understanding is so that a meaningful outcome and mechanism can be put in place to cope with the spectrum of needs of victims. A single-dimensional approach will not suffice. Not all victims want a legal or criminal justice approach. Some want, quite simply, the truth about why their family member was killed. Some want some acknowledgement, while some want proper counselling and health-related support, among other outcomes. For some, a genuine apology would go a long way.

As a native of the Castlederg area, I am very aware of the pain and suffering associated with the Troubles in that part of Northern Ireland. I did not come lately to the issue of the area. We should not try to reopen old wounds or add to the suffering that all those victim families have had to suffer over many years.

I support Mr Buchanan for tabling the topic and helping to bring to the Assembly the issue on behalf of his victims and, indeed, all the victims of the Castlederg area. Castlederg suffered a relentless campaign of violence — bombings and killings. Community relations were set back very badly for many years. Thankfully, in recent times, a lot of work has been done to build better community relations, but what happened in August was a setback. It must not be a permanent setback. People, including republicans, have to learn that they have to be more sensitive and more tolerant. Equally, in Castlederg, the unionist-minded people have to realise that having so many band parades also causes some turmoil and discontent. The way forward is to have real dialogue, genuine apologies and a genuine sense of trying to deal with the past in a commonsense and sensible way. I hope that there will be better days ahead for Castlederg.

Mr Deputy Speaker: I call Mr Ross Hussey, who is the only Member who has the permission of the Speaker to remain seated if he so wishes.

Mr Hussey: Thank you, Mr Deputy Speaker. Should I sit down, do not take offence.

I was listening to the radio this morning, and a priest in the Republic of Ireland said, "One day, you will stand before your maker and account

for your actions". That was about the disappeared. This gives me an idea of the mindset of the IRA. The IRA was prepared to take somebody from their home, murder them, bury them and forget about them. One day, the people who did that will stand before their maker.

Much is often said by republicans about a conflict. There was no conflict in Ireland or Northern Ireland; we had a campaign of terrorism. A terrorist is described as a person who uses or favours violent and intimidating methods for coercing a government or community. That is what happened in Castlederg. It was terrorism, and it was conducted by terrorists. No sweet talking will change what those people are or were. They were not fighting for justice, and they were not freedom fighters: they were cowardly terrorists.

Here today we have victims from Castlederg. We have Gary Bogle. I am sure that Gary will not mind me pointing him out and talking about him. I heard that man talking about the death of his father when he was a very young boy. He and his two brothers were in the car. His father was in the car, and the mother had gone into Killeter post office. The father saw someone coming towards them. He realised what was happening and went in to his wife. He was shot in the back by a coward in front of his wife. Three young children were sitting in the car. What did that ever do to bring about a united Ireland? What did that ever do to make you a proud Irishman? What was the reason for that? It was pure, blatant sectarianism. The man was murdered because he was a Protestant.

I hear other nonsense talked about collusion. Somebody colluded in the murder of Mr Bogle and several others in the Castlederg area. Somebody said to somebody else, "This person is working in Strabane today" or "This person is working in Castlederg today" or "This person lives in wherever, and they park their vehicle wherever". There is your collusion. That happened in Castlederg. Bombers were brought in from all over the place, and the heroes scuttled off back to their rathole. Castlederg was nearly bombed out of existence. How can you justify 70 bombs in a town the size of Castlederg? Apart from attempting to blow the town off the face of the earth, what were you going to achieve? Nothing. You were terrorising a community.

Gary Bogle also lost his grandmother. Why? Because the IRA decided to bomb a Chinese restaurant. A Chinese restaurant, for God's sake — what were they going to do? What did they ever do against the IRA and the people of

Ireland? His grandmother took a fatal heart attack.

I have worked with the group from day one. I have met it on many occasions. One of the saddest occasions was when a man — I will just call him John — told us the story of his wife. She was eight months pregnant, and the brave heroes of the IRA blew up Sion Mills police station. She fell and, at eight months pregnant, lost her child. What good came of that murder? That child is not mentioned in the figures. In the Omagh bomb, 29 people and two unborn children were killed. Omagh is rightly in the news because, at one time, republican terrorists took out 29 people and two unborn children. Over a 20-year period, Castlederg suffered the deaths of 29 people and one unborn child.

7.45 pm

Not one sod of Ireland is worth the murder of anybody. I proudly wore the uniform of the Royal Ulster Constabulary for 25 years. I am big, and you could not miss me. When I served in the Royal Ulster Constabulary, I wore a uniform, and I did the beat in Omagh and many other places. I was seen to be doing my job. What did these cowards do? They hid behind ditches. They sat in the Republic of Ireland, and they pushed a button. Heather Kerrigan died in the arms of her brother — bleeding on her brother — because some hero sitting in County Donegal pushed a button. I saw Mrs Kerrigan on 11 August, and what a sad sight that was: a mother grieving for her lost daughter and one of the nicest girls you could have ever met. What was she to the IRA other than a pawn?

