

Official Report (Hansard)

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Contents

Ministerial Statement

Paediatric Congenital Cardiac Services	1
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Matters of the Day

Nelson Mandela.....	9
Smithwick Report.....	13
Gun Attacks: PSNI Officers	18

Oral Answers to Questions

Environment.....	21
Justice.....	28

Ministerial Statement

Criminal Justice: Intergovernmental Agreement on Cooperation.....	38
---	----

Executive Committee Business

Road Races (Amendment) Bill: Further Consideration Stage.....	42
---	----

Committee Business

Electricity Policy: Security of Supply	56
--	----

Assembly Business

Extension of Sitting.....	57
---------------------------	----

Committee Business

Electricity Policy: Security of Supply (<i>continued</i>)	57
---	----

Private Members' Business

Road Traffic (Speed Limits) Bill: First Stage	75
HM Revenue and Customs: Job Losses	75

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Northern Ireland Assembly

Monday 9 December 2013

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

Members observed two minutes' silence.

Ministerial Statement

Paediatric Congenital Cardiac Services

Mr Speaker: As the Minister needs to leave for official business abroad, I have agreed that, in the circumstances and because of the importance of the subject matter in the statement, I will allow it to be taken before the matters of the day.

Mr Poots (The Minister of Health, Social Services and Public Safety): I sincerely thank you and your office, Mr Speaker, for facilitating us in this respect. This is a hugely important statement, and I appreciate the opportunity to respond to all the questions that come forward thereafter.

The statement concerns the future delivery of paediatric congenital cardiac and interventional cardiac services for the population of Northern Ireland. At the outset, I reiterate that my key priority throughout this process has been and remains to ensure the delivery of a safe, durable and high-quality service for vulnerable children. In that context, I have also sought to ensure that the concerns that have been raised with me by parents and clinicians have been fully and effectively explored.

Members will recall that, on 7 May 2013, the Assembly resolved that it noted the publication of the preferred option document by the paediatric congenital cardiac services (PCCS) working group and the related Children's Heartbeat Trust report and called on me to reject the recommendation of a Dublin-only service for the future commissioning of regional paediatric cardiac surgery and interventional cardiology and to select a model which retains primary provision and the ability to operate on emergency admissions in Belfast. In responding to the motion, I said that there was no easy solution to all of this. I hear from one side that, if you take a decision to remove services from Belfast and have surgical services provided outside Belfast, children will

lose their life; I hear people from the other side say that, given the complexity of paediatric congenital cardiac surgery, children will lose their life if the service is not based at a larger centre. I remarked that you would need the wisdom of Solomon and a whole lot more to get this right. It is a hugely challenging and emotive issue that never strays far from my mind. It is incredibly difficult to square this circle.

From the outset, I have been clear that, if at all possible, I want to avoid the need for children from Northern Ireland to travel to Great Britain for heart surgery, except in the most complex cases that require highly specialised treatment. I believe that that is right for two reasons. First, parents should not be placed in a position of having to travel overseas with their child because of the strain that that can place on family life at a time when they wish to be close to their vulnerable child but may have other children at home to care for and jobs to hold down. Secondly, I have made it clear that I wish to see children's heart surgery retained in Belfast, if possible, so that we can respond to the relatively few emergency situations in which the child's chances of survival might be increased if they were operated on in Belfast. I also believe that, by retaining a surgical capability in Belfast, our capacity to maintain associated paediatric services, primarily interventional cardiology, would be strengthened over the long term.

The recommendation of the PCCS working group that children's heart surgery should in future be commissioned primarily from Our Lady's Children's Hospital in Dublin marked a step forward in that that recommendation holds the prospect that the majority of children and their parents would not have to travel to GB for surgery, whatever long-term model emerges.

I recognise the significant efforts made by the working group, the Health and Social Care Board and the Public Health Agency to find a solution to this challenging issue. I understand fully and agree with its position that safety considerations in the delivery of this service are

of paramount importance. At the centre of this is the question of how to run a 24/7 service that meets all the standards. Clinical advice tells us that surgeons doing interventional work should individually carry out in the order of 100 of these procedures each year to maintain skills and expertise. Our patient numbers in Northern Ireland are so small that we would never be able to reach the recommended capacity levels on our own. The recommendation that was put to me by the working group is based on the fact that Dublin is a centre with a potential capacity to deliver a sufficient volume of procedures to meet clinical standards. However, that would mean the ending of surgery in Belfast. Before I could consider that, I have to be fully assured that there is no feasible available option to retain surgery in Belfast. Therefore, I wanted to look at other potential options before making a final decision on this important matter.

Having considered all of the advice that has been put to me, I take the view that the only prospect for retaining children's heart surgery in Belfast on a long-term basis is to forge a children's heart services integrated network arrangement between the Belfast Trust and the Dublin children's heart centre. This network offers the prospect of a single service, providing surgery in both Belfast and Dublin. I cannot guarantee that such a model would necessarily provide a solution in the longer term, but it is only right that I should exhaust every avenue to find out if it would be possible to deliver a model such as that. It is also only right that I am guided by the best possible expert professional advice in considering this. Such decisions matter too much to get wrong.

With that in mind, I have worked closely with my counterpart in the Republic of Ireland, Dr James Reilly TD, to establish whether we could create the conditions to allow for a fuller assessment of possible options for the delivery of cardiology and cardiac surgery for congenital heart disease on the island of Ireland. Such an all-island approach represents a much broader consideration of potential service models than previous reviews were at liberty to consider. I am pleased to inform the Assembly that Dr Reilly and I have been able to create those conditions. I will now relay to Members a joint statement that Dr Reilly and I have agreed, which will be issued today by our respective Departments:

"Minister James Reilly TD and Minister Edwin Poots MLA today together announced that a team of three international clinicians will carry out an independent assessment of current and future needs for cardiology and cardiac surgery for

congenital heart disease in the Republic of Ireland and Northern Ireland.

The assessment team will describe the existing hospital services in both jurisdictions, outline options for service configuration and governance arrangements and report to both Ministers, jointly, recommending the most appropriate model that meets the population health needs and other requirements of both jurisdictions.

The assessment will in this way address the needs of children and adults in relation to congenital cardiac surgery on the whole island. It is due to start in January 2014 and be completed in six months. When the Ministers receive this independent assessment, decisions can then be made on the optimal service provision which it is intended will be implemented for these services as soon as possible.

The Ministers recognise that the development and implementation of any safe and sustainable model of care requires careful planning, effective engagement and buy-in of all stakeholders, in particular family representatives and professionals, and this assessment is seen as essential to the achievement of that shared goal.

In the interim, pending the completion of the assessment in June 2014, health service management and clinicians in the Republic of Ireland will continue to work with their colleagues in Belfast to provide and develop support to the services in Northern Ireland".

The team will be chaired by Dr John Mayer, consultant cardiac surgeon at Boston Children's Hospital. The cardiology expertise will be provided by Dr Adrian Moran, consultant cardiologist at Maine Medical Center, Portland. An anaesthetics expert will be confirmed to complete the team before it commences work in January 2014. The team will be supported by specialist professional nursing representation and other expertise as necessary. The terms of reference for the team are set out in the annex circulated to Members with my statement. I want to thank Dr Mayer and Dr Moran for agreeing to take forward this assessment and look forward to receiving their report.

I would like to record my thanks to Minister Reilly for his efforts in working with me to secure the short-term arrangements and the assessment to be carried out by the external experts. I believe that the assessment by this external team will bring international best practice and fresh thinking to bear on this

challenging issue. It provides a means of addressing the need for cardiology and cardiac surgery for congenital heart disease on the island of Ireland and to identify the most appropriate model that meets the population health needs and other requirements of both jurisdictions.

While the assessment by the international team of experts will address the long-term future of children's heart surgery in Belfast, there is a more immediate situation to be addressed in respect of the short-term delivery of this service following Professor Wood's retirement later this month. As the work of the international expert team on a long-term solution is taking place, Minister Reilly and I have agreed that health service management and clinicians in the Republic of Ireland will continue to work with their colleagues in Belfast to provide and develop support to the services in Northern Ireland. I very much welcome this commitment. Detailed arrangements will be finalised by health service management and clinicians, North and South, in the days ahead. As this is an operational matter, it would not be appropriate for me to comment further on this at this moment. However, I wish to make it clear that some children whose procedure is considered to be of a high risk will continue to be transferred to centres in England for surgery in line with risk management arrangements. An important point in all of this is that each and every case will be given individual consideration, and the most appropriate location for the procedure to be carried out will be determined on the basis of clinical judgement.

I also wish to inform the Assembly that I have been assured that the current PCCS service in the Belfast Trust is safe and will continue to be safe. It is, nonetheless, a fragile service, and we should not underestimate the challenges that low patient volumes present to sustaining such services. I therefore intend to take every available measure to ensure that the service in Belfast is as robust as possible, and, in the weeks ahead, children's heart surgery will transfer from the Royal Victoria Hospital to the Royal Belfast Hospital for Sick Children. Staff will also receive training in the use of ECMO to support very sick children who require support for their heart and lungs following surgery. Both these developments have been requested by the cardiac team in the Belfast Trust as a means of further strengthening the service.

12.15 pm

None of us should be in any doubt of the expertise, skills and dedication of the staff

providing these services nor, indeed, of their care and compassion in supporting parents in extremely difficult circumstances. Those considerations and the safety of these children have remained to the forefront of my mind. I believe that it is appropriate that, at this point, I should pay tribute to Professor Freddie Wood for the service and dedication that he has given to cardiac patients from Northern Ireland. Indeed, the entire paediatric congenital cardiac team at the Belfast Trust provides a first-class service for the children of Northern Ireland.

In concluding, I hope that the arrangements that I have outlined and the assessment by the external experts will go some way to assuaging the concerns of all those who have expressed concern about the future of children's heart surgery and interventional cardiology in Belfast. We have come a long way from the original reports, which would have removed surgical services and potentially undermined cardiology services as well. I have, on many occasions, met parents, surgeons and cardiologists. I have also visited the Clark clinic and paediatric intensive care and witnessed the care provided by clinical and nursing teams and the support provided by parents to very sick children. I wish to express my thanks for their patience in what has been a long, drawn-out process. It has been protracted because the solutions are complex and will potentially cause considerable upheaval. It will be some months before I will be in a position to reach a final decision on the long-term future of the service, but I believe that, when that time comes, I will have the benefit of having explored every possible option for securing a high-quality paediatric congenital cardiac service for the children of Northern Ireland. That has always been my clear aim and continues to be my goal. I trust that the Assembly, parents, families, clinicians and the public recognise that my only desire is to act in the best interests of everyone involved.

[Interruption.]

Mr Speaker: Order. Before I call the Chair of the Health Committee, Maeve McLaughlin, I say that there are quite a number of Members who want to ask a question to the Minister on the statement. I ask Members to be brief, and, hopefully, all Members who want in will be able to make a contribution to the statement.

Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety): Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. While this is an interim arrangement, I think this is a good day. It is a good day for the children and their families, and I welcome that. I specifically want to

acknowledge the need to secure the heart services integrated network on the island of Ireland. That is an important message, and I welcome the Minister's leadership on that. I welcome the fact that some surgery will be maintained in Belfast. That is good news for the island as a whole, and it is good news for families.

I note that the Minister talked about the detailed arrangements in the short term that will be required between the Belfast Trust and the support from Dublin. Will the Minister give guarantees that, in the short term, there will be no gaps in this vital service and that children who need surgery here and can access surgery here in Belfast will have that surgery here in Belfast?

Mr Poots: First of all, we need to recognise that Dublin is willing to support us in this, and Dublin clinicians are willing to support us in this. I trust that the short-term support that they will give will develop into the future, but it is a very important step that is being made: we will have people with expertise on this island who will be able to travel to Belfast to provide that support for us, and our clinical team will be able to confer with, work with and develop their skills with others of real expertise on these issues. That is of considerable importance.

We want to secure as much surgery as possible in Belfast, but, in all of this, we have to take a step back and allow the clinicians, whether that be the cardiologists or the surgeons, to do their job, in conjunction with the parents. We must allow them to give the best possible clinical advice to parents on what can achieve the best outcomes for their children. We want to support parents in supporting their children, and the best means of doing that is creating the opportunity to provide this care in Belfast, as well as in Dublin and in England, and for the clinicians, in conjunction with parents, to decide where the most appropriate place is for children to receive such surgery.

Mr Speaker: As Members know, the Chair of any Committee has some latitude when asking a question to the Minister, but that is where the latitude ends. I understand that, because of the importance of the statement to the House this afternoon, Members may be tempted to add further statements, but let us have questions to the statement.

Mr Wells: I thank the Minister for his statement on what we all agree is one of the most complex and difficult issues that any Minister could face. He has outlined the way forward as

far as the assessment team is concerned, but, as he knows, and I think that he referred to it, the lead surgeon in the Clark clinic in the Royal retires today.

Mr Speaker: Will the Member come to his question?

Mr Wells: Will the Minister reassure us that that person will be replaced? How confident is he about that, and what will happen in the interim?

Mr Poots: The Belfast Trust is seeking a replacement for Professor Wood. There has been interest in the position, which I am very pleased about, and I think that the work that we are doing will be instrumental in its delivery. If a surgeon is to come to Belfast and commit to working in conjunction with the other surgeon in Belfast, being part of a larger team, having the support of that team and having the ability to develop their expertise will be very important at a personal level. It will also be very important for the people for whom the surgeon will provide care, because you want that surgeon to be maximising their skill base and ensuring that they are well equipped to deal with the eventualities that will come before them.

Mr McKinney: This morning, we met some of the families directly involved. Of course, delay and indecision form part of their consideration. We might have some concerns about how this would inject further delay. As well as the quality thresholds demanded by the commissioners, at least part of the consideration here is the general weakening of the team. Mr Wells has referred specifically, but, in a general sense, what guarantees can the Minister give that this six months will not lead to a further weakening of the team in Belfast?

Mr Poots: We have a very strong cardiology team in Belfast. I pay tribute to the team because it carries out amazing work and has the confidence of patients and parents in that work. I believe that the decisions that we are taking today will help to ensure that the cardiology team has confidence that we are listening to it and that we are seeking to arrive at the right solution, not the rushed solution.

We have a commitment from the existing surgeon that he wishes to continue to serve in Belfast. We are attempting to get to the point at which he will have the necessary support to allow him to continue to practise in Belfast, performing surgery on children in Belfast, and to develop his skills. So everything that we are doing is about ensuring the sustainability of the service, but we also need to ensure the safety

of the children. Those two elements are absolutely key. I cannot do this without the assistance of others, and I greatly appreciate the assistance being provided to us by others.

Mr Swann: I sincerely thank the Minister for his statement. He knows that that is well meant. I declare an interest, in that I have a 10-month-old son who recently underwent cardiac surgery, and I am the chair of the all-party group on congenital heart disease. I congratulate the Minister on setting up an expert team of clinicians, rather than administrators and managers, to give that advice because that is crucial.

I want to ask specifically about sustainability, which is at point iv(b) in the terms of reference and which the Minister mentioned in his previous answer. Can he assure the House that the criteria for sustainability used in the previous review, 'Safe and Sustainable Review of Children's Congenital Cardiac Services in England', which was discredited in England and Wales, will not be used? That is what put the Belfast surgery under pressure and threat.

Mr Poots: I thank the Member for his question. I wish him, his wife and young Evan all the best for the future. I know that Evan has received excellent care. There really is fantastic care available for children with congenital cardiac problems. As well as that, I have to say that what is provided for us in England by way of skills, and what they bring to the table there, is fantastic.

Sustainability is about how we can actually provide a service that is robust and ensures we have that safety and that continuum of expertise on site, and that we do not provide something that is second rate. I know that the Member and, indeed, all of the other families do not want a service in Belfast that is not as good as services elsewhere. That is where we fall into a problem: we just do not have the numbers to sustain the service in that way. That is why we have to look to others to provide support. Working in a team with another institution is necessary.

This report will not be on the same basis as the Kennedy report; it will be based on how best we can provide services for the children of Northern Ireland and the Republic of Ireland and how we can work together to do so. I hope that we will be able to provide more and more surgery, both in Belfast and Dublin, as the years pass by. Indeed, the skills that are developed on both sites will ensure that, potentially, fewer children will have to travel to

England to receive surgery, albeit that that will be there for us when it is absolutely necessary.

Mr McCarthy: During this further six-month delay, there will need to be safe and sustainable services for children who are born while the Minister is waiting for the group to report. How does he plan to monitor that those services and training provide adequate services now that Professor Wood is retiring?

Mr Poots: In respect of all of that, the Public Health Agency and the Health and Social Care Board have very important roles to ensure that standards are met. They will continue to do that. Professor Wood's absence will be filled and supported by clinicians of standing from Dublin. They will provide that support. We should not underestimate the effort involved on their part and the challenges they face. We need to appreciate their offer to us in that respect, and we will be able to sustain a service in Belfast during the six-month intervening period while we work towards a final solution. It is very important that we get the right solution. I have confidence that the team that is looking at this has the requisite skills and understands families' needs. That came through to me very clearly when I met Professor Mayer earlier this year.

Ms Brown: I, too, welcome the very positive statement. It is very welcome news to the House this morning. Does the Minister consider that cardiac surgery could serve as a positive example of common-sense collaboration between the two jurisdictions?

Mr Poots: I suppose that others have looked at North/South issues and they have always had a political dimension. Let me be absolutely clear: there is no political dimension here. This is about children, their healthcare and saving their lives. To anybody who says that Poots is a traitor because he has gone down this particular route, I say that I would be a traitor to the children of Northern Ireland if I did not go down this particular route.

12.30 pm

It is absolutely critical that on such issues, particularly where there are rare diseases and less common illnesses involved, we work very closely together. I know that the folks in the Republic of Ireland will be delighted to work with people in GB when it comes to other rare illnesses. Indeed, on this issue, they are very happy to have children treated in England. There is absolutely nothing political in the nature of this; it is purely about children's

healthcare and providing the best possible healthcare for children. If we cannot collaborate on something such as that, there is no hope for us at all.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. I, too, thank the Minister for his statement. He has advised that Dr Mayer and his review team will recommend:

“the most appropriate model that meets the population health needs and other requirements of both jurisdictions.”

Can he give us some idea of the issues that might come under the heading of “other requirements of both jurisdictions”?

Mr Poots: Clinicians will need to have confidence that the service that they are providing is the best possible service. Whether they are cardiologists or surgeons, they will not want to compromise the safety of any child for whom they are providing care. Therefore, it is very important that that aspect be given full consideration.

When I met Dr Mayer, it struck me that his team carries out around 1,000 surgeries a year, which is twice as many as are carried out on the island of Ireland. He indicated that they perform surgery at a number of sites, including at one site that is just four miles away because the parents had confidence in the hospital to which they were used to going. Dr Mayer made it very clear that huge consideration had to be given to the needs of parents and families. This is not purely an issue about what clinicians want but about how they can provide the best possible safe service while meeting the needs of parents, and, indeed, those of children, who need their parents at their bedside as much as possible over their period of care.

I cannot guarantee any outcomes, but we have established a team that will take all the issues into account and hear them fairly. It will not be a rushed report, nor will it simply suggest that we should do what follows in an offhand way. It will be something that will have huge consideration applied to it. Whatever comes out of it, we will know that all the issues involved were fully and properly assessed.

Mr D McIlveen: I, too, thank the Minister for his statement. He mentioned the international team that has been set up to help with the review. Can he assure local parents, who are obviously those whom we want to support, that they will be included in the process, brought along with the review and kept fully informed?

Mr Poots: Yes. There has been a very strong lobby from parents, and I appreciate that. They will certainly be kept involved in the process. At the outset, David Simpson MP brought two families, the McKee family and the Flaherty family, to meet me. Little Grace McKee and little Jake Flaherty were with us that day, and it was obvious that they were quite unwell. Consequently, I received an invitation from Julie Flaherty to visit the family in hospital, which I did. Jake was very unwell at that point, and he went on for a number of weeks, celebrating his birthday shortly after that visit, but he passed away only a couple of days later. I made a promise to myself that I would do my darnedest to ensure that we sought to deliver a service for such children in Belfast. That was always pre-eminent for me. I wanted to do it for wee Jake.

Dr McDonnell: I thank the Minister. Indeed, I congratulate him and welcome the progress that he has made on this highly sensitive issue. Could I put on the record the debt of gratitude that the House and the community owe to Freddie Wood, who came out of retirement to help us to sustain a service in Belfast over the past number of years? He is a quiet, unassuming man who has done us a powerful service in keeping going.

My colleague Fearghal McKinney spoke about the parents. Indeed, I joined him this morning with those parents outside Linenhall Street in a discussion of their concerns. I ask the Minister whether deskilling will be an issue for the sustainability of this, because it is a big concern for many of the staff involved. Can he reassure us that deskilling will be on the agenda and that contracts going forward for Belfast-based staff will perhaps be arranged in such a way that means that those staff will rotate through any main centre that is created in Dublin, with the result that high-quality skills will be preserved and the Belfast-based staff will not be allowed to deskill or fragment?

Mr Poots: It is not for me to dictate to the people who are carrying out the report what they need to put in it, but I think that that is a very obvious area that will have to be assessed. I do not want there to be surgeons in Belfast who are not maintaining their skills and developing whilst others are, because the service will quickly become second-rate. So, the opportunity to serve as part of a larger team and to be integral members of that team strikes me as absolutely necessary. We will wait and see what the report recommends, but I would be very surprised if a report recommended basing surgery in Belfast that did not have that type of integral working with the larger team in Dublin.

Mr Beggs: I thank the Minister for his statement. Under the evaluation and scoring models, he indicated that safety and a relationship to primary, secondary and emergency transport services will be considered. He also indicated that clinicians wish to ensure the safety of the children who are under their care. Can the Minister assure the families that the health and well-being of those children who need urgent care, who may not be fit to travel and who may be affected by delay are given appropriate weighting in the review so that they are able —

Mr Speaker: I encourage the Member to finish.

Mr Beggs: — to reach the surgeons and receive the care that is needed?

Mr Poots: Our Lady's Children's Hospital has advised Belfast trusts that it cannot guarantee at this time that it can continue to take the transfer of 20 to 30 emergency cases during 2014. Therefore, it is essential that we retain a surgical service in Belfast that can provide support if necessary. Some of those children would have to travel to England as well. So, given the nature and complexities of all those things, it has to be left entirely to the surgical teams and the clinicians to make those difficult decisions in conjunction with talking to the parents so that they fully understand all the issues.

So, in that respect, yes, we will have an ambulance service that can support the transfer of children, and we will take whatever steps we need to support children in those circumstances. It is a relatively small number of circumstances vis-à-vis the elective model that is provided, but, nonetheless, it is critical to parents that we can guarantee them that support, and it will be guaranteed. We will get them to the place that is most appropriate to carry out that surgery as quickly as possible.

Mr B McCrea: Will the Minister explain why he is so defensive about the announcement? Who is going to call him "Traitor Poots", and why do you think that would happen?

Mr Poots: I am not in the least defensive. I outlined that this was purely a health issue and that it should not be seen as anything else. My priority is children in Northern Ireland, including children with congenital cardiac problems. That has been my priority throughout, and it will be my priority when we arrive at the conclusion of this process with the qualified recommendations that will come from people of

real expertise and knowledge who have provided care for children for many years.

Mr G Robinson: I thank the Minister for his statement. As one who has suffered adult heart problems, I ask the Minister to outline how challenging it has been to get to this welcome point for children with heart problems.

Mr Poots: The challenges were huge. A number of times, it appeared that we were at almost the end of the road when massive pressure was applied. We resisted that pressure. I recognise the support of Dr Reilly throughout the process. He was never anything other than helpful. It will, and did, involve challenging. It involved pushing others, and I thank him for that. I greatly appreciate that others are prepared to come to the table and offer their support to us to ensure that we are able to provide a safe and sustainable service regarding congenital cardiac care for children in Northern Ireland.

Mr I McCrea: I commend the Minister for his statement and the families of the children who lobbied MLAs for the excellent work that they did to keep this matter to the fore. The Minister mentioned work with the Dublin hospital. How many operations take place in Dublin? Is there evidence that the quality and expertise are there?

Mr Poots: Dublin has between 400 and 500 surgeries each year, which is a high number that enables them to have a full-time service. It submits its data to the Central Cardiac Audit Database (CCAD) to be audited and validated for quality, though I would not be suggesting that we use a service in Dublin if I did not believe that it was of the standard that we would get in Great Britain. However, clearly it is more convenient to use services in Dublin than in Great Britain. Therefore, where we have that quality validated, it would make sense for parents to be able to avail themselves of that service without having to fly to Scotland or England.

I recognise that it is less of an issue for parents in the south and east of the Province than for parents in the north and west. Travelling from Belfast to Dublin takes less than two hours, but if you have to add a journey from, for example, Ballycastle, Londonderry or Castlederg, it adds considerably to the journey. That is one reason why we want to ensure that we can provide support in Belfast for parents, and not just support around cardiology but surgical support.

We want to retain as much service as possible in Belfast. That is not guaranteed at this moment in time but neither is it lost. Had we made a decision at this point, it would have been a negative decision, but I am glad that we are in the position to fully test the opportunities that there will be to continue to provide such a service in Belfast.

Mr Newton: I welcome the Minister's statement and, like others, congratulate him on it. Minister, you appointed Dr Mayer, consultant cardiac surgeon at Boston Children's Hospital, to head up the external group. How do you address the accusations that the outcomes of his work are predetermined?

Mr Poots: Dr Mayer comes with huge skills and experience. He trained at Yale University and was a professor of surgery at Harvard Medical School. That is the standard of person who we are bringing in. He leads on over 1,000 surgeries a year, so he has all the clinical expertise that anybody could ask for, but he also has a clear knowledge of the needs of families. When we met, he identified clearly and directly to me that parental support and parents having confidence in the facility that they have become used to using, and their ability to meet the needs of other members of the family who may be at home, are important issues. He was very clear that it is not just about what needs to be done on the clinical side but about the needs of families. Although I cannot guarantee what the outcome will be, I have confidence that he will give due consideration to all those issues and ensure that the families' views, as well as those of the clinicians, are heard.

12.45 pm

Mr Allister: I think that the Minister is well aware of the genuine concern that, in the interim period, there should not be any further weakening of the Belfast service. Given that Professor Wood is retiring, and given the inference from the Minister's answer to Mr Wells that recruitment may wait out the stability that will come from the review, how does he guarantee to all and sundry that, in the interim, there will be surgery and the interventions that people are looking for and need in Belfast? How can that be guaranteed?

Mr Poots: The surgical support needs to come from Dublin in this instance. We have the theatre capacity, the anaesthetists, the nursing team and the cardiologists. Where we lack capacity is in the actual surgeons. That is a matter for the clinical teams to work out as they

work together. I think that it is important that we recognise that they have expressed a willingness to support our service, that the final issues will be tied down over the next number of days and that surgery will continue in Belfast in a safe and sustainable way whilst we arrive at a final solution to the issue. So, again, we should view positively any support that we are being given here. I think that it is excellent news that surgeons in Dublin are prepared to support the Belfast service whilst the review is being carried out.

Mr Agnew: I welcome today's statement and congratulate the Children's Heartbeat Trust and the parents on their campaign and on keeping this high on our agenda. The Minister stated quite clearly that parents should not be placed in the position of having to travel overseas with their child, but, later on, he acknowledged that, in some cases, parents will be required to travel to England for their children's surgery. What priority is being given to reducing or, indeed, eradicating the need to transfer children to England for services?

Mr Poots: I think that Mr Agnew needs to recognise the complexity. In 2010-11, 42 children travelled to England; in 2011-12, there were 36; and in 2012-13, there were 34. I would like to see the capacity in Dublin and Belfast being developed, as far as possible, for as many surgeries as possible. However, Members need to understand that the complexity of surgery on a little heart the size of an acorn is absolutely massive and that the skills required to repair those hearts are very extensive, so we need people who do that at a particular level day and daily. In some instances, only surgeons in England will be able to provide that service, and it is really good that we have them to provide that service for us. We should not be disparaging of that in any way, shape or form, because they are providing the best possible service to families. I have to say that the safety that is being delivered is excellent, and the numbers of children who are coming through those complex surgical procedures is really remarkable. I cannot praise highly enough all those who are engaged in that kind of work, whether they are based in Belfast, Dublin or, indeed, mainland Britain.

Mr Givan: I commend the Minister on his determination to resist the pressure placed on him by officialdom by withholding a rushed decision. It may not have been the right one. Will he assure us that officials in his Department and those supporting Minister Reilly will be working to get the solution that we

all want in Northern Ireland and the best care for patients?

Mr Poots: I am confident that that will be the case, and I am confident that officials recognise that we will not be pushed around on this issue. It is one thing parents telling you that they would like something to happen. The cardiologists have always been confident that a service could be provided in Belfast. I met Professor Wood and Mr Austin, who were the surgeons, and they were confident that it could be provided in Belfast. I was getting the right messages from not just parents but the clinical teams that it is achievable. It might be difficult to achieve — that is a different matter — but it is achievable. Therefore, we must do our best to ensure that that is the case and we move heaven and earth to achieve something for our children if at all possible. Everything that we can do to make it happen will be done. That does not guarantee that it will happen, but at least people will have the confidence that some administrator will not say, “We don’t need that service any more; we can provide that elsewhere”. Everything that can be done to maintain the service in Belfast will be done. If we come here in six or seven months’ time and say that the service cannot be provided in Belfast, it will not be because people have not tried their very best to make sure that that is the case.

Matters of the Day

Nelson Mandela

Mr Speaker: Mr Martin McGuinness has been given leave to make a statement on the death of Nelson Mandela, which fulfils the criteria set out in Standing Order 24. If other Members wish to be called, they should do so by continually rising in their places. All Members who wish to make a contribution will have up to three minutes to speak on the subject. Members will know that there will be no points of order and that no other subject will be discussed in the House until this item of business is dealt with. If that is clear, I call Mr Martin McGuinness.

Mr M McGuinness: Go raibh maith agat, a Cheann Comhairle. Just a short time ago, I rose to say a few words in thanksgiving and appreciation for the life of Father Alec Reid — a man who made an enormous contribution to the success of our peace process. Today, we speak of another individual, who was a world and iconic figure: Nelson Mandela. He was a freedom fighter, a peacemaker and a reconciler. I take this opportunity to express our deepest sympathy and condolences to the people of South Africa, his family, the Government of South Africa and the African National Congress (ANC).

This was a man who, when he left prison, was totally and absolutely devoid of bitterness and hatred. He understood his responsibilities to unite his people against the backdrop of the incredible change that occurred with the ending of apartheid in his country. He was also a man who understood the importance of world peace and wanted to make his own ongoing contribution to the resolution of conflict throughout the world, and that he did in the context of our peace process. I was very privileged to lead a Sinn Féin delegation to Arniston in the Western Cape. An all-party invitation had come from Nelson Mandela. It was the first time that all the parties had been assembled together. I think that all of us benefited from the conversations that took place there, particularly the conversations with him and some of his key negotiators.

He followed that up with continuing support. We had regular visits here from people of the calibre of Cyril Ramaphosa, Valli Moosa and Mac Maharaj. Those people played instrumental and key roles in the evolution of the new South Africa. Cyril had come several times and played a very important role with Father Alec Reid, Reverend Harold Good and

former Finnish president Martti Ahtisaari in dealing — to the satisfaction, I think, of the overwhelming majority of people — with the whole issue of how the IRA would put arms beyond use.

This was a man who was an incredible supporter of our peace process, and I will be very honoured to represent our Executive and this Assembly at tomorrow's memorial in South Africa, as is my intention.

Mr Campbell: The people and the nation of South Africa are in mourning as a result of the passing of their first democratically elected president, Nelson Mandela. I had the pleasure of meeting Nelson Mandela on several occasions, and, on a personal level, he was exceptionally friendly, charismatic and helpful as a facilitator, as were all of those whom he put at our disposal. There are some people in Northern Ireland who attempt to equate the issues in South Africa of the past with Northern Ireland of the past. Of course, there has been no comparison whatsoever. People in Northern Ireland had a vote. The black population in South Africa had no vote. When Nelson Mandela presented himself to the electorate following the new constitution, he received the mandate of over 60% of the population, so he could argue that he did have a mandate from the majority of his population. No one in Northern Ireland who was advocating violence could argue or advocate that that was the case.

There is a danger of trying to gild the lily on Nelson Mandela's passing. We should pay tribute to the man, who, undoubtedly, was an international statesman who rose above the divisions of his homeland. However, in an earlier life, Nelson Mandela, unfortunately, despite the difficulties that there were — and there were horrendously difficult problems in his nation — did engage in acts of terror. When a man moves from terror to peace and from violence to democracy, we should recognise that. We should acknowledge that. The one thing that we should not do is to eulogise his former activities. We have no intention of doing so today, but we acknowledge the man, his presence, his charisma and his attitude to Northern Ireland, where he was prepared to offer the hand of friendship, help and assistance — and he did. We acknowledge his latter-day endeavours in that regard.

Dr McDonnell: From my perspective, Nelson Mandela was one of the world's greatest peacemakers, and he will always be remembered for his great example and enduring spirit of forgiveness and hope. His death has caused global sadness, and there is

no doubt that the world has lost a great champion for the rights of the oppressed and an advocate for those without a voice. He did both of those tasks with splendour. He was also a man who influenced change far beyond the confines that others attempted to impose on him.

To my mind, Nelson Mandela was one of the greatest men of the 20th century, and, despite the abuse that he and those associated with him had suffered, he turned the other cheek and continuously sought peace and a peaceful and prosperous future for South Africa when apartheid was ended. As president, he set an example to the world through his tolerance and his efforts to reach out to opponents and former enemies. His powerful gestures around rugby, cricket and football were examples to us all of how to build reconciliation and create trust. After his presidency, well into his 90s, he maintained a dignity, a compassion and a tolerance that we could all learn from.

Nelson Mandela will long be remembered as one of the world's greatest statesmen and he fully deserves that honour. His enduring legacy will be one of hope, even in the most difficult of circumstances, and we should all unite around that sentiment.

1.00 pm

There is so much that I could say in wider tribute to one of the world's greatest statesmen. He did so much for South Africa, for us in Northern Ireland and for the wider world. Suffice it to say that, on behalf of my colleagues and the wider SDLP, I wish to extend heartfelt sympathy and condolences to his family and all the people of South Africa.

Mr Kinahan: It is an honour to be able to speak in memory of Nelson Mandela. When I heard of his death last week, I thought that the very minimum the Assembly would do was a joint tribute from the First Minister and deputy First Minister.

If you are as young as me, you will remember the Cold War, South Africa and the apartheid that is relevant today and, of course, the Troubles. Few stand out as an icon in the way that Nelson Mandela has.

I have always had a deep interest in Africa: its history, its people and its beauty. However, sadly, I have never had the chance to go to South Africa.

I would like to borrow from 'The Spectator':

“There are three categories of great men: the great and the good, such as ... Churchill and ... Lincoln; the great and the bad, such as Stalin and Hitler; and a third category ... the stuff of folklore. Men in this category are born with a ... grace that transcends the politics of their age.”

One of those greats is Nelson Mandela. He was a man with such intelligence and generosity, and with no sign of malice or spite, that he was able to put behind him 27 years of imprisonment and a past in which his people lived in utter poverty with no vote and, in later years, under a tyrannical oppressor.

I do not condone terrorism in any form. Nelson Mandela was a man who was able to resolve the differences between whites and blacks, to pacify armed forces and police and resolve his party's conflicts and other tribal disputes. Importantly, he was a man who was able to forgive, and he was able to lead in a period of national reconciliation, which should be an example to us all. Let us all consider how much better we could conduct ourselves, and let there be national conciliation with no rewriting of history but with generosity and forgiveness. Let us work at the consensus that we envisaged.

I hope that the First Minister and the deputy First Minister, in attending the funeral together, will show the world that they intend to follow his example. Nelson Mandela, thank you.

Mr Ford: On behalf of my party colleagues, I send our sympathy to the people of South Africa and, most particularly, to the family and friends of the man they called Madiba.

There is absolutely no doubt that Nelson Mandela stood far beyond most of us who attain political office. He was not just a South African statesman, he was a world statesman and one of the defining figures of the 20th century. His roots were those of an ordinary South African. Born in a small hut, he used his abilities to train as a lawyer, and he was able to carry through a vision for a different kind of South Africa. Indeed, when he stood trial for treason, his speech from the dock, whatever one might think of the circumstances in which he was there, was one of the most powerful statements of the rights of man that has been heard in any quarter in any part of the world in the past half century. It was a fantastic statement of the right, not just of his people but of all people, to live in peace.

After 27 years of incarceration, which included the dreadful conditions of Robben Island, Nelson Mandela was able to come out as a

man whose every subsequent word and action was a commitment to peace, reconciliation and the foundation of the rainbow nation. It is doubtful whether South African would have gone through that transition as well as it has without his leadership.

