

# Official Report (Hansard)

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# Northern Ireland Assembly

Monday 12 May 2014

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

*Members observed two minutes' silence.*

## Matter of the Day

### Oscar Knox

**Mr Speaker:** Order. The Rt Hon Peter Robinson has been given leave to make a statement on the death of Oscar Knox, which fulfils the criteria that are set out in Standing Order 24. Other Members who wish to be called should continually rise in their places. All Members will have up to three minutes to speak on the subject. Members will know that there will be no points of order on any other matter as we deal with this issue.

**Mr P Robinson:** Of course, these remarks will be about the passing of wee Oscar. However, I think that, in keeping with the views that his family expressed, they will be more about a celebration of the life of Oscar Knox.

From time to time, we come together in the Chamber to mark the death of someone who has perhaps given great public service; someone who has committed themselves and made some real achievement, whether that is in sport or the arts; or someone perhaps from our own number who has passed away. On all those occasions, it is a recognition of the service and achievement of someone's lifetime. On this occasion, some people might ask why we are marking the passing of a five-year-old boy. The truth is that, for many of us, when we go through life, we admire those who show courage in the face of suffering, who can smile through pain and discomfort, and who show that they do not lie down when faced with adversity. Although we all admire that when we see it in an individual, when you see it in the life of a young child, it is particularly poignant.

I had the pleasure and honour of meeting Oscar. He was a young boy who was faced with a very aggressive form of cancer. It brought pain and suffering into his daily life. It obviously impacted on his entire family circle. In effect, he could not have a normal life.

Absolutely everybody who met him was won over by his personality and the mischievous innocence of the young boy. He had a way of making you smile. You could not have been in his presence without smiling. When the deputy First Minister and I met him and he turned the office upside down, we were almost exhausted after he left because so much energy was displayed during that time. It is right that we should honour somebody who showed such fortitude in the face of adversity and brought so much joy and love to so many people.

It is sad that he has passed. The words that would have brought tears from any stone were his words in the midst of his suffering when he said that he did not want to be a boy any more. That indicated that somebody who had fought so hard for so long was suffering so much.

Today, we pass our condolences to Stephen, Leona and wee Izzie. People are inclined to forget the role of wee Izzie. Anybody who has children knows that, if one child is getting paid a lot of attention, it can affect the other child, but Izzie was so much a part of it all. She recognised the difficulties that her brother was facing, and it will be a very difficult time for her in the months and years ahead. We send our condolences to them. It is at times like this that I am inclined, particularly on the death of a child, to remember the exhortation of Christ to his disciples, which also provides a promise for those who lose a child at such an early age:

*"Suffer little children to come unto me, and forbid them not: for of such is the kingdom of God."*

**Mr M McGuinness:** Go raibh maith agat, a Cheann Comhairle. First of all, thanks to you for accepting this matter of the day. We have just come through a weekend of contrasts. We had the absolutely fantastic Giro d'Italia in Belfast, with the people of the city and the people of the North, Armagh and Dublin rising to what was a fantastic world event. There was a lot of joy, happiness and good craic. The contrast was the loss of Oscar Knox. Here, today, we think of wee Oscar, his father,

Stephen, his mother, Leona, and, as the First Minister has said, very importantly, wee Izzie.

Oscar was a wonderful and very special little boy who, at five years of age, had such an impact on all of us. It was Stephen Hawking who said that we are very small but we are profoundly capable of doing many great things. Oscar Knox was very small. He was only five years of age, but he was absolutely and profoundly capable of doing many great things. He united our community. We had the sight of Rangers fans and Glasgow Celtic fans expressing their support, and, over the weekend, the messages that went up at the Brandywell, Celtic Park and many other places. Even last night in Philadelphia on the steps that Rocky ran up during that famous film, the sight of Irish-Americans placing candles with Oscar's name written on the stones was absolutely amazing.

The day he came to Parliament Buildings was incredible. It was probably one of the most memorable days in the history of this Assembly. Is it not incredible that a five-year-old could have such an impact on grown men and women? He caused mayhem. He was like an Exocet missile running through the Building, and we absolutely loved it. We loved him, we loved having Izzie there to run with him, and we loved having Leona and Stephen there.

The message for all of us is very, very clear: we have to get real about what is important in life, and what is important in life is the future and our children. Oscar was an exceptionally gifted little boy. He had the capability to bring people together from a wide spectrum of our society. If we are to learn any lesson from that, it has to be that we have to be more united, because Oscar was a unifier.

It is heartbreaking for me to look at the photograph of him standing on my desk with one little arm around the First Minister's shoulder and the other around my shoulder because that sends the message, "I depend on you guys." All our children depend on all of us.

We have to rise to the occasion for the sake of our children and for the sake of Oscar. I was very, very proud to know him. Yesterday, I attended his Mass of the Angels, and as we left the church we were handed seeds of his favourite flower, the sunflower. I went home and planted them in the front garden. We will never forget him. Go raibh maith agat.

**Mr Byrne:** Like the First Minister and deputy First Minister, I express my party's sympathy to the family of wee Oscar: his parents, Stephen

and Leona Knox, and his sister, Izzie. Leona's family come from Castlederg, and I have known them for a long time. There was a very moving service yesterday in St Bernard's Church, Glengormley, where Father Damian McCaughan very much reflected the life and experience of little Oscar. He was a great inspiration to the wider public, and the Knox and McMenamin families are to be congratulated on the big social media campaign that they have conducted over the past two to three years in fundraising for research for this very rare cancer sickness that affects children.

Like others, we were moved by the character and gaiety of little Oscar and by the courage that he showed in dealing with his sickness. We hope that, in the days ahead, the two families — the Knox family and the McMenamin family — will take some succour from the wider public support that they have engendered in recent times.

**Mrs Dobson:** Oscar Knox was Northern Ireland's wee superhero. I know that I join with all Members when I say that it was with deep sadness that I heard that, in the words of Stephen and Leona, Oscar had gained his angel wings on Thursday evening. Northern Ireland shed a tear for one of its own.