You talk nonsense about peace and reconciliation. You talk about bringing an end to conflict in Ireland. You were responsible for the murder of most of the people who were killed during the Troubles, and you were also responsible for the deaths of most of the Roman Catholics who were killed during the Troubles. So, do not start this nonsense of trying to blame the RUC and the UDR for all our woes. The majority of deaths in Northern Ireland were at the hands of the IRA and the republicans. You have nothing to be proud of, and what you did in Castlederg was a shame. It brought shame on you. It brought shame on Ireland. We will not forget it. We cannot forget what was undertaken. All deaths by terrorists are wrong, but the murder campaign that was carried out in Castlederg was a disgrace. As the priest said, "One day you will stand before your maker and account for your actions". I would hate to be in the position where I had to

stand in front of my maker and say that I was responsible for the death of anyone. My sympathy is with the people of Castlederg.

Mr Ford: I congratulate Tom Buchanan on securing the debate. For the record, I should make it clear that I am speaking for my party and not in any sense as Minister. The issues that are the concern of Derg Valley Victims Voice are not those that affect the Department of Justice today. However, as one whose roots are in west Tyrone, even though I now represent South Antrim, I believe that it is important that I should be here to add my voice of sympathy to the comments that have already been made here.

It is absolutely clear that the sympathy of the House should go out unanimously to those represented by Derg Valley Victims Voice. There is no doubt that, as has been put forward by Tom Buchanan and Ross Hussey, there was a sectarian campaign waged in the Castlederg area not just against those who wore uniforms but against some civilians. There is no doubt that there was suffering on a scale that is almost unprecedented in any other part of Northern Ireland, perhaps because of the geography and perhaps for other reasons. In that context, we should recognise what Ross has drawn our attention to: the similarity between the number of people who died in one event in Omagh and the people who died over a period of years in and around the relatively small community of Castlederg.

I certainly welcome the comments that Michaela Boyle made about seeking to establish peace, but I think that she and her colleagues need to be an awful lot more sensitive to what has gone before than the latter part of her speech showed. It is fine to come out and make the speeches about seeking peace and seeking reconciliation and wishing to move forwards, but there is a need to acknowledge the part that your associates played in the Troubles and not merely point the finger across the Chamber, which, sadly, is what she did.

What we saw in Castlederg in August was a disgraceful attempt to coat-trail, to cause fear, to cause upset and to damage the community relations and whatever work was being done to move things forward there. I believe that families have a right to remember the dead of their own family and that people have a right to remember their friends, whatever the circumstances of their death. However, that right is not a right to coat-trail. It is not a right to cause offence. It is not a right to cause fear. It is not a right to raise further suspicions and

further concerns. Sadly, that is what we saw from Sinn Féin when it staged that march in August.

I believe that there was a very real danger that we could have seen major trouble coming from that, had it not been for the very sensible behaviour of Derg Valley Victims Voice and the dignified way in which those who wished to protest against that activity protested by a religious service and behaved themselves in a way that ensured that others who might well have come from outside and caused problems did not get the opportunity to do so.

As far as I am concerned, commemorating and venerating dead terrorists is equally offensive whether they were active in the IRA or were those who are dealt with in a similar way and also commended by loyalists who commemorate the actions of people in the UVF and the UDA. We need to get away from that. We need to recognise that what went on in the past is the past and should be put behind us. We need to see people moving forward, because there would have been serious damage in Castlederg if it had not been for the dignified way in which protesters responded. Even with that, as Tom Buchanan has said, there has been serious damage to community relations in and around the town.

In that sense, perhaps we can say that the victims represented by Derg Valley Victims Voice are in no different a position from those of many other victims who suffered because of the violence of terrorists, whatever cause those terrorists claimed, but they are here today as an illustration of where this society needs to move forward. It illustrates the need for those of us who are elected politicians in this place to fully engage with the talks process being led by Dr Richard Haass. It illustrates the need to look at what different ways we can move forward and actually achieve genuine reconciliation in the future, not a kind of half-hearted gesture politics of reconciliation.

I certainly regret that the report of the Consultative Group on the Past — the Eames/Bradley report — was rejected in its entirety because of one particular aspect relating to financial payments. I believe that we are going to have to go back and look to see how we allow victims to tell their story, how we allow people to recognise the suffering that went on and how we ensure that we can find a better way of commemoration that is not just a divisive commemoration.

There were positive ideas put forward by Eames/Bradley and by the Victims'

Commission, and we need to look to those. What we do not need is to treat victims as merely a weapon to use in a continuing propaganda war, which is what seems to be coming in some places. I hope that we will see that positive step forward. I hope that we will see people seriously engaging and setting their minds to a different way of looking forward.