The sporting analogy has been referred to already, and, for some of us, one of the iconic images was the rather diminutive figure of the president hugging the large Afrikaners, all wearing Springbok shirts after they won the rugby World Cup. If ever there was a great display of reconciliation and practicality between those who had been the oppressor and the leader of the oppressed, that was it.

I will read one quote from him that I picked up recently:

“No one is born hating another person because of the color of his skin, or his background, or his religion. People must learn to hate, and if they can learn to hate, they can be taught to love, for love comes more naturally to the human heart than its opposite.”

Perhaps that is a lesson for this society today given the talks that are going on at the moment.

Mr McCallister: At the outset, on behalf of my party and party colleague, I want to express our sympathies and say that our thoughts are with the family, friends and, indeed, all who knew Nelson Mandela personally. All of us have grown up watching, effectively, someone who has become an iconic figure and the work that he has been involved in. As a fairly young man, I remember watching, on a Sunday afternoon on 11 February 1990, the images of Nelson Mandela walking free from prison, and I was almost waiting expectantly to see what he even looked like as we had only been fit to view an image from the 1960s or a photo from some 27 years earlier.

Nelson Mandela said:

“As I walked out the door toward the gate that would lead to my freedom, I knew if I didn't leave my bitterness and hatred behind, I'd still be in prison.”

The key things when looking at Nelson Mandela's life are that he did not deny all his past and what he was involved in, and he did not hold any bitterness or rancour against anyone because of what he suffered and endured during the 27 years in prison. While on holiday in South Africa a number of years

ago, I had the privilege of visiting Robben Island, and it is a huge example to us all that he could spend so long in a very small cell doing very hard labour for such a lengthy period of time yet leave all the bitterness and rancour behind when he left those conditions.

The legacy that Mr Mandela has left us is particularly applicable here in Northern Ireland, and the challenge for all of us in the Chamber is this: do we genuinely want to leave the bitterness and hatred behind or are we content to live in the past and condemn the people of Northern Ireland to do the same?

Mr Allister: Every death is sad, and grieving families are entitled to expect our condolences. Nelson Mandela was blessed with a very long life that was drawn to a close by natural causes, something that cannot be said about the many victims of his ANC or about the many victims of the IRA that his ANC so avidly supported. That is a perspective and reality that needs to be spoken and remembered, particularly given the uncritical tsunami of hysteria that there has been following the death of Nelson Mandela.

Mr McNarry: UKIP's leader Nigel Farage said:

"Mandela's ability to forgive those who did him harm and fight for freedom will ensure he remains in our hearts and with future generations."

In adding to that, I would say that Nelson Mandela belongs to South Africa. He is their son whom they mourn with a deep sense of loss mixed with pride in the man who gave them and that country a place in democratic society. Apartheid was and is the worst form of racial and cultural discrimination. Playing any role in its outworkings demonstrated the appalling contours of man's inhumanity to man. Mandela gave the world the best of reasons to outlaw apartheid and gave South Africa a way of practising that. Freedom in the form of dignity, free speech and free access to celebrate a tradition and a culture has a place in South Africa and does so here. However, toleration and respect has not in all cases or all places, including this one, been secured. Mandela's role as a freedom fighter was unique to him and South Africa. There are not and there cannot be comparisons to be made elsewhere, especially in this place.

To Mandela, I say this on behalf of UKIP: may he rest in peace. To Martin McGuinness, who has since left the Chamber, I say this: you do not represent me. Mr Speaker, I do not want

him representing me at Nelson Mandela's funeral.

Ms Fearon: Go raibh maith agat, a Cheann Comhairle. It is a great honour to be able to pay tribute to one of the most remarkable and inspiring leaders of our time. I want to bring a different perspective to the tributes that have been paid today, given that I am the only person here who was not born when Mandela was finally released from prison.

I have no memories of the "Free Mandela" movement or the agitation around apartheid. For as long as I have been alive, South Africa has been a democratic, multicultural country built on the work of the ANC and leaders such as Nelson Mandela. As a young republican, I am very proud of our party's affinity with the ANC and Mandela. ANC members are regular visitors to the Sinn Féin ard fheis. Although others in the Chamber were reluctant to stand shoulder to shoulder with the South African people and their struggle, we have always been proud of our unity in struggle.

Throughout my education and from the media, I have been presented with the image of Mandela as a peacemaker and a statesman. The struggle that he carried is too often overlooked. What struck me most about Mandela was his never-ending devotion to what is right and his love of his country and its people. There are many lessons for our young people to take from his extraordinary life. He was committed to changing South Africa for the better, and for all people, especially women. He set about creating a constitution that gave women in South Africa one of the most comprehensive sets of rights in the world, designed to protect them from discrimination and violence. His desire to advance women's liberation has inspired, and always will inspire, young women around the world as we continue to fight for equality.

We should take a moment to remember his family. The pain that he endured was not felt by him alone. His family shared the burden. It is important that all of us remember that the work of political activists is only ever possible with family support.

Rightly or wrongly, society has elevated Mandela to a demigod, somehow different from the rest of us. We must remember that he was only human. He took extraordinary action in extraordinary times. He truly lived by his own words:

“There is no passion to be found playing small — in settling for a life that is less than the one you are capable of living.”

There is no doubt that we have lost a truly incredible leader. The best way in which we can honour his life and his example is by emulating the passion that he had for human rights, education and equality. One thing is for sure: there are not nearly enough people in our world like Nelson Mandela.

Mr Eastwood: I am glad to have the opportunity to add my words of condolence to the family of Nelson Mandela and the people of South Africa, who saw him as the nation’s father. Nelson Mandela was an inspiration to many people across the world. The great work that people in this country did has to be remembered, whether it was that of political leaders such as John Hume or that of anti-apartheid campaigners such the Dunnes Stores strikers. The impact that those people, and people across the world, had in bringing international pressure to bear on the South African regime was very important indeed.

Nelson Mandela led his country to democracy. He did so with real humility and dignity. He was able to banish bitterness from a very volatile situation and made “forgiveness” the key word in developing the rainbow nation. His long walk to freedom has finally come to an end, but, for many others, the inspiration and legacy that he leaves in the fight for democratic struggle, justice and peace will be felt for many years to come.

1.15 pm

Smithwick Report

Mr Speaker: Mr Paul Givan has been given leave to make a statement on the findings of the Smithwick report, which fulfils the criteria set out in Standing Order 24. Once again, I remind Members that, if they want to be called, they should continually rise in their place. Members will have up to three minutes to speak on the subject. If that is clear, we shall proceed.

Mr Givan: The inquiry that Justice Peter Smithwick held was into the ambush of two RUC officers by the Provisional IRA on 20 March 1989 after they had attended a meeting in Dundalk garda station. Of the two officers, Chief Superintendent Harry Breen had been highly decorated for his service to the RUC and was highly respected by his colleagues. Superintendent Bob Buchanan served in

Lisburn, in my constituency, as a chief inspector. He, too, was highly respected in his community. A devout Christian, he was also a lay preacher in his church.

After an exhaustive process, Justice Peter Smithwick has found there to have been collusion between members of an Garda Síochána and members of the Provisional IRA in the murder of those two officers. His report found a general culture that existed and still exists among the gardaí where loyalty to the force is more highly regarded than honesty. That should worry all of us. In his dismissal of that, Garda Commissioner, Mr Callinan, does not deal appropriately with the issue. The report has clear challenges for the leadership of an Garda Síochána about how it failed to handle concerns about rogue officers and the culture of the organisation, which, Judge Smithwick says, prevails to this day. That culture was manifested at the tribunal by the unprecedented attack on evidence provided by the PSNI through Assistant Chief Constable Drew Harris, when the legal representatives of the commissioner said that it was “nonsense on stilts” and that he had paraded his rank before the tribunal. The judge did not think so, the Chief Constable does not think so and the Garda Commissioner now needs to do more than just explain this outburst by his legal representatives.

The Irish Government, in their attempts to rush proceedings through arbitrary deadlines, did not help, and Judge Smithwick was rightly resilient in resisting that pressure. Any process needs to deal further with the role of the Irish Government in other cases, not just that of Lord Justice and Lady Gibson but that of the Hanna family, where there are strong suspicions of collusion. They also need to look at the role that the Irish Government played under Jack Lynch in the infancy of the Provisional IRA movement in arming, assisting and facilitating it; the Irish Government’s refusal in over 90% of cases to extradite those whom the UK Government sought for terrorist activities; and their failure to protect the border, leaving the IRA able to carry out its attacks and providing it with a safe haven.

Let us remember that the people who carried this out were those in the IRA. They were people who, when one officer held up a white handkerchief pleading surrender, shot and brutally murdered him.

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

Mr Givan: Those were the actions not of an army doing its duty but of terrorists and those in that organisation that Gerry Adams should be ashamed of.

Mr Mitchel McLaughlin: Go raibh maith agat, a Cheann Comhairle. After the Weston Park talks in 2001, Canadian Judge Peter Cory was asked to examine the case for public inquiries into the killing of Pat Finucane, Robert Hamill, Rosemary Nelson, Billy Wright, Judge Gibson and his wife, RUC Chief Superintendent Harry Breen and RUC Superintendent Robert Buchanan. Cory worked diligently and, in 2003, handed his reports over to the two Governments. He concluded that there was no basis for proceeding with an inquiry into the deaths of Judge Gibson and his wife. I think that some of the underlying reasons for that have already been placed in the public domain. Sinn Féin supported the establishment of the inquiries as he recommended, including Smithwick, and we did so on the basis that families had the right to full disclosure of all relevant information.

Judge Smithwick concluded that, although the tribunal has not uncovered direct evidence of collusion, on the balance of probability some form of collusion occurred. We await the formal and considered response of the police services on both sides of the border, which, I think, is proper. That will be due process taking its course. People should make up their mind on the conclusions by reading the full report: I suspect that some of the commentary that we have heard already comes from people who have not had the benefit of reading the report in detail. Indeed, it takes some time to do so, because it is quite a bulky report. However, it is already clear that what Judge Smithwick describes as collusion is very different in form and scale from the collusion that occurred in the North. During 30 years of protracted and violent conflict on our streets, the British state was directly responsible for structured, institutionalised and coordinated collusion that led to the deaths of hundreds of citizens, including those killed in the Dublin, Monaghan and Dundalk bombs and by the murderous activities of the notorious Glenanne gang, which killed over 100 people in the so-called murder triangle, not to mention the role of the British Army murder squad, the MRF. To this day, the British Government refuse to hand over the vital information on these events.

It is also important to note that, while the Irish Government have fulfilled their commitment under Weston Park — the parties in the Chamber were involved there, and I was part of my party's delegation — the British Government

are in clear breach of their commitments and have refused to establish an inquiry into the murder of human rights lawyer Pat Finucane. The Irish Government, with support from the Assembly, should continue to pressurise the British Government to honour their Weston Park commitments and set up the promised public inquiry into the murder of Pat Finucane.

Finally, Sinn Féin believes that there needs to be an effective truth recovery process for dealing with all legacy issues, which cause such difficulties in the party dynamics in this place. We have repeatedly called on the British and Irish Governments —

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

Mr Mitchel McLaughlin: — to invite a reputable and independent international body to establish an independent international truth commission. We repeat that call today.

Mr Kennedy: I welcome the opportunity to comment on this matter of the day. I welcome the publication of the Smithwick report, and I congratulate Judge Smithwick on his robust independence during a very lengthy inquiry process. I am also mindful of the Breen family and the Buchanan family. They have shown great dignity throughout what must have been a very difficult period and in the 24 years since the murder of their loved ones. I pay tribute to their dignity. I also pay tribute to the professionalism of their legal representation.

Unfortunately, it is no surprise that Sinn Féin has sought to cast cold water on the importance of the report, but it is still unbelievably remarkable how deliberately insensitive Sinn Féin has been, no one more so than Gerry Adams. Despite the lows that he has reached in his career, he has somehow managed to be even more insensitive, even in a week when so many have discussed the spirit of generosity displayed by Nelson Mandela. We have reflected on the clearly painful process that South Africa embarked on, but at least there was a willingness to tell the truth there. When we read the Smithwick report, we see that, even when amnesties were secured by the IRA, its members were absolutely incapable of telling the truth. Judge Smithwick is rightly scathing of their engagement. We know about Mr Adams's credibility in respect of honesty. We also know that, at the Saville tribunal, the deputy First Minister made it clear that there were questions to which he would provide no answer.

This report has firmly established Garda collusion on a level yet to be quantified. We simply do not know whether we are dealing with one mole or more. One set of murders has been investigated, and collusion has been established. Many more murders — some 160 — in that area were of a cross-border nature, including those of countless members of the security forces and private citizens like those who were caught up and cruelly murdered in Kingsmills and other incidents. We need to know more about that. The immediate apology from the Republic is welcome, but it should be only a first step in seeking to establish how deep the collusion ran and how high up the chain of command it ran. Otherwise, this is not enough.

Mrs D Kelly: Less than a week after the publication of a 1,600-plus page report, I do not think that we will do justice to its findings and conclusions in such a short time. However, as Mr Kennedy stated, we have to be very mindful of the families and, in particular, their search for truth. Many families right across the North, as we know, will not see justice, but there is a prevailing demand for truth recovery from victims' organisations and individuals who were victimised over the years.

We also have to be very mindful of those who stood against terrorists, North and South. Both police services lost colleagues at the hands of those who would seek to murder and maim their fellow Irishmen and Irishwomen. The allegations of collusion are a great slur on those organisations. We heard a very quick response from the Southern Government to the report, and I note that they will study it in detail. There are, however, three recommendations that have a particular resonance for the police and the gardaí on cooperation and the sharing of intelligence. I know that both police chiefs and Justice Ministers will meet to discuss the relevance of those recommendations at an early date over the coming weeks.

Mitchel McLaughlin is correct in saying that there is an outstanding need for an inquiry into the death of Pat Finucane. That is a promise broken by the British Government. No doubt, many international commentators will consider how the British have failed to live up to their commitments.

I am very mindful that the Haass/O'Sullivan talks will intensify over the coming days and of the needs of victims. One of the final recommendations of the report was that victims' needs must be front and centre. If there is to be justice in any policing system, that has to be the case. I urge those involved in the talks to

bear that in mind. This is the best opportunity that we will have to establish a form of truth recovery.

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

Mrs D Kelly: However, as Mr Kennedy and others have stated, that will require all to tell the truth, and it is unfortunate — if that be the right word — that the IRA frustrated the Smithwick tribunal and did not make themselves available for cross-examination. Let us hope that, if it makes a commitment to the Haass/O'Sullivan talks, we will see a different set of principles.

Mr Ford: First, I repeat my sympathies to the Breen and Buchanan families. There is absolutely no doubt that Chief Superintendent Breen and Superintendent Buchanan were dedicated police officers doing their duty in the fight against crime and terrorism, and they suffered for the work that they were doing. There is no doubt that their families suffered grievously because of those dreadful murders, and they continue to suffer. The way in which they have shown forbearance and dignity, even in their response to the report, is an example to us all.

On behalf of my party, I welcome the very speedy response made by the Taoiseach, the Tánaiste and the Minister for Justice and Equality, in particular the absolute and unqualified apology for any failings of the Irish state or its agencies. That stands in contrast to what can be the inclination when difficulties emerge in all kinds of ways.

Mrs Kelly has already referred to it, so, although it is not quite my role to speak as Minister on a matter of the day, I can confirm that I had several informal discussions on this issue with Alan Shatter last week. He and I will meet formally with the Garda Commissioner and the Chief Constable of the PSNI next week to consider how the issue can be taken further forward. It is absolutely clear that we need to address the findings of the Smithwick tribunal. We need to ensure that there is the best possible cooperation and joined-up approach to the fight against terrorism.

The public position of the Irish Government stands in very significant contrast to what were outrageous comments by the Sinn Féin TDs from Louth and Donegal, Gerry Adams and Pádraig Mac Lochlainn. The suggestion that the two officers doing their duty were somehow responsible for their own death is a disgusting slur on the honourable trade that they had and

the way in which they sought to protect the community. It is important that we address the issue highlighted by Mr Givan of a culture in organisations of people seeking to stick up for their colleagues, rather than necessarily addressing the truth. I suggest that that culture is not unique to an Garda Síochána, but it is an issue that must be addressed by the two Departments and the two police services if we are to maximise cooperation and build on the good position that we are in now. However, we should remember that we have to do that because of the way that Judge Smithwick, in an excellent report, has highlighted the problems of the 1980s and the loss that this society suffered with the murder of the two officers.

1.30 pm

Mr B McCrea: On behalf of NI21, I offer condolences to the families of Breen and Buchanan. I would also like to place on record our thanks for the service that they gave our community.

Judge Smithwick has spent eight long years trying to unravel what went on, and the question in front of all of us is, "Did it actually make any difference?". Have we got to the whole truth? Have the families got justice? Is this something that will make our place a better place? I have to say that I am not sure that the Smithwick report will do any more than give us a call for more inquiries. Yet, the truth is that we cannot do inquiries of this level for every victim, and, even if we did, we would not get the truth. The very point that has been made by the previous Member about the disgraceful attitude of those who know about things but will not speak out shows that we will not get answers when we go down this route. From studying, at some length, the Smithwick report, it is apparent to me that, if we insist on going back through the past and having rancorous debates and if we ignore the lesson that came from the earlier debate on Nelson Mandela, Northern Ireland will have no future. We will be stuck in the past.

I will conclude by saying a committed "Thank you" to the servants of the state who did their best but with a plea to the people of Northern Ireland to put the past behind them, to accept that bad things were done and to move forward and build a future that we can all be proud of.

Mr Allister: The Smithwick report was a forthright exposé of the chilling fact that a mole in the gardaí who was in cooperation with the murderous IRA led to the killing of the two most senior officers to lose their life in Northern Ireland. That is as chilling as it is shocking, but

it raises the question of what other episodes of collusion there were. That arises in the context of the Republic of Ireland having spawned and armed the Provisional IRA, of their repeated brazen thwarting of extradition over the years and of the porous border that they maintained to the facilitation of the IRA campaign. So, quite apart from these specific incidents, there is much yet to be apologised for by the Republic of Ireland.

The second very significant part of Smithwick was its exposé of the political expediency that overshadowed a number of these matters. The finding that, because of political expediency, there was denial, sadly both North and South, about the existence of a mole was itself a timely finding, and, again, it raises the question "How many times over the years did that political expediency play its hand in conning and deceiving as to what was going on?" I must say that I was most disappointed by our Justice Minister's mealy-mouthed response last Friday when he tried to downplay the findings of collusion with a line the essence of which was "Well, you know, there are, as it were, bad apples in every large organisation". Was that another example of political expediency kicking in to avoid facing up to and to help deny the realities that were found?

Then, of course, we had the disgusting comments from the disgusting Mr Adams, suggesting that these men had only themselves to blame and, indeed, the IRA had a duty to murder them. That was shameful.

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

Mr Allister: I will finish with this: is this the only opportunity that the House will have to debate this important matter? Surely, we should find time for a proper debate on these issues.

Mr Speaker: Time is gone.

Mr McNarry: It is not difficult to feel someone else's hurt and pain, and, today, the House must speak out and let our feelings on this issue be known. The Breen and Buchanan families have a verified, beyond doubt report on the truth, and it is their truth. It says that, in all probability, the cause of their loved ones' savage murder by Provo assassins was aided by the shameful collusion of members of Garda Síochána. Some people in here would not know the truth if it jumped up and smacked them in the face. Well, Smithwick's truths have jumped up and hit where the truth is about what was supported then in the killing fields between

Northern Ireland and the Republic. Yet, as has been alluded to, Sinn Féin still wriggles with lamentable crassness away from acknowledging the truth, which was that the Provos, their political wing and members of Garda Síochána were, at a time, one and the same thing.

Mr Breen and Mr Buchanan were men dedicated to protecting and saving lives. It was their killers who chose the opposite way, because they were dedicated to taking lives. So, what we need to know now, without equivocation, is how commonplace collusion was between the gardaí and the Provos. It is asking too much to expect victims to believe that the Smithwick findings began and ended with one or two so-called rogue guards. I call on the Taoiseach to publicly answer this question: did gardaí collusion begin and end with the killing of Mr Breen and Mr Buchanan? If not, what was the full extent of guards working with Provo terrorists? Fittingly, today, following what we have seen this past couple of weeks, is it the case that, in all probability, collusion extends today to dissident Provos?

Mr Hussey: I begin by paying tribute to all those in the Royal Ulster Constabulary and an Garda Síochána who gave their life in the service of their country. I had the honour of serving with Superintendent Bob Buchanan. A nicer man you could not have met. He presented me with my RUC service medal, which was a very proud moment for me. Clearly, the man was a strong Christian, and he had strong Christian ethics. All reports indicate that Chief Superintendent Breen was a true gentleman. I was not going to speak on the issue, until Mr McLaughlin spoke. At no point did he apologise for the slur that was put on those two brave men by Mr Adams, who was never in the IRA. Mr Adams made comments that were beneath contempt, and Sinn Féin should apologise for them. He said that the IRA was right to murder those police officers.

Everybody knew that the police officers who travelled between the North and South were not allowed to carry their firearms, so they were murdered in cold blood. It was a shoot-to-kill policy by the IRA. They ambushed two senior police officers and murdered them in cold blood. No Sinn Féin Member can stand up and say anything different. On reading the report, one learns the disgusting way in which they killed Chief Superintendent Breen. I will not reopen the wounds of that family, but, if I were you sitting in the Benches over there, I would go home tonight and hang my head in shame. Not one inch of Ireland was worth what happened to those two very brave men.

There was collusion between an Garda Síochána and the IRA, and there was an act of cold-blooded murder in south Armagh. That is what happened. That is the horrible truth, and, for that, Sinn Féin should apologise. That party calls on everybody and their granny to apologise for what happened in Ireland from 1690 to God knows when. This happened on your watch. Your leader is a disgrace. Your president should resign. You should get rid of him as soon as possible. The man is a disgrace. I praise Chief Superintendent Breen and Superintendent Bob Buchanan, men who were proud to wear the uniform of the Royal Ulster Constabulary and who served this community.

Judge Smithwick has caught you out, and I thank him for his work.

Mr Craig: It is with great sadness that we talk about the Smithwick tribunal today at all. We need to bear in mind the two families in question: the family of Chief Superintendent Harry Breen and that of Superintendent Bob Buchanan. One thing that struck me, which was referred to earlier and about which I am not at all surprised, is that not only could Sinn Féin not apologise for what Gerry Adams said about the two families, its members could not even bring themselves to mention their names today. Maybe the fact that they cannot even mention the families connected with the judgement says something about their conscience on the matter.

I want to read from the Breen family statement, in which Judge Smithwick's report is described as:

"a truly remarkable exposé and indictment of wrongdoing and collusion with terrorists ... within An Garda Síochána".

That was the clear outcome of the report and what it clearly stated. Others in the House need to take that on board. It goes to the heart of the issue in Garda Síochána itself, which is how its members think, the mentality of the force: you do not say anything bad about it or your colleagues, and you do not look for wrongdoing in that force. I think that the exact opposite is true of the PSNI in Northern Ireland. I do not want to hear anyone compare the RUC, the PSNI or any force in Northern Ireland with the Garda Síochána. Some people came pretty close to doing that in the House today, which is disgraceful.

I read the report with great interest and noted what the lawyers and barristers acting on behalf

of the Garda Síochána said about ACC Drew Harris's evidence. As stated earlier, they said that it was nonsense and went on to say, "It is nonsense upon stilts".

They must have been pretty strong stilts because it proved to be absolutely true. The commissioner of the Garda Síochána owes the Chief Constable and the PSNI an apology for what his legal representatives said. I repeat my call for him to apologise in person to the Chief Constable.

Mr Speaker: Order, Members. Time has run out for that matter of the day. As we move on to the next one, I remind Members to be mindful that Question Time is at 2.00 pm. I do not want to interrupt Members, but this matter of the day must end before 2.00 pm.

Gun Attacks: PSNI Officers

Mr Speaker: Mr Nelson McCausland has been given leave to make a statement on the gun attacks on the PSNI which fulfils the criteria set out in Standing Order 24.

Mr McCausland: On Thursday night, a republican gunman in Ardoyne opened fire on police officers who were driving up Crumlin Road past the Holy Cross Roman Catholic Church. The terrorists were able to construct a firing platform in Ardoyne, and ten shots were fired from a Kalashnikov rifle. The vehicles were hit, but, thankfully, none of the police officers was killed or injured. Nevertheless, that was attempted murder and a reckless attack that could also have endangered the life of members of the public.

The following night, several shots were fired at police officers on the Suffolk Road in west Belfast. Again, that was an attempt to murder police officers, but, thankfully, no one was killed or injured.

1.45 pm

The murder or attempted murder of police officers is always wrong. It was wrong in the past, when the Provisional IRA murdered police officers in the RUC, and it is wrong today when the attacks are carried out by any of the smaller republican terrorist organisations.

There was also a grotesque irony about the Crumlin Road attack in that it was carried out outside the grounds of Holy Cross. Dissident republicans object to the behaviour of others outside a Roman Catholic church but seem to have no qualms about perpetrating murder

outside a Roman Catholic church. Indeed, of course, in the past, the Provisional IRA murdered people who were going to worship in a Roman Catholic church. However, it is a thoroughly perverse sort of mind that can protest about music and, at the same time, perpetrate and perpetuate murder.

There has been an upsurge in republican terrorist activity. Recently, the Assembly noted the car bomb attack in the centre of Belfast. The vehicle used in that terrorist operation was hijacked in Ardoyne. We can speculate about the reasons for the increased level of terrorist activity and there may even be something of an element of competition between the various dissident terrorist groups. However, the one thing that is absolutely sure and certain is that those who plan or carry out such acts of terrorism must be identified, brought before the courts and put behind bars where they thoroughly deserve to be.

Mr G Kelly: Go raibh maith agat, a Cheann Comhairle. I condemn the attacks that the Member has just enumerated. I am from North Belfast and I represent North Belfast, and the attack on the Crumlin Road, outside Holy Cross chapel, was particularly dangerous. We could be standing here today talking about the deaths of police officers, but thankfully we are not.

The people involved in these attacks have minimal support, if any, for doing what they did. They are completely rejected by the people of Ardoyne and, indeed, the people of Lenadoon and Suffolk and by the whole community across the board. It should be said that, in the aftermath of the Crumlin Road attack, not only could we have been dealing with the deaths of police officers but it was done in the proximity of an interface. Clearly, although the target was police officers, there was also a secondary attempt to raise tensions and bring loyalist paramilitaries into the fray. I have listened to some unionists and loyalists who have spoken on the matter and have said that they will resist that entirely.

The issue here is to make sure that they cannot bring us back to the past. Everybody needs to be involved in making sure that that does not occur. Again, let me condemn these attacks and assure Members that the people who vote for us all in the House are absolutely and entirely against such attacks.

Mr A Maginness: I join my Assembly colleagues in condemning these cowardly and reckless attacks in Belfast on the PSNI. I endorse what Mr Kelly has said; these attacks were reckless also because they could have

involved the injury or death of civilians who, perhaps, would have been going about their lawful business in both areas. However, they were also provocative attacks, which were designed deliberately to raise tensions in the city of Belfast. We have tensions in this city and we do not want to excite further tensions. We want to lower tensions and we want to bring about peace in this city.

It should also be said that these attacks arise against a background in which our politics are not particularly good. We need to improve our politics and make them better so that those who may support these groups see that, in fact, there is an alternative way and that violence cannot achieve anything in this society. That has been proven in the past. If we want to do something positive, we make our politics positive. We have already referred to the legacy of Nelson Mandela. What Mandela did, above all, was show a spirit of generosity and a spirit of forgiveness to those who opposed him and his people. We should learn from that and show generosity and a spirit of forgiveness to one another. If we develop that spirit of generosity and forgiveness, we can transform the atmosphere and, I believe, reduce these deadly attacks. I hope that we can improve the situation here and that, with the assistance of the whole House in united condemnation, we can send a very firm and powerful message to those who perpetrated the attacks in Belfast.

Mr Hussey: Only by the will of God, I suppose, we are not standing here today to talk about the death of a police officer. In 1977, I joined the Royal Ulster Constabulary and had to wear a flak jacket, carry a sidearm and travel in an armoured vehicle. Where are we today? Police officers have to wear flak jackets and travel in armoured vehicles. That is the sad reality of where we are.

Those people who used high-velocity firearms are not heroes. They are cowards. I have said this before and I say it again: they are cowards, because they fire shots from a brave distance away in an attempt to murder police officers or any other individual who happens to be in the area and in their line of fire. Where do they get those firearms from? We understand that they are AK-47-type guns. They are not Kalashnikovs, but they are that type of gun and have probably been obtained from eastern Europe. From where do they get those weapons, and how do they get them into Northern Ireland? They are bringing them into Northern Ireland for no other reason than to murder and cause mayhem.

If they murder a police officer, what will they gain by that? The public will be horrified, but what will be gained? We need people to stand up and say, "No, we do not want to return to the days when police officers had to wear flak jackets and travel in armoured vehicles". People must give evidence to the police. The legal police service in Northern Ireland is the Police Service of Northern Ireland. No civilised society wants to see its police officers shot in the street. Nobody joins the police to get shot. People join the police to serve their community.

I condemn these cowards outright. I have said before, and I say again, that not one inch of Irish soil is worth the murder of anybody. These cowards must be brought to account and before the courts. The only way in which that can be done is with the support of the people. We all know that the majority of people do not support terrorists of any kind, regardless of their religious or political background. I therefore urge the public to hand in those people as quickly as possible, because before Christmas, the supposed season of goodwill, I do not want to see us standing here condemning the murder of a police officer.

Dr Farry: I join other Members in condemning the attacks on the police. They are a reminder of the ongoing threat that still pervades our society against the whole community but particularly the Police Service of Northern Ireland and the other services and agencies that are involved in public protection.

We can take some degree of comfort from the fact that there is near-universal condemnation of these attacks on the police from right across the community and that they are being rejected by those who are involved in democratic politics. However, it is important that we acknowledge that there are people out there, particularly at night-time, who are seeking to protect the whole community. Arising from that, there has to be a challenge to us all to cooperate with the police, to acknowledge the risks that they are taking on our behalf and, through our own actions and the way in which we respond to other challenges that may exist on the streets, not to make things any more difficult for them than would be normal in any society.

So, we need to be clear in the Assembly that we are standing up for the rule of law across the board, without qualifications or inconsistencies, and that we are giving the police our full support unambiguously for the actions that they are taking on behalf of the community. We need to maintain our resolve as the democratically elected people of

Northern Ireland that we will make our politics work and send out a strong message that we reject the use of violence, which has no place in this society, not that it ever had. We need to make quite clear through our actions as MLAs our ability to deliver on behalf of all the people of Northern Ireland the idea that democracy and the rule of law are the only way forward for this society.

Mr Humphrey: As a Member for North Belfast, I condemn the attacks on the police on the Crumlin Road on Thursday night and in Suffolk on Friday night. They were the latest in a number of criminal and evil actions of murderous intent over the past number of months to try to kill police officers.

Going back to July last year, automatic guns were fired from Brompton Park at police officers to try to murder them; a viable device was placed at a garage in Twaddell Avenue; there was a pipe bomb beside Forth River Primary School and Forth River Park on the Ballygomartin Road; an under-car pipe bomb that fell off a car was found in Ballymagarry Lane; and a rocket launcher was found close to two primary schools in Springmartin. We raised that matter in the House. Shots were fired in July, and a blast bomb was thrown in Ardoyne.

Therefore, those people are involved in a clear programme across north and west Belfast to try to murder innocent people, including police officers. They have complete disregard for life and the community that I represent. There have been in the region of 17 bomb attacks and hoaxes in recent months, largely on police officers. The bomb on Victoria Street could have been catastrophic to this city and its economy.

It is very clear that the police need the community's support to bring those people to justice. That community support is vital. As a representative for North Belfast, I have to say that, at this stage, there needs to be more covert and overt police operations. We need to have the police actively involved in pursuing those people, and the security services need to be involved on a wider scale in apprehending those criminals, who have an evil agenda.

I appeal to those who would set their face against the full extension of the National Crime Agency to Northern Ireland to reconsider their position. Our police force, communities and people are being exposed to increasing levels of evil, and it is clear that every tool that can be used by the police and security services to bring those people to book should be used.

This evil — it is evil — needs to stop. Dissident activity is wrong, as was the activity of the IRA during its campaign. We as a community must unite, going right across from political people to community people to those who are actively on the ground, to show very clearly that their evil intentions, criminal activity and murderous intention will not succeed.

The people of Northern Ireland will not be bombed or shot into some sort of Thirty-two County Ireland, as they were not in the past. We need to move forward and to have democracy seen to be working. Those who continually attack the political process and the institutions should remember this: this is providing succour for those who would see the political process in Northern Ireland as having failed.

Mr Speaker: The Member's time is up.

I call Mr Basil McCrea, who has about one minute.

Mr B McCrea: Mr Speaker, Northern Ireland stands at the precipice. I have one minute to say that the public may hope that this is an aberration and that these things will not carry on. However, they are wrong. The very situation for peace that they hope for at this time of Christmas will not happen. I fear for the fate of the Haass talks. I fear that, if they fail, we will plunge ourselves back into the abyss after the new year and that this is only a foretaste of what is to come. Whenever people in the Chamber stand up and ask for friendship, demand action or in other ways implore people to do things, they must realise that it is their responsibility and that we are in clear and present danger.

Mr Speaker: We are very close to Question Time, so I ask the House to take its ease.

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

2.00 pm

Oral Answers to Questions

Environment

Recycling: Packaging

1. **Ms Brown** asked the Minister of the Environment to outline the progress made by his Department and the waste and resources action programme to optimise packaging design and recyclability. (AQO 5190/11-15)

Mr Durkan (The Minister of the Environment): My Department's recently published waste management strategy includes higher targets for the recovery and recycling of packaging waste and highlights the contribution of voluntary agreements and the incorporation of eco-design in delivering resource efficiency.

New recycling targets for the different packaging waste streams were introduced in January this year. Meeting those targets will equate to an overall packaging recycling rate of 72.7% by 2017, which is significantly above the minimum recycling target set out in the EU packaging directive.

The Courtauld commitment, which is managed by the waste and resources action programme (WRAP), is a voluntary agreement between government and the retail grocery and manufacturing sectors that is aimed at improving resource efficiency and reducing the carbon and wider environmental impact through increased prevention of food and packaging waste.

The second phase of the commitment, which ran from 2010 to 2012, resulted in a 10% reduction in the carbon impact of grocery packaging. Traditional grocery product and packaging waste in the supply chain was reduced by 7.4%. The third phase of the commitment, which commenced in May 2013 and will run until 2015, places further emphasis on the reduction of weight and the carbon impact of grocery product and packaging waste.

Ms Brown: I thank the Minister for his answer. We are all aware — the females amongst us will certainly be very aware of this — of the waste from items in our grocery shop that goes straight into the various bins as soon as we get home. There is certainly merit in the argument

for multi-trip packaging and product reformulation. Therefore, will the Minister outline when he will be in a position to issue guidance to supply chains on the increased use of refillable bags or the need to make better volumetric use of packaging?

Mr Durkan: I thank Ms Brown, the Deputy Chair of the Committee, for her supplementary question. This is, indeed, an issue of great importance, and it is one that we in the House all have a role in addressing, particularly as we move into Christmas, which is a time when there is a lot more waste, be it through packaging, wrapping or gift bags. I take this opportunity to put a message out there to people about the need to minimise such unnecessary waste packaging at this time.

As I said, I recently published the waste management strategy for Northern Ireland, 'Delivering Resource Efficiency'. It aims to set the direction towards using waste as a resource more efficiently and to make it a key element in developing a low-carbon circular economy. Through the Rethink Waste programme, my Department provides a range of guidance and, indeed, incentives to promote waste prevention, including around reuse and increased levels of recycling. Those include the provision of financial assistance, technical advice, communications and educational resources across the full range of stakeholders, from the individual to community groups to schools and, most importantly, to business. In the past four years, over £10 million from the Rethink Waste fund has been allocated to over 100 projects for initiatives that boost waste prevention and recycling.

Mr Deputy Speaker: I neglected to tell Members that questions 8 and 13 have been withdrawn.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a fhreagra. What discussions on the issue has the Minister had with large retailers, and what cooperation have they given to the Department to try to address it?