In his five short years, Oscar did so much for everyone else. He helped people who never got the opportunity to meet him. He was a five-year-old who united and captivated Northern Ireland with a sheer zest for life, teaching us the real values of love and compassion. He was symbolic of all children who fight hard against terminal illness and was the public face of countless children who suffer in silence. As Oscar's illness returned, Northern Ireland held its breath, hoping against hope that he would pull through.

I know what it is like to have an ill child, to sit in hospital waiting on the results of endless tests, holding your breath tight in hope and in love. It changes your focus on what is important in life. As parents across Northern Ireland tucked their children in last night, they paused and held them that little bit longer, saying an extra prayer for a brave little boy who was called home to God.

Oscar's favourite film was 'Peter Pan', and it is poignant to think of those angel wings and the little boy who will never get the chance to grow up.

Oscar epitomised all that is good in Northern Ireland. On behalf of the Ulster Unionist Party, let me say that our thoughts and prayers are

with Leona, Stephen, Izzie and the entire family circle, today and in the days that lie ahead. As they face each new morning without their beloved Oscar, they should know in their hearts that Northern Ireland will never forget him. Oscar's legacy of love will live on.

**12.15 pm**

**Mr Ford:** I add my condolences and sympathy to Oscar's family. It is absolutely clear from what is being said in the Chamber this morning that Oscar did not just touch the lives of his immediate family and family circle, the neighbours in Mallusk or the parishioners in St Bernard's; he touched the lives of people right across Northern Ireland, by his cheerfulness, the way he responded to his difficulties, and how he was, literally, the person who could stand between the First Minister and the deputy First Minister and cause mayhem, possibly even on a scale that is not normally achieved in this Building.

So it was no surprise to see the tributes and the turnout yesterday, as people celebrated his life, because it was, as his parents wanted, a celebration of a life. It was also a reminder to us that, although Oscar was unique in some ways — he was certainly unique to Stephen and Leona and to wee Izzie — he was not unique in the context that there are other children in this society who face life-limiting illnesses. There is a Children's Hospice on the edge of north Belfast and Glengormley, which has other children in it facing similar difficulties. As has been said already, it is something that should remind all of us about what is really important in life and what should really concern us, and some of the squabbles that go on in the Chamber are a little unedifying when we stand this morning and pay tribute to a five-year-old who could actually set an example to all of us.

So let us remember those who cared for Oscar, because he was cared for well by his family and so many professionals. Let us remember that with gratitude. Let us remember the way he was able to live his five years to the full. Let us also remember those who suffer in a similar way and also need our support, and let us remember Oscar's example and ensure that we meet the needs of the people of Northern Ireland in full in this Chamber and provide the leadership that we were shown by a five-year-old.

**Mr Agnew:** On behalf of the Green Party in Northern Ireland, I express our condolences to Oscar's family on his sad passing, but, at the

wishes of the family, I would like to celebrate Oscar's life.

We often use the phrase, "you are one in a million", but for a child such as Oscar to be diagnosed with Jacobsen syndrome, which affects approximately one child in 100,000, and also the particular form of cancer, high-risk neuroblastoma, which also affects one child in 100,000, little Oscar was in fact one in 10 billion. I think that that is displayed in the affection shown across Northern Ireland, and indeed across the world, by people who followed Oscar's story through his illness and his many exploits in the short time that he had with us.

As the father of a five-year-old son, I know how much joy and work children of that age can be. I know that Oscar's family will have made the most of that time, knowing that his time would be short. Indeed, as has been pointed out, he packed a lot into those short years. His many achievements have been mentioned. He met our own First Minister and deputy First Minister and, as has been said, brought them together in common cause. He also led out his beloved Celtic in a Champions League qualifier. So there are certainly happy memories for the family to look back on and take comfort in.

I would like to echo some of the comments of Mr Ford, in paying credit to the Children's Hospice. It has seen an increase in donations due to the publicity around Oscar, whose public profile has helped to bring contributions for its work. Unfortunately, there are many sick children in our society, and it is important that we do everything we can to help and support them. I also pay tribute to the Royal Belfast Hospital for Sick Children, which saved the life of my sister when she was a child. The hospital did all that it could to treat Oscar and support his family, and they do excellent work there. It must be an extremely difficult job working with severely sick children, and I commend the staff for their work.

Finally, I want to mention little Izzie. As has been said, it is a tough time for all the family, but it is important that her life is maximised so that further joy will be brought to the family from her life.

**Ms P Bradley:** I rise as a resident of Glengormley. I do not imagine that there is a single person living there who does not know the name of Oscar Knox. You only had to travel around Glengormley, whether it was to the chippy or to the local newsagents at the bottom of Carnmoney Road, to see the boxes fundraising for Oscar Knox. On Saturday, the

streets in Glengormley were lined with people cheering and waving the Giro on, and, yesterday morning, the streets were lined again to remember Oscar. What a shining light he was.

Yesterday morning, I said goodbye to my son at the airport; he is embarking on a new life and a new career. Last night, I sat in my back garden and had such happy memories of the home that we have, and I remember 24 years ago buying my house off a lovely couple called Brian and Susie Knox. They had a lovely son, Stephen, who played in the same garden that my son played in. As I sat there just before 10.00 pm, the skies in Glengormley were filled with lanterns, and it was such a beautiful evening. It was so still and so peaceful, and I thought that it was a fitting memorial to see all those lovely bright lights up in that sky remembering wee Oscar.

On behalf of all the residents of Glengormley, I can say that our thoughts and prayers are with Stephen and Leona, Oscar's sister, his grandparents and all the family, and we wish them all well and hope for the future. They know that wee Oscar's bright shining light will go on forever.