There is also no doubt that there are real issues about whether, through the services that are provided by the different agencies responsible both to us and to the Northern Ireland Office, victims are really seeing their needs met in terms of some of the practical issues, some of the issues around counselling and dealing with the effects of trauma, which is clearly continuing in some cases. There are massive questions as to the resources that we are collectively putting into that.

We need to ensure that we move away from the concept that any glorification of terror is acceptable, whatever cause those terrorists claimed. We need to move forward to genuine reconciliation and, most of all, to ensure that the needs of individual victims are met.

Mr Nesbitt: Will the Member give way?

Mr Ford: I think I had finished, but I will.

Mr Nesbitt: I appreciate the Member giving way. As he brings up Eames/Bradley, will he agree with me that, if we were looking at the four strands proposed in the Consultative Group on the Past's report, when it comes to the strand on thematic investigations, the one that should be begun first and foremost is a thematic investigation into what was clearly ethnic cleansing by the IRA of unionists and Protestants on the border?

Mr Ford: It is certainly a very serious issue that Mr Nesbitt raises. I think we need to be very careful in suggesting that only those Protestants who died at the hands of republican terrorists should be treated as the first priority. We have to recognise what also happened in a number of other areas where the victims were largely Catholics at the hands of unionist terrorists. What is clear in the debate today is that we need to recognise the suffering that was really inflicted on the people of Castlederg.

Mr Bell: I rise to bring the full support of the Democratic Unionist Party behind my colleague Tom Buchanan, who has so eloquently outlined the needs of the Derg valley victims and their plight, which they should never have had to

suffer. It was unjustified and unjustifiable, and it always will be.

I had the privilege of working in Castlederg between 1992 and 1997, when I worked for the Western Health and Social Services Board, as it was then. Castlederg was a beautiful area. It was an outstanding town. It had a people who were, on many occasions — I worked right across the board — marked by their kindness, generosity and a wonderful country spirit that brought the very essence of humanity into life. Sadly, that town was to be targeted by the Provisional IRA and other terrorist organisations in a pre-planned, premeditated and systematic ethnic cleansing of the Protestant and unionist population.

I am conscious today that, of the 29 murders, 27 are unsolved. The Justice Minister said that it was not a matter for the Department of Justice. I am sure that he did not mean to put it that way. The 27 unsolved murders most definitely are a matter for the Department of Justice. Those who murdered them are criminals and need to be brought before the criminal courts and held accountable for their actions. Let me tell the House —

Mr Ford: Will the Member give way?

Mr Bell: I will give way on that point.

Mr Ford: Technically, those are clearly matters for the PSNI; they are not matters for the Department of Justice.

Mr Bell: The PSNI, the Public Prosecution Service and the Department of Justice via the courts are responsible for bringing the murderers of those 27 people before the courts to hold them accountable.

Let me be absolutely clear: the people who ordered the murders — I hope that Mr Adams is listening or will get a transcript — are as responsible as the people who pulled the trigger and planted the bomb, in exactly the same way as Gerry Adams is responsible for the murder of Jean McConville.

Mr Hussey: Will the Member give way?

Mr Bell: I will.

Mr Hussey: Do you also agree that those who colluded with the terrorists, who pointed out where the 29 people lived and where they parked their cars, are also guilty of murder and of that wonderful term "collusion"?

Mr Bell: They are, as the honourable Member put so well, guilty of collusion.

Slowly, we are starting to hear the voice of defenceless widows and the people who were hurt. We saw them last night on television. Their voices — the voices of people who do not have guns or bombs and were not prepared to engage in murder — are being heard and are demolishing decades of deceit by the republican movement and other terrorist organisations. Why should I be surprised that they systematically murdered 29 people and psychologically injured many others through the terrorism that they engaged in? These were people who were prepared to murder within their community. They were prepared to kidnap, torture and murder a woman, knowing that she was a single mother of 10. After murdering that defenceless single mother of 10, they were prepared to put an IRA gun to the head of her 11-year-old child to try to cover up the evil murder that the IRA was responsible for.

At least, in the House, the IRA commander and deputy First Minister said that those actions were cruel and unjustified and were "of course" carried out by the IRA. Yet last night, on television, the president of Sinn Féin said that he did not know who was responsible. So the deputy First Minister knows that it was the IRA, but the president of Sinn Féin does not. Such hypocrisy and lies would sicken to the stomach any objective person.

The deputy First Minister said yesterday, when talking about the disappeared, that the murders were wrong. He said that the IRA was wrong to have committed them, that they were clearly the responsibility of the IRA and that they were cruel and unjustified. Let me tell the Sinn Féin representative who sought to rewrite history today that the 29 murders were equally wrong, equally cruel and equally unjustified. Those who have, to date, got away with the murder of 27 people, will not get away with that in the next world.