Mr Durkan: Gabhaim buíochas leis an Chomhalta as a cheist. Déanfaidh mé mo dhícheall freagra a thabhairt uirthi. I thank the Member for his question, which I will do my best to answer. Quite a lot of work has been done with small and large retailers by my Department, primarily through WRAP. I am sure that the Member, as his party's environment spokesperson, is familiar with that

organisation. As recently as Friday, I spoke to people from Sainsbury's in my local Derry store about the importance of not just in tackling packaging waste, but food waste. I am aware of the work that has been done by other large retail chains on that issue. They are keen to tell me, as Minister, departmental officials, the public and, indeed, other businesses that they see real benefits in reducing waste. Obviously, they see the environmental benefits that we all want to see. However, they also see the benefit to their business not just in cost reduction but in PR and the fact that they can point to corporate responsibility and show that, the greener they are, maybe the better business they will do.

Mr A Maginness: I thank the Minister for his answers. Recyclability is a very important issue. One element of that is the reuse of carrier bags. I ask the Minister for his assessment of the impact of the carrier bag levy in promoting the reuse of carrier bags.

Mr Durkan: I thank Mr Maginness for his question. The 5p single-use carrier bag levy has dramatically reduced the number of single-use carrier bags dispensed since its introduction in April 2013. Two recent surveys — one conducted in June and one more recently in October — suggest that around half of shoppers are now frequently reusing carrier bags. Although that is extremely encouraging, there is clearly still a lot of room for improvement. Applying a 5p levy to low-cost reusable bags should help significantly reduce unnecessary purchases of those bags, encourage even higher levels of reuse and generate even more substantial environmental benefit.

Taxi Operator's Licence: Affiliation

2. **Mr D Bradley** asked the Minister of the Environment to outline the actions he is taking to assist taxi drivers who are currently experiencing financial uncertainty as a result of delays to the implementation of changes relating to affiliations and operator licences. (AQO 5191/11-15)

Mr Durkan: This issue was recently brought to my attention, and I instructed the Driver and Vehicle Agency (DVA) to undertake a review of the process for affiliating drivers and vehicles to a taxi operator licence. That review has now been completed, and I am pleased to be able to advise that an amended improved process has been agreed and will be implemented within the next couple of weeks. The new process will significantly reduce turnaround times for

affiliating taxi drivers and vehicles to taxi operator licences. Provided that the administration fee of £5 for each additional driver or vehicle added to the licence is paid, vehicles and drivers will be added immediately to operator licences. That will mean that the Driver and Vehicle Agency will affiliate drivers and vehicles to operator licences within a target of three working days.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. An dtiocfadh leis an Aire a dheimhniú cén uair a thiocfas na cuspoírí atá aige deileáil leis na moilleanna seo go tapaídh, cén uair a thiocfas siad i bhfeidhm; agus cén cineál monatóireachta a dhéanfar orthu? Will the Minister confirm when the new turnaround target will come into effect? What level of monitoring will there be?

Mr Durkan: Go raibh maith agat as an cheist shiumiúil sin. Tiocfaidh siad isteach i gcionn cúpla seachtain. I thank the Member for that interesting question. I hope that the new procedures will come in by mid-December. I have instructed that the new procedures for affiliating the taxi drivers and taxi vehicles to operate our licences should be implemented by mid-December, and the DVA will carry out checks weekly to ensure that the new process is working satisfactorily. I have asked for a report, by the end of March, on the operation of procedures to ensure that it is working as intended and that drivers and operators are seeing the benefits of this initiative.

Mr Weir: As the operator licence scheme will be part of the wider considerations of the wider reform of taxi regulations, what consideration has the Minister given to the unique situation in Belfast city centre, and does he intend to make any changes or variations to that?

Mr Durkan: I thank Mr Weir for that supplementary question. I am aware of the lobbying that is going on, particularly around the move to single-tier licensing in Belfast and the fears of the implications that that might have for the industry, particularly in Belfast and especially for public hire in Belfast. That sector has been lobbying not only Mr Weir but parties right across the Chamber on this issue, and I have to say that I have a degree of sympathy with its fears. However, I am doing my utmost to allay them.

The demand for the services of Belfast public hire, or indeed any taxi firm, will be determined by the service that is being provided and the price at which it is provided. Consumers will, and should, be able to exercise choice, and this

is a matter for each consumer. It is for my Department as a regulator to set minimum standards that all operators, vehicles and drivers must meet so that taxi users can receive the service that they expect and then to ensure compliance with those standards. That is what I have relayed again and again to representatives of Belfast public hire.

I have also undertaken to work with my counterpart the Minister for Regional Development around issues such as taxi ranks and, perhaps, access to bus lanes for wheelchair-accessible vehicles. Currently, all Belfast public-hire vehicles are wheelchair accessible, so it is fair to assume that they will still use ranks and that they will still use the bus lanes. I know that they are looking for some sort of guarantee that that might be for them alone. I am keen not to alienate anyone —

Mr Deputy Speaker: The Minister has used up his time.

Mr Durkan: — in this process, be it any driver or any company. I will be happy to work with Mr Weir and other members of the Committee to ensure that this is done right.

Ms Lo: Some Belfast public-hire members have said to me that it will not be financially viable for them to purchase or maintain taxis with disability access if it becomes single tier. Therefore, there will be a reduction in the number of taxis with disability access for the public. Can the Minister explain what measures he is taking for this not to happen and for the current level of taxis with disability access to be provided?

Mr Durkan: I thank the Chair of the Environment Committee for her question. This is certainly not what we envisage happening, and it is certainly not what we intend to happen. Having met consumer groups, Disability Action and other representatives of consumers with disabilities, I know that it is not what they see happening either. On the contrary, what I have heard from representatives in the taxi industry is that there may be a rush to purchase taxis with disabled access, thus rendering obsolete any advantage that one sector currently has. This is about improving standards, improving accessibility and improving the service and the industry for consumers and also for drivers and operators. As I said in an earlier answer, it will really be the market that directs this.

If drivers see that there is an advantage in having disability accessible cars, I have no doubt that they will pursue that avenue.

2.15 pm

As regards other cost implications of the implementation of the Taxis Act, at the behest of the Committee, the introduction of the Act was put back from September this year until September next year. I have looked further at this to enable drivers and operators to prepare for the implementation, and I am going to stagger the introduction of measures as part of the Act — for example, receipt printers will not now be necessary until 2016. We have looked at the costs, and it is calculated that the cost to individual drivers will be somewhere in the region of £840 over five years.

Local Government Reform: ICT Convergence

3. **Ms Ruane** asked the Minister of the Environment to outline the information and communications technology system convergence works that are being brought forward in advance of the review of public administration. (AQO 5192/11-15)

Mr Durkan: Delivering the right information and communication technology (ICT) option to support local government reform is paramount. The systems convergence working group, which was set up by my predecessor under the reform structures, has engaged Gartner advisory services to review the ICT requirements for local government. The purpose of that was to plan in advance of April 2015 for the transition from 26 councils to 11 new councils and to determine the best strategic delivery model for local government ICT services thereafter.

Gartner has engaged with local government stakeholders to establish key systems convergence priorities, options for the creation of a strategic delivery model and resource plans to deliver key pieces of work for local ICT services. Initial findings show that local government believes that a new, more agile, adaptive and flexible ICT delivery model is required to deliver the types of local government services that citizens require, particularly given the challenging fiscal environment. It has been agreed that a hybrid model best aligns with the anticipated working practices of the consolidated councils.

In order to deliver the Gartner report's recommendations, it is proposed that a project team is set up to work closely with representatives from each of the 11 statutory transition committees (STCs) in the run-up to

April 2015. A consultation on this proposal is under way across local government, and the outcome from the exercise should be available in mid-December.

The project team will work to create an IT strategy and a more detailed operating model, but, for now, four main types of ICT models are proposed. First, the development of a local government-wide telephony solution, which will result in reduced costs and ease of connectivity between all of local government. Secondly, the creation of a local government active directory that will provide for regional identity and access management as well as the opportunity to deliver secure common business platforms. Thirdly, the formation of a regional data centre, which will result in —

Mr Deputy Speaker: The Minister has used up his time.

Mr Durkan: — reduced hardware costs and a reduced requirement for servers, storage, business continuity and disaster recovery.

Ms Ruane: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra go dtí seo. I thank the Minister for his answers up to now. How does the Minister envisage councils meeting the financial implications of the ICT system convergence?

Mr Durkan: In February, the Executive kindly agreed to proposals from my predecessor for a financial package around the reform of local government. That totalled £47 million, of which £30 million will deal with rates convergence and the rest with other aspects of reform, including the systems convergence that we are talking about.

As it is anticipated and, indeed, expected that local government will yield the benefits of huge savings in the future through reform, councils should also face some of the cost of reform. Work is ongoing on a voluntary basis between many councils through the innovation for competitive enterprises (ICE) programme. Those councils have seen benefits through that, and I would like to explore the possibility of making it non-optional and non-voluntary to get more councils on board. They will see the benefits. It is not just about making financial savings. It is also about improving the delivery of services to ratepayers and citizens.

Mr Cree: Minister, can you tell us when local councils will be given accurate and final figures with respect to the implementation of an ICT

programme that is specifically for the Planning Service?

Mr Durkan: I will have to come back to the Member with a precise anticipated date for that. However, I know that it is an issue of huge concern to local councils and to existing statutory transition committees, of which I have met three over the past two weeks and intend to meet a further three this week. The transfer of planning is perhaps the issue that most questions have been asked about during my meetings with the STCs. People are worried not only about the cost associated with delivering planning but about the training that will be required for members of councils to deal with and make planning decisions. So I am keen for the Planning Service to be fit for purpose and easy to transfer to local councils.

Mr B McCrea: Has the Minister considered open source coding platforms as a way of reducing the cost of licences and improving services in the forthcoming changes?

Mr Durkan: I thank the Member for that question. I have not, to date, considered that. I must check whether my officials have, and, if not, I am sure that we now will.

Mr Eastwood: I thank the Minister for his answers thus far. What level of savings is expected as part of the convergence work?

Mr Durkan: ICE has calculated that, over the 25 years from reform, savings in the region of £200 million will be realised. Obviously, there is outlay at the start of reform, and I spoke of the £47 million that will come directly from the Executive to assist with that. We definitely need, at this advanced stage, more buy-in and cooperation from councils, not necessarily with the Department but with each other. I spoke of the ICE programme and the fact that its voluntary nature means that not as many councils as we would have liked have signed up or participated. In fact, you could describe the speed of ICE as glacial. However, now that people realise that we have come so far and are so close to local government reform, there will be more action from councils. Many of them and, indeed, all the elected representatives whom I have met are determined that this will cross the line in a way that delivers a better service to citizens and does so at a fair price.

Planning Bill: Further Consideration Stage

4. **Mrs Dobson** asked the Minister of the Environment whether either the First Minister or deputy First Minister has raised directly with him any opposition to his statement on 22 October 2013 regarding his decision not to proceed with the Planning Bill. (AQO 5193/11-15)

Mr Durkan: In my statement to the Assembly on 22 October, I clearly set out the legal, procedural and evidential reasons for my decision not to move the Planning Bill to Further Consideration Stage, including the fact that the Department's legal opinion from David Elvin QC and Paul McLaughlin BL indicated that clauses 4 and 15 were outside the legislative competence of the Assembly. Subsequent to my statement, there was opposition to my decision not to move the Bill from some quarters in the Assembly, notably from those who tabled the two significant amendments. Otherwise, I have been heartened by the widespread support that I have received from many quarters in and outside the Chamber for the difficult but necessary decision that I took, which was in the best interests of the planning system and everyone in the North. I stand over that decision. Since I made my decision, I have obtained further supplementary legal opinion from David Elvin QC and Paul McLaughlin BL that reaffirms their initial opinion. I have shared that opinion with Executive colleagues and the Attorney General and invited them to consider it carefully and diligently. I have yet to receive any formal or direct comment that opposes its veracity.

I can advise that I was approached to meet, and have now met, the First Minister and deputy First Minister to explore their views on my decision not to move the Bill. The meeting was a useful and positive engagement and raised a number of issues that I now want carefully and diligently to consider.

This is the responsible thing to do, and I anticipate further discussions in the near future. In the meantime, I remain committed to pressing ahead with speeding up and improving the planning system to provide the certainty that investors and others need to ensure that planning plays its full role in supporting economic recovery and sustainable development.

Mrs Dobson: I thank the Minister for his answer. Will he be taking any further action to clarify the seemingly significant contradiction

between the legal advice of one of our country's top planning and public law QCs and that provided to the First Minister and deputy First Minister by the Attorney General?

Mr Durkan: As a Minister, I have the right to seek and receive legal advice from whatever source I deem appropriate. I have chosen to do so from David Elvin QC, an eminent barrister in this field who is widely recognised as one of the top barristers on these islands in planning and public law. I stand by his advice. Other Ministers have the right to seek advice from where they want. Subsequent to my announcement, I have received advice from the Attorney General that he disagreed with the initial opinion that I had sought. However, upon seeking a second opinion from the same source and sharing it with the Attorney General and my Executive colleagues, I have not had anyone question the veracity of that legal opinion.

Mr Campbell: I commend the Minister. Not long after he took office, I went to him on a planning issue that affected a number of jobs in the north-west. He took direct action and, as a result, those jobs were safeguarded. On that very basis, Minister, and given the complicated planning process we have, which, on some occasions, means planning processes taking years not months, what are you going to do to introduce a much more streamlined, effective delivery mechanism so that people can see that there is a point in a planning application, particularly if many jobs are at risk?

Mr Durkan: I thank Mr Campbell for his thanks for working on that particular issue, in your constituency, Mr Deputy Speaker.

As I said, I am determined to ensure that we have a planning system that is fast, fair and fit for purpose. I have quite a few ideas on how to do that, some of which I shared with the First Minister and deputy First Minister during our meeting two weeks ago. I have come back from that meeting having been given a bit of time to work up proposals, which I hope to present to them and the Assembly in the near future. As I said, I think it is vital that we have a planning system that gives certainty to investors and to others. That is what I fully intend to bring about.

Mr P Ramsey: Will the Minister share with us the feedback that he has received from the business and environmental communities and the general public on his decision not to proceed with the Planning Bill?

Mr Durkan: I will happily share the gist of the feedback with the Member and the House. Since my decision not to proceed with the Planning Bill, which I termed as having been made toxic by the significant amendments tabled at Consideration Stage, I have received very positive feedback wherever I have gone, be it through meeting environmental groups or representatives of the business community in the North. They, too, want to see a planning system that is fast and gives certainty, and want to play their part in ensuring that we have one. Everyone I have spoken to since making my decision — all of them; I emphasise that — has been of the opinion that the Planning Bill as amended was not the way to do that.

Mr Deputy Speaker: That ends the period for listed questions. We now move on to 15 minutes of topical questions.

Three Rivers Project, Strabane

1. **Ms Boyle** asked the Minister of the Environment for an update on the three rivers project in Strabane. (AQT 481/11-15)

Mr Durkan: Go raibh maith agat as an cheist sin. It is not the first time today that I have been asked for an update on the three rivers project. Barely a day goes past when I am not asked for an update on that proposal, such is the fervour in Strabane and the surrounding area, and such is the desire there to see the proposal come to fruition. I am assessing the application. As I said, I am aware of demand in the area. I took time two months ago to walk around Strabane, where I spoke to shoppers and shopkeepers and was struck by the overwhelming support for the proposal. It was not unanimous, but it was overwhelming. I hope to be in a position to make a decision on the application in the not-too-distant future. However, there are some technical issues around the application that need to be addressed.

2.30 pm

Ms Boyle: Go raibh maith agat, a LeasCheann Comhairle. Given the high importance of this economic development in Strabane, I ask the Minister what efforts he has made to try to resolve the outstanding planning issues.

Mr Durkan: There are several outstanding planning issues, and without wanting to get into the detail of each and every individual issue on each and every planning application in the Chamber, I will happily meet the Member to discuss the application with her.

Planning Applications: Black Mountain

2. **Ms McCorley** asked the Minister of the Environment for an update on the planning application for the Black Mountain, which he discussed with Paul Maskey and me a couple of weeks ago. (AQT 482/11-15)

Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. Mar is eol don Aire, bhuail mé féin agus Paul Maskey leis roinnt seachtainí ó shin, agus phléigh muid an t-iaratas pleanála faoin Sliabh Dubh. Bhí mé ag smaoineamh an dtiocfadh leis an Aire sinn a thabhairt suas chun dáta ar an iartras sin.

Mr Durkan: Go raibh maith agat as an cheist sin. I did indeed meet the Member and the MP for West Belfast on the issue at Black Mountain. I am sympathetic to the concerns raised at the meeting. At that stage, I was awaiting a further consultation response from the National Trust, which I do not believe has been received by the Department as yet. I will pursue that. If it has arrived, I will get back to the Member, and if it has not, I will chase it up to see where it is.

Ms McCorley: Gabhaim buíochas leis an Aire as an fheagra sin. An dtig leis an Aire a dheimhniú gur ghlac sé san áireamh na himnithe ar leith atá ag an phobal áitiúil? Can the Minister assure me that the local residents' concerns have been taken into account?

Mr Durkan: Every planning application is subject to full scrutiny, and the opinions and concerns of objectors are taken very seriously and taken into account. On this particular application, I am acutely aware of the concerns and of the fact that they centre around health fears, and so forth, as well as potential damage to an area of outstanding natural beauty that is now much used by hillwalkers and mountain bikers etc. I assure the Member that those concerns have been taken on board and will be taken into account when a final decision is being made.

Road Safety: Speed Detection Vans

3. **Mr Campbell** asked the Minister of the Environment whether, given the cross-cutting nature of road safety issues between his Department and the Department of Justice, he has had any recent discussions with the Justice Minister on speed detection vans and their use. (AQT 483/11-15)

Mr Durkan: I recently met the Minister of Justice, and a lot of our work is cross-cutting, not least on road safety. However, the issue of speed detection vans did not come up during the meeting. I will happily go back and have another meeting with the Minister of Justice and put that matter on the table. It is vital that all Departments work together to reduce the likelihood and incidence of road accidents. In this role, I am determined to ensure full cooperation and collaboration with others to drive down the number of driving-related deaths and accidents on our roads.

Mr Campbell: I thank the Minister for that response. Will he ensure that, in his discussions on road safety with the Minister of Justice, the conversations on the use of speed detection vans will concentrate on road safety and accident prevention? Many people believe that that is more a case of raising revenue, given that they see speed detection vans placed repeatedly in areas where there have been no accidents whatsoever. It appears purely to be a revenue-raising exercise.

Mr Durkan: I will certainly raise the issue with the Minister.

Mr Campbell: Who has now joined us.

Mr Durkan: Yes; he has now joined us. Maybe you can raise it with him before I can.

I am aware of the public perception that speed traps are there to boost revenue rather than to reduce accidents. I am aware of a few such spots in my constituency. There is a spot not very far from the Member's house, and one might find that it is particularly profitable. *[Laughter.]* I am determined that resources should be allocated where they are needed to reduce accidents, not to boost the coffers.

Councils: Causeway Coast and Glens

4. **Mr Lynch** asked the Minister of the Environment to assure the House that the name "glens" will not be removed from any business marketing or promotional work within the new council cluster of Causeway Coast and Glens. (AQT 484/11-15)

Mr Durkan: Go raibh maith agat as an cheist. In my opinion, that will really be a matter for the new council to decide on. However, one would imagine that the council would like to have everything in the title that will increase the

number of tourists coming into the area. Although the Causeway is, of course, widely recognised, one cannot understate the tourism value of the glens.

Mr Lynch: Gabhaim buíochas leis an Aire. I thank the Minister for his answer. He has answered my supplementary question by agreeing that the removal of "glens" from the name of the new council would be detrimental. Go raibh maith agat.

Mr Durkan: Ná habair é. Do not mention it. If I can see that the removal of "glens" from the names of initiatives in that council area could be detrimental to tourism, one can only imagine that locally elected representatives and those who are charged with making these decisions will also be all too well aware of it.

Community Planning: Community and Voluntary Sector

5. **Ms Ruane** asked the Minister of the Environment to outline how he is assisting the community and voluntary sector to participate fully in the community planning process. (AQT 485/11-15)

Mr Durkan: During questions for oral answer, I spoke of the training that will be provided as part of local government reform. Although a lot of the emphasis of that training will naturally be directed towards local government and locally elected representatives, there will also be training for the community and voluntary sector in and around community planning. Community planning is a very exciting and very important part of RPA. We need the full buy-in of communities — not just the community and voluntary sector, but communities — to ensure that it works.

Therefore, councils and STCs will be charged with delivering training on a local basis. It is important that, for community planning to succeed, a bottom-up approach is taken. Of course we need Departments and Ministers signed up and buying in to it, but, for it to really succeed on the ground, we need ordinary people whose lives will be affected by it to play a full role.

Ms Ruane: Go raibh maith agat. Will the Minister outline whether he has had discussions with the Minister for Social Development about community and voluntary sector participation and, if so, what they entailed?

Mr Durkan: Although my Department is charged with local government reform, other Departments will transfer functions. The Department for Social Development will transfer the function of community development. The model by which it is transferring differs from that of my Department. Currently, the Department for Social Development is transferring the budget associated with community development without transferring the staff. However, the new councils that will have the powers and functions transferred to them will be given the option of taking on the staff from DSD who currently perform this function on a secondment basis.

Road Traffic (Drink Driving) (Amendment) Bill

6. **Mr D Bradley** asked the Minister of the Environment for an update on the Road Traffic (Drink Driving) (Amendment) Bill, which aims to reduce deaths and injuries on our roads. (AQT 486/11-15)

Arbh fhéidir leis an Aire an t-eolas reatha atá aige ar an Bhille chun an tAcht Tráchta Bóthair a leasú a roinnt linn? Tá sé de aidhm ag an Bhille sin gortuithe agus básanna ar na bóithre a mhaolú.

Mr Durkan: Go raibh maith agat. Gabhaim buíochas as an cheist. I will happily provide an update on the status of the Bill, which will play an important role in driving down the carnage on our roads. The principal objectives of the Bill are to reduce fatal and serious injuries from collisions where driver or rider alcohol consumption is a causation factor and to address the over-representation of young drivers in fatal and serious collisions. A comprehensive consultation process was carried out in the development of the policies: the drink-driving consultation of 2009; the graduated driver licensing policy consultation in 2011; and the drink-driving legislation consultation just last year. The original version of the paper was issued to the Executive on 15 May this year. I understand that there are competing priorities in the Executive, but I hope to be in a position to introduce this important Bill early next year.

Mr D Bradley: Will the Minister tell us what impact he believes the Bill will have on the statistics?

Mr Durkan: As I said, one of the key aims of the Bill is to tackle the over-representation of young drivers in our fatal and serious road

collision statistics. The graduated driver licensing programme that I referred to in my earlier answer will play a key role in this, if statistics elsewhere across the globe are to be believed. This is a very important issue. I believe that the Bill will succeed in reducing road accidents and should, therefore, be welcomed across the House.

Justice

Legal Aid: Family Law

1. **Mrs D Kelly** asked the Minister of Justice to outline any discussions he or his officials have had with the Northern Ireland Commissioner for Children and Young People in relation to the proposed changes in legal aid for family law cases. (AQO 5205/11-15)

Mr Ford (The Minister of Justice): To date, neither I nor my officials have had any discussions with or received any submissions from the Northern Ireland Commissioner for Children and Young People about the proposed changes to legal aid for family law cases. The commissioner did, however, provide a written response to the proposals for the reform of financial eligibility for civil and criminal legal aid. My officials are currently considering responses to proposals to change civil legal aid remuneration, and I am happy to meet the commissioner to discuss the policy proposals.

2.45 pm

Mrs D Kelly: I thank the Minister for his answer. I am disappointed that, until now, there was no invitation to the Children's Commissioner for a meeting. The Minister will be aware of the grave concern about the impact of legal aid changes on representation in family law courts. Will the Minister take on board the concerns raised by the Children's Law Centre and others about the reduced budget potential for representation at such hearings?

Mr Ford: I assure Mrs Kelly that we will take on board all the representations received, including those from the Children's Law Centre, but Members will be aware of the difficult financial circumstances that we are in and the necessity of ensuring that we bring legal aid expenditure within budget without reducing the scope of legal aid. That remains my intention.

Mr Lynch: Go raibh maith agat, a LeasCheann Comhairle. Is the Minister satisfied that the proposed cuts to the legal aid budget for family

law matters will not have a negative impact on vulnerable children?

Mr Ford: I have done my best to ensure that we will not see any cuts that would affect the rights of vulnerable claimants, be they children or others. That is one of the issues that we are looking at in the review of access to justice. We are looking at the needs of children and young people in particular, but I repeat the point that I have just made to Mrs Kelly: there are difficult financial circumstances, and we are maintaining the scope of legal aid at a significantly wider level than in England and Wales.

Mr Swann: Does the Minister accept that, in cases of implacable hostility, a parent may need the protection of the court to maintain a relationship with their child? Will legal aid still be available in those cases?

Mr Ford: The answer is yes, I accept that vulnerable parents may need legal aid, and it will continue to be available. We have to ensure that the appropriate representation is provided, and I remain to be convinced that it is always necessary to provide the level of representation that is currently provided. Frequently, a solicitor would be capable of handling a case where, at the moment, a junior barrister may be funded, and a junior barrister would be capable of handling a case where, currently, a QC is funded.

Mr Allister: Has the Minister met any solicitors who are deeply exercised by his proposals, particularly in respect of civil legal aid? Many of them have been lobbying Members of the House. How many times has the Minister met such solicitors to hear and to understand the concerns that they have?

Mr Ford: I attended a meeting convened by the Law Society some weeks ago at which a very large number of solicitors were present. I have also met officers of the Law Society. Given the number of solicitors' firms in this jurisdiction, I do not think that it would be possible for me to meet each individual who has written to the Department or to individual MLAs.

Prisons: Search Technology

2. **Mr Cree** asked the Minister of Justice whether further search technology is to be piloted in local prisons to enhance search procedures and to negate the need for body searches. (AQO 5206/11-15)

Mr Ford: The Northern Ireland Prison Service has evaluated millimetre wave scanners in the prison environment and has sought to obtain the necessary licences and approvals to pilot transmission X-ray body scanning technology in our prisons. In accordance with the justification of practices legislation, the required justification application was lodged with the Department of Energy and Climate Change in May. The process must now be completed by Chris Grayling, the Secretary of State for Justice, following consideration by the justification liaison group. All of this is outside the control of my officials.

While I remain determined to reduce the level of personal intrusion that is inherent in existing search procedures, any new solution must, at minimum, perform at least as well as the existing methods. Ultimately, nothing should be done that would compromise the safety of everyone in our prisons.

Mr Cree: I thank the Minister for his response, which was interesting. I understand the difficulty that you are having, but could any alternative technology be used that would eliminate the requirement for full-body searches?

Mr Ford: In response to what is a fair supplementary question, I can inform Mr Cree that the only two technologies that have been assessed as in any way suitable are the millimetre wave scanners, which we trialled and found not to be suitable, and the transmission X-ray scanners, for which we seek the justification approval. The reality is that, even if successful, such scanners would not remove completely the need for full-body searches. For example, if they were to identify that something was secreted, it would then be a requirement to have a full-body search. As I am aware, at this stage, there is no other technology beyond those two, although we keep in touch with developments worldwide.

Mr P Ramsey: Given that it is a most emotive subject and considering the concerns with that and accepting that there are statutory requirements for scanners, has an independent assessment or evaluation been carried out of the suitability of those full-body scanners?

Mr Ford: Again, I appreciate Mr Ramsey's point. The reality is that the Northern Ireland Prison Service is at the forefront in these islands of looking at this technology. It is in use in airports, but it is not in use in any prison or similar facility anywhere in these islands. That is why we have to go through the detail of the

justification application, and that is why the matters are technically out of our hands at the moment. We simply await the response to that application.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. Given the time for which we have been involved in the process of seeking a licence, is the Minister satisfied that proper urgency is being provided? Is it a case of people not wanting to do this and looking for ways to slow it down?

Mr Ford: I cannot give Mr McCartney assurances on what processes are entirely being applied by DECC, but I can say that meetings are being held, Prison Service staff have been at them and we have done our best to push forward the fact that this is an important and urgent issue for us. Clearly, however, there is a major issue about a completely new technology being used in prisons, and it is only right that that should be subjected to proper assessments on health grounds.

Justice: Cross-border Cooperation

3. **Mr Ó hOisín** asked the Minister of Justice whether any areas of increased cross-border cooperation were discussed at his recent meeting with the Minister for Justice and Equality. (AQO 5207/11-15)

Mr Ford: There is very positive ongoing cooperation between the various criminal justice agencies across the two jurisdictions. That reveals itself most notably through the six project advisory groups covering public protection, managing offenders, forensic science, victims and witnesses, youth justice and criminal justice and social diversity.

Cooperation is developing further in areas including work to speed up justice by sharing best practice on the production of short or fast-track reports for courts; the drafting and development of a forensic partnership strategy and action plan, which covers the forensic science services of Northern Ireland, Ireland and Scotland; the holding of a cross-border hate crime seminar; ongoing discussions on the European victims directive; development of an information-sharing agreement between the PSNI and an Garda Síochána relating to domestic and child abuse; and the development of a protocol between the juvenile justice centres in Northern Ireland and Ireland.

Mr Ó hOisín: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas

leis an Aire as a fhreagra. Will the Minister give an update on the all-Ireland approach to dealing with human trafficking?

Mr Ford: You will appreciate, Mr Deputy Speaker, that the issue of human trafficking is, as I will announce shortly in my statement on the North/South meeting, a matter of key concern in both jurisdictions. It is an issue on which we see joined-up working between an Garda Síochána and the PSNI, in particular, and through the involvement of an Garda Síochána in the Organised Crime Task Force subgroup on human trafficking.

Back in October, Alan Shatter, as Minister for Justice and Equality, and I opened and co-hosted a cross-border forum on human trafficking to enable the various agencies to identify the challenges and seek cooperative solutions. We are currently looking at bids for EU funding in respect of education around trafficking and meeting the needs of victims. They are all matters that are of considerable concern to a number of North/South agencies and that the two of us, as Ministers, continue to discuss regularly.

Mr Givan: Given the importance of cross-border cooperation, what action is the Minister taking to ensure that the response by the Garda Commissioner to ACC Drew Harris's evidence is properly dealt with and does not jeopardise that relationship? Does the Minister intend to continue with his political expediency of being blasé about the Smithwick tribunal report?

Mr Ford: It is difficult to answer a question that is based on an utterly false premise, Deputy Speaker. Stating the reality that a few bad apples does not mean that an entire force is corrupt is a simple statement of fact, whether some Members like it or not. That is not being blasé; that is being utterly factual.

Last week, on a number of occasions, I had informal discussions with Alan Shatter TD on dealing with the issues arising from the Smithwick report. As I said earlier in the House, the two of us will have a formal meeting with the Garda Commissioner and the PSNI Chief Constable. We will ensure that we maintain the best possible joined-up working.

I certainly accept that there was a difficulty in the last few days between the Garda barrister and ACC Drew Harris. The assurance that I have from the Minister for Justice and Equality is that he accepts, as Judge Smithwick did, the evidence that Drew Harris presented to the tribunal.

Mr A Maginness: Will the Minister consider seriously with his colleague in the South the setting up of a model of intelligence exchange based on the integrated border intelligence team made up of agencies from the United States and Canada, as recommended by Judge Smithwick?

Mr Ford: I thank Mr Maginness for that question, because it reflects significantly the need to ensure the best possible joining up. This morning, I was actually out with PSNI and HMRC officers on an operation directed against fuel laundering. It was very close to the border near Cullaville in south Armagh. On that operation, there was direct cross-border cooperation using the same vehicle-to-vehicle radio system between the PSNI and Garda Síochána. That is an example of positive movement forward.

The issue of intelligence sharing is, of course, one that can also feature in agencies that are not my devolved responsibility. However, the lessons to be learned, as highlighted by Judge Smithwick, are ones that I am determined to learn. I believe that Alan Shatter shares my concerns.

Domestic Violence: Disclosure Scheme

4. **Mr Copeland** asked the Minister of Justice whether he intends to introduce a domestic abuse disclosure scheme. (AQO 5208/11-15)

Mr Ford: The Home Secretary announced recently that the domestic violence disclosure scheme currently operating on a pilot basis in specific locations in England and Wales will be rolled out across England and Wales from March 2014. Department of Justice officials have been liaising with colleagues in the Home Office throughout the duration of the pilot scheme. The evaluation arising from it will be shared with the regional strategy group on domestic and sexual violence, which will consider the potential to introduce a domestic violence disclosure scheme in Northern Ireland.

Mr Copeland: I thank the Minister for his answer. Can he share any details that he may have regarding the success or otherwise of the scheme where it has been introduced in those pilots in the rest of the UK?

Mr Ford: I do not have the detail of the scheme, as it was implemented by the Home Office, but my officials will certainly seek the

most detailed information possible on it. What we have are options of, potentially, two different kinds of process for disclosing information, whether it be the opportunity for a member of the public to have the right to ask or the potential of disclosure to a prospective victim — what is described as the “right to know”. Both can be implemented in the England and Wales arrangements. The important issue is to see that we get the message across in Northern Ireland. Certainly, there is already informal sharing with the PSNI anyway.

Ms McCorley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra. The Criminal Justice Inspection recently published a negative report on domestic violence. Will the Minister assure us that its recommendations will be implemented as soon as possible?

Mr Ford: Of course, that job falls largely to the regional strategy group on domestic and sexual violence, but I can assure all Members of the House that reports from CJINI are taken seriously in the Department. We will seek to ensure that those recommendations are followed up in the most appropriate way.

Mrs McKeivitt: Will the Minister ensure that all victims of domestic abuse are offered special measures when involved in court proceedings?

Mr Ford: I cannot give an assurance in quite the way in which the question asked for it, but I would have thought that the reality is that the great majority of victims of domestic abuse will find themselves eligible for special measures. To give a blanket guarantee that all victims in all circumstances will receive an entitlement to special measures is beyond me as Minister at this point.

Prisoners: Education, Training and Employment

5. **Ms Lo** asked the Minister of Justice to outline his plans to increase the opportunities for prisoners to access training and employment experience whilst in custody. (AQO 5209/11-15)

Mr Ford: Key to the reform of prisons is putting the offender at the centre of the prison system, assessing his or her needs and working in partnership to address those needs, aiding their successful reintegration into the community on release and making society safer by doing so. Indeed, education, training and employment is one of the key resettlement pathways to which the Prison Service has committed itself.

Reflecting that, one of this year's business targets was that NIPS would, for the first time, publish an employability strategy by March 2014. The strategy was, in fact, published on 20 September. It is a four-year strategy covering the period 2013 to 2017, linking the opportunities available to prisoners with employment market trends and opportunities through the delivery of a range of services.

One of those services must be a modernised learning and skills service. I am glad to inform Members that work is well under way to put in place a revised curriculum and outsourced delivery model during 2014, with employment skills training as one of the core elements. A range of employment initiatives is under development, and a new passport to employment, which was developed by prisoners and aims to capture soft skills in addition to qualifications gained, is being piloted in Maghaberry.

3.00 pm

Ms Lo: I thank the Minister for outlining some of the more strategic policy initiatives. Will he give us some examples of how the outworking of these policies and strategies is beginning to be seen on the ground?

Mr Ford: I thank the Member for her supplementary. I am not quite sure how much is available on the ground, but I will talk a little about what is available in the institutions. We have already seen good progress: for example, Members may have heard mention of a social enterprise called Mugshots that I launched a couple of weeks ago in Hydebank Wood. I probably should not do a commercial, but I will anyway: if anyone is looking for mugs, T-shirts, carrier bags or similar articles to be printed with the logo of any institutions, Mugshots can do a very good range for you.

Five prisoners are undergoing a business mentoring scheme with Business in the Community, and I referred to the passport to employment at Maghaberry, which covers soft skills as well as specific qualifications. A number of prisoners were interviewed by the Timpson group for 16-week work placements. Two are already on placement, with other interviews scheduled for next week. The UK-wide Employers' Forum for Reducing Re-offending, in which the Timpson company has a very significant role, is undertaking work that will lead to some opportunities for Maghaberry in February. Those are key examples of things moving forward. We also hope, in the very near future, to see the publication of the prospectus

for Hydebank college as we seek to transfer the running of the young offenders' centre (YOC) into a mechanism more suited to meeting the needs of offenders and providing them with the skills for when they return.

Lord Morrow: I listened carefully to the Minister's response to the question. My concern is always for the victims of violence. What message does this send to them? Will he ensure that the sensitivities and needs of victims are also considered when any new programmes are introduced for prisoners?

Mr Ford: I entirely agree with Lord Morrow about the importance that we should place on the needs of victims. Indeed, we have put in place the victims and witnesses' strategy to show the importance of that. However, in the specific context of rehabilitating those in prison in order to make this society safer by having fewer victims in the future, we have a specific obligation to put a lot of effort into that rehabilitation work. I have just highlighted a key part of that, which is employability.

Ms Boyle: Go raibh maith agat. Does the Minister agree that, when prisoners are not engaged in purposeful activity, the process of rehabilitation is fundamentally undermined?