**Mr A Maginness:** I pay tribute to the family and friends of Oscar Knox. The family made a moving and fitting tribute to their beloved Oscar at the Mass of the Angels in St Bernard's, Glengormley yesterday. Oscar's brave battle with neuroblastoma, an aggressive and rare form of cancer, captured the hearts of the public. He brought together people from all communities and was a beacon of real hope. For families who have a sick child, he offered hope and inspiration and has given them tremendous courage. Father Damian McCaughan said at his funeral mass:

*"by being an ordinary boy and staying ordinary even in the midst of his illnesses, he inspired others to do extraordinary acts of love."*

Oscar's innocence — or, as the First Minister said, his mischievous innocence — and his gentle nature helped to unite people across Northern Ireland and, indeed, the world. If we want his legacy to live on, we must, in our ordinary lives, try to have an extraordinary impact for good. Oscar's family, particularly his parents, Stephen and Leona, must be experiencing a great deal of real pain at this time. I am sure that the outpouring of sympathy from the public and, indeed, from the Assembly will be a great comfort through this most difficult of times. Many hearts were touched yesterday

evening when Belfast City Hall was lit up teal and yellow, the colours used during the Oscar Knox appeal. That reminds us that Oscar's legacy lives on and continues to touch people.

Yesterday evening, the sky across Belfast was lit up with lanterns, and, in homes across the North, families lit candles to remember the short but very special life of this remarkable and courageous little boy. According to Edith Wharton:

*"There are two ways of spreading light: to be the candle or the mirror that reflects it."*

Oscar's light will continue to shine, and we all have a duty to make sure that it does.



## Speaker's Business

**Mr Speaker:** I want to return to a subject that I have returned to in the Chamber on a number of occasions, which is Members not being in their place at Question Time. Let me give you an example: last Tuesday, nine Members were not in their place for Question Time, even though they had put down a question down to a Minister. If that is a record, it is a shameful one. There may be some Members who will wear it as a badge of honour. It is an abuse of the procedures of the House and a total discourtesy to Ministers and to other Members who come to the Chamber hoping to be called for a supplementary.

I am conscious of other things happening outside the House, but that is no excuse for nine Members to be missing from one session of Question Time. To allow for the fact that the timing of business may change, Members and Ministers have a responsibility to manage their engagements to ensure that they will be in the House when business is down in their name. It is not for the House to speed up or slow down to suit the diaries of Members or Ministers. I know that some Members may think that it is not a big issue, but I have discussed it with colleagues in other institutions, and I know that such behaviour would be very much frowned on in other institutions. In fact, it would not be tolerated.

I am conscious that Members submit their name to ask a question but then do not turn up in the House and give no reason for not doing so. I do not believe that there are any circumstances in which a Member cannot turn up, especially when their name is down for a question. The Deputy Speakers and I are keeping a watching brief on the issue. Certainly, if there is no improvement by the end of May, I, along with the Deputy Speakers, will have to look at putting some sanctions in place for Members who just do not turn up in their place. Quite a number of Members have not come to the House to apologise or give a reason why they were not in their place, and we have a list of those Members. That may be the first sanction that we will use for Members who have not come to the House to make an apology.

Let us be honest: I can understand that minds are somewhere else, but that is no excuse, especially when Members have their name down for business of the House.

Let us move on, and I hope that Members will take that warning on a very serious situation.

## Ministerial Statements

### North/South Ministerial Council: Transport — Roads and Transport

**Mr Kennedy (The Minister for Regional Development):** At the outset, I add my tribute to the truly inspirational Oscar Knox and offer my sincere sympathy to his parents, sister and entire family circle.

Mr Speaker, in compliance with section 52 of the Northern Ireland Act 1998, I wish to make a statement on the meeting of the North/South Ministerial Council (NSMC) in the transport sector, which was held in Armagh on Wednesday 16 April 2014. The meeting was chaired by me and attended by Minister Varadkar and Minister Durkan. My statement will address the agenda items that relate to my Department.

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

The Council discussed the recently introduced UK road user levy for HGVs and, in particular, its impact on road hauliers using Northern Ireland roads. It agreed to continue to liaise on the matter, particularly on the possible exemption from the levy of the A5. We discussed the need to continue to share vehicle keeper data following the recent announcement of the centralisation of vehicle registration and licensing functions in Swansea.

The Council held a discussion on various priorities within its remit and noted that they will be contained in a report to be considered at a future North/South Ministerial Council institutional meeting as part of the ongoing review into sectoral priorities.

### 12.30 pm

The NSMC welcomed the continued cooperation between the Department of Transport, Tourism and Sport and the Department for Regional Development on strategic transport planning throughout the island. We noted the opportunities for cooperation in developing the strategic road network of the island; enhancing connections to the north-west of the island; the future enhancement of the Enterprise service in particular and investment in the wider overall railway infrastructure; and driving a shift to public and more sustainable modes of transport, and the potential for shared cross-border public transport services in border areas.

The Council noted that my Department is undertaking a Northern Ireland gateways and connectivity review to assess whether principal gateways and cross-border connections are sufficient to support the delivery of the Executive's economic goals. The Council noted the continued cooperation on EU transport policy by officials in influencing the strategic direction of European policy, as demonstrated during the TEN-T and Connecting Europe Facility (CEF) negotiations and in securing EU investment in cross-border connections. We noted the opportunity that exists for EU funding on transport-related projects on the island and that officials continue to press the case for inclusion of transport-related themes in the forthcoming INTERREG programme. The Council also discussed opportunities to develop walking and cycling greenways in each jurisdiction and on a cross-border basis. We agreed to the possibility of holding a seminar relating to all-island cycling strategies.

The Council noted that work is progressing on reports to inform the appropriate assessment processes on the A5 to address impacts on all designated environmental areas and proposed mitigation. The Council noted that those reports will be the subject of a public consultation exercise, which commenced at the end of April 2014, and that a review of other matters considered in the environmental statement is ongoing and will lead to the publication of an updated environmental statement, which will also require a public consultation exercise. The Council noted that the draft vesting order and direction order will also be reviewed and published at the same time as the updated environmental statement. The Council noted the development of an outline programme, which may lead to a further public inquiry in spring/summer 2015. We welcomed the fact that construction work on the A8 project is progressing well and that the road is expected to be fully open to traffic by spring 2015.