8.00 pm

One of the things that is most sickening is when people attempt to equate the 29 victims of terrorism and the people who terrorised them. That is an 'Alice in Wonderland', 'Humpty Dumpty' scenario in which people make words mean anything that they want them to mean. Let me be explicitly clear: the people who flew the planes into the Twin Towers and murdered all those people in the United States of America were not victims; they were terrorists. The people who killed those 29 people, planted 70

bombs and murdered the nine civilians were not victims; they were terrorists. The 29 people are the innocent victims. It is their voices that deserve to be heard, and heard to the fullest extent.

I salute my brother Hussey and others who served in the Royal Ulster Constabulary and other police services in County Tyrone, like my own grandfather. They held the line and delivered for us a British democracy in Northern Ireland, where terrorism has been defeated. We are witnessing people try to justify the wrongs of the past. Let me be very clear: it was wrong, and it always will be wrong. In conclusion, we hear a lot about Bloody Sunday.

Mr Deputy Speaker: Your time is almost up.

Mr Bell: We also need to hear about the IRA's activities on bloody Monday, bloody Tuesday, bloody Wednesday, bloody Thursday, bloody Friday, bloody Saturday and bloody Sunday.

Mr Allister: Last night, through our television screens, we had the opportunity to glimpse something of the pain and horror that attended the entire episode of the disappeared. Tonight, this House focuses, quite properly, on the very concentrated pain of the small town of Castlederg. It was visited, probably above all others, with the horrendous, vicious, vile, wicked, terrorism of the IRA, which was not some accidental fallout from some perception that someone somewhere was being discriminated against, but the calculated, deliberate and preconceived implementation of a terrorist campaign.

Ms Boyle comes to this House with not a word of regret and not a word of apology for the 29 murders, but with every attempt to justify, explain away and glorify even those who were the killers. They chose to be terrorists. No one made the killers of Castlederg be terrorists. They chose to be terrorists. Their victims did not choose to be victims. They were made victims by the IRA. This attempt to rewrite history and pretend that there is some great equivalence is adding great pain and hurt to the reality. The reality in Castlederg was ethnic cleansing. It was a vicious sectarian campaign against those of the Protestant faith and unionist persuasion. I think it was the Rev Neill who famously said at the funeral of one RUC officer that things are so bad in Castlederg that, when we come to pray, we have to have policemen at the door of our churches.

Some pretend that it was not sectarian genocide. That is exactly what it was. It is also

quite appalling that victims who looked to those set up to help them, such as the Victims' Commissioner, have to listen to a Victims' Commissioner equivocate over whether those who made them victims were or were not terrorists, and who cannot bring herself to say, "Yes, of course they were terrorists". It is such equivocation that adds greatly and immensely to that hurt, which was further added to, of course, by the obscenity of 11 August, when we had the coat-trailing glorification of two terrorists setting out of their own choice and volition to bring terror to Castlederg and who met their just desserts at their own hands.

Mr Kelly went to Castlederg to hail them as freedom fighters, those who gave their lives, he said, so that we could be free. They were on a murder mission to bring terror and mayhem to the town of Castlederg. As long as we have in the House and elsewhere those who are willing and eager to glorify such acts, there will be no reconciliation in the Province because reconciliation cannot be built on a falsehood. It is a damnable falsehood to suggest that there is equivalence between those who chose to be victim makers and those whom they made victims by their actions.

We should not be here to patronise victims. We should not be here to say that Eames/Bradley would have given you, and will yet give you, the opportunity to tell your story. Victims are not looking for storytelling. They are looking for justice, and justice means those who made them victims being faced with their deeds in the courts of this land. Storytelling is a patronising cop-out for facing up to the reality that what is required is justice for victims.

I salute the Derg Valley Victims Voice for its initiative, tenacity and persistent promotion of its cause. For those who are persuaded democrats in the House, I trust that it has been heard and that those who are here have not been insulted by the attempts of others to try to explain and justify the making of them as victims.

I commend Mr Buchanan for bringing the matter to the House. I agree with all the sentiments that he expressed. However, he started his speech by telling us that victims were rightly discomfited and outraged by the appeasing of unrepentant terrorists. I have to say to Mr Buchanan and to Mr Bell that they should look at their own actions in putting unrepentant terrorists into the Government in the House to rule over us. You cannot have it both ways.

Adjourned at 8.08 pm.



Published by Authority of the Northern Ireland Assembly,
Belfast: The Stationery Office

and available from:

Online
www.tsoshop.co.uk

Mail, Telephone, Fax & E-mail

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ISSN 1463-7162

Daily Editions: Single copies £5, Annual subscriptions £325
Bound Volumes of Debates are issued periodically during the session: Single copies: £90

Printed in Northern Ireland by The Stationery Office Limited
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