Mr Ford: I certainly do agree, which is why we hope that, under the new arrangements for Hydebank Wood, we will have close to 30 hours a week of constructive activity, whether related to education, skills or employment for that group of prisoners in Hydebank Wood. We will seek to make similar changes in the other institutions.

Mr Rogers: I thank the Minister for his answers thus far. What progress has been made in the development of education and training services at Hydebank Wood?

Mr Ford: I hope that we will outsource the education and skills provisions formally in the very near future. I mentioned the college prospectus, which is very close to finalisation. Members will appreciate that this is a very significant and fundamental change to the running of the college. That is why, with the new governor in place and a task force established to look at that particular work, we seek to make that major transformation over the coming months. When I visited the Mugshots enterprise, it was certainly a very positive example of how one relatively small group of prisoners had already seen the opportunity to do something more constructive, but it is a

challenge to get that rolled out to as many prisoners as possible.

Criminal Justice: Cost of Dealing with the Past

6. **Mr McCallister** asked the Minister of Justice for his assessment of the recent Committee on the Administration of Justice report on the estimated costs of dealing with the past. (AQO 5210/11-15)

Mr Ford: I welcome the Criminal Justice Inspection Northern Ireland (CJINI) report and thank the inspectors and staff for their thorough and informative review. I asked CJINI to carry out the review to give us a better understanding of the cost and impact on the criminal justice system of dealing with our past. The report puts the estimated costs at around £30 million this year. In the next five years, at current estimates and allowing for inflation, it is projected to exceed £180 million. That is a low-end and conservative estimate.

The report recognises the significant efforts made across the justice system to deal with our past. However, it also highlights the challenges the system faces, both in dealing with the past and delivering an effective justice system now and for the future. It is a further reminder that dealing with the past is not simply a justice issue; it is for all of us across government and civic society.

Mr McCallister: I am grateful to the Minister for his reply. He has stated on previous occasions that, without agreed and properly resourced structures to deal with the past both within and outside our justice system, there is a significant risk that public confidence will be undermined in dealing with the past and legacy issues. Does the Minister have a proposal on how the structures to deal with the past might be paid for?

Mr Ford: Although I appreciate Mr McCallister's question, I think that, at this point in the discussions between the parties under the chairmanship of Dr Richard Haass and Dr Meghan O'Sullivan, it would be a foolish Member of the House who set out their plans, given that they might be contradicted by an agreed process within the week.

Mr Nesbitt: Does the Minister put a financial cost on dealing with the past? Does he think that is appropriate for victims?

Mr Ford: Mr Nesbitt makes a reasonable point, but I can only answer the question I was asked about the estimated costs, and I have done so. There is, of course, a real issue for this society as to how we deal with the past, how we address the needs of victims and how we deal with the fact that some people have benefited from a very expensive inquiry and others will not. The ongoing work of the Historical Enquiries Team (HET), the Police Ombudsman and inquests all have costs, but are all less than completely satisfactory ways of meeting the needs of society as a whole and of specific individual victims. I take the point that Mr Nesbitt makes. I was asked about the costs and I have given them, but it is a much wider issue and one that goes way beyond the justice system.

Drugs Problem: DOJ Assessment

7. **Mr I McCrea** asked the Minister of Justice for his assessment of the local drugs problem. (AQO 5211/11-15)

Mr Ford: Statistics provided by the PSNI indicate that drug seizures and arrests have seen upward trends over the past three years. The Organised Crime Task Force's 2013 report noted that the drugs market in Northern Ireland had seen extensive change over the past few years, mirroring that seen in other parts of the UK and Europe. Further, while cannabis continues to be the main drug used in Northern Ireland, the emergence of new psychoactive substances has been challenging for law enforcement, together with a growing market in prescription drugs bought over the internet.

The Department of Justice is a major contributor to the outcomes defined in the Executive's 'New Strategic Direction for Alcohol and Drugs Phase 2 2011-2016', which is led by the DHSSPS, the aim of which is to reduce drug- and alcohol-related harm in Northern Ireland. In addition, my Department's community safety strategy reflects the outcomes contained in the new strategic direction, and my Department and its agencies are working with key stakeholders to deliver those outcomes.

Mr I McCrea: The Minister has referred to the increase year on year in the number of detections for drugs. Although that is welcome, it is also deeply saddening that there are so many people who continue to deal drugs. Can the Minister give an assurance that he, along with the Minister of Health and the PSNI, will do everything that he can to ensure that drug dealers, who are a scourge on our society, are

removed from our streets and everything is done to get the appropriate evidence not only to arrest those people but to bring them to justice?

Mr Ford: I certainly agree with the point that Mr McCrea makes, although he encourages me to stray into operational policing matters. I can say that I am aware of a very significant operation being carried out in Belfast against drug dealers by the PSNI.

I can also highlight the work being done at Maghaberry prison between the PSNI and the Prison Service, so a lot of work is being done. There are also the education and treatment factors, which lie with the Department of Health but where we are working in partnership where appropriate. I take the point that more needs to be done, but more needs to be done using a very much joined-up approach.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Mo bhúiochas leis an Aire as na freagraí go nuige seo. I thank the Minister for his answers. What measures are being taken in prisons to curtail the availability and use of drugs?

Mr Ford: A number of measures are being adopted in prisons. First, there is a robust and intelligence-led approach to searching, as there is the potential to smuggle in drugs. Action is taken by the PSNI externally against visitors. The education function, which lies more with the Department of Health, is important. Another measure is the managing of supervised swallowing of prescription drugs to ensure that they do not end up being traded among prisoners, particularly when someone who needs those drugs is forced to hand them over to others. Those are all key issues in the fight against drugs in partnership among the Prison Service, the PSNI and the South Eastern Health and Social Care Trust.

Mr Deputy Speaker: Question 8 has been withdrawn and will receive a written answer.

Court Hearing Centres: Closures

9. **Lord Morrow** asked the Minister of Justice for his assessment of the estimated savings resulting from the closure of a number of court hearing centres. (AQO 5213/11-15)

Mr Ford: Annual savings in operating costs from the closure of the hearing centres are estimated at £228,000. In addition, the closures addressed a potential unfunded capital pressure of £1,728,000 to maintain the

buildings and meet Disability Discrimination Act requirements. When I announced the closures, I indicated that my decision was not based on monetary considerations alone. The hearing centres were not able to provide the level of accommodation and facilities that court users, including victims and witnesses, expect. The transfer of business to alternative, larger court venues goes some way to addressing the issue.

Lord Morrow: I thank the Minister for his reply. I understand that Strabane court has been removed from the list of closures. Are decisions on other centres' removal from the list pending, or will the programme go ahead as planned? The savings seem very little for the inconvenience that will be caused.

Mr Ford: Lord Morrow talks about inconvenience. We have to weigh up what inconvenience may amount to. Although there was a certain amount of comment when Larne and Bangor hearing centres were closed, to the best of my knowledge, not a single comment came in subsequently to suggest that there was a major problem. There definitely are better conditions for those who use the courthouses in the alternative venues than was the case in the small centres, which were, as I said, unsuitable under disability discrimination legislation.

The wider position is that the other two courthouses that were earmarked for closure can be closed only when changes are made to the court boundaries system, which is awaiting further legislation. However, there is the overall issue of the Department of Justice's estate strategy, which may well affect smaller centres, but that matter is under way.

Mr Deputy Speaker: That ends the period for oral questions. We now move on to topical questions.

Termination of Pregnancy: Fatal Foetal Abnormalities

1. **Mr McElduff** asked the Minister of Justice to outline the timeline and process for the proposed consultation on amending the law relating to fatal foetal abnormality. (AQT 491/11-15)

Mr Ford: I can give the House only a general outline. As I said last week in response to questions from the media, the likelihood is that a document will be published for consultation before Easter next year. That is because of the situation that arose when the matter of

guidance was being looked at. That is the responsibility of DHSSPS. When the Minister of Health said last week that it was not possible to deal with fatal foetal abnormality under any reform to DHSSPS guidelines, he then made it clear that the matter lay as criminal law with the Department of Justice. In response to questions from the media, I gave a general indication that matters with drawing up the consultation document are at an early stage.

Members will, of course, be aware that I reported last May that we were looking at a consultation on the premises on which abortions could be performed. So, the issue of fatal foetal abnormality is now also feeding in to that.

3.15 pm

Mr McElduff: Will the Minister provide an assurance that the consultation will be as broad and as thorough as possible and that it will fully involve the Assembly?

Mr Ford: I think that that has been the case with every one of the very many consultations that DOJ has done in the past three and a half years. I assure Mr McElduff that I am not changing my way of doing things now.

Termination of Pregnancy: Media Statement

2. **Mr Lyttle** asked the Minister of Justice to clarify the circumstances in which he issued a statement to the media last week on the consultation on abortion law. (AQT 492/11-15)

Mr Ford: The circumstances were broadly those that I outlined to Mr McElduff. At Question Time last Tuesday, the Minister of Health, Social Services and Public Safety confirmed that it was not possible to deal with fatal foetal abnormality under the revised guidelines. The DOJ had been holding off on its role in the consultation on abortion until we established what the DHSSPS guidelines might manage. Once it was confirmed that that was not the case, I believe that the media contacted the Minister of Health and asked for a statement on his position. The media certainly contacted me and asked me for a statement on my position, and I made it clear that, given that DOJ gave an undertaking to deal with the issue if DHSSPS could not, it was clear that the matter fell to us, and I answered in the affirmative. It was not an announcement of the consultation details; it was an announcement of what the process will be.

Mr Lyttle: I thank the Minister for his clarification. How will that relate to the consultation on abortion law that he committed to earlier this year?

Mr Ford: I believe that we will potentially have a number of issues on abortion to consider. At the point where the Assembly did not pass an amendment to the Criminal Justice Bill that would have rendered abortions that were otherwise lawful unlawful if they were not performed on health service premises, it was clear that, at that stage, it fell to DOJ to look at a consultation on that aspect of abortion law. We then got wrapped up further in fatal foetal abnormality, and it was appropriate to await the resolution of that point by DHSSPS. Now that that has been resolved from a health point of view, there will be a single consultation in spring next year that will look at all the relevant aspects of abortion law.

Bloody Sunday: Criminal Investigation

3. **Mr P Ramsey** asked the Minister of Justice what discussions he has had with the Chief Constable or any other agencies in Northern Ireland on the criminal investigation into Bloody Sunday. (AQT 493/11-15)

Mr Ford: I have not discussed the criminal investigation into Bloody Sunday specifically with the Chief Constable. Obviously, I discuss such matters generally with the Chief Constable, but, as I understand it, it fell to the Chief Constable operationally to deal with the issue following the outcome of the Saville report.

Mr P Ramsey: I thank the Minister, albeit that I am not content with his response. As Justice Minister, do you not feel that you have a responsibility and a duty of care to reassure the families whose loved ones were murdered on Bloody Sunday and to give them some hope for the foreseeable future that accountability will take place and that a criminal investigation will commence?

Mr Ford: I share Mr Ramsey's concerns, but I cannot give an assurance to the bereaved families on how operational policing will be carried out in an area that is precisely the Chief Constable's responsibility. I cannot direct him on what investigations to carry out or not to carry out. We would be in a very bad way if I could do so. I appreciate Mr Ramsey's

concerns, but those are operational matters for the Chief Constable, not the Minister.

Mr Deputy Speaker: Mr Declan McAleer is not in his place.

EU Justice and Home Affairs Council

5. **Mr McCarthy** asked the Minister of Justice for a brief — a brief — overview of the key Northern Ireland issues that he discussed at the recent meeting of the EU Justice and Home Affairs Council in Brussels. (AQT 495/11-15)

Mr Ford: It is always concerning when one of my colleagues asks me to be brief twice. I had the opportunity to address formal sessions of the Justice and Home Affairs Council and to have a number of other meetings around that, which included the UK Government representation, the Northern Ireland Executive office and the Irish representation, to see some of the work being done in Europe that we need to join up with.

I had one useful meeting with staff from the Commission who are looking at the issue of what they call the de-radicalisation agenda. Across most of Europe, that is directed against those on the fringes of Islamic terrorism, but given experiences in Northern Ireland, it seemed that there is potential for us to contribute to and benefit from such discussion.

I had an extremely useful meeting with the EU anti-trafficking coordinator to discuss Northern Ireland's position with regard to the directive. Although it is certainly not my place to indicate what her view was — she will have to make an assessment of where Northern Ireland stands — she did not lead me to believe that Northern Ireland was in anything other than a good place around trafficking matters. I said that she might well wish to visit Northern Ireland to see the situation on the ground. I suggest to the Justice Committee that it may well wish to take evidence from her as part of its review of Lord Morrow's Bill. Lord Morrow may wish to meet her. I think that that would be useful. I say that knowing that she did not agree entirely with everything that I said. I believe that she has a specific role in the EU that we should take note of.

Mr McCarthy: I thank the Minister for making a brief reply, as he normally does. Following on from the human trafficking issue, were there any learning points that could be factored into our approach to the issue or the legislation that is being considered here at home?

Mr Ford: The House would expect me to say that, of course, we have the legislation in a very good place as it is, but we do always need to learn. When Mrs Vassiliadou produces her reports, it will be interesting to see what she suggests about Northern Ireland, other similar jurisdictions and what we might learn from one another.

I think that it is appropriate at this point to say that, having had a useful discussion last week with Lord Morrow about the Department's attitude to aspects of his Bill, I believe that we are getting a better joined-up system in Northern Ireland that will put us at the forefront of work being done in Europe.

Rural Crime: Organised Groups

6. **Mr Milne** asked the Minister of Justice whether he believes that organised groups are involved in the recent spate of cattle and farm machinery theft from farm holdings. (AQT 496/11-15)

Mr Ford: I do not have any specific information on exactly how thefts such as those involving cattle are being organised. There is clearly an issue in some parts of Northern Ireland, as there is an issue about rural crime generally, but I am not sure that I have the specific information that would give any particular benefits on that point. What is important is that we see, as ever, a joined-up approach, cooperation between the relevant agencies, and the kind of good work being done by policing and community safety partnerships (PCSPs) to deal with some rural crime issues being carried forward. I certainly hope that what we will see from the rural crime unit, which is a joint operation of NFU Mutual, the police and my Department, is that we will be able to identify trends and better fight them.

Mr Milne: Go raibh maith agat, a LeasCheann Comhairle. Mo bhuíochas leis an Aire go dtí seo. I thank the Minister for his answers thus far. Does he feel that measures that he has in place with his counterparts in the Twenty-six Counties are effective in combating the increasing problem that we have in the rural areas?

Mr Ford: I am not aware that the rural crime that we face at the moment is particularly a cross-border issue. However, I am aware, for example, that some items of valuable machinery have been taken across the border, across the water and even, in some cases, to continental Europe. It is an issue in which joining up, on a cross-border basis, the sort of

work being done by the Organised Crime Task Force will be useful. However, it is very difficult to establish trends in what is a difficult and complex area. Clearly, some rural crime is not agricultural crime. We need to address that at the same time as we address issues such as machinery theft and cattle rustling.

Termination of Pregnancy: Ministerial Responsibility

7. **Mr McCallister** asked the Minister of Justice, following the announcement about his abortion consultation and related guidance, whether this is a case of one Minister passing responsibility to another because he does not want to face up to having to deal with the issue. (AQT 497/11-15)

Mr Ford: I am sure that the deputy leader of the opposition would not ask any Minister to criticise any other Minister in the House in any circumstances. The reality is that we are in the slightly unusual position that the guidelines relating to abortion are a matter for the Minister of Health, Social Services and Public Safety, but the criminal law on abortion is a matter for the Minister of Justice. That is the reality of the challenge. When the matter passed beyond guidelines, it clearly became a matter for the Justice Department. As much as Mr McCallister might wish to encourage me to criticise my ministerial colleague Edwin Poots, I do not think that it is the case that he has ducked the issue. I think that he has carried the matter as far as he can. It is clearly the case that the very difficult challenge of how we manage fatal foetal abnormality cannot be dealt with by health measures alone.

Mr McCallister: He is absolutely right; I would have been quite content if he had criticised his ministerial colleague, and I am surprised at him showing a rare effort at collective responsibility. I listened to the Minister's answer. If he is successful in changing and clarifying the law around fatal foetal abnormality, will his Department publish the guidelines or will it be the Health Department?

Mr Ford: The guidelines were the subject of a court directive to the Department of Health, Social Services and Public Safety, whether they are the responsibility of Mr Poots, Mr Wells or anyone else at a particular time in the future. The issue of setting the criminal law is an issue not only for me but for this Assembly, representing the people of Northern Ireland. The specific departmental responsibility falls to the DOJ, so we need to be clear about the difficulty of getting that joined-up approach, but

I believe that we have the option to do it. We will have to see that we get the law right and then, hopefully, we will not need guidelines to explain it.

Collusion: State Organisations

8. **Ms Maeve McLaughlin** asked the Minister of Justice whether he agrees that the recent book from Anne Cadwallader and the 'Panorama' documentary highlight that the rotten apple in the barrel theory is no more than wishful thinking. (AQT 498/11-15)

Mr Ford: No, Deputy Speaker, I would not.

Ms Maeve McLaughlin: Go raibh maith agat. I am extremely disappointed with the Minister's response. I ask the Minister directly: how many instances of collusion in different places in different years by different British state organisations does it take for him to accept that collusion was systematic and endemic?

Mr Ford: As I have said many times before in this House, I am responsible for devolved justice matters for the past three and a half years. My opinion is no more worthwhile than the opinion of any other Member of this House in an area for which I have no responsibility and, more to the point, no information. *[Interruption.]*

Mr Deputy Speaker: We have time for a very short question from Mr Seán Lynch. I would appreciate Members not shouting from a sedentary position. That does not help.

Criminal Records: Street Protests

9. **Mr Lynch** asked the Minister of Justice whether he agrees that more needs to be done to try to warn those people who get involved in illegal activities such as protests that they might end up with a criminal record. (AQT 499/11-15)

Mr Ford: I can only echo the comments made by the current chairman of the Parades Commission in his media interview at the weekend, when he pointed out the number of young people who have acquired criminal records because they had been misled over street protests. Of course, that is not the only way in which young people get misled into criminal activity, but it is a salutary reminder of what can happen when people follow the lead of those who do not have their best interests at heart.

Mr Deputy Speaker: We do not have time for a supplementary question, because time is up. That concludes Question Time. I invite Members to take their ease while we make a change at the Table.

3.30 pm

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

Ministerial Statement

Criminal Justice: Intergovernmental Agreement on Cooperation

Mr Ford (The Minister of Justice): With permission, Mr Principal Deputy Speaker, I wish to make a statement regarding a meeting under the auspices of the intergovernmental agreement on cooperation on criminal justice matters on Friday 15 November. I hosted and represented the Executive at the meeting, which was attended by Alan Shatter TD, Minister for Justice, Equality and Defence. It was the seventh formal ministerial meeting under the intergovernmental agreement (IGA) since the devolution of justice in April 2010. As I have said in previous statements to the House, I am committed to keeping the Assembly informed of meetings held under the auspices of the agreement on the same basis as North/South Ministerial Council (NSMC) meetings.

The meeting on 15 November provided us both with an opportunity to review final progress against the 2012-13 joint work programme, as well as to formally agree a joint work programme for 2013-14, which will run through to the summer of 2014.

It was pleasing to note the positive progress that has been made in a number of areas. Those include the sharing of information between the probation services on short pre-sentence reports and short turnaround reports, which are aimed at speeding up justice; the successful transfer and processing of 60 drugs cases from Forensic Science Northern Ireland (FSNI) to the Irish Forensic Science Laboratory; and progress made by the PSNI towards the completion of a good practice guide and toolkit for policing in partnership with diverse communities, which will be shared with an Garda Síochána. These are just some of the examples that demonstrate the excellent ongoing cooperation between criminal justice agencies across both jurisdictions.

One of the actions in the current work programme was the organisation of the fourth annual joint public protection seminar, which was held in Hillsborough Castle on the same day as our meeting. The theme of the seminar was partnership working for public protection, and it provided an opportunity for representatives of both probation services, alongside those from other agencies, to discuss a number of key public protection issues. Those included a coordinated strategic response to dealing with mental health in criminal justice; responding to the needs of prisoners with mental health issues; developing a response for young adult offenders; developing a strategy to deal with accommodation issues; and engaging with victims. The seminar also saw the launch of volume 10 of the 'Irish Probation Journal', an extremely professional joint publication from the Probation Board for Northern Ireland (PBNI) and the Irish Probation Service. Having addressed the previous three annual seminars, I was particularly pleased to join Alan Shatter in opening the fourth annual seminar.

I have attached a copy of the joint work programme for 2013-14 to the printed version of this statement. I intend to give a detailed report on progress made against the actions following the next IGA meeting and before the summer of 2014. In the interim, progress against the actions will be monitored by the working group of officials.

Six project advisory groups provide the mechanism by which work is taken forward. They focus on public protection, registered offenders, youth justice, forensic science, support for victims of crime, and social diversity. Each of the project advisory groups has continued to promote and support cooperation across the broad spectrum of criminal justice agencies on both sides of the border. Examples of cross-border cooperation that will be taken forward include the drafting and development of a forensic partnership strategy and action plan that covers the forensic science services of Northern Ireland, Ireland and Scotland; the hosting of a cross-border seminar on hate crime; ongoing discussion on the European victims directive; the development of an information-sharing agreement between the two police services on domestic abuse and child abuse; and the development of a protocol between the juvenile justice centres.

There is excellent ongoing cooperation between the PSNI and an Garda Síochána at an operational level on the management of sex offenders. I am pleased to report that there continues to be good progress in supporting

and promoting North/South cooperation to make Northern Ireland and the island of Ireland a safer place.

The meeting was a good opportunity to be updated on the establishment of an ad hoc North/South crime strategy group. That group has met three times during 2013 and will report future progress to the working group of officials.

The IGA provides a helpful framework for supporting North/South cooperation on criminal justice matters, but the real benefits of cooperation are seen as individuals in the criminal justice agencies develop strong working relationships with their respective counterparts.

It is that type of practical, informal and ongoing interaction and cooperation that Alan Shatter and I are both committed to further promoting and supporting.

Finally, as I have said before, the agreement is not intended to provide for discussion of cross-border security issues. However, I have cause to discuss such matters regularly with Mr Shatter, and I used the opportunity of us being together to briefly discuss some general wider cross-border security-related issues, including the work being done in the areas of tackling organised crime, fuel laundering and human trafficking.

Mr Givan (The Chairperson of the Committee for Justice): I thank the Minister for bringing the statement to the House today. Human trafficking is a very important aspect that needs to be tackled to address organised crime, and he will be aware of the all-party Oireachtas report that was unanimously supported and the Turn Off the Red Light campaign that was endorsed by all elements of civic society. That report calls for the criminalisation of payment for sexual services. Has that been talked about yet? In the context of them taking forward legislation, has the Minister updated his counterpart about the efforts of this Assembly to tackle that heinous crime?

Mr Ford: I thank Mr Givan for that point. Despite the Oireachtas joint Committee report on prostitution legislation, I am not sure that legislation is likely in the near future in the Oireachtas. I had the opportunity to discuss the ongoing business of the Assembly in the context of Lord Morrow's private Member's Bill, and there are clearly similar issues North and South as we look to the research to deal specifically with the prostitution issue and to tighten up the human trafficking legislation.

Mr McCartney: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Buíochas leis an Aire. I welcome the statement and the fact that the meeting took place. The Minister spoke about the cooperation between the probation boards North and South, particularly on the mental health of prisoners. What does the Minister feel the long-term impact of that cooperation will be?

Mr Ford: The long-term impact will simply be ensuring that we learn lessons wherever they are to be learnt. There are clearly similarities between society North and South, and there are cross-border probation issues that we have to deal with. I am not sure that, at this stage, we have specific lessons to highlight, but the important thing is that we continue to encourage the ongoing informal meetings and cooperation so that individuals can learn from each other on both sides of the border as, indeed, individuals in our probation services will learn from each other in whatever part of Northern Ireland they are in. It is important that we get that informal learning to tie into the formal research that appears in publications such as the 'Irish Probation Journal'.

Mr Principal Deputy Speaker: I remind Members that I am working off a speaking list. In that context, I call Mr Alban Maginness.

Mr A Maginness: I thank the Minister for his replies. The final paragraph of the statement says:

"the agreement is not intended to provide for discussion of cross-border security issues".

The Smithwick report makes specific recommendations on cross-border policing. Is it not time that the agreement is updated to include the types of recommendations made by Judge Smithwick?

Mr Ford: Mr Maginness raises an interesting question about how we will progress in what you might now term the post-Smithwick era. I always say that the agreement is "not intended to" when I make statements on the IGA, because the practical reality is that, when Ministers from North and South meet, we end up discussing wider issues informally at the end of the agenda. So, there are clearly ways in which those matters are being dealt with.

As I indicated earlier to, I think, Mrs Kelly, there will be a formal meeting between the two Ministers, the Garda Commissioner and the PSNI Chief Constable next week, and one of

the things on that agenda — although it was not the only thing on the agenda when the meeting was set up some weeks ago — will be how we jointly respond to Smithwick. It may well be that it is then appropriate to look to the working of the IGA. After a few years of devolution, it is a different body than when the IGA was being operated by the Northern Ireland Office pre-devolution, and it may well then be appropriate to look to see the best ways of dealing with it and whether we should formally amend the terms of reference. I am certainly open to that, but we have not gone into detail on that issue, probably because the informal cooperation has worked so well so far.

Mr Nesbitt: The Minister talked about the discussion of a number of key public protection issues, including the needs of prisoners with mental health issues. Will he define the key needs of such prisoners?

Mr Ford: Their key needs relate to the kind of work that is, for example, being done in the Donard centre in Maghaberry to ensure that those who are vulnerable and those who have different mental illnesses get a measure of treatment that meets their needs, which are not always easily met in custody. That work is operationally led by the South Eastern Trust, but there is an input from prison officers. It is important that we ensure that all those in the care of the Prison Service receive whatever care they need if they are vulnerable, whether because of physical or mental illness. We are doing our best to join up that work, though there is clearly a major challenge in doing so, particularly in light of staffing difficulties in the South Eastern Trust.

Mr Dickson: Minister, you referred to fuel laundering in your statement. Since the devolution of justice in 2010, some 100 raids by HMRC have taken place. Will the Minister update us on the latest situation?

Mr Ford: As I said earlier, I was at Cullaville to watch an operation being carried out by HMRC to seal a fuel laundering plant. That is part of the ongoing work, and there is a significant cross-border element to it. I hope that, before the Christmas holidays, there will be a formal announcement on the development of a new marker for rebated diesel, the so-called red or green diesel, which would make it more difficult for fuel launderers to operate. I also remind the House that, today, we have in place legislation that allows fuel laundering offences, if sentencing were regarded as unduly lenient, to be referred by the Director of Public Prosecutions to the Court of Appeal. I suspect

that that is likely to result in some custodial sentences being awarded in the future, which has not been a generality for some time. Today has shown how practical operation and legislative operation can make life more difficult for the launderers.

Mr Wells: I realise that the Minister has an extraordinarily liberal view on organised prostitution. However, I recommend that he watch the 'Prime Time' documentary on the subject, which was broadcast on RTÉ. It shows that women are routinely trafficked, weekly, throughout all 32 counties of the island of Ireland because men regularly demand new prostitutes to abuse. Will he assure us that the issue will be discussed at the next meeting? We can prevent this continuing, not only for women who are trafficked but for women who are being used in prostitution.

Mr Ford: I suppose that being accused of being a liberal by Jim Wells is meant to be an insult, but I am not sure that I hold what he describes as an extreme liberal view on prostitution. I have made it clear that research will be done by DOJ on the nature and extent of prostitution in Northern Ireland and on what legislation might be appropriate. There may well be lessons to learn about how we relate on a cross-border basis. I am certainly happy to learn lessons, if there is work to be done in conjunction with the Department of Justice and Equality in Dublin.

I note our recent successes in Sweden, including two prison sentences for those responsible for trafficking between Northern Ireland and Sweden.

Mr Wells: Sweden, again.

Mr Ford: Yes, interestingly, there has been trafficking into Sweden, despite what some Members tell us is the problem. It is clear that there is a cross-jurisdictional issue in Europe, which has not been entirely addressed by the Swedish model.

I believe in evidence-based policymaking, and we are seeking to find the evidence for an appropriate approach in Northern Ireland. We will see what transpires from that research.
[Interruption.]

Mr Principal Deputy Speaker: Order.

Ms McCorley: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Cuirim fáilte roimh an Aire as an ráiteas. I welcome the Minister's statement.

Has the Minister, in his discussions with the Minister in the South, looked at security at ports and airports across the island with a view to how they could strengthen measures of identifying potential victims of human trafficking as they enter the country?

Mr Ford: There was no specific discussion about ports and airports at the last meeting. It is not a devolved issue for us in Northern Ireland, and there are difficult issues to address regarding the common travel area of the UK and Ireland generally. However, the issue has featured in the past, and we have looked at work that can be done across the border and across the North Channel, to the Scottish ports, in order to pick up those who might be being trafficked. Maintaining open borders within the common travel area while ensuring that we do what we can to ensure that trafficking does not happen is a major issue.

3.45 pm

Mr Humphrey: I welcome the Minister's statement today and the progress he has made on fuel laundering. I also welcome his position change on unduly lenient sentencing. I am glad that he has adopted the position outlined by the Justice Committee. Does he agree with me and my party colleagues that, if greater resource were available through the National Crime Agency (NCA) being fully extended to Northern Ireland, more successes such as the one he talked about earlier would be made with human trafficking and fuel laundering? Does he agree that it is time that parties in this place agree to those powers being fully extended to Northern Ireland if they are committed to law and order?

Mr Ford: I have to defend my position. I am not sure that I was ever in the position of changing my mind on the issue of unduly lenient sentencing. Issues such as changing the law are about getting the most appropriate balance. The fact that a Minister cannot jump up and immediately put into place what a Committee would want is part of the nature of what we have to say.

I agree entirely with Mr Humphrey's substantive point. There is currently a gap, and there is operational pressure on the PSNI because we do not have access to the NCA resources in the devolved area. There are issues around civil recovery, which we are unable to do currently if it is a matter of a crime in the devolved area, and there are challenges facing all of us. I hope that the discussions that I have had with other parties in the House and his will bear fruit

and that we will see the NCA operational in Northern Ireland, subject to all the constraints and the checks and balances that we put in place, working in support of the PSNI and other agencies to tackle organised crime.

Mr Principal Deputy Speaker: I call Mr Patsy McGlone.

Mr McGlone: Gabh mo leithscéal, cén cheist í sin? I am sorry about that. Excuse me.

Mr Anderson: I thank the Minister for his statement today. Looking at the work programme, I note that no target has yet been set for work on support for victims and witnesses of crime. Can the Minister provide any more detail on the work being done on that issue, and will he accept that, in light of the recent revelations in the Smithwick report, this matter now assumes an even greater urgency and importance?

Mr Ford: I am sorry, Principal Deputy Speaker, I did not catch all of the question because of the noise in the Chamber, but I assure Mr Anderson that the general issue of support for victims and witnesses of crime is a key issue for the Department and one that operates on a cross-border basis. The fact that we are able to provide some assistance to our Southern colleagues in how the victim and witness care unit functions is an indication of positive work being done here that others are learning from. We are not always the last jurisdiction to put something good in place, but we will certainly see that the next issue listed, the media initiative in the spring of next year, will, I believe, show useful progress to every part of this island.

Mr Elliott: I thank the Minister for his statement. He noted an ad hoc North/South crime strategy group and the intergovernmental agreement. Does he accept that it is the outworkings of these strategies and agreements that are key to progress? How does he see them deliver on crimes such as fuel laundering and tobacco smuggling?

Mr Ford: I agree that it is the outcomes that matter to people and not the headline figures of what we are aiming for. That is why we need to see the best possible joining up between the different agencies. That is also why we have the six project advisory groups, showing that we can join up the work between the different agencies, North and South. I believe that all of those are showing positive work. However, as we know, as we seek to tackle organised crime, literally Europe-wide, we face the challenges of

criminals changing their ways of operation and moving into different areas. We know that people are involved in a variety of organised crime, which, at times, includes tobacco and fuel smuggling and a variety of counterfeit goods production, as well as, in some cases, human trafficking. That is why one of the other issues that is important, and that will be addressed by the Organised Crime Task Force this week, is changing mindsets to persuade people not to become customers.

Executive Committee Business

Road Races (Amendment) Bill: Further Consideration Stage

Mr Principal Deputy Speaker: I call the Minister for Regional Development, Mr Danny Kennedy, to move the Further Consideration Stage of the Road Races (Amendment) Bill.

Moved. — [Mr Kennedy (The Minister for Regional Development).]

Mr Principal Deputy Speaker: Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There are two amendments, which will be debated in a single group. The amendments propose changes relating to Sunday contingency days for the North West 200 and the removal of the 24-hour notice required when applying for a direction to put a contingency day into effect. Once the debate is completed, amendment No 2 will be moved formally, and the Question will be put without further debate. If that is clear, we shall proceed.

Clause 1 (Specification of contingency days in orders under Road Races (Northern Ireland) Order 1986)

Mr Principal Deputy Speaker: We now come to the amendments for debate. With amendment No 1, it will be convenient to debate amendment No 2. I call Mr Jim Allister to move amendment No 1 and to address the other amendment in the group.

Mr Allister: I beg to move amendment No 1: In page 1, line 15, at end insert

“(1CA) An order authorising the use of the roads specified in the Schedule to the Road Races (North West 200) Order (Northern Ireland) 2013 may not specify as a contingency day—

(a) the whole of a Sunday; or

(b) any part of a Sunday beginning before 1.30 pm or ending after 6 pm.”.

The following amendment stood on the Marshalled List:

No 2: In page 2, line 9, leave out from “and” to end of line 14.— [Mr McCallister.]

Mr Allister: The House is aware that just last week we debated matters germane to the subject of amendment No 1. We had the debate at Consideration Stage on whether a proposition that I made to the House that generally in the Road Races (Amendment) Bill there should be a prohibition on road racing during stipulated hours. In the debate, many made the point that, whereas that might be a suitable approach for the premier race that is the North West 200, it was, in the Minister’s words, a “one-size-fits-all” approach that, in his view and in the majority view of the House, rendered it unsuitable for the entirety of road races to be covered by the Bill. The Minister said, for example, that it:

“would impose a single solution across all events regarding timing, and that would not be appropriate.” — [Official Report, Vol 90, No 1, p59, col 2].

Other Members made similar points. I note from looking at Hansard that Mr Spratt made that point as a drawback to the amendment that I had moved. Mr Samuel Wilson and others also made that contention. The House reached a view that it would be unhappy to apply across the board the proposition that I made. I, of course, accept, and have to accept, that that was the will of the House.

I now ask the House to consider the specific instance of the North West 200, in the context that it is a route on which there are particular problems. On the route, there are not only four operative churches with set, regular times of operation but a highly populated area with many churchgoers to other churches outside the route whereby the route of the North West is the means of access to their church of choice. My appeal today is that we give those churchgoers and churches the certainty that they seek.

Since last week, I have spoken directly or indirectly — either me or people on my behalf — to 13 affected churches in the area: the four churches on the route, and nine others that regard the route as a means of access for their congregation. I have to tell the House that the unanimous view of those consulted is that they still crave for certainty where their church services are concerned. They say to the House that they want protection for their freedom of worship to be enshrined. Therefore, they want to see at least the hours on which they operate protected from the generality of the Bill. That is not an unreasonable request, and I do not think

that it is a request that any Member should lightly cast aside. If you have many hundreds of churchgoers living on the route, operative churches on the route and other churches affected, given that they have article 9 rights, surely it is not unreasonable to say that the least that the House can do is to protect for them the operations of the Bill to ensure that their rights are protected.

I think that there was an appreciation in many parts of the House last week of the particular issues on the North West route. I sensed from many that, although they rejected the wider ambit of my amendment, there was sympathy with the North West situation. What I return to today is an amendment that is exclusive and specific to the North West. It is not all that I would want in the Bill; left to me, the Bill would be very different in its composition. However, working with what we have got and trying to obtain that which is obtainable for the churches and churchgoers in that area, I respectfully suggest to the House that what is being proposed in amendment No 1 is measured, modest and appropriate to meeting their legitimate needs. I do not think that the House should put itself in the position of wanting to trample the rights of churchgoers anywhere in this Province. When you particularly have a very pertinent issue on the North West route, it is something that, I respectfully suggest, the House needs to listen to. I trust that it will listen to it in that spirit and recognise that there is no loss in doing that.

Indeed, I think that it was Mr Dunne who told us last week that he had an assurance from Mervyn Whyte, who very successfully heads up Coleraine and District Motor Club, which operates and organises that event every year, that it was the club’s intent that no wheel would turn on a Sunday morning — I think that that was the phrase — because it did not wish that to be.