The Council welcomed the proposal to use INTERREG IVa funds to upgrade the Enterprise service — approximately £12.24 million — and refurbish the Drogheda viaduct — approximately €6.2 million. It welcomed the cooperation of both jurisdictions in ensuring the successful completion of those projects. We noted that a report on the prioritisation of railway capital expenditure for 2015-2035, including the Enterprise service, will be published shortly by the Department for Regional Development.

The Council welcomed the fact that the Department for Regional Development and the

Department of Transport, Tourism and Sport have successfully worked together during the negotiations leading up to the agreement on the TEN-T and Connecting Europe Facility 2014-2020 regulations, which resulted in the Cork-Dublin-Belfast railway line being included in the 2014-2020 TEN-T core network. We welcomed the continued cooperation between the Department for Regional Development and the Department of Transport, Tourism and Sport in future investment plans for the Enterprise service.

The Council agreed to hold its next NSMC transport meeting in November 2014.

**Mr Spratt (The Chairperson of the Committee for Regional Development):** I

thank the Minister for his statement to the House this afternoon. With regard to the UK road user levy, will he advise the House whether he raised the possibility of exempting Northern Ireland hauliers from toll charges in the Republic? In the present economic climate, those charges are costing our hauliers tens of thousands of pounds every year. Can he also provide some further details on the opportunities to develop walking and cycling greenways in each jurisdiction and on a cross-border basis? Finally, can the Minister advise what investment he proposes for the rail infrastructure in Northern Ireland and the Enterprise service?

**Mr Kennedy:** I am grateful to the Chair of the Regional Development Committee for his questions. There was some discussion on the transport levy issue. It is fair to say that there is a difference of opinion — I think that that difference will be reflected in the debate in the House later this afternoon — as to the impact and the other consequences felt by Northern Ireland hauliers in respect of tolling in the Republic of Ireland. There was no agreement on the matter; we simply agreed to liaise. However, there is an awareness of the concern of a great many Northern Ireland hauliers about the impact of charges that are imposed on them when travelling in the Republic of Ireland. I accept that point, and we will look at that issue as we go forward.

On opportunities to develop cycling, it would be remiss of me if I did not refer to the huge success that Northern Ireland and, indeed, the whole country, has enjoyed as a result of last weekend's Giro events. I want to pay my tribute to everyone concerned. I want to pay a special tribute to Roads Service, Translink and all the agencies under my direction. In particular, I want to single out Roy Gordon from Roads

Service, whose work in preparing for this for the last number of months was truly remarkable.

The entire event was superb. It received widespread support and acclamation from the Northern Ireland public. There are iconic images that will remain, endure and live long in our memories. To address the Member's point, it also provides us with a real boost to assist my efforts to grow cycling in Northern Ireland. I am, therefore, keen to further explore EU funding opportunities and cross-border greenways and tourist routes that we can improve on and to bring forward infrastructural changes that will be positive for the cycling fraternity and people generally. I have raised this at the North/South Ministerial Council and am pleased to say that both jurisdictions are very much on the same page on the issue.

On the final point about railway infrastructure, I indicated in the statement that there will be a statement on future priorities as we move forward to look at the next 20 years of railway provision. I expect that announcement to be made later this week.

**Mr Principal Deputy Speaker:** Thank you, Minister. Would you mind pointing the microphone towards you when you are speaking?

**Mr Kennedy:** Sorry.

**Mr Principal Deputy Speaker:** It is something to do with my age.

**Mr Lynch:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an ráiteas sin. I thank the Minister for his statement. Following on from the Chair's question, I was part of last week's visit to Mulranny, County Mayo, to view the 40 kilometres of greenway that have been built for cycling in County Mayo. It has been hugely successful for the area, economically and socially. Last year, there were 200,000 visitors, bringing in €7.2 million. Is the Minister aware of the significant success that greenways can bring?

**Mr Kennedy:** I am grateful to the Member for his question. I was not aware of the project in County Mayo, but, yes, I am very much aware of projects much closer to home, including the Comber greenway and, indeed, the proposals that Newry and Mourne District Council and others have made for the link to the Cooley peninsula and the opportunities that are there with that.

The success of the Giro d'Italia last weekend has focused the mind and will concentrate the mind as we go forward, because, in my view, there has to be a legacy here. We cannot simply use the pictures, however iconic they are, from the various locations, including Titanic, the Giant's Causeway, Armagh and the entire route in Northern Ireland; we have to look at cycling as a lifestyle. In particular, it has benefits for the environment, for health and for finance as a safe and sustainable alternative mode of transport. I think that those opportunities are there, but there are also challenges. That is why I will want to challenge my Executive colleagues to ensure that we put appropriate finance in place so that, as we move forward, we are not just paying lip service to the Giro or to cycling generally and that we can make a real difference. I think that greenways and even cross-border cooperation will all be part of that.

**Mr Dallat:** I thank the Minister for his statement and for his continuing support for the railways. I think that it is very good news that the Cork-Dublin-Belfast railway is now set as a core project. Does this encourage the Minister and his counterparts in the Republic to address the immediate problems of overcrowding, integration and speed of the Enterprise train? With your permission, Mr Principal Deputy Speaker, I add that I used the train last Wednesday. The Minister will be delighted that it was overcrowded and that there were a lot of happy people, but there is a concern that a 20-year programme does not address the immediate problems.

**Mr Kennedy:** I am grateful to the Member for his question, and I acknowledge that he has been a long-standing supporter of the railway network in Northern Ireland and in Ireland generally. I am encouraged by that.

He will know of, as I referred to in my statement, the upgrade that we are planning to the Enterprise service. I am not content with that in itself, and I do not see that as completing the task. I think that there are ongoing challenges, including the standard of Wi-Fi that travellers generally have been experiencing. I want to see that improved, and I want to see network improvements and to see speeds of journeys and travel times improved as well.