The fundamental point about that is this: we are framing legislation that will last some time into the future. The last time that road racing was looked at in any legislative form was in 1986. That is 27 years ago. It could well be another 27 years before the legislation is amended again. Whereas I totally accept that people such as Mervyn Whyte are not in the business of abusing the rights of churchgoers, we are framing legislation that is likely to outlast not only the Minister’s control of the Department but Mervyn Whyte’s control of Coleraine and District Motor Club. So, we are seeking surely to implement principles that will be of good service to the churches and churchgoers and all the interests in that area, whoever is the

Minister and whoever is the primary organiser of the races.

It is in that spirit that I say to the House that we should, therefore, give due consideration to the fact that, in legislating for the future under different Ministers and organisers of these races, we should put in a statutory protection where there is obviously a need for such. The plea of those churches that I spoke to was that they might have that certainty. I do not think that it is too much to ask of this House that we might afford to them the certainty, from year to year, that no one is in the business of infringing their rights of freedom of worship and that the hours that have been stipulated that exist elsewhere, as we recalled, in the Isle of Man, on particular Sundays, will equally be afforded to their route, given that their route has this specific issue at its heart.

It is in that spirit that I appeal to the House to give fresh consideration to what is a different proposal; it is not my ideal proposal by any manner or means — none of these was — but it is a pragmatic proposal to deal with an existing problem on the north coast. We can use amendment No 1 to resolve that difficulty and do no despite outside of that. So, I appeal to the House to give this amendment a fair wind, to consider the issues that it seeks to address and to conclude that it addresses them in a rational, reasonable way, with which the House could be at ease. I trust that that will be possible today.

4.00 pm

Mr Spratt: First, I will make a few remarks as Chair of the Committee. I am not very clear at this moment whether NI21 — Mr Allister moved his.

Mr Kennedy (The Minister for Regional Development): On a point of order, Mr Principal Deputy Speaker. My understanding was that the second amendment would either be moved or spoken to at this point, but I seek direction from the Chair.

Mr Principal Deputy Speaker: No, it will be moved when we come to that point in the process, though NI21 will have an opportunity to address the subject matter. We are debating both amendments. Amendment No 2 will be moved at the appropriate time.

Mr Spratt: Thank you. That clarifies the position.

I will refer to remarks just made by Mr Allister in proposing his amendment. The Committee is, and always has been, sympathetic to those who object to the potential for Sunday racing, particularly in the north-west area. That has been the stance of the Committee in its entirety. Mr Allister is right: last week, when we spoke on the subject, the issue was the fact that the amendment before the House would have been an issue across the board for all other events that might be held on a contingency day, which might fall on a Sunday. The Committee position has not changed. Mr Allister made the arguments last week about the human rights issues of folks being able to attend their place of worship, and, right around the House, there was no division on that issue. That was accepted, but the issue was how it was worded.

I will leave my remarks as Chair behind and speak from a party perspective. Since last week, a number of meetings have taken place, and the amendment that is in front of the House today mentions the North West 200 only regarding the legislation. We are reasonably content with that.

Mervyn Whyte has been referred to. He successfully puts a lot of very hard work into the North West 200; in fact, he works on it for 12 months of the year. I understand that he held a meeting last Friday with a number of clergy. The clergy remained steadfast in their opposition to Sunday racing, as you would expect, but clarification was given to them that it would be a last resort in times of inclement weather, etc. In fact, the contingency days could have come about in last year's racing. Thursday night racing could have been extended, with the possibility of Tuesday racing as well, because the forecast was so clear for the Saturday last year. That is not me saying that; it is what the experts have since said.

At the meeting last Friday, Mr Whyte and the organisers were able to give considerable clarification to the churches. They also clarified their position on a number of other issues. They are happy that there is the 24-hour period to allow consultation with the local residents, local councils and everybody concerned. Mr Whyte was very clear that that needs to take place. A considerable amount of reassurance was given. It was made very clear that Sunday racing would take place only as a last resort.

Another point, which I mentioned last week but is worth repeating, is that even the organisers are concerned about getting the required number of people on the course on a Sunday, after a full week of activities in the north-west area. I think that the organisers need to have

around 800 people out on the course. The organisers said that it could well be difficult to get that number of people out on the course if a Sunday were added as a contingency.

There was a second message from the organisers. Although Mervyn Whyte says that he would prefer the ability to close the roads at any time on a Sunday, he said that, if hardy came to hardy, he was willing to accept the 1.30 pm to 6.00 pm closure, with a reduced programme of racing. I think that is significant. He says that three races could probably be run during that time.

Mr B McCrea: Will the Member give way?

Mr Spratt: Just give me a minute and I will be happy to give way. Mervyn Whyte said that it was his wish that we would never have to resort to Sunday racing, but that, if we did, it would be only in extreme and exceptional circumstances.

Mr B McCrea: I know that we talked about this in the previous debate. The real scenario was outlined in which, two years ago, one race took place on the Saturday but then there was an oil spill and various other things, which meant that no further racing could take place. Would Mr Spratt be supportive of the races that could not be run — the extra programme — being run on a Sunday, potentially between 1.30 pm and 6.00 pm? Is that what he would have in mind on behalf of the participants?

Mr Spratt: Of course, there has to be the 24-hour notice period. I think that the Member is trying to pave the way for the nonsensical amendment that he will present to the House shortly. It is not about what Mr Spratt says; it is about what the rest of the Members of the House say about it. Very sensible arguments have been made. The Member concerned has thrown in some red herrings, such as oil spills, bomb scares, funerals and all sorts of things. He has thrown them all in to muddy the waters. I am not prepared to go down that route, but I am prepared to accept the will of the House in due course.

From a party perspective, the circumstances have changed considerably since last time. We are now talking specifically about the North West 200. Indeed, given that our amendment, which, we think, gives protection, has already been accepted and was supported fully by the House last week, we do not have any major objection on this side of the House. This amendment will give added protection to those who want to continue to treat Sunday as the special day that it is. We are prepared to

accept the amendment in the spirit in which Mr Allister presented it to the House.

Mr Lynch: Go raibh maith agat, a LeasCheann Comhairle. I will speak on amendment No 1.

I have listened to the Chair. I accept the meeting that he had with the stakeholders and organisers. Even though there was a fair bit removed from it, I accept what he says and the messages that have come out of that meeting. Circumstances have changed. In the context that the amendment is specific to the North West 200, we are told that the organisers are not against such a time limit, and it is reasonable that all stakeholders' rights are respected, including those of churchgoers. As the Member has stated, it is a different proposal. I agree that it deals with the issue in a reasonable and pragmatic way.

Mr Dallat: My involvement on this is purely to ensure that we have a North West 200 for the future. I suppose that maybe we could congratulate ourselves that we have got it this far without crashing. The Bill is unique in many ways in that it sets out contingencies for something that we hope will not happen. It is not a demand for something that is not the norm. Other Members have pointed out that there have been cancellations in two of the past three years. That was the signal that something had to happen to ensure that, in future years, the sponsors of that race would get value for their money.

It is important to remember that it is not just the 100,000 or so people who turn up: the television coverage is massive. No money from the Tourist Board, the Office of the First Minister and deputy First Minister, Invest Northern Ireland or any other organ of the Assembly could buy that type of coverage. As I said, we hope that the Bill never has to be implemented. Certainly, as a member of the Committee, I was happy with it as it was. I am not sure what has happened in the meantime. Certainly, the organisers have said that they can live with the amendments. I also note that Mr Allister's approach this afternoon was a great deal more conciliatory than it was last week. Perhaps, he has swapped his Yamaha 650 for a humble moped to persuade the rest of us to get on board and make a success of the Bill.

It would be remiss of me not to mention my colleague Mr Basil McCrea. I do not want to be unfair to him, but has he discovered a reverse gear in motorbikes? Last week, he appeared to be in support of one thing, and now he seems to have gone backwards. I think that Basil has

had a bad fall. It is important to emphasise again and again that —

4.15 pm

Mr B McCrea: Will the Member give way?

Mr Dallat: You will have your opportunity in a minute or two to get on your bike.

This is not about desecrating the Sabbath or eroding respect for Sunday observance. I pay tribute to the Minister for his involvement and to the Chairman. They have gone to enormous lengths to ensure that the Bill will pass through the House unblemished. No credit is due to those who tried to derail it; they were not successful. I am happy enough with the amendments if the organisers are happy enough.

Mr Principal Deputy Speaker: Before I call Mr Hussey, I should advise the House that he would appreciate being allowed to remain seated for his contribution. I am content that, with the leave of the House, he may remain seated.

Mr Hussey: Thank you, Mr Principal Deputy Speaker, for allowing me to remain seated.

I welcome the opportunity to speak on the Bill. As it is my first time talking on it, I would like to congratulate the Minister and his officials on taking the pragmatic stance that they have taken. Unfortunately, ill health kept me away for a few weeks, but I am now back on my bike, even though I did not pedal too far to get here today.

I hope that we can all agree in the Chamber on the need for the Bill. I trust that the difficult experiences that have been encountered by the organisers of races such as the North West 200 over the past few years will at least now be avoided as far as possible. Of course, whilst the North West 200 has been hit hard over the past few years, we should not forget that there are many other races across Northern Ireland that are also at the mercy of the weather. The Bill is about much more than just one race; it is about all road races, so we should approach it in that manner.

A broadly similar amendment to that in the name of Mr Allister today was discussed at Consideration Stage. Today, however, it specifies the North West 200, and that clarification is welcome, as his previous amendment would, I believe, have inadvertently included all road races on a Sunday, including

those that currently take place on a Sunday. My party is on record as stating our belief that the Road Races (Northern Ireland) Order 1986, as well as the Bill, should not be seen as a threat or something to be concerned about by residents and organisations located along race routes.

Organisers, I trust, already go and will continue to go to great lengths to minimise the disruption to local communities as much as possible. After all, they are reliant on the annual approval of the Department, so it is in their interest to approach the issue as sensibly as possible. We should also remember that, if Sunday contingency days were to be applied for and granted under the Bill, it would not breach any pre-existing prohibition, mainly because no such prohibition exists.

I accept, however, that, for some people and organisations, promises may not be enough to give them total peace of mind. So it is that we come to Mr Allister's amendment. The North West 200 is one of Northern Ireland's two world-renowned international road races, the other being the Ulster Grand Prix. It pumps millions into our economy on an annual basis, and it attracts tens of thousands to the Coleraine area throughout the weekend. We must, however, remember that, with the best will in the world, there is inevitably some disruption to the local community.

Whilst locals have been able to adapt to that, the Ulster Unionist Party is not opposed to their ability to get to and from church services being formally protected in the Bill. Therefore, we will support amendment No 1, not because it adds anything to the Bill, but because, I hope, it will put to rest the valid concerns that some people who attend any of the four churches along the route and other churches that have been mentioned may have about accessing their place of worship on a Sunday morning.

Mr Principal Deputy Speaker: I will just clarify that we are having a single debate on both amendments. It seems, from some of the signals that I am getting, that Members are confused about that.

Mr Wells: On a point of order, Mr Principal Deputy Speaker. Your earlier ruling was that the amendments would be taken separately. We have had a debate on amendment No 1. Most of us assumed, I think, from your ruling, that we would move on to a debate on amendment No 2, yet you seem to be indicating now that we are having a debate on both amendments.

Mr Principal Deputy Speaker: Actually, I informed the House that there were two amendments, which would be debated in a single group. The amendments propose changes relating to Sunday contingency days for the North West 200 and the removal of the 24-hour notice required when applying for a direction to put the contingency day into effect. That was the announcement that I made to the House. We will move on. I am sorry for delaying you, Mr McCarthy.

Mr McCarthy: Thank you, Mr Principal Deputy Speaker. I will not take too much of your time. I want only to support and back up the comments made by the Chair, the Deputy Chair and other members of the Committee. I noted the words that Mr Allister used in proposing his amendment. He said that it was not an unreasonable request. Members will know that the Alliance Party is made up of very reasonable people. Given that background, I have no problem supporting amendment No 1. He also said that we do not want to trample on anybody's rights. Of course we do not want to, nor will we trample on anybody's rights. It was said earlier that Members have met and had discussions with people on the route. We certainly want to meet the legitimate needs of everybody concerned. I want to make sure that every —

Mr Spratt: Will the Member give way?

Mr McCarthy: I will, surely.

Mr Spratt: I thank the honourable Member. I knew that he was very reasonable and would give way. I note what he has just said about the notification of folk living on the route of any change of plan on a contingency day. Does the Member agree with me that the amendment in the name of Mr McCallister and Mr McCrea would create absolute uncertainty and that their party has moved from its stance of last week to a new stance this week that makes the whole situation totally uncertain? A week really is a long time in politics, is it not?

Mr McCarthy: I agree with Mr Spratt. I cannot get my head around what they are proposing. A wee bit of publicity for the — what is it? — NI21 people may well be the reason. For a start, it is nonsensical. I assure everybody that we have done our duty, so people should be at ease if we go ahead and support the amendment in the name of Mr Allister.

Mr Principal Deputy Speaker: I call Mr John McCallister, and I hope that that is clear.

Mr McCallister: I rise in trepidation after the mauling that we have just had from the Alliance Party. The purpose of Mr Allister's amendment and, indeed, the amendment in my name and Mr McCrea's is very clear. Contrary to Mr Spratt's intervention, our argument has been consistent. We are being lectured by Mr Spratt, the man who argued against Mr Allister's amendment last week but has rolled over and accepts it this week, simply with the addition of the North West 200.

Mr Spratt: Will the Member give way?

Mr McCallister: I am happy to give way.

Mr Spratt: I made my reason very clear. Obviously, Mr McCallister was not listening. Mr Allister's amendment last week covered races across the board, and that was the issue. Mr Allister has come back to the House today with an amendment specifically naming the North West 200. I made it very clear last week that the Committee had sympathy with folk getting to and from church and wanted that to continue. That point was made, and, if he checks Hansard, he will find that that is the case.

Mr McCallister: That was a wonderful bit of clarification. The only drawback is that he made it very clear last week that there was no need for Mr Allister's amendment because the DUP had come up with a wonderful amendment that could protect everyone. Is this a concession from him today that his amendment did not make a blind bit of difference to the folks up in the north-west — the churchgoers who want to go to church? He has changed on the issue and will probably continue to flip-flop. I will give him one more go to clarify.

Mr Spratt: I absolutely have not changed. It is your corner that has absolutely changed. Our amendment was accepted by the entire House last week with, I think, the exception of three votes, so our amendment stands part of the Bill. It clearly gives flexibility, and that is where we stand. What you propose today gives no flexibility whatsoever and is nonsense.

Mr Principal Deputy Speaker: Could I have all contributions through the Chair, please?

Mr McCallister: Thank you, Principal Deputy Speaker. So, that still leaves the question: are you voting for it or not? The problem that the Member did not address is that he said last week that his amendment gave adequate protection and this week he says, "Well, maybe it doesn't. We will actually back Mr Allister on this amendment because it is North West 200-

specific". I welcome his road to Damascus conversion, if you like, but he is the one who is flip-flopping and changing. He graciously points out to us all that he will accept the will of the House. That goes for everybody in the House. Whatever the House votes on and decides, we do not have a lot of choice but to accept, except when they corrupt that system by using petitions of concern.

We have managed to create something that has broad support. Everyone in the House wants to see a North West 200 event being run and held successfully. The Minister's own explanatory and financial memorandum to the Bill refers to major road racing events, such as the Ulster Grand Prix and the North West 200 festival. An economic assessment of the North West 200 put the figure at 90,000 visitors with expenditure of £4.45 million, so that for every £1 of public money spent there was a return of over £30. We have to make every effort to ensure that the event is run and run successfully.

The amendment standing in my name and Mr McCrea's would give the Minister and his Department more flexibility in when they would make the assessment about using a contingency day. Mr Spratt spoke about adding days: we are not adding days. We are not permitted to add days. I would love to have gone further with the amendment and left the decision on whether we triggered the use of a contingency day even later. You could have used part of the Saturday to deal with oil spills, emergency situations that arose, a bomb scare or whatever it happened to be. However, this is primarily legislation for bad weather. The point that we made and the point of the amendment is to say, "If the Minister wants it, he could have the power to narrow the window of when the decision would have to be made". You could actually shorten the time when the decision to apply for the contingency day has to be made. That is something we should all welcome. Given the starting point that we all want, which is that the event should take place and be a success, that is the essence of why you should maximise the Minister and his Department's flexibility in making those arrangements.

Although I supported Mr Allister's amendment last week and will do so this week, you could also find that, if bad weather is predicted late on, that will not only shorten the event; if Friday was a contingency day, it will also shorten the time you have to apply to use Friday and for the window not to have passed if you have decided to bring the event forward rather than push it back to the Sunday in the event of weather being the issue. That is desirable to have in the

Bill. This is literally a weather contingency Bill, and the more flexibility we can give the Minister and the Department, the better. I agree with Mr Dallat: we probably all hope that the legislation does not have to be used or that, if it does, it is used in very limited circumstances.

4.30 pm

Mr Spratt: I thank the Member for giving way. I will quote some words from an e-mail from Mervyn Whyte, who is the expert on the North West 200 course:

"I am not sure of the reason for this amendment. Is it to remove or alter the 24-hour notice which we felt was the correct way to go in relation to notifying the residents who live on this particular course? I would prefer to stay with the 24-hour notice. If I don't give this amount of notice to the residents in the North West course, be they traders, deliverymen, bin collection etc, they will not have any idea of what our plans are for race week. They will not be able to make plans for that particular day".

Those are the words of Mervyn Whyte, who is the expert.

Mr McCallister: That was a useful intervention, but I have two points to make about it. There is nothing to stop Mr Whyte giving more than 24 hours' notice. There is nothing to stop him giving 48 hours', 60 hours' or 72 hours' notice if he knows that he needs the time. The point is that you then have the flexibility. In an earlier contribution, Mr Spratt said that our amendment made things inflexible. It actually does the opposite: it gives more flexibility. Of course, anyone who applied would make the decision at the earliest possible point. The amendment would give flexibility. If the time in which to make the decision had passed, there would still be flexibility, if we are all starting from the point that we want to see the event run.

The other point is, of course, that contingency days, along with the actual race days, are applied for by 31 March. You know what the days are, and a consultation is done on that. You know what days will be used, including the possible contingency day. Therefore, all the residents and churchgoers will effectively be on notice that that is the week in which the event will be run.

I come back to my earlier point that it gives you flexibility. If it were predicted on a Tuesday that there would be torrential rain all of Saturday and Sunday and Friday were the contingency

day, you could still apply for and use that day. It gives the Department and the Minister much more flexibility to make such decisions.

Mr Wells: Will the Member give way?

Mr McCallister: Yes.

Mr Wells: I have absolutely no doubt that, as long as Mr Whyte is in charge of the North West 200 and Mr Kennedy is the Minister for Regional Development, the issues that I have concerns about will not arise. However, in 20 years' time, Mr Kennedy may not be the Minister for Regional Development and, in 30 years' time, Mr Whyte may not be the chief executive or the person who organises the North West 200. You could have a situation in which the organisers, under different leadership, are under tremendous pressure from sponsors who are demanding a quick decision. The sponsor may say, "I am going to withdraw a substantial amount or all of what I am giving to this race this year if you do not comply". At least with what the legislation proposes at the moment, the organisers can say, "I am sorry, but there is nothing that we can do. The law is very clear on this". That is my concern, because a major multinational could come in and sponsor the North West 200 and put huge pressure on those organising it.

Mr McCallister: I have two things on that. As the law stands, there is nothing to prevent anyone applying to race on a Sunday as normal. It might explain why Mr Wells was not as, shall we say, enthusiastic about some of the amendments last week. I do not think that he voted on Mr Allister's amendment. I think that it would have been important to support that amendment, if that indeed is his view.

The other point is that you could apply for Sunday racing anyway. We are still only talking about contingency days. I suspect that no Minister would say that the biggest emergency that we can come up with is a sponsor saying at the last minute that it will withdraw its sponsorship of an event.

If that is really what we are saying, it would become a free-for-all anyway if we were to respond to that.

As you rightly pointed out, Mr Kennedy may not be the Minister forever, but I am sure that the whole House wishes him to be Minister for many years to come.

Mr McNarry: No, not the whole House. That is for sure.

Mr McCallister: We have some dissent from colleagues on the opposition Benches.

In the event of Mr Kennedy or a successor taking that decision, you are still limited. It gives an added 24 hours of flexibility, but you are still limited in when you can apply to move the day that you originally applied for and take a contingency day. So, you are still protected. Of course, the Minister can say no. It builds in the extra flexibility. That is the point of doing it. That is the reason that Mr Kennedy and his Department are bringing the Bill, and that is why we should be maximising the flexibility that is in it. It comes back to Mr Dallat's point, which is that what we all want and what we are all signed up for is to run the event and to make sure that it happens. The economic case that Minister Kennedy set out is compelling. It is too big an event to lose, and we need to make sure that we do all that we can to run it. When you add in Mr Allister's amendment to protect churchgoers' and racegoers' competing rights on a Sunday, you improve the legislation in the way that the House should.

Mr Dallat made the point about the Committee being happy with the Bill. Quite frankly, the Committee dropped the ball on this legislation. There are some flaws in it that were highlighted mainly by Mr Allister. The Bill would be markedly better if it had been through a proper Committee scrutiny, even if that had been done in a six-week period. It would have been markedly improved legislation. So, if you tie in the two amendments and the protection for churchgoers, which Mr Allister quite rightly highlighted last week and this week, with support from your party, and, I gather, from other parties, it looks as though it could be passed. If you build into that the changes in the amendments that Mr McCrea and I tabled, you give the Minister that flexibility. I accept that it is not ideal, but you create a more flexible system. You narrow the window in which you can apply for the contingency day.

Mr Wells: Will the Member give way?

Mr McCallister: Yes.

Mr Wells: I know that the honourable Member's relatives are regular visitors to the North West, because I have met them there. I have never met him there, but has he driven or walked the route? Does he understand what he is saying? It goes through some of the most built-up parts of the Coleraine borough. Therefore, it is not a question of simply racegoers and those on their bikes; it is also about churches, schools, businesses, bus companies and taxis etc. You

must give those people a sensible amount of warning that there is going to be a change in the expected days on which racing will occur. It is there for very good reasons. Signs have to be changed, and safety devices have to be put up. You simply cannot do it at short notice. Therefore, 24 hours strikes me as extremely reasonable.

Mr McCallister: I can, of course, confirm that I have been to not only the area but the race on many occasions. My late father was a huge road racing enthusiast. The point is that I want the event to go ahead. I want it to be a success. Mr Wells's point is that, effectively, when we apply for the practice and racing days and the now built-in contingency days, it has to be with the Department by 31 March. That is when you are effectively putting all the people who the Member mentioned on notice about the possibility of whatever contingency days are applied for, whether it is the Friday and the Sunday or the Thursday, Friday and Sunday — whatever configuration it happens to be.

To me, it seems absolutely sensible to build in flexibility for one of the flagship events, which is probably the biggest sporting event that we hold. Why would the Minister not want the power and the flexibility to make those changes? He probably has strong views about racing on a Sunday, and it might also help bring it the other way in the event of a late weather forecast. So, you should build in that flexibility.

It is eminently sensible to give the Minister and the Department as much flexibility to deal with this as possible. You should couple that with the protection that Mr Allister has rightly fought very strongly to get. He has dragged a reluctant major party in government over the line on it. Even though that party said that its amendments give all this protection, it has come over to that argument. So, put the two amendments together, and I think that you improve the Bill. That should be welcomed.

Mr B McCrea: I have a few points that I want to add. First, I will deal with the amendment brought forward by Mr Allister. I consider the decision by a number of parties here today to support his amendment to be a vindication of the argument that not only he but that I put forward. Some Members have not understood the argument or why it was put forward, because they were quite adamant at the last sitting about how it was totally and utterly unnecessary. They said that it was superfluous and could be handled by their party's amendment. If that is the case, I wonder why they are now deciding to accept it.

The official record will show that Mr Allister said that there were some Members who were critical of me as a person, and the argument was put forward that that means that those Members are very weak in their argument. I have to say that I am surprised at some of the Members in this House, people I hold in great esteem. Some of them said in the debate that they thought that I had fallen off my bike, but they have not yet declared how or why. So, I hereby give the opportunity for those honourable Members to explain in detail what their problem is, given that, I suspect, they will support amendment No 1. A deathly hush comes across the Chamber. People should not make accusations that they cannot back up.

Mr Spratt is very keen on red herrings. I had the opportunity to read the official record, and Mr Spratt again talked about red herrings. I made the point about the potential for things to go wrong, and I did, of course, mention that there may be a bomb scare. I asked him whether he was aware of it, and he said:

"That is exactly what the amendment seeks to achieve." — [Official Report, Vol 90, No 1, p42, col 1].

He gave a lengthy response to the fact that there are issues that need to be dealt with. They are not red herrings but contingencies that need to be planned for, and the purpose of this Bill, as I understood it, was to try to protect one of our major events and one of the major economic generators in the Province. That is the whole reason for doing it, and we do not know exactly what will come back up.

Since I am on the issue of people who cannot advance an argument but do turn turtle, Mr McCarthy tried to pretend that he does not know who NI21 is. He will get to know in the election soon enough. I have to say that, for people who pretend to be reasonable and to be able to hold an argument, the last time I heard from Mr McCarthy, he was apologising for only being recently on the Committee and not being fully up to speed with matters. Well, let me tell you: that is not good enough. If you are going to talk on a matter, make sure that you understand what you are talking about. *[Laughter.]*

4.45 pm

We then come to provoking a little bit of a response to the Member's offer. Let me tell you that the people on this Bench may not agree politically on every issue but, collectively, we are prepared to debate issues, and we can do

so without reading notes or having things brought to us by Committee Clerks or anything else. We care passionately about what we are talking about. When Members deride people, they must understand that it is our job to debate legislation. When we see legislation that is wrong, it is appropriate that people should stand up and be counted and not roll over and say, "If the big boys say it is OK, we will go along with them". When the big boys change their minds, they then say, "Oh, we're going to have a go at that as well".

Mr Allister may not welcome this —

Mr Spratt: On a point of order, Mr Principal Deputy Speaker. I am wondering when the Member will talk about the amendment that he is recommending to the House. Surely, that is what he should be doing in his speech rather than lecturing everybody around the Chamber. We are sick of his lectures.

Mr Principal Deputy Speaker: I am not sure that that is a point of order. I think that the Member was addressing the amendment and the points that were made across the Chamber.

Mr B McCrea: I appreciate the very clear guidance from the Principal Deputy Speaker on that matter. I was responding to comments that were made by the person who raised that point of order and to other points that were made in the debate. It is my right to challenge people who, frankly, do not know what they are talking about, who are flip-flopping around on this argument and who cannot stand up and be counted on what they really believe.

Last week, those people argued strongly that Mr Allister was wrong, that he had no need to stand up and do what he was doing and that he could not possibly be right. They lined up in their droves to vote in the "No" Lobby. Now, they are saying, "Do you know what? Good old Jim may not have been all wrong. There is some merit in his argument". At that time, some Members did not understand his argument and, even now, I am not so sure that they really understand his argument. However, they have had some pressure from constituents, and they think that Mr Allister may have gained some political advantage. On that basis, they are trying to minimise it, pretend that it did not happen and that this is what they were really in favour of all along.

Let there be absolutely no doubt. The official record is there, the video tapes are there, and people lined up in the Chamber to say that Mr Allister was wrong. Mr Allister was not wrong;

Mr Allister was right. There is a balance of responsibilities and rights, and it is right and proper that those who want to go their church should be facilitated. He was right to say that, if you deny those people those rights, there may be human rights issues that may be challenged in the courts. He was also right to say that we are trying to find an acceptable compromise so that, should we have a situation in which we have to postpone the race, we are able to reschedule it because of the economic benefit.

I move on to the point that my colleague, John McCallister, raised. When we look at what has happened — it is not conjecture — for the past two years, a number of unforeseen circumstances have meant that we have had to cancel racing. One of the questions that I ask Mr Spratt, through you, Mr Principal Deputy Speaker, is this: what would happen in the event, as has happened, that there is an oil spill after one race has been run? If that happens this year for a third year and we have another washout with only one race, how does that affect the financial viability of the North West 200? In my opinion, it is a cause for concern. Whatever the reason, those people who bring racing teams to the course and those spectators who come up want to see racing, and if you lose the race for three years, there will be a question of viability. So, that is my real concern about this point, and we have introduced amendment No 2 because I do not think that the Bill, as presently constituted, will serve the cause that it sets out to. Believe it or not, we are all in agreement. We are all here trying to make sure that we protect what is one of our principal events and major economic advantages so that it can be run despite the weather or whatever else.

I will mention this because some people talked about the Isle of Man. Mr Allister outlined why you might need such contingencies. An article on the well-known Visordown website states:

"A house caught on fire near Kirk Michael and fire crews were called to the scene at 7pm. The sidecars were out on the course at the time but were sent back to the pits to allow emergency services open access to the roads."

The headline is "House fire postpones TT practice". People said that it was bad enough that the weather was bad on Monday, Tuesday and Wednesday, but, when the oil tank caught fire on the last day, that was the straw that broke the camel's back. Gary Thompson commented:

“Even before the house fire that affected this evening’s session, the majority of the field simply hasn’t had enough practice time on the Superbikes because of the bad weather earlier”.

Not on the day, but “earlier”. He continued:

“On behalf of the race organisation I’d like to apologise to anyone affected by the disruption on Sunday but we don’t have an option. We will endeavour to get the roads open again on Sunday as soon as possible.”

There is then a list of the schedules and what will happen. It opens at 1.30 pm and goes on until 5.00 pm.

We were trying to ensure that, had we had a situation similar to the one that happened two years ago when there was a combination of wet weather and then an oil spill, it would be possible for us to run some of the races on the Sunday. The point that we are putting out to everybody is that we would be giving advance notice and telling people that, as the event has got bigger, it is not possible to consider it as a one- or two-day event but that it is almost a four- or five-day event in which the possibility of having to run races on Sunday is considered. The reason why we supported Mr Allister’s amendment is that we realise that it is entirely unreasonable to impose such strictures on churchgoers, and we want to protect them by saying that there will be absolute certainty that there will be no racing until 1.30 pm and that it will finish at 6.00 pm.

Put together the amendment that the House will now accept from Mr Allister and the amendment that Mr McCallister proposed and you will have the tools to protect the race, the economy, those people whose livelihoods depend on it and the citizens of the triangle who want to go about their business.

The challenge for this House is not to shout people down and tell people that they do not want to listen when Mr Allister makes an argument, Mr McCallister makes an argument or, heaven forbid, I do, but to listen to the argument, defeat the argument if they can or embrace it if they cannot. In that regard, we should all be trying to find a way to improve the situation for all people. Mr Allister and Mr McCallister’s amendments are well thought out and deserve the support of this House. I ask people to not reject things just because they want to make some cheap, party political points but to do the right thing for the people of Northern Ireland.

Mr Kennedy: I am grateful to Members from all sides who contributed to the debate, particularly members of the Regional Development Committee. I will come shortly to the amendment indicated earlier by Mr Allister and the love-in fest that it has now become. First, I must deal with the issues presented by Mr McCallister and, more latterly, Mr McCrea.

I think I am not the only one in the House to say that I am very glad that Mervyn Whyte and others are the race organisers for events like the North West 200, and that none of the organisers are called Basil McCrea or John McCallister. A level of confusion exists that is caused by their failing to understand both the purpose of this Bill and the current legislation. Let me respectfully say this to them: the amendment that we are seeking to bring to the current legislation is a straightforward, one-clause amendment that seeks to offer flexibility, principally for the reason of bad weather. I have heard the argument about oil spills. I have heard of the cataclysmic potential for earthquakes, and heaven forbid that any such event should happen. However, you cannot legislate in those terms for on-the-day events.

I hope very much that, when the Hansard report is produced, Mr McCallister and Mr McCrea will compare and contrast their contributions of last week to that which they have offered the House this week. Last week, Mr McCrea waxed lyrical about the opportunity that it was essential to provide for churches, businesses and householders on the course of the North West 200; that those people should have certainty around attendance at worship or travelling to worship. That was for churchgoers in the particular churches that are on that course. He even invoked the possibility that the Attorney General would have to see whether or not this was competent, so that those human rights could be defended.

Boys, oh; a week is a long time in politics. I have never been one termed with having magical powers to cause such division, but I see the cracks of a major split between NI21 and the two primary individuals represented in the House. What Mr McCrea argued for last week is now completely contradicted in Mr McCallister’s amendment this week. It could not be clearer. They need to understand fully what they are actually seeking to do. The Bill seeks to provide for and give 24-hour notice for the emergency provision of contingency days. It does not extend the number of days to race, which is a maximum of three days.
[Interruption.] There was no attempt to bring forward an amendment to the Bill —

Mr McCallister: You should read Hansard.

Mr Kennedy: I am happy to give way.

Mr McCallister: Will the Member give way?

Mr Kennedy: Yes.

Mr McCallister: I made very clear reference to the fact that the Bill does not add days, and I corrected Mr Spratt. It is about contingency days. If the Minister does not feel that he personally can handle the extra flexibility or the extra power and responsibility, is it possibly a sign of weakness that he does not want to have to say no to people?

Mr Kennedy: I am grateful for the insight that he has provided. It continues to undermine his argument, and shows his basic lack of understanding as to what is at stake here. There is no request in the legislation that the organisers of the North West or any other race extend the number of days. Please understand that.

5.00 pm

Mr McCallister: *[Interruption.]*

Mr Kennedy: No, no. Please understand that.

Mr McCallister: Try to read Hansard.

Mr Principal Deputy Speaker: Order. Please make comments through the Chair and not from a sedentary position.

Mr Kennedy: If the Member is prepared to listen, I will take some time to try to explain the situation to him. There are no extra days. The legislation seeks to make a provision for contingency days, principally in the event of bad weather. If, within 48 hours of a race or practice day, the organisers have received the necessary data from the Met Office, showing that bad weather would make it impossible to race on Friday or Saturday, they will seek special dispensation for the use of a not-named contingency day. That is what it provides for. People have confused that issue all along. Some have portrayed it as simply an attempt to introduce Sunday racing, which it is not, because the existing law provides for Sunday racing. It is just that it has never happened in the history of the North West 200 or, indeed, any motorcycle racing in Northern Ireland. It has happened in four-wheeled events such as the Circuit of Ireland but not in motorcycle racing. Have a little understanding of that.

The amendment that Mr McCallister proposed today would give me or whoever is Minister — even if it is not me in 20 years, and I do not rule out that possibility — a level of flexibility that it is neither desirable nor sensible to give to any Minister. Nor is it sensible from the point of view of organising a race. In emergency circumstances, organisers will have to give notice to those who live on the course and, if a race is to be held on a Sunday, to alert churches and other bodies. For practical reasons, the amendment is not sensible. I do not understand the logic, and I respectfully ask the Members to reflect on the nonsense that they put forward here today, given their stated position last week.

The notice period was included in the Bill to strike a balance between facilitating a request from a promoter to use a contingency day and the need to give the local community as much notice as possible in the event of a promoter seeking to use a previously identified potential contingency day. Therefore, the 24-hour notice period and the duty placed on my Department by clause 1(3) are intended to ensure that, within that period, the promoter, among other things, liaises as widely as possible with those most likely to be affected by the granting of the contingency day. That is the safety net for the churches, householders and others, given the undoubted inconvenience that will result from any contingency day. That period was considered necessary by the sport, the race promoters, to put into effect any arrangements previously agreed with the local community to minimise disruption. It is not simply what the Department conjured up, what the Committee thought might be a good idea or even what the Minister thought himself. The organisers recognised the need to give appropriate and maximum notice to those who would be impacted upon.

It is also intended to ensure that the Department has sufficient time to carry out the necessary checks and does not take at face value the word of the organisers, although that has never been an issue in the past, and I am confident that it will not be in the future. It was included so that we as a Department or the Minister responsible would have the capacity to test whether all of the necessary arrangements had been put in place and ensure that the appropriate notifications and arrangements had been made.

We cannot legislate for oil spills, civil disturbances, emergency situations and on-the-day events. If an incident happens on a race day or practice day when the road is closed, effectively, the road closing order for that day

has been made: it is one of the three days. That means that one of the maximum three days available to the race promoter will have been expended and cannot be saved. There has been no call before from any quarter, including either Mr McCallister or Mr McCrea, to increase the number of days of closure. If practice and racing have already taken place over the two days, and part of the race programme has taken place on the third, it would simply not be possible to run the remainder of the programme on the following contingency day.