I hope that my announcement later this week about moving railways forward over the next 20 years will be seen as a positive indication of my clear support for the rail network and the opportunities that will exist and do exist for it to be further enhanced and improved. Yes, even at this early stage, we are, to some extent, the

victims of our own success with the increased numbers. I do not want that to become a negative where people say that they will not go by train simply because it is overcrowded. There are capacity issues that we have to address. A lot of it will come down to availability of finance, and that is why I will be glad of the Member's ongoing support in that respect.

**Mr Swann:** Minister, the great success of the Giro at the weekend has been mentioned. Especially successful was the north Antrim section, which passed my office in Ballymena and went through Ballymoney and passed Councillor Sandra Hunter's pink sheep on the Causeway Coast and the fantastic scenery there.

Minister, reference was made to the fact that you are looking for support for EU funding on a North/South basis. Have you sought any support for greenways from your Executive colleagues or the NI MEPs, because a legacy of the Giro is that the cycling fraternity will come back to the Giro route, and that is something that we can surely build on?

**12.45 pm**

**Mr Kennedy:** I am grateful to the Member for his question. He was indeed a great vision in pink.

The whole country was transformed and transfixed. It really did catch the imagination of everyone, whether they witnessed it in person or watched the television pictures. I am pleased with that, but legacy issues remain and include greenways, funding and how we can perhaps avail ourselves of European funds. I am keen to do that. The Member will know that I have been working hard on that basis, including doing work with the current MEPs. I am hoping that that work will continue, particularly with whoever is elected along with Jim Nicholson next week. We see that the opportunity is there and very much want to make a real difference when it comes to cycling provision.

**Mr McCarthy:** I thank the Minister for his statement. Along with the Deputy Chair of the Regional Development Committee, I had the pleasure of cycling the Great Western Greenway in County Mayo last week. I encourage the Minister to invest in local greenways; for instance, the Comber greenway and those in Newry and Rostrevor.

However, given what the Minister said in his statement, this is also dependent on EU funding. Rather than scaremonger about a possible withdrawal from Europe, will he tell the Assembly that he and his party are fully committed to remaining in the EU and that he will encourage the Executive and, indeed, the Westminster Government to remain in the EU so that we can all benefit?

**Mr Kennedy:** I thank the Member for the question. It seemed to be an attempt to draw me into cheap electioneering, and I will not make any comment on the Alliance Party policy, which is the introduction of the euro as the financial measure for Northern Ireland and the rest of the United Kingdom. I do not want to say anything on that.

Seriously, I do take seriously the opportunities to avail ourselves of funding and to look for the funding of projects from a Northern Ireland point of view. I believe that my record in the Executive, and the record of my Department, which is by some distance the best of any Department, proves that. I am determined that we will go forward on that basis and on a positive note.

**Mr McAleer:** Go raibh maith agat, a LeasCheann Comhairle. Minister, I welcome the fact that the A5 dual carriageway featured in the most recent North/South ministerial report. Throughout the past number of weeks, I am sure that many in the House met people from different sections and sectors. We met businesspeople in the north-west recently, and it was very much brought home to us that failure to get the A5 dual carriageway constructed is probably one of the biggest impediments to economic development in the north-west. I welcome that progress has been made in the past year in reports, which are now open for public consultation, and I encourage people to take part in that consultation.

In addition to the meeting at North/South level, I understand that your Department and representatives of Monaghan County Council and Donegal County Council meet regularly to discuss how the N14 and N2 would interface with the proposed dual carriageway. Is there any progress update on that ongoing piece of work?

**Mr Kennedy:** I am grateful to the Member for his question. He will know that there are ongoing meetings at an official level, as he would expect, to discuss all those issues. I will attempt to update him if it is felt that there is anything significant on that issue.

**Mr Byrne:** I welcome the Minister's statement on North/South transport issues. In particular, I welcome the reference to the A5 once again. How reassured is the Minister that Minister Varadkar is much more positively inclined now and sees the merits of the connectivity to the north-west to the rest of the island through the counties of Donegal, Derry and Tyrone? Lastly, where the heavy goods vehicle levy is concerned, do the Minister and his counterpart in the Republic recognise that the A5 is an arterial route linking both parts of the Republic through west Tyrone?

**Mr Kennedy:** I am grateful to the Member for his question. I do not think that it is particularly helpful to personalise the issue. I think that Minister Varadkar has had a challenging period as Transport Minister in the Republic of Ireland over recent years and has had to deal with very severe cutbacks to his financial position. As I understand it, the position is still that the Irish Government remain committed to the A5 scheme. Indeed, that is the situation with the Northern Ireland Executive as well.

In answer to your second question on the HGV levy, as I said, there are clear differences of opinion on that. There is certainly a clear view from the Northern Ireland freight industry about its concerns about having to pay tolls and various taxes as it uses the roads in the Republic. It is also clear to me that, at some point in the future, when legislation is provided for, the Irish Republic intends to introduce a similar levy. So, I think that those are issues that remain to be discussed.

### **North/South Ministerial Council: Transport — Road Safety**

**Mr Durkan (The Minister of the Environment):** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. In compliance with section 52 of the Northern Ireland Act 1998, I wish to make the following statement on the sixteenth meeting of the North/South Ministerial Council (NSMC) in the transport sector, held in Armagh on Wednesday 16 April 2014. The meeting was attended by me, Danny Kennedy, the Regional Development Minister, and Minister Leo Varadkar TD, Minister for Transport, Tourism and Sport. Minister Kennedy chaired the meeting. I will address those agenda items for which my Department has responsibility: mutual recognition of penalty points, road user safety, and vehicle safety policy and enforcement.

The meeting discussed the UK road user levy for heavy goods vehicles (HGVs) and, in particular, its impact on road hauliers from the South using Northern Ireland roads. We agreed to continue to liaise on the matter, in particular on the possible exemption of the A5 from the levy. We discussed the need to continue to share vehicle keeper data, following the recent announcement of the centralisation of vehicle registration and licensing functions to Swansea.