It is not clear how Mr McCallister envisages a race promoter seeking to bring his race forward, say, from a Saturday to a Friday, as might have happened at this year's North West 200 if such flexibility had been available. It is impossible to see how a promoter could apply for a direction in those circumstances. The Isle of Man was mentioned. The intention may have been to emulate the Isle of Man arrangements. However, the fact is that the Isle of Man contingency arrangements provide only for postponement. In the event of races or practices having to be cancelled in the first week, the middle Sunday is used. That is the contingency provision that exists in the Isle of Man. It is a different scenario because of the length and extent of the event. They do not enable races to be brought forward as this Bill does.

I have to say in all charity to the Members that their amendment is entirely impractical. I will ask the House to oppose it.

I turn now to Mr Allister's amendment. Mr Dallat mentioned that Mr Allister had perhaps adopted a more conciliatory approach. I cannot speak for him in that regard, but I am pleased that Mr Allister listened to my argument at last Monday's Consideration Stage when he sought to apply the 1.30 pm to 6.00 pm rule to all potential races across Northern Ireland. My argument was indicated clearly. It is a pity that people, including Mr McCallister and Mr McCrea, did not hear it. Mr Allister certainly heard it. I am pleased that he has responded positively to my suggestion that he refine his amended proposal for Members to consider at Further Consideration Stage.

Mr Allister's proposal would ensure that, in future, the legislation would provide race promoters with a safeguard should sponsors seek the North West 200 race to start earlier than 1.30 pm on a contingency day that is a Sunday. He argued that point at Consideration Stage, and it is a point that was well worthy of consideration. Now, his amendment wishes for

the House to legislate only for the North West 200. On that basis, I am permitted to accept the amendment. From the indications around the House, it is clear that there is sympathy for that amendment. I have no doubt that it will be carried.

I made the point last week that I am satisfied that there is provision for the Minister and the Department in the current legislation to be entirely satisfied that the arrangements are in place to facilitate churchgoers, churches, householders and businesses on the route. However, if the amendment gives added comfort in addressing the concerns that some people have, I am happy that that comfort is provided. Amendment No 1 therefore stands a realistic chance of success. Although I am prepared to accept amendment No 1 in the name of Mr Allister, I say strongly to the House that amendment No 2 should not proceed.

The House has had a good opportunity, at Consideration Stage and now at Further Consideration Stage, to debate the Bill. Yes, the legislation was given accelerated passage, and it was important that we gave it that. The reasons for doing so were simply that we want the changes to be brought about in time for the new race programme in 2014. People have sensibly accepted that, and we have used the Consideration Stage and the Further Consideration Stage to tweak and amend the Bill as necessary. As Minister, I am pleased that we are now making progress with it. It was my intention to bring it forward in my early discussions with race organisers such as Mervyn Whyte. I pay tribute to him, Alan Drysdale and other race officials, all of whom made significant contributions to the debate and offered sensible advice. I also pay tribute to those who, from a particular standpoint — that of the churches — articulated their concerns, which, I believe, are now largely dealt with as a result of the amendment that will be made.

I commend the Further Consideration Stage of the Bill to the House.

Mr Allister: The winding-up speech can be quite short.

Some Members: Hear, hear.

Mr Allister: I am grateful for the indications of support from across the House for my amendment. I was accused — if that is the right word — by Mr Dallat of being “conciliatory”. The problem is that I can get no one to disagree with me today, so I am very happy to be conciliatory. However, in all

seriousness, I appreciate the mature reflection on the amendment and the response to it. It does not make for a Bill that is everything that I would like it to be, but it makes for one that is more protective of interests that I am keen to protect. It brings an element of comfort to those who are entitled to expect some statutory protection, and I am grateful for that.

I have not said anything about amendment No 2. I will say this, however: I am grateful that, last week, Mr McCrea and Mr McCallister had the foresight to see the wisdom of what I was trying to argue. I am sorry, in consequence of that, that I cannot reciprocate their level of support. Indeed, I regret that there have been unnecessary attacks on the motivation of the signatories to amendment No 2.

The problem that I see with amendment No 2 lies in the workability of the notice that, in consequence, would or would not exist for local residents. You could have a situation in which there would be a very short period of notice, whereas, by virtue of people's daily lives, their obligations and expectations, you need a reasonable modicum of notice. The amendment might have been a much more viable proposition if we had primary legislation in the 1986 order that is different from that which exists. With the restraint on three days applying, we cannot lucky-dip-choose out of Saturday racing, pick a portion of it and put it somewhere else. It is all or nothing where the whole days are concerned. I think that it is quite clear from new paragraph (1D) that the Bill deals with an entire substitution of a particular racing or practice day. So, I understand entirely the sentiment about maximising the flexibility, but, within the confines of the 1986 order and the three-day restraint, it is something that throws up workability issues.

5.15 pm

Mr B McCrea: Will the Member give way?

Mr Allister: Yes, I will give way.

Mr B McCrea: I just want to say that I value the Member's analysis of the situation and that I agree with him. When one looks at the 1986 order, one sees that article 3(4) states:

"Notwithstanding anything in paragraphs (1) to (3) a road shall not be used for or in connection with motor races on more than three days in any calendar year."

That is the issue that the Member is rightly drawing attention to, and it makes matters more difficult to organise. Perhaps in the future the primary legislation will be revisited and we will do this job properly. Nevertheless, I agree with him on the points that he raised.

Mr Allister: The problem is that you cannot, therefore, legislate for the oil-spill situation. Once you have started racing on the Saturday and you are into your third day, you have exhausted your options. That is where the flexibility proposal of fewer than 24 hours' notice falls down. However, those are only my thoughts.

I am grateful to the House for the manner in which it approached amendment No 1 today, and I recommend it to the House.

Mr Wells: On a point of order, Mr Principal Deputy Speaker. I think that honourable Members may have spotted that a relatively new Member of the House committed what many would regard as a cardinal sin. In these situations, had it been anyone but Mr Allister, the Member who was speaking may have found it extremely distracting to have another Member walk in front of them in the middle of their speech. As I said, he is a new Member to the House, but he has decades of experience of covering the House, and I am sure that he will want to reflect on what just occurred.

Mr McKinney: I fully recognise that I walked in front of the honourable Member, and I would like to apologise to him. Having walked in front of the Member, I made a point of consulting the SDLP Whip, and he said that the best thing might be to apologise to the Member privately. *[Laughter.]* So, I apologise to the House.

Mr Principal Deputy Speaker: I think that the Chair will be satisfied that that is private enough.

Mr Allister: No issue was taken. I think that it is the people who come up behind you that you need to be more careful about. *[Laughter.]*

Mr Principal Deputy Speaker: On that happy note, I call order.

Amendment No 1 agreed to.

Amendment No 2 proposed: In page 2, line 9, leave out from "and" to end of line 14.— [Mr McCallister.]

Question put and negatived.

Mr Principal Deputy Speaker: That concludes the Further Consideration Stage of the Road Races (Amendment) Bill. The Bill stands referred to the Speaker.

I ask the House to take its ease.

(Mr Speaker in the Chair)

Committee Business

Electricity Policy: Security of Supply

Mr Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 15 minutes to propose the motion and 15 minutes to make a winding-up speech. All other Members who are called to speak will have five minutes. I call the Chairperson of the Committee for Enterprise, Trade and Investment to move the motion.

Assembly Business

Mr P Ramsey: On a point of order, Mr Speaker. Before the motion is moved, I understood that it was necessary for us to suspend Standing Orders to enable the House to go on late tonight. If that is in order, may I formally propose?

Mr Speaker: Thank you. We intended to move the motion, but I thank the Member for raising the issue. We will do that piece of business now.

Extension of Sitting

Mr Speaker: I have received notification from members of the Business Committee of a motion to extend the sitting past 7.00 pm under Standing Order 10(3A).

Resolved:

That, in accordance with Standing Order 10(3A), the sitting on Monday 9 December 2013 be extended to no later than 9.00 pm. — [Mr P Ramsey.]

Committee Business

Electricity Policy: Security of Supply

Mr McGlone (The Chairperson of the Committee for Enterprise, Trade and Investment): I beg to move

That this Assembly approves the first report of the Committee for Enterprise, Trade and Investment on its Review of Electricity Policy: Part 1 — Security of Electricity (NIA 145/11-15); and calls on the Minister of Enterprise, Trade and Investment, in conjunction with her Executive colleagues, the Northern Ireland Authority for Utility Regulation and the System Operator for Northern Ireland to implement, as applicable, the recommendations contained therein.

Go raibh maith agat, a Cheann Comhairle. I mentioned this to the Minister, but may I give my apologies for leaving early this evening? Due to a pressing family matter, I must leave the House, so my apologies in advance. I know that the Minister and members of the Committee understand the position.

The reason why we are debating the motion today is that, from the end of 2015, the EU industrial emissions directive will result in the closure of three units at Ballylumford B station and reduced running hours for Kilroot power station. That is coupled with an ongoing fault on the Moyle interconnector with Scotland and the delay in the completion of the North/South interconnector. As a consequence, our surplus margin, which is the amount of electricity needed to ensure security of supply, will reduce from 600 megawatts to 200 megawatts from the start of 2016. The result will be that, if there is a prolonged outage of a major power plant, there may not be enough electricity during periods of peak demand to meet our needs. Six hundred megawatts is considered sufficient, but 200 megawatts is considered too low.

Throughout this review, the Committee was unable to elicit from the Department, the regulator or the Systems Operator for Northern Ireland (SONI) how low the margin could be set and still have sufficient capacity to ensure security of supply. However, it seems that, today, more than a week after the Committee agreed the report, that figure has been calculated and published in a report from the Department and the Utility Regulator. I am sure that more will be heard from the Minister later. We are told that the required surplus margin is 450 megawatts. That means that we will have

to find additional capacity of around 250 megawatts to meet our needs. So, how do we do that? Today's report states that the Utility Regulator, with DETI, is continuing to progress feasible options and associated costs for securing additional generation capacity to operate from 2016.

The Committee's report demonstrates that there are alternatives to additional generation that could be considered. However, as Chair of the Committee, I can now, at least, very much welcome the idea that this review may have injected some urgency into the process to address the problem.

The Committee considered a number of options, but was unable to recommend a particular course of action in the absence of the figure for the required surplus margin. We were told that the Moyle interconnector will have a temporary repair in place by 2014 but, although that will add 250 megawatts, it will not be reliable enough to be considered. We were told that, because Ballylumford B station is already in a derogation position, it cannot be considered for further derogation from the directive. We know that the commissioning of new generation would add considerable cost to consumers' bills and would be a long-term solution to a short-term problem. We also know that there would be significant costs associated with upgrading the three Ballylumford B station units, each of which has a capacity of 180 megawatts. It seems that everybody knew that there was a problem, but nobody knew the extent of it until now and, apart from the Committee, nobody had given any serious consideration to how to address it.

Where do we get the additional 250 megawatts that we need from the start of 2016? AES, the owners of Kilroot and Ballylumford, told the Committee that the company is evaluating the economics of making the main units at Kilroot compliant with the industrial emissions directive from 2016. If Kilroot became compliant, that would make its full capacity of 476 megawatts available and would resolve the security of supply problem up to 2021. However, the current view of AES is that Kilroot will opt into a transitional national plan, which will result in its capacity being reduced to 45% from 2016. That option has already been factored into the security of supply calculations.

The CBI briefed the Committee in considerable detail on aggregation of units. This is a concept whereby large energy users with significant standby capacity are permitted to pool their resources and bid into the electricity market. The concept of demand-side management also

exists, whereby large energy users receive an incentive to shed some load during periods of peak demand. It seems that aggregation of generation has been taken into account in the Systems Operator's capacity statement, but demand-side management has not.

SONI believes that any additional contribution is not significant. However, the Utility Regulator informed the Committee that it is estimated that initiatives in those areas could provide between 100 and 200 megawatts during peak demand: a not so insignificant amount in the context of a requirement for an additional 250 megawatts. However, more work is needed to determine the exact amount. There is also a lack of clarity about the legislation that would be required, and there seems to be little understanding of the contribution that could be made in this area. Nevertheless, the Committee noted that, although current licence categories do not cover aggregation of units, the Utility Regulator has asked the Department to make provision for that activity through the legislative process.

The Committee considered the possibility of utilising two existing cross-border standby connections: one near Enniskillen and the other between Letterkenny and Strabane. Each has a capacity of up to 125 megawatts. They are used to provide backup when there are faults on the system. Those may be sufficient on their own to meet electricity needs from 2016. However, first, there needs to be more clarity on whether that is feasible. In fact, the Committee found great difficulty in getting detail from any source on the feasibility of that option. When that was put to representatives of NIE, they seemed to think the Committee was naive enough — I really do not think that we are — to suggest it as an alternative to the North/South interconnector rather than merely, as we were, an interim measure until a permanent solution is devised. It is interesting to note that those cross-border connections have not been considered in today's report from the Department and the regulator. I encourage the Minister to revisit that option in conjunction with demand-side management before any decision is made to secure additional generation, which may not be the most cost-effective short-term option. Work needs to be done immediately to determine the feasibility of demand-side management and aggregation of units, and also on the feasibility of utilising the two existing cross-border standby connections. If feasible, they would seem to provide the most cost-effective options.

If those options are not feasible or provide only limited capacity, the only other viable option would seem to be to upgrade the Ballylumford

B station units at considerable cost. However, that cost is and remains unknown. Upgrading all three B station units would provide well over 500 megawatts of capacity. Therefore, with other options available, if an upgrade is required, it may be sufficient to upgrade only a single unit, which would generate 180 megawatts. From the report today, indeed, an assessment of additional capacity should be made early next year, and we eagerly await the outcome of that assessment.

5.30 pm

Whatever solution is devised to resolve our security of supply difficulties from 2016, the problem does not end there. Further restrictions will result in a deficit of supply from 2021 onwards unless the new North/South interconnector is built before that date or some other new generation capacity is commissioned. There seems to be an assumption in today's report from the Department and the Utility Regulator that the North/South interconnector will be built. There are references to the completion date of 2017 being "challenging". However, the completion of the interconnector in its current format is by no means a foregone conclusion, and there is, of course, no new generation planned for the North.

We urgently need a decision on the North/South interconnector. If the interconnector is not going to be built, there needs to be a plan B in place to provide the required security of supply by 2021. If the interconnector is going to be built, consideration must be given to providing appropriate community benefits to the host communities that it affects.

In summary, there seems to have been a lack of urgency about the whole area of security of supply, and businesses are beginning to express real concerns. Real signs of those concerns exist in the wider community, as we heard in the Committee's evidence sessions on the matter. There may be an impact for future investment if companies do not have enough confidence in the security of our electricity supply. We need an assurance from the Minister that the electricity that we require to meet demand from 2016 will be available and reliable. We need an assurance from the Executive that, from 2021, we will have a permanent solution in place to ensure security of supply for the foreseeable future.

Mr Frew: I welcome the debate on the report of the Committee's review of electricity policy, part

1 of which deals with security of electricity supply. That, in itself, brings in the question of cost. The Chairperson of the Committee is right to suggest that businesses, especially large users of energy, see this as an issue. However, it is not so much about security of supply at this stage as about the cost of electricity and, of course, everything else that goes with that.

The background to this is that we have three main power stations, two of which must reduce their output by 2016 in order to comply with the EU directives that are coming down the line. That puts pressure on every member state in one shape or another. This is not just an issue for Northern Ireland; electricity supply infrastructure is a worldwide issue. However, it is key that Northern Ireland is at the forefront of any solution, not least because we still rely on a large manufacturing base here, nowhere more so than in my constituency of North Antrim. It has some of the most important manufacturers, which employ up to 1,000 people and, in their day-to-day running, indirectly employ up to between 1,000 and 2,000 people in support jobs. Therefore, it is vital that the cost of energy is reduced and kept down and that security of supply is confidently there.

That is very important, because if we want to attract foreign direct investment by manufacturers who will employ people in 400, 500, 600 or, perhaps, even 1,000 jobs, we must be able to assure them that although there are issues and pressures on grids, infrastructure and security of supply, we can guarantee them that we are getting around those issues and resolving them, and that we are confident that, in 2016 and 2021, we will have sorted this out and their supply will be uninterrupted. That is very important.

In the manufacturing business, a lot of companies are on continental shifts, so it is incumbent that they get supply 24 hours a day.

It is not about peak times for some of those companies; it is about 24 hours a day. They cannot fathom any sort of interruption in their supply, even if it is planned. That would be a big no-no.

Of course, with all of that and with the resolution will come a cost. The most important aspect of this is that balance of a reasonable cost to the consumer. No matter what we do, who comes in and what infrastructure we put in place, it will have to be at a reasonable cost to the consumer, because they will ultimately pay for it. That is why, when we look to the delays with the North/South interconnector or to the

resolution of the issues with the Moyle interconnector, it has to be at a reasonable cost, and that has to be weighed over a long period.

There is no way that we could have an interconnection system under ground that could cost at least five times as much as an overhead line. That is one of the issues that we need to tackle and one of the things that we need in place now and not in 2016, 2017 or 2018. We need a solution now. It costs this country and the business £25 million for every year we do not have that in place, so it is very important that we have a North/South interconnector in place. It is also important that we have a Moyle interconnector that is pushing out 450 MW as opposed to 250 MW.

At the moment we are fixing cables with a fault in the outer sheath and the outer conductor. Every time we fix that fault we cut through the main conductor, which is basically intact. The only resolution I can see there is for two other cables to be laid —

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

Mr Frew: — that will allow that cable to run as it is. This is a very complex issue. Five minutes can never do it justice, of course. I could go on for hours on the subject, but it is important that we take it for the important issue that it is and try to find a resolution.

Mrs Overend: I am glad to participate in this afternoon's debate. The Committee bringing the motion to the House is a very important issue. Security of supply was also put in a no-day-named motion by my colleague Roy Beggs and me, and we were particularly pleased that the Committee wanted to examine the matter in detail. A lot of work has gone into compiling the report, and I am glad that recommendations are already being noticed by the Department, SONI and the Utility Regulator, particularly in their update paper released this morning.

As has already been said, we face testing times when it comes to the security of electricity supply in the near future. By 2016 the supply will be at risk, and by 2021 the supply will be running in deficit if nothing is done now to prevent that. Options have been discussed both in Committee and between the relevant parties involved in the decision-making and delivering processes, but until now it has not been clear that sufficient action has been taken to move any projects forward in a meaningful way. It should not take a motion brought to the

House by the Committee to prompt various bodies into action regarding such a fundamentally important issue.

There is great concern, shared by all Committee members, about the slow speed of resolving the issue. There are too many uncertainties, and unfortunately that leads many to believe that the relevant bodies are not taking the issue seriously enough. What is certain, though, is that the consumer will feel the effects of the unnecessary delays and the inaction. Indeed, the Committee was informed that the consumer is already paying for the failure, in particular, to make any meaningful progress on the North/South interconnector. I was informed when questioning representatives of NIE that it costs around £25 million a year because of the failure to make progress on the interconnector in the form of compensation to generators. That works out at around £100 added on to the bill of each family in Northern Ireland. Those families already struggle with fuel bills, rising energy costs and spending power being squeezed by low wages and high inflation. Furthermore, the failure to fully cost the potential of other options, such as the Moyle interconnector, which will ultimately fall on the customers, and other options available for the Kilroot power station, ensures that progress on those projects cannot take place, adding further cost to the public.

Those delays will also have a detrimental effect on local businesses. The threat of insufficient electricity supply in Northern Ireland will be a great worry to many large energy users across Northern Ireland, such as factories, manufacturers and large industrial companies that rely on a constant and uninterrupted electricity supply to ensure that work levels remain high. It should not be the case that our contingency plans include asking our large industrial companies to sell off their generated electricity or shut off at peak times to prevent an overload in the power grid. At present, though, it seems that they may be forced to consider those options, neither of which has been fully planned for. The mechanisms to allow them are not in place in Northern Ireland, so further legislation might be required to ensure that they can go ahead.

These fears also damage our reputation as a place that is open for business. The Minister can do everything in her power to sell Northern Ireland to world business leaders as an attractive place to do business; we can ensure that there are economic incentives and benefits for large multinational companies coming here to set up business; we can promise the best and most qualified workers to ensure that their

businesses are run to the highest standards; and we can offer our expertise in and history of manufacturing and production, but, if people are unable to run their factories or there are threats that they will have to shut down production lines because of power outages, we will not attract any businesses here.

I welcome the updated paper from the Utility Regulator and Department that clarifies the 200 MW supply margin from January 2016. It is important that we get the basic and fundamental issues right as we go forward so that we continue to sell Northern Ireland as a great place to do business. If the Department, the Utility Regulator and the System Operator fail to properly examine the costs, risks and rewards associated with the short-term options and do not act with haste to ensure that our only current long-term option — the North/South interconnector — moves along at the earliest opportunity, our electricity may not shut down but Northern Ireland's business prospects might. I support the motion.

Mr Lunn: I am a non-member of the Committee. I congratulate the Chair and members on producing a timely and thoughtful report. I note that the Committee's concern is electricity pricing, which Mr Frew commented on a few moments ago, but the report focuses on continuity of supply, and rightly so because that is a far more pressing and immediate issue. It is clear that a combination of factors — reduced capacity, concerns about the effectiveness of a temporary repair to the Moyle interconnector, the rundown of generation at Ballylumford and Kilroot and the delay in agreement on the North/South interconnector — must cast some doubt on the capacity to meet Northern Ireland's needs, even given the cushion of the current margin between demand and potential supply.

I would like to throw in a few more thoughts, Mr Speaker. We remain almost entirely dependent for electricity generation on sources outside Northern Ireland. As long as those sources, mainly in Great Britain and the Republic of Ireland, remain secure, we will be near enough all right. Only yesterday, however, I heard the chairman of EDF acknowledge on 'The Andrew Marr Show' the possibility of a deficit developing in the UK between the decommissioning of power stations and the introduction of new nuclear facilities in about 15 years' time. During that period, the UK will be heavily dependent on oil and gas for generation, and the sources of those raw materials are sometimes questionable. North Sea production is declining, and the Gulf states can reduce or increase supply at their

discretion. Raw materials can be affected by other factors, such as regional tensions or even war. There is generally a war going on somewhere in the Middle East, so it would not be a surprise. Our gas supply comes increasingly from Russia through pipelines that cross several countries, including the Ukraine. Given political developments in that country at present, that is another potentially unstable arrangement.

If the UK were unable to maintain supply at peak times, which was hinted at by the chairman of EDF, we would suffer along with everybody else.

Is it not time for a serious look at our own resources? I know that I will sound like Mr Agnew, but I am talking about our windy climate, our tidal resources, the energy potential from biomass or waste technologies — I must say that I welcome today's announcement that a biomass plant in Londonderry has been approved, along with other facilities — and, dare I use the F-word, fracking. I do not know whether fracking is desirable, necessary or economically viable, but I would like to know, and I hope that the present investigation of its viability will continue. If we were in a position to provide a level of generation from our own sustainable resources, I would be far more comfortable about our long-term prospects. Other countries, notably Germany, are proving that it can be done.

5.45 pm

Whichever scenario we look at, we see that there are circumstances or a combination of circumstances that could cause our supply to be on or go over the edge. In recent times, during bouts of really bad weather, this has come close to occurring. Mr Frew referred to the difficulties for major industry and the fact that the absolute requirement for 24-hour production in some cases could be seriously affected. I look forward to hearing what the Minister has to say. I certainly welcome this timely report.

Mr Anderson: I speak as a member of the Enterprise, Trade and Investment Committee in support of the Committee motion, which asks the House to approve its first report on security of electricity supply. I joined the Committee on 16 September, and I know that considerable work has been done in the area of electricity supply during the past year.

Security of supply is, indeed, a vital matter. We only have to experience a short power cut,

especially in the middle of the coldness and darkness of winter, to realise how much we depend on electricity. Only last Thursday, several thousand consumers had to endure cuts in supply when high winds struck the Province. Without electricity, we are in trouble. As domestic users, we rely on it, and it is the lifeblood of business and industry.

In its assessment in January this year, the System Operator for Northern Ireland made it very clear that, for a variety of reasons mainly centred on the need to comply with the EU industrial emissions directive, we face a possible threat to our security of supply from the start of 2016 — just two years from now — and that the risk will intensify to the extent that we will be in deficit from 2021. That is the crux of the issue. It is a pressing matter, and I am sure that no one in the House would argue that we should do nothing about it. Doing nothing is simply not an option.

The Committee has spent considerable time and effort assessing the extent and nature of the problem. It is very complex, as, indeed, is the range of possible solutions, but actions need to be taken soon. The problems outlined in our report are not new problems and have been known for some time. We are urging the key players — the Minister, her Department, SONI and the Utility Regulator — to undertake work that will ensure a proper understanding of the estimated level of surplus margin that will be required to guarantee security of supply. We also want them to have a clear idea of the risk that will still be there after the interim repair of the Moyle interconnector. We are interested, too, in the possible level of additional capacity and reduced demand that might be temporarily gained via the aggregation of units and demand-side management, along with the utilisation of the two existing cross-border standby connections.

I understand from an update report from DETI and the Utility Regulator, which was just issued this morning, that work on assessing what needs to be done is already under way. We will need to take time to consider that update, but, from a quick read through it, I am encouraged not only that the problem has been identified but that action will be taken. The update states:

“The likelihood and consequence of a risk to security of supply from January 2016 is such that UR and DETI have concluded that, if measures can be taken within a reasonable cost to consumers to provide additional generation capacity, then they should be taken ... Options to manage the risk are therefore being progressed by UR and

SONI, working with DETI. This workstream with an overall plan will conclude in early 2014.”

We look forward to seeing that action plan in due course.

As for longer-term needs beyond 2020, the Committee considers the North/South interconnector to be vital to ensuring our security of supply into the future. We are concerned about the impact of planning decisions on the timing of that. We want to see the interconnector being progressed. We cannot continue to rely on Kilroot, Coolkeeragh and Ballylumford.

I note from this morning’s update that DETI and the regulator agree that it is imperative that the second North/South interconnector be progressed and delivered as soon as possible. That will not only guarantee security of supply but should lead to reduced energy costs for consumers. Time does not permit me to expand on that crucial aspect, but it is referred to in our report. In the light of the Utility Regulator’s recent comments that high prices are here to stay, we must explore every avenue to reduce costs to consumers. I commend the Committee’s report to the House.

Mr Mitchel McLaughlin: Go raibh maith agat, a Cheann Comhairle. I am a recently appointed member of the Committee. It has done a very good job on the report. Much of it was done before my time, so I can claim little or no credit for a very important and useful report.

The point that strikes me very forcefully is that the issues that would affect security of supply are familiar. They have been known for some time. It is of some surprise to me — I could even say “shock”, as it concerns electricity generation — that people did not anticipate or address the time-bound issues that will face us in a matter of a few years. It seems that there was either a manipulation of a crisis to get a desired outcome or a complete failure of strategic and contingency planning. I am not quite sure where the truth lies; indeed, both possibilities may be the reality.

When we hear about the situation in Ballylumford, knowing that there is a direct consequence in the reduction in generation of electricity supply, you would expect people to have considered all the available options. The Committee drew attention to some in the report, in the various formulations of the report and in the discussion as it moved through the inquiry. The question of the standby interconnectors at Strabane, Lifford and Enniskillen has to be

factored in. No one is offering those as the permanent solution to the shortfall. There are three undersea connections between the islands of Ireland and Britain. Not only that, but, if we are talking about security of supply, they bring the advantage of connection to the European grid. We are told that the only option for one point of connection to another on the island is an overground one, but we can do it under the sea. It seems that people were maybe fixed on a preferred single, silver bullet-type solution, despite the fact that the very significant opposition to overgrounding has already had an impact on the timeline. It will be more than challenging, which seems to be the opinion of the regulator and the generators.

Mr Frew: I thank the Member for giving way. He raises a valid point, because we have interconnection, albeit on half capacity, at Moyle. We also have interconnection between Wales and the Republic of Ireland, which is essential. That can connect to Europe, which, again, is essential, because interconnection is just as essential as generation. However, the very fact that there is water there means that we had no choice but to go under the water. Look at the Moyle interconnector and the problems with faults in the cable and the cost of repairing them. That is why the only option is to go overhead.

Mr Mitchel McLaughlin: Thank you for that. I do not think that there are any cheap solutions. Every possible solution must be looked at, including the aggregation of options to provide the capacity that we need to ensure security in outage circumstances, which does not happen all the time either. The fact that, even at this stage, connection issues remain for those who are involved in wind power generation is mind-boggling. That technology exists but does not seem to be getting applied in a way that will allow us to pursue the objectives that we have set ourselves in the Programme for Government or to use it to address security of supply. I am making a simple and straightforward point. We should look at all the available options, including repairing the interconnector at Moyle. That did work. I understand that it was commissioned in 2001 and operated up to about 2011. We still have not got it repaired, and it is working at 50% capacity. If it were repaired and reintroduced, we would have the safety margin that we require. That is one of the possible available solutions.

We need to be a bit more creative. We need to take a look around us at the available options. We need to look at the potentials for alternative energy, which are very significant and should

be maximised and optimised to benefit the economy and security of supply. Large companies operating here have spare capacity that could be offloaded at peak times. All those issues could be brought together so that we can have a cocktail of measures that, between them, give us the optimum coverage and security that we need. They do not all have to be used all of the time, but they are there. We are talking about a new interconnector at a colossal cost with, I would say, even more colossal opposition from public opinion: we are probably looking in the wrong direction for an answer to this conundrum.

Mr McKinney: As we have been hearing, the Committee undertook the report to get a greater knowledge of the issues surrounding security of supply now and, more importantly, in the period approaching and surpassing 2021. It took evidence from a wide range of organisations. Like Mr Anderson and Mr McLaughlin, I was new to the Committee, so I cannot claim any credit, but it is clear that security of supply has provoked significant interest, concern and, indeed, confusion for all stakeholders. As we have been hearing, there is even contested space around some of the answers going forward.

Much of the feedback given to the Committee was characterised by an absence of information and sometimes by confusion. That is unacceptable, given the magnitude of the problem. If we do not address security of supply successfully, the commercial and industrial ramifications may prove disastrous. The level of energy cost and its availability here has a significant impact or effect on Northern Ireland's appeal to larger businesses. As a result of the Utility Regulator's price comparison report in March, we have seen that electricity prices for large commercial users here are among the highest in Europe and, at some points, are up to 25% higher. It is a reasonable inference that those inflated costs arise out of the grid connection difficulties that we have here, which are the very same difficulties as contribute to the security of supply issue.

The next question, then, is this: is future business in Northern Ireland being put at risk due to rising costs and the lack of clarity on security of supply? Foreign direct investment is a key to our future success. Indeed, it is an Executive priority, but, to achieve that investment, we will need to attract medium-to-high energy usage businesses. At the moment, we have in operation 100 large companies — those with more than 250 employees — a rate that is 40% lower than the rest of the UK. We have heard about regulation and the ingredients

that complicate all this, such as the generation capacity at Ballylumford, the Moyle interconnector problem that we have been hearing about, the Kilroot power problems and the restrictions there and the North/South interconnector and the lack of a final decision. All that leads to further confusion and delay. That could be further complicated if we do not make decisions before 2018. All that is too late, as the EU regulations take effect three years before that.

It is the SDLP's view that urgent action must be taken. The energy issue here must be stabilised to satisfy the large FDI companies that are needed here. The sad reality is that, currently, this is not an environment that is financially attractive for large energy users. The ambiguity about the future provision of electricity will hamper investment from that sector. Indeed, the future of the businesses that currently operate here may also be at risk.

6.00 pm

If security of supply and the cost of electricity continue to be issues, large energy users will perhaps try to come off the grid and provide their own electricity. Although, in one way, that may be cost-effective for individual LEUs, their removal from the grid will push energy prices up for those who are on it, thus adding to the existing problem.

It is clear that something must be done, and the SDLP welcomes the issuance of Committee recommendations on the security of supply. Many different courses of action were suggested to the Committee, and it is regrettable that activity, especially that around the known IED impact on Ballylumford, has been lacklustre and late in coming. We sincerely hope that DETI, SONI and the Utility Regulator take heed of the recommendations in the report so that progress can be made on security of supply immediately. If they do not, I fear that the future of FDI and the growth of large business activity in Northern Ireland may be in jeopardy.

My comments up to now have been made as a Committee member, and I will now speak from a party perspective. The SDLP conference debated energy and is calling for us to have a much wider vision of energy on an all-island basis. We must utilise the potential to maximise wind and wave power, strengthen the grid and envisage, potentially, an island that will eventually export its excess energy.

Mr Beggs: First, I want to address a point that Mr McKinney mentioned: the importance of renewable energy. I accept that it is important, but we also need to have generating capacity for the times when the wind is not blowing. That tends to happen on the coldest days of winter when we have the heaviest frosts, high pressure and no wind, so it is important that we have generating capacity for those occasions. It is for that reason that I have a particular concern about the generating capacity that is scheduled to exist in Northern Ireland in a few years, and I thank the Committee for sharing that concern.

It is estimated that our surplus of electricity will reduce from 600 MW to 200 MW. That is of concern to me, and it should be of concern to everyone. Earlier, Mr Frew indicated that businesses are not as concerned about security of supply as they are about the cost of electricity. If their power is turned off, their primary concern will be power. There is the potential that they will lose business and customers. It is vital that they and their customers have confidence that we can provide a reliable supply.

Mr Frew: Will the Member give way?

Mr Beggs: Certainly.

Mr Frew: I must seek clarification from the Member. Maybe he did not hear me right, but I said that that is as important as the cost of electricity. I did not say that it was not as important.

Mr Speaker: The Member has an added minute.

Mr Beggs: If the power starts to fail, people will not ask what the price of supply is; they will ask where they can get electricity. It is vital that we ensure continuity of supply. I agree that we must take reasonable steps to control the cost of electricity, but to maintain confidence among the business community and, indeed, homeowners — we all wish to ensure that we have electricity reliably supplied to our homes — it is vital that we have security of supply.

One of the things that concerns me about the very small 200 MW buffer that is predicted is that one failure in any of our very limited number of generators could cause difficulties. There is an expectation that the Moyle interconnector will be back up to full power and be reliable, and I hope that that is the case. However, if, instead of increasing its transfer of energy from 250 MW back to 500 MW, it

develops another fault, guess what? We will have blackouts if we hit peak power predictions. What will happen if there is any fault in any of our other generators in Northern Ireland? Some of you may have forgotten, but, a number of years ago, there was a fault in the midst of winter at Coolkeeragh, which, I understand, has 600 MW on a single shaft. A single fault in that system could result in power outages in Northern Ireland. It is important that we have capacity and plan well ahead, because you cannot put a power station in place overnight. It is important that we retain a surplus and do not endanger security of supply. It is very important that we ensure supply to all our citizens.

I accept that, as others have said, the other aspect of trying to improve our supply is the North/South interconnector. That has the potential to be a relatively quick solution, but I ask for an update from the Minister and the Department on what exactly is happening. Does our planning system recognise the importance of the issue? It could be moved forward relatively quickly but, if it is not, I welcome the Committee's recommendation that we should look at the potential closure of Ballylumford B. If it were not to close, it could create a buffer and an option for continuing to generate and create a surplus. However, that date is rapidly closing in, businesses and employees will make decisions, and it may not be too long before redundancy terms are offered and key staff may start to take them.

It is important for security of supply in Northern Ireland that there is clarity about what is happening with our generating capacity and the other electricity that can be supplied. That is vital for the future of our citizens and our businesses. We do not want to create headlines around the world should we have power outages here because of insufficient interconnection or generating capacity. I ask the Minister particularly to look at the proposal to close Ballylumford B, given the precarious situation that I see and given that the Committee is expressing concern.

I turn to the other aspect of electricity supply, namely the cost. We all ought to realise that consumers — businesses and private individuals — pay an additional £25 million a year because of our lack of interconnectivity. Therefore, it is important that the issue is addressed and —

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

Mr Beggs: — that we recognise the importance of upgrading our infrastructure, providing that

security of supply and reducing our generating costs at the same time.

Mr B McCrea: I see that the Minister is writing furiously, and I suspect that she is a little tetchy about some of the comments. I am sure that —

Mrs Foster (The Minister of Enterprise, Trade and Investment): Not on this occasion.

Mr B McCrea: I was going to try to be helpful, Minister. I think that the Minister will want the opportunity to explain certain issues.

I have been struck by the number of people who have spoken so far who started off by saying, "I am only new to this, but here is my opinion". I have had quite a bit of interest in it over the past year. I have been to SONI twice, in Dublin and in Belfast. I have had a meeting with the Moyle interconnector people, who explained to me the mechanics of trying to fix it, and there is no doubt that, technically, we can fix this problem. The key question, as Paul Frew said at the start, is this: who pays? It is not about whether we can fix this; of course, we can. The question is whether the consumer or the Government will pay or, with wind power, perhaps the producers. Everybody is dancing around, thinking that, if somebody else would pick up the bill, that would be very nice. I have no doubt that there will be some solution, and it would be useful if the Minister were able to give us some idea about her strategic way forward to reassure people. Otherwise, there is this idea that the lights will go out in 2016. I have seen the projections, and I have no doubt that, if we do nothing, we will get within 2% of maximum demand and, therefore, be extremely vulnerable.