We had a discussion on various priorities in our remit and noted that those will be in a report that is to be considered at a future NSMC institutional meeting as part of the ongoing review into sectoral priorities. The Council discussed mutual recognition of penalty points, and we noted the good progress that the joint steering and working groups have made in working through all the issues that were identified, some of which are complex and difficult to resolve, including through a public consultation. We noted that meetings of the steering and working groups have been paused so that officials can further examine and pursue relevant issues that have been identified. When progress has been made on those issues, we will be updated and will proceed. A further update will be provided to the next NSMC transport meeting in November.

The Council welcomed the continued sharing of knowledge and experience between officials from both jurisdictions on the delivery of road safety measures. In light of the casualty figures for 2013, we noted the approaches being taken in each jurisdiction to reduce the number and severity of injuries across the island.

We welcomed the new and ongoing road safety campaigns and the work to enhance road safety education services, including: the 7 Deaths and Attentive Driver 2014 campaigns by my Department and the focus on motorcyclist safety by both the DOE and the Road Safety Authority; the roll-out of new campaigns by my Department addressing cyclist safety and, next month, speeding; the Weekly Statistics high-profile road safety media campaigns by the Road Safety Authority and an Garda Síochána; the implementation by my Department of cycling proficiency recommendations, ongoing outreach to schools and plans for on-road training; the roll-out by the Road Safety Authority of various road safety campaigns in 2014 addressing drug-driving and speeding; and campaigns to support the introduction of increased penalty points and changes to the driver licensing system.

The Council welcomed the introduction of Ireland's Road Traffic Act 2014, which includes provisions to further reform the driver licensing regime, adjust the penalty points regime and make a number of amendments to legislation on commercial vehicle roadworthiness testing. We welcomed progress on my Department's Road Traffic (Amendment) Bill, which I am pleased to be introducing later today. The Bill will include provisions on drink-driving, the reform of the learner and restricted driver regime, graduated driver licensing and the mandatory wearing of helmets when riding a quad bike on public roads.

In relation to vehicle safety and enforcement, we welcomed the continuing proactive cooperation to target a wide range of illegal activity within the goods haulage and passenger transport industries, including: my Department's recruitment of additional enforcement officers, with the aim of increasing the level of roadside enforcement carried out in Northern Ireland; enhanced roadside enforcement as part of the Road Safety Authority's commercial vehicle roadworthiness reform programme, which has resulted in an increase in the number of roadside checkpoints and an increased focus on the standard of school buses; an increasingly targeted approach towards enforcement; and continuing liaison on successful cross-border enforcement operations in both jurisdictions, which has resulted in prohibition actions for non-compliance with vehicle and driver regulations.

The Council welcomed the continued cooperation on enforcement of EU tachograph and drivers' hours rules and the training exchange for enforcement officers planned for 2014. We also welcomed the recent establishment of a tripartite enforcement planning forum to maximise the benefit of enforcement efforts and identify synergies from a coordinated enforcement approach.

**Ms Lo (The Chairperson of the Committee for the Environment):** I thank the Minister for his statement. The HGV Road User Levy Act tries to transpose an EU directive to set out a framework for tolls and charges to ensure equality for all member state road users. From his discussions with the Minister from the Republic of Ireland, has his counterpart has given any indication as to how we could avoid being seen as indirectly discriminating against other hauliers from Europe if we were to exempt Irish hauliers on the A5?

**Mr Durkan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Chairperson of the Committee for her question.

The issue of the HGV levy was, indeed, the subject of discussion, as it was just minutes ago during questions on Minister Kennedy's statement and will be later today, as it is the subject of a debate.

Minister Varadkar, like me, remains committed to getting the best deal for drivers on this island. However, that does not necessarily equate, in my opinion and his, to discrimination against drivers from other parts of the EU. We have to look at the circumstances on this island that are, by and large, unique in that drivers or hauliers could be going from one member state through another member state and then into the member state that they left from, which does not equate to any set of circumstances within the EU. Therefore, given the unique circumstances here, I believe that we have reason, rationale and justification for continuing to make that argument.

**1.00 pm**

**Mrs Cameron:** I thank the Minister for his statement. Following the theme of the Chair of the Committee with regard to the UK road user levy for HGVs, was the issue of the potential loss to the Northern Ireland economy if the A5 exemption is not forthcoming raised at the meeting?

**Mr Durkan:** I thank the Deputy Chairperson for her question. The issue of potential damage to the economy in Northern Ireland was raised, as was the economy of the Republic of Ireland and the hauliers from Republic of Ireland upon whom this will have a direct impact. The impact on the economy here is not quite so obvious, but the Member is aware of how it could happen, given that businesses here — those working on the maintenance and repair of HGV lorries — could be adversely impacted in that lorries will cease to come from the Republic of Ireland to have their maintenance carried out here if they would be subject to the levy upon doing so.

**Mr Boylan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Cuirim fáilte roimh ráiteas an Aire. I welcome the Minister's statement. Minister, hardly a weekend goes past without a fatality on our roads across the island. Is there anything that we can learn from Ireland's Road Traffic Act 2014 or anything from it that we can incorporate into the new piece of legislation that you propose to bring forward?

**Mr Durkan:** I thank the Member for his question. I lament with him the fact that it seems rare that a week, or a weekend, goes

past without a fatality on our roads, either here in the North or in the Republic of Ireland. We are very closely linked; we share our roads and our road users. At this point, Mr Deputy Speaker, I pay tribute to a lady from my constituency and from your city who lost her life recently on a road in Donegal, which shows that this is something that affects all roads and both jurisdictions on the island.

It is vital that we look and learn from the Republic, that it looks and learns from us, and that we look at the legislation, action and measures that other jurisdictions have brought forward to improve road safety. It is vital that we get something that works and that reduces the number of fatalities and serious injuries on our roads, and I am prepared to work with anyone and everyone to do so.