Mr Beggs: Will the Member give way?

Mr B McCrea: Yes.

Mr Beggs: Does the Member recognise that, in the relatively recent past, there was a problem with Coolkeeragh when it was installed and, as a result, its entire capacity was not available in the midst of winter?

Mr Speaker: The Member has an added minute.

Mr B McCrea: Thank you, Mr Speaker. I am, indeed, aware of that. Not only that, I have been to SONI and seen the demand matching up, transmission lines failing and how you match it through. It is a really complex engineering issue of how you balance supply. It is not something that you can really get to the

bottom of unless you are a transmission engineer.

Even the funding of these issues is really difficult. So, when we look at the Moyle interconnector, the question, as brought up by Mr McLaughlin, is this: what do you do when you are out of warranty? What do you do when the cable, having been put in the ground, has passed its warranty and the stuff that you have keeps failing? Who will pay for that? Can you do it with a mutualised industry?

I am not sure what the answer is to the second thing that I have to put forward. Hopefully, there will be some clarity. We talk about the North/South interconnector, and there is no doubt that that is the preferred option of the industry. There is excess capacity in the South, so, if we build the interconnector, we can do it. However, we have the argument about whether it should go underground or overground. As I understand it — I may be wrong on this — the line is not just six miles long; it runs the whole way to Dublin. So, the question is this: if you are going to put the bit that goes under the border underground — this is a point that Mr McLaughlin may wish to follow up, because he raised it — why would you not put it underground the whole way to Dublin? You are going to affect environmental concerns there. Of course, it is six times more expensive to put it underground than overground. Again, the question is this: who should pick up the bill for doing that?

Mr Frew: I thank the Member for giving way. He is right in what he says about the cost of putting it overground or underground. However, it is not only the initial cost of the installation; it is the cost of maintaining it, the cost of repairing faults and the cost of finding a fault if it is underground as opposed to overhead.

Mr B McCrea: I am happy to accept the points that Mr Frew has put forward.

In the last couple of minutes that I have, let me say that there are really significant engineering issues. There is a concept, which I had not heard of before, called momentum in power supply. It is about what happens if you load it all up with wind because it does not have momentum. These are heavy engineering issues. People ask whether we should upgrade our grid. People say that we have nothing but wind, so why can we not use that? I know that the figure may be less than the £1 billion that was talked about — maybe it is £300 million or £400 million now — but the question in all these things is this: if you make that investment and

are then not able to export or store the energy, what are you making that investment for? Will the consumer thank you for it?

What is required is a grand strategic plan. I think that, when it is appropriate, the Minister will be in a position to announce that. We cannot just do it on production capacity. We have to look also at reducing demand. We are failing in our duty if we do not look at how we get better insulation into homes. We have to start to look at more novel ways of producing energy. It is not just about wind or tidal energy; it is about geothermal energy and all those issues. It is a strategic play that we have to decide what we want to do. In all these things, I think that there are solutions. It is not that we are not aware of what is going on, but we need to make a decision, sooner rather than later, about the way forward. I am hopeful that the Minister will shed some light on the matter.

Mr Allister: We should be grateful that the Committee has put a focus on an issue that has for too long been avoided. We are now at a point where it is clear that we are staring into a situation of underprovision for our electricity needs. The margin has got to the point where we are flirting with danger.

One could rightly ask how we got to this position. How is it that we have suddenly arrived at this scenario? Part of the answer lies in the fact that there is no clear command structure, as it were, for energy policy. We have a sort of “pass the parcel” scenario, where the Department can pass responsibility to the regulator and the regulator is accountable to dear knows who. Technically, I think that it is accountable to the Assembly, but in reality not really to anyone. Instead of a strategic, driven-forward policy that would protect us, we have a division of responsibility or labour. That is compounded by the fact that, over the years, taking our eye off the ball has been assisted by us becoming besotted with renewables and the pursuit of unrealistic targets in that regard, thinking that that would be the panacea and the answer to everything.

6.15 pm

Meanwhile, this issue has been creeping up on us. We have known for some time that we have got a dodgy Moyle interconnector. We have known for some time that generation has to be cut at Ballylumford and at Kilroot. We have known for some time that the new North/South interconnector is not moving at the pace that was anticipated, but what has been done about any of these things in the mean time? I think that we will arrive at the point

where the Department or the regulator or both need to grasp hold of the fact that, to solve our problems, we need to ensure more indigenous generation. We cannot solve this problem by putting all our eggs in the one basket of a North/South interconnector, or maybe improvements in the Moyle interconnector or whatever. If we have a rundown in our generating capacity in Northern Ireland, then we need to address that issue.

A few weeks ago, the Minister said to the House that, if it came to it, she would not shy away from ensuring that there was new generating capacity. I have to say to the Minister and to the House that it seems to me that we are getting very close to that point. It seems to me that the Department needs to take this issue by the scruff of the neck and ensure that we do not arrive at a point where we are under-generating and the lights are going out.

One of my concerns is that SONI is in charge of all of this. It is now fully owned, in a monopolised situation, by a Republic of Ireland Government-owned company, EirGrid. When hardy comes to hardy, I wonder where their priorities will be in meeting the needs of Northern Ireland or the needs of elsewhere. It is supposed to live under licensing conditions where there is supposed to be operational independence. It reports to the regulator, but those compliance reports are not published, so we cannot see where the compliance with the operational independence is.

There is a multiplicity of issues that need to be grasped with great urgency, but the fundamental one is to get to the point where we generate a greater proportion of our electricity needs in Northern Ireland. If we keep going as we are, we will arrive at a pretty dire situation, and I think that the time has come when the Department needs to start proactively promoting the idea of a new generating station in Northern Ireland, which will bring jobs, security and much-needed generation within the Province itself.

Mr Agnew: We have to accept that the decarbonisation of our electricity is both necessary and inevitable. We cannot resist the tide — or, for that matter, the wind or the wave. I agree with Mr Allister that we must invest in indigenous energy, but in indigenous renewable electricity generation. Ultimately, we are on the road to decarbonisation, and any investment in oil or gas will only be, at best, a short- or medium-term benefit. In the long term, we are investing in an industry that will slowly become extinct.

As we realise the situation that we have, we are unfortunately in a position where what must go in hand with that renewable investment is an investment in interconnection. In the long term, renewables and interconnection are the only solutions to our long-term energy needs, but unfortunately we have a short-term problem. We are now at the stage where neither new renewables nor new interconnection is feasible in the short space of time that we have. We have to ask some of the questions that Mr Allister asked around how we arrived at this stage. It seems to me that some of those issues were around the delay in the North/South interconnector and the unreliability of the Moyle interconnector. In that regard, we have to make sure that we do not make that mistake again going into 2021, and I will come back to that later.

Before we can decide what to do in the short term, we need to fully understand the problem. We learned only today — it is certainly new information to those of us on the Committee, although I am not sure how long the Department has known — that we require an additional 250 megawatts to ensure security of supply. We had been told that a surplus of 200 megawatts was not sufficient, but we did not know how much was sufficient. That helps us to consider our options. Unfortunately, that information was not available to us prior to the production of our report.

What we still do not have — at least, I certainly have not been supplied with it — is a figure for the likelihood of a significant power outage, which is presumably above 200 megawatts. What is the percentage probability of such an outage or failure? What is the likelihood that that would result in the lights going out in some cases? The Utility Regulator, in its submission to the Committee stated that, if the risk has a very low likelihood and mitigating that risk has a high cost, a different decision might be called for. That relates to some of the possible mitigation measures that could be taken. We need to understand how big the risk is and how serious it is. No one will disagree that ensuring security of supply is essential.

Mr B McCrea: Will the Member give way?

Mr Agnew: Certainly.

Mr B McCrea: The Member, like me, chaired two all-party groups on energy supply. The graphs that I saw showed us within 2% of maximum supply in 2016, which appears to me a very narrow margin for error. We definitely

need to get generating capacity from somewhere.

Mr Speaker: The Member has an added minute.

Mr Agnew: I accept Mr McCrea's point that it is a fine margin. However, we need to know how the probability of risk weighs up against the cost of mitigation measures before we can decide on the options available to us.

It appears that the option of the temporary repair of the Moyle interconnector, which looks likely anyway, is not sufficient to meet our needs because of its continued unreliability. The Ballylumford upgrade seems to be one possible direction of travel. I have questions, and the Minister may have the answers. What is the cost of that upgrade likely to be? This is to get us through a short-term period of a few years. How long will we have to subsidise that upgrade at Ballylumford? It is clear that capacity payments are required. How long will consumers be required to pay those? We need to know that before we can judge whether it is in the best interests of consumers to pay them. If it is a long-term cost for a short-term solution, we should be concerned about that.

There is a real possibility of deficit post 2021. It seems to me that we are, once again, reliant on the North/South interconnector, as we were before. Although I believe that the North/South connector should be progressed as speedily as possible, we know from our planning system that we cannot rely on a positive or quick outcome. It would concern me if we headed into 2021 with an over-reliance on the North/South interconnector providing the solution. As mentioned before, we have to look at some sort of plan B. It is very much my position, and that of the Green Party, that we need increased —

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

Mr Agnew: — renewable production and greater interconnection for the future long-term security of supply in Northern Ireland. However, in the short term, we have to ensure that we find solutions to ensure security of supply.

Mrs Foster: I welcome the debate on what is a hugely important matter, not only for the House but for the whole of Northern Ireland, including electricity consumers. Let me say from the outset that I share the Committee's view on the need to protect our electricity supply. It is, of course, one of the core strands of our energy

policy. The Chairman started the debate by saying that there were three drivers, and I totally agree with him. The drivers are the EU emissions directive; the difficulties that we have had with the Moyle interconnector; and, of course, the delay in the introduction of the North/South interconnector. I want to talk about each of those in turn.

Before I do, I must say that maintaining a secure and affordable electricity supply is essential for business. That was mentioned by a number of Members, first by my colleague Paul Frew, particularly with respect to the manufacturing sector, but also for the wider economy and for individual health and well-being.

I was struck that a number of Members said that this had not been thought about or looked at before the Committee looked at this very important issue. That is not true. I have been very proactive in dealing with the issue, and I have been working with the Utility Regulator, the system operator and, indeed, generators, and talking about and ensuring that our security of electricity supply is maintained now and in the future.

I have been asked by Members of the House to quantify the cost of how much it will take to deal with the gap identified in the paper that came to me last week and that was published today. However, I cannot discuss those figures in public because a lot of them are commercial in confidence until such times as a decision is made. That decision will come, I hope, in January 2014. We could not come to that decision had we not been working up to this point. So, it is wrong to say that we have not been engaged in the issue: we have been engaged in it for some considerable time.

Having said that, I recognise the very detailed work that the Committee has carried through on the issue. It has taken extensive evidence from across the energy sector, including from my officials, the Utility Regulator, the system operator, generators and other interested parties.

Security of supply is a complex issue and does not lie solely within the remit of my Department. It is informed by a number of interests and key players in the market and the dialogue that takes place within an increasingly challenging regime designed to reduce emissions across Europe and meet regulations that restrict how a member state can intervene to encourage increased investment that may be required to protect security of supply. So, we are

challenged by the context in which we are discussing the issue.

Stakeholders have also been informed on the scope of discussions on the issue to date through a joint paper on security of electricity supply, which was published by the Utility Regulator and the Department on 12 June. As I indicated, and as was announced, that paper was updated today.

I have no concerns about the security of our current electricity supply. We have a very acceptable generation capacity margin at present. As noted in the 2013 generation capacity statement, it is around 600 megawatts. So, the impending doom is not going to happen tonight. The system operator's winter outlook statement for 2013-14 also concludes that the generation capacity in Northern Ireland will be sufficient to maintain the appropriate level of security of supply over the current winter period.

So then, to the three drivers [*Interruption.*] — if anyone wants me to give way, I am happy to do so. As the Committee's report recognises, there are future challenges for the regulatory context from Europe. It is accepted that the more stringent EU emissions requirement from the industrial emissions directive will impact on our conventional generation from the end of 2015, affecting both plants, Ballylumford and Kilroot. It is expected that without upgrading works, the Ballylumford B station will not operate beyond the end of 2015, with a loss of around 510 megawatts of generation capacity, and that the Kilroot coal-fired plant will have restrictions on operating hours in order to satisfy the EU requirements. I am pleased that at least one Member mentioned the job impact of the closure of Ballylumford in particular. Mr Beggs is not in his place any longer, but I am very mindful that that discussion is going on.

The result is that our generation capacity will decrease from the end of 2015 to around 200 megawatts. That was noted in the 2013 SONI generation capacity statement and is an issue which officials have been considering in cooperation with the regulator and SONI. Post 2015, a 200 megawatt capacity margin is sufficient for dealing with unexpected short-term generation issues. Sometimes, we have those short-term generation issues but, in the event of a prolonged outage at one of our large conventional generation plants, there is widespread agreement that the 200 megawatt capacity margin is not sufficient.

Consequently, the regulator and SONI have been considering in detail the need for

additional generation capacity, at least until the new North/South interconnector is in place. I hear what Members are saying about that piece of work, and we can have the discussion on whether we need to have more generation, even with the North/South interconnector in place, but, at least until it is in place, we need to have more generation capacity. Any proposals to provide additional generation capacity must be mindful of the fact that such capacity may not be required beyond 2017, but that is something that we will look at.

6.30 pm

The Utility Regulator and SONI have identified a requirement for an additional 250 megawatts of conventional generation, and we are having ongoing discussions as to how that will be provided. I welcome the fact that a decision will be made in January 2014, because I accept that there needs to be clarity around the issue. I had a meeting with the new regulator last week, and she was very clear that that will be the case.

As for other options, my Department and the regulator have discussed with the Department of the Environment the possibility of a derogation from the industrial emissions directive for the two plants. However, DOE has consistently confirmed that there are no appropriate derogations available and that, without upgrading works, Ballylumford B is expected to close at the end of 2015, with the Kilroot plant expected to migrate to a transitional national plan, which would bring down the number of running hours.

I do not dispute the detailed evidence compiled in the Committee's report. Clearly, the Committee sought evidence from a range of stakeholders, most of which my Department has also engaged with. In that respect, there is common understanding of the complex issues impacting on security of supply.

To allow for a full understanding of the security of supply margin, as already noted, an assessment has been completed, with agreement that an additional 250 megawatts of conventional generation is considered necessary post-2015. We are taking that discussion forward, and we will have the decision in January 2014. That will ensure that there is sufficient time for the additional generation to be in place by the end of 2015.

The level of risk posed by the interim repair at Moyle was mentioned. I welcome the fact that there is now agreement on proposals for interim and permanent restoration of the

interconnector. That is subject to obtaining the necessary approvals, but the new cables are expected to be in place from 2017, at an estimated cost of £60 million. In addition, Mutual Energy is taking forward full interim repairs to restore Moyle to full operating capacity using the existing cables —

Mr B McCrea: Will the Minister give way?

Mrs Foster: If he will wait until I finish this point.

As a result, Moyle should be operational by late 2014. The estimated cost for that piece of work is between £2 million and £4 million.

Mr B McCrea: The Minister mentioned something that caught my ear. Did she say £60 million for the two cables? I wonder who is going to pay for that, given that the Moyle interconnector is run by a mutualised company. Where does the bill land?

Mrs Foster: It is £60 million for the permanent repair. The interim repair will cost £2 million to £4 million. Mutual Energy has indicated to me that it is looking into the insurance that it had at that particular point in time for those repairs, and it has yet to come back to me with a full costing, but I do think that there will be some cost passed on. I am not going to deny that, but I do not have the direct figures from Mutual at present. Do I have 10 minutes, Mr Speaker?

Mr Speaker: You have 15 minutes.

Mrs Foster: Thank you. Members commented on Moyle coming back into full capacity and the importance of that, given the fact that comments have been made in GB about its security of supply when it comes to generation and capacity. I think that it was Mr Lunn who said that we cannot depend on generation from GB, as it has its own issues. However, GB is taking forward an investment in nuclear generation, along with additional renewables and a new gas generation strategy. Our interconnection is with Scotland, which has hydropower as well as nuclear energy and gas. Our natural gas is from Great Britain, but it comes in part from Norway, where there are significant gas reserves. Of course, we look at security of supply on a UK and Ireland basis, and we have regular meetings on security of supply issues. In fact, the most recent meeting was in Belfast.

I will move now to aggregated generation and demand-side management. The current and projected contribution from renewables and aggregated generation units, or a reduction in

electricity demand, was taken into account in the analysis by the regulator and SONI. They concluded that any feasible additional contribution from those sources is considered insufficient to manage future risks. I had the opportunity to speak to the regulator about the smart meter programme and the smart grid programme, which I very much want to see developed. That is something that we need so that we can allow consumers to better manage their requirements. I hope that we will see movement on the smart grid in the future. Of course, there are some additional security of supply benefits in enhancing the use of aggregated generation and demand-side management measures, and we should do that as a matter of policy.

To reduce barriers for such initiatives, we need to keep talking to the regulator to try to deal with the legislative and regulatory frameworks that are there.

The Committee report also refers to making better use of existing cross-border electricity infrastructure, which is something that Members across the Chamber made much of, to enhance our security of supply, through utilising the two existing cross-border standby connections at Enniskillen and Letterkenny. However, I understand that those smaller capacity connections, each with a connection of up to 125 megawatts, were installed to provide local support only and would not be capable of handling the large power transfers that would be available on the proposed North/South interconnector. Upgrading those local connections would also require additional local grid reinforcements, which would be more expensive and more intrusive than providing the planned interconnector.

The low likelihood, but unacceptable consequence, of a significant security of supply failure occurring is such that, within an acceptable cost to consumers, additional measures need to be taken to manage the risk. That is what has been decided. I know that Mr Agnew said that it might be a small risk, as opposed to what the cost is going to be, but, obviously, from a departmental point of view, security of supply is a critical issue, and we need to give it key attention.

I want to mention the North/South interconnector. There have been differing views around the Chamber about the importance of the North/South interconnector. Let me reiterate this to the House: it is a critical piece of infrastructure for Northern Ireland and for the Northern Ireland electricity market. Some people are asking why we need

interconnection with the rest of the island. It is not with just the rest of the island that we are getting interconnection; there is now an interconnection between Wales and Great Britain. If we are seriously saying that we want the whole of these two islands to be interconnected, we need the two parts of this island interconnected as well.

With regard to the planning, the project has been designated a project of common interest. That designation requires member states to take action to facilitate delivery of the project. I am hoping that that is going to provide an impetus to get us over the line with the North/South interconnector, because it is very important that we have the interconnection not just between Northern Ireland and the Republic of Ireland but between the two islands. So, that is hugely important.

I am running out of time. I welcome the continued growth of renewable generation in Northern Ireland, which now stands at around 15%. Further renewable generation is planned over coming years, which will further reduce our dependence on fossil-fuel generation. However, that comes with the additional need to have a grid infrastructure to deal with those renewable energy areas. Of course, there are issues with that, particularly given the recent price determination by the Competition Commission.

I hope that I addressed most of the issues. If Mr Flanagan has anything further that he wants me to address, I will be happy to deal with those points in his winding-up speech.

Mr Flanagan: Go raibh maith agat, a Cheann Comhairle. The Minister always tees you up well. Before I start, I thank the Minister for her informative response. I also thank the Committee Clerk and all his team for the Trojan work that they have put in to assisting the Committee, particularly the new members, who are trying to get their head round energy. Even those of us who have been on the Committee for two years will admit that we have not got our head round all the issues in energy. So, we are grateful to the Committee staff and to those interested individuals and parties who came before the Committee, or provided written evidence, to try to help us better understand the challenges and issues that we are facing.

I particularly thank the trade union representatives from the generation station who presented to the Chairperson and me to flag up those issue before the inquiry started.

The question that still has not been answered is this: why has the issue not been sorted? The Committee and SONI had flagged up the issue. The Minister says that her Department has been working on it. It is obvious that the Department has, otherwise, it would not have a solution. It has been flagged up for quite some time. So, the question that still needs to be answered is this: why have we not got a solution? It is positive that a report has been jointly published today by the Utility Regulator and the Department that indicates a way forward. However, I do not think that it has all the solutions.

It is important that we return to the Chairperson's opening remarks and discuss why we are here. The reason why we are debating the motion is that, from the end of 2015, the EU industrial emissions directive will result in the closure of three units at Ballylumford B station and reduced running hours for Kilroot power station. That is coupled with an ongoing fault on the Moyle interconnector with Scotland and the delay in the completion of the North/South interconnector. As a consequence, our surplus margin will reduce from 600 megawatts to 200 megawatts from the start of 2016. The result will be that, if there is a prolonged outage of a major power plant, there may not be enough electricity to meet need during periods of peak demand.

We are told that 600 megawatts is considered sufficient but that 200 megawatts is considered too low. Throughout the review, we asked nearly every single person we engaged with what the minimum level of surplus capacity would be to ensure security of supply. We directed those questions particularly to the Department, the regulator and the system operator, but no answers were forthcoming.

We had the report only today. Although it is welcome that the report has been published, from a Committee point of view, I presume that members are disappointed that it has been published only today. It would have helped the Committee to better come up with potential solutions or recommendations if we had known that the figure was an additional 250 megawatts. We have a figure now of 450 megawatts.

The Minister indicates that the proposed cost of that work cannot be released due to commercial sensitivities, but perhaps she could provide it to the Committee confidentially to allow it to —

Mrs Foster: I thank the Member for giving way. I cannot give that to the Committee because it is still in negotiation. That is part of the difficulty: there are ongoing negotiations between SONI and the generators.

Mr Flanagan: I thank the Minister for that clarification. I presume that she will provide the Committee with any information that she has when she can do so commercially.

The lack of urgency and failure to address the issue has been a concern for Committee members, other MLAs, members of the business community and business organisations. When the Committee talked about potential solutions and raised the issue of cross-border connections, we were always told that the issue is being dismissed because there is a perception that the Committee sees that as a solution to the problem. The Committee does not see it as a solution; it might see it as a partial solution or somewhere where a bit of improvement could be made. The Minister seems to have fallen into the same line of suggesting that the Committee considered the existing connectors as an alternative to the North/South interconnector. It is not that it is an alternative; it is that it might be a potential improvement on the current situation and give us more capacity to increase the surplus. The question remains about whether the two 125 megawatts connections will be enough to supply the required 250 megawatts from 2016. That is one of the things that we would like to see coming out of the work that will be done in January. If the capacity is there for standby, why can it not be used more permanently?

I will quote David Brailsford, the director of British Cycling and the general manager of cycling's Team Sky. I am not much of a cyclist, as you can see, a Cheann Comhairle, but, in the middle of the 2012 Olympic Games, he said:

"It is important to understand the aggregation of marginal gains."

Put simply, it is about how small improvements in a number of different aspects of what we do can have a huge impact on the team's overall performance. The notion of marginal gains is not a new concept, but David Brailsford captured the moment when the British cycling team was doing very well during the Olympics. I think that we must apply similar thinking to this predicament. Surely the answer to the issue of security of supply is not to put all your eggs in one basket but to spread the risk in as many different places as possible. That is what the Committee is trying to do.

6.45 pm

We should not chase one solution but a range of different options that could plug the gap in the short term without impacting on the price that consumers pay, as far as possible.

Mr Agnew: I thank the Deputy Chair for giving way. Mr Allister proposed that we have another large power station. Does Mr Flanagan agree that it is our over-reliance on a small number of large power stations, as opposed to a larger number of smaller generators, that has partly led to this problem, and that investing in renewables across the North would increase our security of supply, not just through increased generation but through the greater number of generators?

Mr Flanagan: I certainly agree with the Member, but I cannot speak for the Committee because it is not a discussion that we have had. I understand his point, which is that, if we were not so reliant on large, conventional fossil-fuelled generators, we would probably not be in this situation, but that is hindsight for you.

The Committee took a fairly balanced view of the arguments around the North/South interconnector. We have all agreed, and there has been no argument from anyone, that we need greater interconnection between the North and the South, and between Ireland and Britain and the rest of Europe. That is the way that energy is moving. EU directives state that we are going to move into a market with the island of Ireland, the island of Britain and France, so we need to embrace that and work towards it. If we do not, there will be financial penalties. However, the Committee did not take a view as to whether the interconnector should be built overground or underground. That is something that, I hope, I will have time to return when I finish speaking for the Committee. I am probably not speaking for the Committee, but I am trying here.

There is huge potential for demand-side management. Once again, it has been dismissed by the Department, the regulator and SONI because it is not a big-bang solution to the problem. However, I would be very keen to see what the potential reductions in electricity consumption from effective demand-side management would be, through the use of the smart meter technology. It is good to hear the Minister say that we are making progress on that and that there is significant investment in energy efficiency schemes.

Mr Frew: I thank the Member for giving way. I agree with the concept of making sure that all our eggs are not all in one basket and that we try to get the best out of our present infrastructure. However, to upgrade the other interconnectors between North and South to take a bigger capacity would require a complete rewiring. That would mean all sorts of costs that would probably dwarf the cost of the North/South interconnector. These are not the type of wires that you could tie your shoelaces together and throw your shoes over. We are talking about massive infrastructural cabling, and it is not as easy as just increasing a load when the cable just cannot take that load.

Mr Flanagan: For the Member's information, my shoes do not have laces. I suppose it benefits the Member that I am wearing some shoes today.

His point is probably a fair one. However, the point that we need to embrace is that this is, hopefully, a short-term problem. We do not need to adopt a long-term solution to a short-term problem. Any long-term solution in the form of additional conventional generation, the likes of which Mr Allister appeared to endorse, would add a significant cost to consumers. If this is only a short-term problem, I do not think that a long-term solution of that kind would be in the best interests of consumers.

Industrial and commercial customers and potential investors want to see security of supply. They want to know that there will be electricity for them to use, particularly to manufacture products. The pricing is also a big issue for them, and that is what we are going to look at in part 2 of the Committee's inquiry, but the availability of electricity is the big issue for manufacturing companies. That is why this needs to be sorted out.

I will turn to alternatives to fossil fuel generation. Whenever people talk about renewable energy, their minds seem to drift towards wind, but there is far more to it than wind generation. Mr McCrea and others listed some of them, including wave, tidal and deep geothermal power, biomass, and a whole range of potential combined heat and power plants from a range of sustainable and renewable sources. Those things need to be considered as part of a wider decarbonisation strategy. The one thing that seems to be missing — we heard this particularly when NIE gave evidence to the Committee — is any sort of plan B in respect of the North/South interconnector.

I directly posed the question to NIE officials: what are you going to do if the North/South

interconnector does not happen? They just did not have a solution. It is not something that they have looked at. There seems to be complacency that the North/South interconnector is just going to happen within the time frame that somebody has said it has to happen in. That has not happened in the past, so I do not think that the Committee or the Minister can simply accept that it is going to happen in the timeline that has been laid down.

At this stage, I would like to speak as an MLA. The alternatives to overhead connection have not been fully explored. They are completely dismissed at every opportunity by EirGrid, which claims that it is not feasible, but it is a feasible alternative. The international expert panel commissioned by the Minister for Communications, Energy and Natural Resources in the South, Pat Rabbitte, found that undergrounding the North's interconnector was a viable alternative.

Mr D Bradley: Will the Member give way?

Mr Flanagan: I will. It did say that it was three times more expensive, but that report did not take into consideration the impact on land prices that the building of an overhead interconnector would have.

Mr D Bradley: Will the Member agree with me that the undergrounding of the North/South interconnector is financially viable and that fault detection can be facilitated? That was clearly shown by the expert research commissioned by Safe Electricity for Armagh and Tyrone, which presented to the Committee.

Mr Flanagan: I do agree that it is financially viable. It is lunacy for EirGrid or any organisation like it to say that it is not financially viable because, at the end of the day, no matter what the cost is, it will be customers who pick up the tab. It will not be EirGrid; it is going to be customers, so the price of it is really regardless for EirGrid. It is a political decision that we need to take as to whether building it overground or underground is financially viable because, at the end of the day, it is customers who are going to pay it. It is the people who vote us in to do our job who will have to bear the brunt of it, and we need to factor that in.

Around the world, energy security is becoming a bigger issue. Interconnection, particularly on the island of Ireland, is a huge issue. EirGrid is facing serious community resistance everywhere it has gone to try to put in an overhead connection. That is something that needs to be factored in. I do not think that the

North/South interconnector will go ahead in the time proposed. There will be huge community resistance. It is unlikely that a decision will come from planning in any agreed time, so we cannot simply say that there is going to be an interconnector by 2017. We need to have a plan B ready to go. I think that further consideration needs to be given to building the underground interconnector. One of the main problems is that two separate grids exist within the single electricity market. That is a problem that needs to be resolved.

I will respond to some of the things that Members have said. Mitchel McLaughlin, Fearghal McKinney and Sandra Overend all raised the issue of inaction and a perceived lack of information on the issue of security of supply. Mitchel McLaughlin tried to find out what the reasons for that may be. When Sydney Anderson was responding to today's report, he said that the Utility Regulator and DETI have detailed action that is going to be taken. However, what the report actually does is to detail the work that is going to be done to decide what action is going to be taken, so we are not quite there yet. We have made progress, but we are not out of the woods yet.

The final point that I will make about the Moyle interconnector is that the issue of a delay in putting a permanent repair in place was mentioned by a number of Members, including Sandra Overend, Trevor Lunn, Roy Beggs and Paul Frew, who raised the faults in Moyle as an issue. However, we must remember that the Moyle interconnector uses an innovative technology. Other underwater connections using proven technology are much more reliable. I do not know whether that is an argument for or against innovation, but it certainly shows that underwater interconnection can work. It is certainly something that we should not dismiss and that we need to get sorted out as soon as possible. It needs to be done in a way that is going to work but is not going to cause customers the maximum amount of money.

I will leave it there. The issue has been well debated. The Committee has done a very good job in starting to look at the issue of electricity security of supply, and we will continue to support the Minister and her agencies in whatever way we can moving forward.

Question put and agreed to.

Resolved:

That this Assembly approves the first report of the Committee for Enterprise, Trade and

Investment on its Review of Electricity Policy: Part 1 — Security of Electricity (NIA 145/11-15); and calls on the Minister of Enterprise, Trade and Investment, in conjunction with her Executive colleagues, the Northern Ireland Authority for Utility Regulation and the System Operator for Northern Ireland to implement, as applicable, the recommendations contained therein.

Private Members' Business

Road Traffic (Speed Limits) Bill: First Stage

Mr P Ramsey: I beg to introduce the Road Traffic (Speed Limits) Bill [NIA 30/11-15], which is a Bill to set a maximum speed limit on residential roads of 20 miles per hour.

Bill passed First Stage and ordered to be printed.

HM Revenue and Customs: Job Losses

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

Mr D Bradley: I beg to move

That this Assembly views with alarm the intention of HM Revenue and Customs to close offices in Newry, Enniskillen and the north-west, leading to a loss of 340 jobs, without carrying out an equality impact assessment or consulting with the public and elected representatives; and calls on the Executive, in the interest of the economy, to make representations to HM Treasury with a view to keeping these jobs in Northern Ireland.

Go raibh maith agat, a Cheann Comhairle. The motion relates to HMRC's immediate plans to reduce staff numbers in three offices: 134 in Newry, 77 in Derry and 24 in Enniskillen. That is a total of 235 jobs, out of 340 staff across the three offices.

The Treasury has claimed, through statements to the media and in written answers elsewhere, that it is not closing down the HMRC offices in Newry, Enniskillen and Derry, but the voluntary exit scheme that is being offered surely amounts to a de facto closure. Voluntary exit is the thin end of the wedge, because, as we all know, when an office loses the critical mass of staff that it needs to operate effectively, closure becomes inevitable. That could mean an estimated loss to local economies of £3 million in Newry, £1.5 million in Enniskillen and £3.4 million in Derry. That is a huge blow to local economies and the economy of the region as a whole.

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

I listened last week to the Adjournment debate in another place and to David Gauke MP, Exchequer Secretary to the Treasury, replying to Margaret Ritchie, the Member of Parliament for South Down, and I have to say that I was very much unimpressed by the pattern of contradictions in his reply to the debate. Mr Gauke said that:

"The invitation gives people the option to leave HMRC if that fits with their life choices, but HMRC is not making redundancies at this stage."

The salient phrase is "at this stage", which clearly indicates that if staff do not respond to the exit invitation, something more drastic is down the road. Mr Gauke also said:

"HMRC is reshaping itself to become a more modern, flexible and cost-effective organisation that can deliver better, more personalised services for customers at the same time as increasing tax revenues from compliance."

That is code for HMRC cutting staff. Mr Gauke clearly stated that HMRC is centralising to the larger urban areas. According to him, Belfast will be the eventual single centre for Northern Ireland. So it may be Newry, Enniskillen and Derry today, but Craigavon, Ballymena and Coleraine could be under threat tomorrow.

The Exchequer Secretary to the Treasury makes it look as if HMRC is very civilised in inviting people to participate in an exit scheme, as if it were some benign offer to improve their lives beyond belief when, in fact, it is the total opposite. It is an invitation to become unemployed, an invitation to seek another job during an economic slump, and, for some, an invitation to face years without the prospect of a job.

Those exit offers are a clear statement of intent, and the closure of the sites, which the Treasury has seemingly made inevitable, will most certainly increase pressure on staff to accept the terms on offer. Having met the staff in Newry on several occasions, however, I can say that their will is strong and that they will not be enticed into unemployment.

7.00 pm

I am firmly of the belief that the tactic of offering exit packages before proper, full consultations

and impact assessments have been carried out on the closures is deeply cynical and shows scant regard for the staff. What the Minister and HMRC portray as generosity towards the staff is nothing more than a means of sidestepping their obligations under the equality legislation here.

I have to say that HMRC as an employer comes out of this very poorly indeed. On the day that it visited the Newry office to break the news, there were many questions from the staff but very few answers. HMRC's tactic of avoiding a full equality impact assessment (EQIA), hiding as it is behind an exit invitation, avoids facing up to the effects that this whole direction of travel will have on the groups outlined in the equality legislation, in particular, females. The Minister says that there will be consultation if a decision is taken to close, but that will just add insult to injury.

One has to ask what the point was of the Prime Minister coming here to host international investment conferences and the G8 in Enniskillen if his Government are intent on taking public service jobs back across the water and hurting the economy here. One also has to ask where is the peace dividend in that, and where is the underpinning of the economy and, indeed, the peace process.

I would much prefer HMRC staff to be used to ensure that all taxes are collected from the large corporations and others that evade paying billions of pounds in tax every year than them being thrown on the scrapheap, with their years of experience unused and their loyalty to the service ignored.

HMRC has not yet decided on the outcome of the enquiry centre pilot in the north-east of England and whether to roll out that service, moving away from enquiry centres and face-to-face services towards a telephone service. Yet it is moving in that direction without having made the formal decision. I would be grateful if the Treasury Minister, before following through with these measures in Northern Ireland, could include more information on the pilot study carried out in the north-east of England on the introduction of the reformed service. Critical questions are outstanding on the capacity of non-face-to-face, reduced personal tax services to deal with the range of queries that the centres deal with daily. How long will people have to wait —

Mr Rogers: I thank the Member for giving way. Does he agree with me that what is at stake is not the jobs alone but the quality of service? When other services such as tax credits were

removed from Northern Ireland, it was the cross-border workers who were left with poor services, given the poor broadband etc and the complex cross-border tax system. That is what is at stake.

Mr D Bradley: That is exactly the point that I am about to make.

We have to ask how long people will have to wait on hold before their enquiry is heard. How many cases took more than one call to resolve? How many required a subsequent face-to-face meeting? What was the experience of people and businesses using the new system, and how much will it cost them? There is a clear onus on the Treasury to provide that information before coming to any decision on removing the existing centres. Instead, we get the impression that the Department has made its decision and will find appropriate reasons for it from here on in.

More broadly, we know that tax evasion and avoidance cost the public purse an astronomical amount every year. Surely that is likely only to rise with the closure of local compliance centres. With tax evasion and avoidance costing the economy more than £100 billion a year, HMRC should be seeking to expand rather than cut offices and staff numbers. Surely Treasury should be looking at how local tax centres can be adequately resourced and skilled and given the scope to take on some of those functions. Indeed, we were initially led to believe that the Newry centre would be retained and assume further responsibility for cross-border issues, including compliance and tax cooperation with the Irish authorities. Where better to locate those services than Newry, Enniskillen and Derry in the context of the development of North/South businesses? The North/South Ministerial Council and/or the British-Irish Council should examine that.