I am glad to be able to introduce the Road Traffic (Amendment) Bill to the Assembly today, and I very much look forward to it going through its process. I imagine that the Member will be busy when it hits Committee Stage. During the call for evidence, I think that we will be inundated with people who feel that they have a contribution to make and an idea about what we could do to make our roads safer. I look forward to hearing from them.

**Mr Dallat:** I thank the Minister for his statement. I acknowledge his ongoing efforts to reduce the number of deaths on the roads. However, he will be aware that, in the past two years, the number of deaths has increased, although the number of serious injuries may have fallen. Does he agree with me that the need now is greater than ever for the two jurisdictions to collaborate, to work together and to share ideas and experiences in order to regenerate our efforts to reduce further the number of people who tragically lose their life on the roads?

**Mr Durkan:** I thank the Member for his question. I largely reiterate my previous answer to Mr Boylan about the importance of collaborating and sharing experience, information and knowledge to improve our road safety in order to reduce the number of people tragically losing their life or being seriously injured on our roads.

It is a sad fact that the number of deaths on our roads increased last year, and that appears to be on the increase yet again this year. However, we must not lose faith. The number of deaths on our roads has reduced drastically over the past number of years. We have actually seen Northern Ireland and, indeed, the Republic of Ireland go from being one of the areas with the highest number of road deaths in

Europe to being one of the safest places in which to drive on the road. We have to look at what has worked and what has helped us to achieve that huge reduction in the number of fatalities on the road. I believe that we should maybe go back to basics to achieve similar reductions again.

**Mr Elliott:** I thank the Minister for the update on the meeting. He mentioned the mutual recognition of penalty points and went on to say that some of the issues are "complex and difficult to resolve". Will he highlight which issues are complex and difficult to resolve?

**Mr Durkan:** I thank the Member for that question, which is complex and difficult to answer. Real progress has been made in advancing work on the mutual recognition of penalty points. I think that it would be safe enough to say that everyone in the Chamber, and indeed everyone outside it, recognises the sense and logic in us attempting to do that. However, some legal issues have arisen. Minister Varadkar and I remain committed to resolving those issues, which I do not believe will be in any way fatal to our ambition to see the mutual recognition of penalty points introduced.

It is worth bearing in mind that we now have mutual recognition of disqualifications, which, a few years ago, was unthinkable, and many people thought that it could not be done. I, therefore, believe that the current stumbling block in the way of introducing the mutual recognition of penalty points can and will be overcome in the not-so-distant future, given my resolve and that of Minister Varadkar and Members from all round the House to ensure that it happens.

**Mr Weir:** I thank the Minister for his statement. In a similar vein, the issue of mutual recognition of penalty points has been ongoing for quite a long time; it has been a long-running saga. In light of that and the Minister's optimism that the stumbling blocks can be overcome, what does he envisage being the timescale for this to be brought to a conclusion and put into effect?

**Mr Durkan:** When Minister Varadkar and I have received and considered the further advice that we are awaiting, I will be in a better position to advise on timescales. I can assure you that I will do my utmost to ensure that we play our full part in moving forward as promptly as possible.

**Mr McElduff:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I refer to the Minister's opening remarks on the road user levy. Does

he agree that that is really the introduction of an unnecessary obstacle to North/South mobility in the area of trade? Is the Minister prepared to seek a joint meeting with Minister Varadkar and Stephen Hammond to address the urgency of this?

**Mr Durkan:** Go raibh maith agat, a Príomh LeasCheann Comhairle. I thank Mr McElduff for the question. I accept and agree with his opinion that this does indeed present a barrier to trade; an unnecessary and an onerous barrier, particularly on HGV drivers — sorry, hauliers — in areas such as Donegal.

I have absolutely no bother meeting or being involved in a meeting with the other Ministers from other jurisdictions on this. I have been in regular correspondence with Minister Hammond. As recently as last week, I responded to a letter from him that was less than positive, but we will go on to that in more detail this afternoon.

I have been liaising closely with Minister Varadkar on this. Our officials are in regular contact, and we sing from a similar hymn sheet in what we are pushing Minister Hammond for.

**Lord Morrow:** My question is similar to those of Mr Elliott and Mr Weir in relation to the good progress made by the joint steering group on the enforcement of penalty points on both sides of the border. It is a bit disappointing to hear the Minister just say, "Well, we have made good progress", but not elaborate and tell us what that "good progress" actually goes to. Furthermore, can he give us any indication of when this is likely to be in force and in place? I think that that is necessary to deal with some of the issues that have been raised in the House today, not least the number of fatalities on our roads.

**Mr Durkan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank Lord Morrow for that question. I am glad that he shares my eagerness to see this issue resolved and to see the mutual recognition of penalty points brought in.

Work is continuing. It involves consideration of issues around the processing of cases through the courts system and timing issues around the application of penalty points and how long they remain on the licence. For the policy to be workable and effective, these investigations are essential to ensure that the scheme operates effectively across jurisdictions, given our separate and, in some instances, different driver licensing and criminal justice processes.

The issues that are currently presenting difficulty revolve around the courts. I have raised this matter with our Justice Minister, and I know that Minister Varadkar has raised it with his and will do so with his new one before too long. This is an issue that he is keen to see resolved.

**Mr Eastwood:** I thank the Minister for his statement and his answers thus far. What impact will his proposed new arrangements for learner drivers have on insurance costs for young drivers?

**Mr Durkan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank Mr Eastwood for his question.

The proposals around the graduated learner driving programme are contained in the Road Traffic (Amendment) Bill that will be introduced this afternoon. It will have several benefits. Most significantly and importantly, it will improve road safety. Young people — and new drivers, I should say, because not all new drivers are young — continue to be over-represented in our traffic collision statistics and incidents on our roads.

This programme aims to get people ready to drive as opposed to getting them ready to pass a driving test, and it has been shown to be extremely successful in other parts of the world in reducing collisions and incidences of fatalities and serious crashes on roads.