In conclusion, I ask the Executive at all levels, especially at the highest levels, to use all the influence they can bring to bear to help to ensure that those important and much-needed jobs are retained. I respectfully ask the House to unite in support of this important motion.

Mrs Foster: I thank the Member and his colleagues for bringing the motion to the House. Undoubtedly, this issue will unite the House. It needed to be brought to the House before the Christmas break. I pay tribute to the Public and Commercial Services Union (PCS), which has been working very hard across the political spectrum to bring the matter to our attention, and the staff, who have had to deal with the

news yet again very close to the Christmas break. It came as somewhat of a surprise to those members of staff. It came as a surprise to members of staff in Enniskillen, as in other offices.

On many occasions, we have talked about bringing services out from the centre in Northern Ireland to other places across the region. There is little point in looking to the House to devolve powers to the rest of Northern Ireland if the Westminster Government — our national Government — are reducing their presence here. As I understand it, they did this without the courtesy of speaking to the Ministers involved in the issue most directly. I know for sure that my only communication, when I received it in late November, was as a constituency MLA. Therefore, no prior notice was given to members of the Executive about something that will have a huge impact on various places across Northern Ireland. That says a lot about the much-vaunted respect agenda that was talked about by the coalition Government when they started their Administration. They have the authority to deal with those jobs. That is absolutely right, but respect is about not just legal requirements but dealing with the requirements, particularly here in Northern Ireland, of all the additional layers, including — and they are mentioned in the motion — the equality impact assessments that needed to be carried out.

The letter that I received from HMRC as a constituency representative states that, as one of the biggest Civil Service departments, it is essential that it plays its part in delivering efficiencies. That is right, and it is laudable. However, if HMRC had come to the Executive and said that it had to make efficiencies, we could have helped it to do so in a very effective way. We could have helped it to bring jobs to Northern Ireland; we could provide a service to the rest of the United Kingdom in an efficient and effective way. That is something that we need to pursue.

Twenty-four PT ops have been identified in Abbey House in Enniskillen. The remaining staff are in compliance and are in a unique area of work in the United Kingdom: the national import reliefs unit. Twenty people are employed there. Mr Bradley talked about the impact that the loss of jobs will have on the local economy. Of course, as well as that, it will be mostly females affected. They will have difficulty in finding suitable alternative employment that fits in, often, with their caring responsibilities, which has to be taken into account.

I have spoken to my colleague the Minister of Finance and Personnel. He tells me that officials in DFP are engaged with colleagues in HMRC. Through Simon, I am going to arrange direct contact with the Minister before Christmas to talk to him about the possibilities that should have been talked about before the decision was communicated to staff.

I want to finish on this positive point: we have a proven record of delivering services here in Northern Ireland for the rest of the UK, whether it is a DSD service or child maintenance service. We could provide more help and assistance for HMRC by keeping the jobs here. We could actually increase the numbers of jobs here, rather than have them retreat back to the, frankly, more expensive mainland. We could deliver the services here.

In closing, I pose this question: what does this say about corporation tax? If we are to get the power to devolve corporation tax to Northern Ireland, we will need people with various skills in HMRC to deal with the issues. Therefore, I think that it is very short-sighted of government — or perhaps something else, which I will not say — to take the skills away. I look forward to having contact with the Minister before the Christmas break.

Mr Flanagan: I thank the proposer, as the Member opposite did, for bringing the motion to the House before Christmas to give us the chance to debate it and to thrash out the issues so that we can send a very clear signal to the British Government that we do not support what they are doing. I also commend the efforts of the cross-party group of MPs that is working together to try to exert maximum pressure on HMRC to reverse the decision and to go through the proper process when making such a decision.

The situation has been handled disastrously by HMRC, particularly in the month of Christmas. The way in which it has treated its own employees has been absolutely disgraceful, and it has demonstrated that it has absolutely no loyalty to its employees. I pay tribute to the employees in the locations in question: Derry, Newry and Enniskillen. I also pay tribute to their representatives in PCS, the trade union, because I think that the employees have received very good representation. That really demonstrates and highlights the positive role that a trade union plays in looking after the needs of its members. I encourage everyone who is an employee of any organisation to consider joining a trade union, because you never know when you will need one.

The work that is carried out by the dedicated staff in HMRC offices locally is of a very high standard. In fact, it is excellent. As a Fermanagh-based MLA, I frequently need to use the services of HMRC staff for a range of reasons, and I always find that local staff are very willing to help in whatever way they can.

Local staff could help an awful lot more if they were given the powers to deal with issues affecting local people, because one of the issues that I find most frustrating is working tax credits and child tax credits for people who live in the North but work in the South. Frequently, there is a delay of between 18 months and two years in trying to get payment for people who are fully entitled to it, and when you ring up looking for help, you are told that it is being dealt with by a complex team somewhere in England that really has not got a clue how the situation in a border county such as Fermanagh works. They do not understand that someone living in Teemore might be working in Ballyconnell and that that is a three-mile journey. They think that you have to get in an aeroplane and travel for five hours to get there. Therefore, if those services could be delivered locally, local people working in HMRC would be much better suited to meeting the needs of people who are facing what is a unique situation.

On how staff are being treated, there is an anomaly, in that people in HMRC here are not given the option of transferring into the standard Civil Service. I think that that needs to be resolved. PCS tells us that, if the jobs do go in my area of Fermanagh, around £1.6 million will be taken out of the local economy through spending power. That is a shocking statistic, and it should make us all work together. That is money that cannot be taken out of the local economy without being missed. If the jobs go, it will have a definite knock-on impact on other sectors.

If HMRC is so confident that what it is doing is right and legal, it really should put that to the test. It should carry out an equality impact assessment, because it is our view and that of the union and its membership that the decision and the proposals will have a disproportionate impact on women. It is completely unacceptable to make decisions and not abide by the laws that govern this place. That is your typical Tory attitude. That is how the Tories are going to rebalance the economy. They are going to rebalance the economy by cutting the public sector to its knees, by not allowing any public sector work to be done locally and by transferring it all to Britain, where people might actually vote for the Tories. There are not too

many votes for the Tories in places such as Fermanagh or Derry, so why would they leave workers here? That is an issue that they need to deal with. They talk all this nonsense about how they are going to deliver for everybody. However, they are interested in delivering only for themselves. One of the impacts of cutting back HMRC services so much is that tax evasion will continue to go through the roof. There is no political will in the British establishment to deal with tax evasion. You have to wonder why that is and why it continues to cut HMRC.

7.15 pm

There is a need for us to support HMRC employees locally. We are here to represent them. So, we need to exert maximum pressure on HMRC to support those workers, and we call on it to give local offices the power to deal with local people. I support the motion and commend it to the House.

Mr Elliott: First, I put on record my thanks and those of the Ulster Unionist Party to the Members who tabled the motion, including Mr Bradley. It is a very important subject that is obviously very topical.

HMRC offices are a wee bit like a hospital or a doctor's surgery. You do not necessarily much like going to or attending them, but sometimes it is necessary. That is how I sometimes feel when I go to those offices with a constituent's problem or even with a constituent. I can speak only about the local office in Enniskillen, but that service is vital. It is a vital front line service that people can experience.

I do not know how many of you use the public sector telephony service on occasions. I would be surprised if most of you do not have to use it to try to get through to Departments and agencies. You will know what I mean. It is maybe less difficult for the local Departments, but once you try to contact Swansea about vehicle tax or regional offices about what I still call Inland Revenue issues, or revenue and customs issues, you find that it is extremely difficult to talk to a person. If you can talk to a person, quite often the assistance that they can give you is very limited. I know that it is very difficult, because you are at a distance, they cannot see you face to face, and you cannot point to something on a page and say, "This is really what I want to talk about". You can do that at an enquiry desk in a HMRC office, and, to me, that is vital.

The announcement and the way that it was made are extremely damaging to the communities that are affected. Indeed, I would go as far as to say that they are detrimental to some of those communities and to some families. Today, I met some of the staff who work in these three offices, and it is amazing how many families or husband-and-wife partnerships work there and how their families will be affected if they lose those jobs.

The major impact, however, is to the consumer, the front line service and the wider economy. I know that the union has put together some figures that are extremely helpful and that express how much will come out of the local economies. That should be taken into consideration in Enniskillen, Londonderry and Newry. Newry will be particularly badly affected, in that all the staff there will be offered the voluntary exit scheme.

However, where Londonderry and Enniskillen are concerned, you have to ask yourself this: what is the voluntary exit scheme? Is it, as I believe, just a means to close the offices? Once you reduce the numbers in those offices to the level that HMRC has suggested, it will probably say, "They are not sustainable now, so we can move those 30 or 40 staff to another office. We will combine them and close the office altogether". So, let us not forget, folks, that not just those who may apply for the voluntary exit scheme will be affected; it will have a much wider impact.

What is a voluntary exit scheme? We have seen in the details that it is giving them a period of time to apply for it and then it will consider whether they are accepted. However, in the end, if it does not get the numbers that it requires for that voluntary exit scheme, will it be compulsory exit or compulsory redundancy? I think that it is leading to that and eventually to closure of those three offices. I am not convinced by the argument on voluntary exit. The argument is much wider and much bigger, and it is being disingenuous about how it is trying to promote this and play it out at this time. I have also asked for a meeting with HMRC management, and it has agreed to hold discussions with me on it. I hope to take that forward in the next couple of weeks but, at this time, we should think of the staff in those offices as well, especially coming up to Christmas.

Mr Lunn: I support the motion and congratulate Mr Bradley and his colleagues on bringing it before the House. It is alarming for HM Revenue and Customs to make such an announcement, and I have no doubt that the

Executive will make all representation possible to the Treasury on the matter.

There has been a lot of talk about what a voluntary exit programme is. I think that we used to call it voluntary redundancy; it is the same thing. Quite a number of years ago, I had the relief of being able to participate in a voluntary redundancy scheme to get out of a big company and start my own business. The point was that the company wanted 10% or 15% of its staff to leave, so it had to offer it to all staff and then stop the process when it got the required number. That description does not fit very well with the Newry office in particular because it is clearly bound for closure. It has offered voluntary exit to everybody who works in the place, and it clearly intends to close that office. If all the jobs in the office are to go and the office is closed, how can it be called voluntary? Is it implied that those who do not volunteer will be deployed elsewhere? Clearly not. I understand from the union that there is no protocol between HMRC and the rest of the Civil Service for transfer between Departments. It clearly is not a voluntary exercise, and there is a need for a full consultation and equality impact assessment, and that would have happened if HMRC had come clean and announced what this really is.

The point is made that more people use the HMRC online facilities, which leads to less need for a local office service. That is a fact. We cannot demand more efficient government and resist moves to bring it about. However, that begs the following question: is this an efficiency measure? Is HMRC, in fact, efficient? It certainly is efficient at times in hounding the ordinary man on the street for every penny plus daily interest, but how on earth can an organisation that allows tax evasion, as has been mentioned, of at least £70 billion a year and, in other forms of non-collection, perhaps £50 billion on top of that really consider itself efficient? I certainly would not. Flowing from that enormous waste, is it efficient to shed more staff on top of the many thousands who have gone in recent years across the UK?

I noted Margaret Ritchie's comment about the Newry operation, and I am sure that it is relevant to the Enniskillen and Londonderry sites:

"This centre has developed a large degree of expertise and would be more than capable of handling non-site specific work".

According to the union — I have no reason not to believe it — all three offices already handle a

measure of non-site-specific work. In Newry, it is to do with a work management and a construction industry scheme for all the UK. Foyle House has an overseas repayment unit that is unique as its work is carried out only at that location in the UK. Abbey House in Enniskillen certainly contains workers in a personal taxation operation, but the remaining 38 staff are employed in compliance work, including a centralised work unit known as the national import reliefs unit, which again is unique because that work is carried out only in that location in the UK. So, what on earth is the rationale for taking such draconian action? I suggest, like others, that HMRC could usefully employ staff in Northern Ireland to do more work that is not site-specific. An organisation as inefficient as HMRC should consider taking on staff to reduce the billions of revenue that is lost or evaded, not cutting jobs. Therefore, I join the proposer of the motion in the call for action by the Executive and for HMRC to deal with the situation —

Mr D Bradley: I thank the Member for giving way. I very much welcome his support. Given the number of jobs that could be lost here — initially 235 but, as others have said, that could lead to further job losses totalling 340 — does the Member agree that the Executive, at the highest level of First Minister and deputy First Minister, should become involved in lobbying for their retention?

Mr Lunn: I take Mr Bradley's point. I would not like to specify which of our Ministers should do the lobbying, but, certainly, if we could involve the First and deputy First Ministers, that would be good.

The point is that the jobs are not disappearing. Most of them are in specialist work that needs to be done. It still needs to be done somewhere; the point is that HMRC wants to do it somewhere else. Whether it is Belfast or somewhere across the water, like London, it is nearly bound to be more expensive. In these days of instant communication, it does not really matter from the point of view of the efficiency of an operation where it takes place. It could be anywhere. Staff could work from home, as so many people do nowadays. Frankly, the rationale for taking this action defeats me. I do not get it. Specialist units are already set up and could be expanded. Yet, HMRC wants to go in exactly the opposite way, disband the units and take the jobs away. What happened to the decentralisation of government? A principal plank of all government strategy these days is to move jobs out of the big —

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

Mr Lunn: — conurbations and into rural areas. I can see that you are pressing your button, Mr Deputy Speaker.

Mr Principal Deputy Speaker: Indeed.

Mr Lunn: I will stop there. I support the motion with pleasure.

Mr G Robinson: First and foremost, I am delighted to have the opportunity to speak in this important debate. I wish to outline my strong opposition to public sector job losses being enforced by the Westminster Government. The House has, rightly, expressed total opposition to the proposed closure of the DVA and the job losses in Coleraine, which would affect my East Londonderry constituency. The same argument hopefully applies against the closure of the HMRC offices throughout Northern Ireland.

I have a copy of a petition that I received from some north-west constituents who will be seriously affected if the job losses go ahead. Public sector employment is exactly what has cushioned Northern Ireland from more severe damage in the global recession. Until the economy can be further rebalanced between the public and private sectors, we must not sit idly by and allow public sector jobs to be removed anywhere in Northern Ireland. We require answers to some questions. Why has an EQIA not been carried out in line with section 75 of the Northern Ireland Act? Has a proper consultation exercise been carried out? Should the programme not be halted until due process has been observed?

I am always aware that the proposals do not describe some imaginary situation. They are proposals that impact on real people and their families, who rely on these jobs for their livelihood, and, indeed, on the economy of Northern Ireland. If we fight to save DVA jobs in Northern Ireland, we must equally fight to save HMRC jobs. The jobs — 24 in Enniskillen, 77 in Londonderry, 134 in Newry and five in Belfast — are spread across Northern Ireland, so every area will be hurt economically as disposable income decreases to nil. The outcome will be 250 people unemployed, with them and their extended families left devastated. Where is the sense in that approach?

I cannot see the sense in the proposals. Our Prime Minister came over recently to host an

economic conference to bring employment opportunities to Northern Ireland; on the other hand, public sector jobs in Northern Ireland are at great risk. We must all stand opposed to any unreasonable public sector reduction that benefits the mainland but damages the Northern Ireland economy. I support the motion and call on the Executive to do all in their power to help save this very necessary employment.

7.30 pm

Mr Brady: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I support the motion. It is very encouraging to hear that we are presenting a cross-party united front on the issue. I will be parochial. I know that other Members will eloquently speak for their area, but I will primarily concentrate on the Newry office.

HMRC has proposed to close the Newry office by 2015, with the loss of 134 jobs, and to remove a substantial number of jobs from offices in Derry and Enniskillen. That will have the effect of making those offices unsustainable in the future. The Newry staff have been asked to sign up to either a voluntary exit scheme by 18 December or a voluntary redundancy scheme by 30 April 2014. Workers can stay on until the closure date in 2015, but they will then face compulsory redundancy. There are no opportunities for redeployment as the workers are imperial civil servants, meaning that they are controlled by London and not by the Civil Service here in the North. Following discussions with their union reps, the staff have agreed to collectively refuse the voluntary exit scheme on 18 December.

Sinn Féin colleagues and I have met staff and union reps on a number of occasions in the office. It is also good to see that our MPs are presenting a united front, with Conor Murphy, Margaret Ritchie, Michelle Gildernew and Mark Durkan having agreed to seek a meeting with David Gauke, the Treasury Minister responsible. That meeting is, as far as I know, in the process of being arranged.

I believe that HMRC employs around 25,000 staff across Britain and the North, so it would seem reasonable that any need to cut back could be absorbed across the entire organisation. Trevor Lunn said that he was defeated as to the reason why they were doing this. I suppose that they have constituents in the south-east of England and there is an election coming up, so it would not defeat me to realise why this is being done. Obviously, that is a very cynical approach to this.

The proposals for the offices have not been equality-proofed, as HMRC operates out of London and does not see the need to subject its decisions to the NI Act 1998, which requires that equality impact assessments of such proposals. It is also worth noting that the job losses here will mainly affect women and that they are all in nationalist constituencies. Newry has suffered for many years, as have Derry and other areas in the North, from long-term unemployment, and there is no doubt that this will have a devastating effect on our local economy.

Newry, as I know has been stated, is primarily a PT ops work area, so in essence, this is an office closure by stealth. Newry's work includes work management and construction industry schemes for Britain and the North. The Government's own publications indicate that the construction industry scheme is on the upturn. This work will continue, but it is being withdrawn from Newry and transferred elsewhere. It is also interesting to note, when talking to staff in Newry, that, recently, a lot of money has been spent on rewiring for the provision of new, up-to-date IT equipment. I wonder why that is being done when people are being told that they will lose their job. Recently, Paul Gerrard, director of benefits and credits, visited the office and gave a report that was very complimentary of the staff and the work that they carry out.

As I have stated, the proposed closures will have a devastating impact on the local communities and particularly on the community in Newry. It is clear that the offices targeted do not fit with the medium- to long-term plans to remain in those locations. The union is firmly of the view that this is a clear shift away from normal protocols and processes, where, if an office is proposed for closure or if a business in that office is reducing, the examination of all options to avoid redundancies is usually the first step. In this announcement, the option of redeployment has been ruled unlikely. In similar circumstances in the past, ministerial approval has been sought and an EQIA implemented under section 75.

Mr D Bradley: On the issue of redeployment, reading Mr Gauke's response to the Adjournment debate last week, I note that he said that redeployment was open to members of staff but there would be no redeployment within HMRC. If that is the case, where will they be redeployed? There are no protocols to allow them to be redeployed in the Northern Ireland Civil Service.

Mr Brady: I thank the Member for his intervention. Obviously, like many Tories, Mr

Gauke does not understand the processes or what is involved here.

The union is also of the view that the numbers targeted in the announcement leave Newry potentially closed, with Enniskillen and Derry as unsustainable.

The HMRC stance is contrary to the Assembly policy on decentralisation. It is not that long since we had the Bain report, which actually encouraged decentralisation. The Assembly policy on decentralisation to encourage economic growth and regeneration throughout the North is ongoing. At a time when the First Minister and deputy First Minister are, rightly, travelling the world seeking investment to underpin the peace process here, it raises the question of how the actions of one government Department can seriously undermine the agenda without due process.

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

Mr Brady: Obviously, the protection of these jobs is essential. I urge the Assembly to form a united front — I know that we will — and retain these jobs.

Mr Irwin: I thank the Members for tabling the motion. As a Member who serves a constituency in which one of the HMRC offices — namely Newry — is based, I take this opportunity to place on record my concerns regarding the proposed closures. Like many representatives in the House, I have received significant correspondence from staff who have taken the time to lobby their MLA and make known their views on what such a closure would mean to them and their families. This is certainly not the news that a family wants to hear, especially in the run-up to Christmas and especially not with all the uncertainty that this type of announcement can bring.

It is not a secret that in Northern Ireland we have a heavy reliance on our public service. It accounts for a significant swathe of our employment. Therefore, when there is talk of reorganisation, redeployment, relocation or, as in this case, actual closure, employees and their families are obviously very concerned. I share many of the concerns raised with me by those affected by the proposals. I want to add my weight to the calls for a proper assessment of the impact that such a closure plan would have on Northern Ireland.

I know that the Assembly has previously worked on issues relating to non-devolved

public services and has spoken with one voice in its efforts to minimise the impact of any changes or find alternative solutions. I know that the Executive will have discussed the issue and will be supportive of the motion's aims of retaining the jobs in Northern Ireland. I understand that, in recent days, an increase to the block grant has been secured through negotiations with the Exchequer. Our Finance Minister is working towards distributing those vital extra resources around the various Departments and programmes that could best utilise the additional budget.

It is vital that we ward off these closure proposals and look at how we might retain this public service asset in Newry, Londonderry and Enniskillen. As a Newry and Armagh representative, I trust that the Executive will make every effort to lobby Parliament and prevent the loss of a total of 340 jobs, especially as we look towards the Christmas period. I hope that some of the uncertainty can be relieved and that some time can be bought to properly assess the effects of the proposals. I support the motion.

Ms Maeve McLaughlin: Go raibh maith agat. I, too, support the motion, and I thank the Members for tabling it. This is clearly an important topic for us all. All of us, as elected representatives, should be concerned about any job losses across the North at any time. However, at this time of huge economic deficit and need, it is particularly important that we unite to do all that we can for these and the many more jobs that are under threat.

As many Members have said, the proposal is about the loss of 134 jobs in Newry, with 24 redundancies in Enniskillen, 77 in Derry and five in Belfast. HMRC announced the voluntary exit scheme, as Members mentioned, on 20 November, and it has to be signed by 18 December. On meeting employees today, I understood that they felt that that was very much used as a carrot-and-stick approach and that there were simply no other options for redeployment.

I will refer briefly to the situation in Derry and the wider north-west. In October 2013, the labour force survey showed that 33,000 people in the city over the age of 16 were economically inactive. The employment rate is 51.6%, and 21.2% of 16- to 64-year-olds in Derry have no qualifications, which is a stark statistic. Foyle House in Derry contains 77 workers in the personal tax operation. The remaining 67 staff are employed in compliance work, as was referred to earlier. Workers were shocked to hear that their future there does not

extend beyond April 2015. The compliance area includes a centralised work unit, as other Members stressed. Known as an “overseas repayments unit”, it is a unique area of work that is carried out only at this location. The part-time work in this area deals with appeals, so, in effect, this work is being withdrawn from the site.

Employees feel strongly and have been very vocal in saying that the normal procedures and protocols have not been applied in this case. Public consultation, an equality impact assessment and the opportunity to redeploy have not been actioned. It is important to reflect that the majority of workers targeted by the proposals are female and have caring responsibilities. It is at variance with the very high hopes that many women in the Civil Service had for the relocation of DARD jobs to Ballykelly. Certainly, that was viewed as an opportunity for well-qualified senior female members of the Civil Service to be located closer to home. Many staff hoped that this would provide opportunities for decent employment.

Mr Rogers: I thank the Member for giving way. Does she agree with me that, whether it is Derry, Enniskillen or Newry, in order to rebalance the Northern Ireland economy, more jobs must come to the west? In the long term, they say that it is questionable whether the Newry office will still be there in 2015. The Tory Government are making the imbalance in the North even worse.

Ms Maeve McLaughlin: I thank the Member for his intervention. Yes, there is a very clear commitment in the Programme for Government to rebalancing the economy. Certainly, on the issue of the regional imbalance, the situation is certainly more stark in the north-west, and pockets in that area need to be addressed. So any proposal for redundancies in these areas is at variance with our Programme for Government commitment. That must be stressed.

Unions have said clearly that their demands are real and achievable. They suggest that, in the specific context of the North, which I have just referred to, Revenue and Customs needs to review the decision immediately. They suggest that any proposals be tested and subjected to full equality impact assessment processes. They require the Assembly and Ministers to enter into discussions with their counterparts across the water and request that a full assessment of the potential economic impact of such closures on the affected communities be

carried out immediately. Therefore, I support the motion.

7.45 pm

Mr Eastwood: I am glad to be able to speak in support of our motion, and I am very glad to see that we have unanimity across the Assembly today. This is the second time in as many weeks that we have had to come to this Assembly to fight for public sector jobs to be retained in my constituency.

As you well know, Mr Principal Deputy Speaker, and as has already been outlined by Ms McLaughlin and others, our constituency is one that faces a daily uphill struggle in respect of the economy. Large numbers of people are classed as being economically inactive, and we are always at the wrong end of those types of league tables. These jobs in the Duncreggan Road are good, well-paid jobs. Some of the people there, and some of the people in the other offices are married couples. The impact that that will have on their families and on our community is immense.

It takes a special kind of cruelty to announce these job losses at the end of November when people are facing the Christmas period, but it is nothing that we would not expect from a Tory Government, which seem to be hell bent on lowering the size of the public sector, and they do not really care what impact that has not only on the people who work in the public sector but on the level and standard of service that that provides to the community. Nobody can tell me that this will improve the service to the public. Everybody in the House has had dealings with services that have gone to England before. People have talked already about tax credits. It is a nightmare to try to get through that system and get a positive outcome for constituents.

It is a bit of a joke when this Tory Government are presiding over an HMRC that has seen £70 billion a year lost to the Exchequer in tax evasion and another £50 billion a year in tax avoidance. Some people in that particular Cabinet are not too worried about that because many of their friends and supporters are involved very seriously in those kinds of activities, but it is Northern Ireland that has been particularly affected by this announcement.

People will know that I have no problem criticising the Executive when I think that the Executive are wrong, but this is an affront to local democracy. Our Ministers were not even told. We received a letter the day after the staff were told. This nonsense about this being a

voluntary exit scheme; there is nothing voluntary about it. I will read from a letter that I received from somebody called Dorothy Brown. She said:

"We have not made a formal decision to close any of these offices".

About three lines down, she said:

"What we are doing is signalling that we do not believe that there is a long-term future for these offices".

That is in the same paragraph. The Assembly and our Executive need to send a very clear message to Dorothy and her masters in the Tory Cabinet that we will not accept that. George Osborne cannot go to the House of Commons at Westminster and tell everybody how great the economy is doing, how things are on the up and that we are all in this together one week, and, the next week, announce job losses in Northern Ireland without even telling our democratically elected Assembly and Executive in this part of the world. I am very glad that all the parties in this Assembly —

Mr D Bradley: Will the Member give way?

Mr Eastwood: Yes.

Mr D Bradley: Just on the point of how the staff have been treated by HMRC, the Member will recall that just a short number of years ago, Vodafone, which owed a tax bill of £8 billion, was excused from paying £5 billion of that. If you compare that to the way that these employees have been treated, they may be well paid, but they are not highly paid. The savings that are going to be made here — if we can call them savings — by HMRC are only a drop in the ocean compared to the amount of tax that is being unclaimed by HMRC.

Mr Eastwood: Mr Bradley is spot on. It is an absolute nonsense to suggest that this is any kind of a saving. We need to invest in HMRC. We need to invest in the people who have developed these skills over years and years to try to go after the fat cats in Vodafone and the former Tory party chairman for the money that they owe the public purse and all the people around here who pay taxes.

I implore that we continue the battle and that the Executive and the Assembly unite like we did around the Driver and Vehicle Agency jobs in Coleraine to send a very clear message to Whitehall that we will not accept its cuts to our public service. Let us send the clear message

that we are facing a big enough battle in trying to develop jobs and the economy in this part of the world and that we refuse to accept what it is trying to do. We will not take, sitting down, dictats from Whitehall that ignore the democratic process in this part of the world.

Mr Kennedy: I am pleased to speak from the Back Benches in this very important debate. I thank the sponsors of the motion and all the contributors here this evening. This is a hugely important issue for the long-term future of a great many across Northern Ireland who clearly feel very much at risk. I place on record my appreciation for the briefing materials provided by the trade union and the efforts made by its representatives to better inform us of the situation.

Although I am pleased that we as a region are showing signs of greater economic recovery, following and continuing the progress in other parts of the United Kingdom, I accept, and it is important to point out, that that progress remains fragile and that we will not build on progress if we do not protect local jobs. That is absolutely crucial. I do not accept the premise that these are somehow genuine cost-saving measures, because I believe that the proposal fails to take proper account of the negative impact that it would have across Northern Ireland, particularly in my constituency, and the potentially devastating impact that it would have on those affected at the current Newry site.

It has already been said that we are dealing with many employees who have been working efficiently for a very long time, who have great experience and who have developed specialist skills. I challenge anyone who contends that there are any better-skilled or productive employees in this specialised work elsewhere in the United Kingdom.

I want to make clear my commitment to helping protect those local jobs and to continuing to campaign hard to that end. Earlier today, and last week, I, along with party colleagues, had the opportunity to meet some of the affected staff and their union representatives. We heard at first hand the devastating and very real impact and fears that the workforce has. As has been indicated, many of them who may be affected are husband and wife teams, and, of course, the impact on family life for those individuals would be very significant.

I was reminded that the greatest impact, should these changes and cuts be made, would disproportionately fall on female staff. Again, I think that that compounds the gravity of the situation for the staff involved.

Wearing a separate hat from that as a Back-Bencher, I intend to pursue the issue at Executive level. I have no doubt that there will be cross-party and cross-community support so that a united position on the issue can be achieved in the Executive. Of course, we will make strong representations to Westminster. I very much hope that we can all endeavour to do our best to ensure that those decisions can be reversed. I welcome that the matter has achieved significant — indeed, unanimous — cross-party support tonight. I have no doubt that we will continue to build on that through the Executive and the Assembly.

Mrs McKeivitt: Mr Principal Deputy Speaker, I first want to apologise for the hoarseness in my voice this evening and for sucking a sweet. It will prevent me from coughing. However, on this important issue, I will struggle on.

It depresses me greatly that, in the mouth of Christmas, my colleagues and I have had to bring the motion to the House to seek support to protect valued jobs in border areas. We should focus not only on the devastating impact that this will have on individuals but on its economic impact and the effect that it will have on extended families in Newry, Enniskillen and the north-west.

As we all prepare for the festive celebrations and look to the new year with optimism, let us give some thought to the plight of the HMRC staff who have already had their Christmas spoiled and who are looking pessimistically to the future.

Along with my colleagues Dominic Bradley MLA and Margaret Ritchie MP, I have met union representatives and a number of affected workers in Newry, where an estimated 134 jobs will be lost with the proposed office closure. They are, quite rightly, angry about how they are being treated by HMRC. The workers are demanding answers to a range of questions, including why the normal protocols and processes were not applied in this case and whether, in the absence of an EQIA, any assessment has been done of the likely impact on affected local communities and groups. Those are fair questions, and the staff deserve answers.

I happen to agree with union leaders, who have indicated that the move is a no-brainer. It makes no sense to cut resources further, especially at this time, when more than £120 billion slips through HMRC's fingers each year, with tax evasion depriving the UK economy of £70 billion a year and the other £50 billion being

lost through avoidance and non-collection. Like them, I believe that the Department needs more, not less, resources at this time.

In a debate last week, David Gauke, the Exchequer Secretary to the Treasury, said:

"I do not underestimate the fact that for many people this news was a shock and was unwelcome, but I believe that HMRC was right to provide its staff with an honest assessment about the future of their offices or, in some cases, their roles, and to offer them the opportunity to consider applying for a voluntary exit."

For me, that was more than a threat. It was almost an act of blackmail, saying, "This is what we are going to do for the best deal. Get out now". The decision has already been made, and that happened before any assessment or consultation took place. Our job in this House is to reject it and to ensure that the Treasury is not allowed to progress its foolhardy plan.

The SDLP MP for South Down, Margaret Ritchie, has won the battle in the past to keep HMRC in Newry. The SDLP has fought tooth and nail to make sure that those jobs remain here, and it will continue to do so. The Executive must now take up the fight. The First and deputy First Minister have clocked up a few air miles this year visiting the USA, China and Japan, attempting to attract inward investment and jobs here to Northern Ireland. Although I commend them for their efforts, I respectfully request that they add a few more miles by travelling down to Newry, Enniskillen and Derry to see at first hand the devastation that is being caused. That should be followed by another brief trip over to HM Treasury with a view to keeping those jobs in Northern Ireland.

Moving on, I thank the Members who contributed to the debate. I will discuss Mr Bradley's comments. He mentioned the 235 jobs that are to be lost and said that there is a possibility that there could be 340 losses.

He mentioned the voluntary exit scheme and how closure would become inevitable. He also talked about the huge blow to the local economy. He spoke about the Treasury Minister's response to Ms Ritchie's motion in Westminster last week and about how Belfast will be the eventual single centre for Northern Ireland. He also spoke about the equality legislation, in particular the effects that this will have on female workers. He called on the House to unite.

8.00 pm

Mrs Arlene Foster supported the motion and said that she was devastated for the staff who had received the news at this time of year. She also spoke about the lack of correspondence with Ministers and how her constituents had notified her about the job losses. She mentioned the lack of an equality impact assessment and how we could have brought more jobs to Northern Ireland if the HMRC had consulted and engaged with Assembly Ministers. She raised the issue of the devolution of corporation tax and the experience that was required to do that and the effect that it would have.

Phil Flanagan said that a clear signal should be given to the British Government to keep jobs in Northern Ireland. He paid tribute to employees and the trade unions. He encouraged everyone to join a trade union and spoke about how staff had been treated and the effect on the local economy if these jobs were to go.

Mr Tom Elliott thanked the Members for tabling the motion. He spoke about the vital front line services, about how difficult it is to speak over the phone and how one-to-one meetings are a better form of communication. I agree. He said that the announcement was extremely damaging to the communities that needed those front line services. He talked about the amount that would come out of the local economy and the wider impact that that would have. He asked what a voluntary exit scheme was and said that there should be a meeting with the HMRC management team.

Mr Trevor Lunn thanked the Members for bringing the motion to the House. He asked about the difference between a voluntary exit scheme and a voluntary redundancy scheme. He also mentioned that there was no HMRC protocol for the relocation of jobs. He talked about tax evasion, which amounted to £70 billion a year. He spoke highly of Ms Margaret Ritchie's comments at Westminster about the development of expertise in Newry and its ability to handle non-site-specific work for the whole of the UK. He supported the motion.

Mr George Robinson supported the motion and thanked the Members who tabled it. He mentioned the DVA job losses and the fight to retain those jobs and said that the same should be done with regard to the HMRC jobs. He mentioned a petition that he received from the HMRC staff whose lives will be affected if the jobs go, and he spoke about the lack of an EQIA.

Mr Mickey Brady supported the motion and welcomed the cross-party united front. He said that there were no opportunities for relocation of staff and he spoke about the lack of equality proofing. He mentioned the construction industry scheme in the Newry office and the experience that had been gained by the staff there and said that it was essential to protect the jobs.

Mr William Irwin thanked the Members for tabling the motion. He called for a proper assessment of the impact of the job losses and said how much the support of the Executive would be needed. He also mentioned the lobbying to protect the jobs.

Ms Maeve McLaughlin supported the motion and spoke about the huge economic need to keep the jobs. She also spoke about the voluntary exit scheme and about the fact that there were no options for re-employment. She said that the workforce was shocked that their jobs were at risk and she described the effects on the economy and on the workers, particularly the women.

Mr Colum Eastwood was glad of the unanimity across the Assembly this evening.

Mr Rogers: I thank the Member for giving way. I am sure that she will agree with the head of taxation of the Association of Chartered Certified Accountants, who said that the action that was being taken was being carried out too quickly and without due consideration. Does she agree that the process should be halted until due process is observed?

Mrs McKeivitt: Absolutely. I thank the Member for his intervention. There should be an opportunity for more people to respond, and it is vital that there should be more consultation, particularly with the staff and with Ministers.

Colum Eastwood also spoke about how Ministers were not told. He said that the clear message from the Assembly is that we will not accept that. He said that there should be investment in the skills of the HMRC workers.

Mr Danny Kennedy thanked the sponsors of the motion and spoke about the importance of the issue. He commended the detail of the briefing material from the trade union. He spoke about the devastating effect that the closures would have, particularly on the Newry site, and he made clear his commitment to protecting local jobs. He also spoke of family life and the impact the job cuts would have. He gave a commitment to pursue support for our motion at Executive level.

I thank all who took part in this evening's debate. I hope that, from all of us who united here this evening, a clear message will go out to all those involved in this wrong decision and that the staff of HMRC will be grateful for the debate and for the efforts that will be made by each and every one of us in the near future.

Notice taken that 10 Members were not present.

House counted, and, there being fewer than 10 Members present, the Principal Deputy Speaker ordered the Division Bells to be rung.

Upon 10 Members being present —

Question put and agreed to.

Resolved:

That this Assembly views with alarm the intention of HM Revenue and Customs to close offices in Newry, Enniskillen and the north-west, leading to a loss of 340 jobs, without carrying out an equality impact assessment or consulting with the public and elected representatives; and calls on the Executive, in the interest of the economy, to make representations to HM Treasury with a view to keeping these jobs in Northern Ireland.

Adjourned at 8.07 pm.



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