It will also have the positive impact of reducing the cost of insurance, which is extremely onerous, particularly for young and new drivers.

**1.15 pm**

**Mr I McCrea:** Following the highly successful Giro d'Italia that Northern Ireland has witnessed over the past few days and the Minister's statement on cycling proficiency recommendations, can he outline what he plans to take forward in order to ensure that the number of young people who will, no doubt, aspire to win the Giro d'Italia and other races will have the appropriate qualifications for riding on our roads?

**Mr Durkan:** I thank the Member for his question. It is normally Minister Kennedy who peddles cycling. However, in this instance, I join Members around the House who earlier welcomed the success of the Giro and commended all of those involved.



I did the cycling proficiency test a number of years ago. It is rolled out across some 500 schools, and over 8,000 pupils avail themselves of it each year. Pupils enjoy doing it, and, fortunately, it benefits them greatly and enables them to cycle more safely on the roads.

However, we are looking at the cycling proficiency scheme to see how it could be enhanced and improved even further, perhaps with the inclusion of on-road training. As it stands, a lot of the scheme takes place in the confines of the playground. It is vital that I, in conjunction with my colleague Minister Kennedy, who is trying to promote active travel and get more people involved in cycling, ensure that we have a cycling proficiency scheme that will, with more and more people taking to bikes and taking to our roads on two wheels, make sure that they are properly and safely tested.

**Mr Principal Deputy Speaker:** Thank you, Minister. That concludes questions on your statement.

**Mr McElduff:** On a point of order, a Phríomh-LeasCheann Comhairle. I think that the protocol is to apologise to the House if I have missed my place. Is it in order for me to do that now?

**Mr Principal Deputy Speaker:** Yes.

**Mr McElduff:** OK. Thank you. Keep 'er lit. I missed my place last Tuesday 6 May —

**Mr Kennedy:** Resign. *[Laughter.]*

**Mr McElduff:** I arrived in the Chamber at 2.04 pm to ask question 6 and was somewhat alarmed that questions had moved so speedily. At the time, I went along to the Speaker's Office and conveyed my apologies to his staff. I would like to do so more formally now, particularly in the presence of the Minister for Employment and Learning, who was the offended Minister on that occasion. With that, I will take my seat. Go raibh maith agat.

**Mr Principal Deputy Speaker:** I welcome the fact that you have had the courtesy to come to the House and apologise personally. It is quite a serious matter. The Speaker spoke to it at some length earlier this afternoon. He reminded Members of the amount of preparation that is involved and the fact that, if people miss their turn, other Members who may have wished to ask a supplementary are disadvantaged. Again, I welcome the fact that you had the courtesy to come along and make your apology in person. Thank you.

## Committee Business

### Committee Membership

**Mr Principal Deputy Speaker:** As with similar motions, this will be treated as a business motion. Therefore, there will be no debate.

*Resolved:*

*That Ms Claire Sugden replace the late Mr David McClarty as a member of the Committee for Employment and Learning. — [Mr Swann.]*

**Mr Swann:** It is with great pleasure that I move that Claire Sugden replace the late — unfortunately — David McClarty as a member of the Committee for Employment and Learning. As Chair, I welcome Claire to the Committee.

## Executive Committee Business

### Road Traffic (Amendment) Bill: First Stage

**Mr Durkan (The Minister of the Environment):** I beg to introduce the Road Traffic (Amendment) Bill [NIA 35/11-15], which is a Bill to amend the law relating to the prescribed limit of alcohol for drink-driving offences; to make further provision for breath testing; to make provision relating to certain offences being specified as fixed penalty offences; to amend the law relating to disqualification on conviction of certain offences; to amend the law, as respects certain vehicles, relating to the age at which a provisional licence may be obtained, the requirements to be satisfied to take a test of competence to drive and the restrictions to which newly qualified drivers are subject for a period after passing such a test; to make provision relating to completion of an approved course as an alternative to licence revocation during a new driver's probationary period and extending requirements to wear protective headgear; and for connected purposes.

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

## Work and Families Bill: Second Stage

**Dr Farry (The Minister for Employment and Learning):** I beg to move

*That the Second Stage of the Work and Families Bill [NIA 34/11-15] be agreed.*

This is an important and significant Bill that deals with flexibility and choice for working people and, in particular, working parents. Most notably, it will empower parents to share statutory paternity leave and pay in the first year after the birth or adoption of a child. The Bill has a strong economic rationale and a strong equality of opportunity rationale.

Providing parents with flexibility has the potential to minimise the consequences associated with women being detached from the labour market for a substantial time. The Bill will benefit the wider economy as it has the potential to sustain working parents' attachment to the workplace. This should enable employers to retain and build on the skills and talents that women bring to the workplace and remove some of the structural barriers to career progression.

We know that there are issues in our economy from the differential participation of men and women. Women are excelling in training and education, including attending university in greater numbers than men. However, there are issues regarding the retention and progression of women in the workplace. Put very simply: we cannot hope to compete in the global marketplace if we do not fully utilise the local marketplace of talent.

It is important to stress that the implementation of the Bill in its current form does not increase the overall amount of parental leave available to working parents. Rather, it allows for the existing provision to be shared, while providing for timely notification to employers. It will give employers much greater flexibility in how they plan for and manage absence. Furthermore, administrative systems will be designed in a way that closely mirrors the existing arrangements with which employers are familiar.

The Bill also recognises the critical role that adoptive parents play in our society through making adoption leave a day-one right and enabling them to receive statutory adoption pay at a rate equivalent to statutory maternity pay. The Bill provides rights to time off work to attend adoption appointments at a modest cost

to employers. Primary adopters will be able to take paid time off on up to five occasions to meet the child whom they are proposing to adopt and to have discussions with relevant professionals. A comparable right to unpaid time off on two occasions will be available to the other person involved with the proposed adoption. There will also be a similar right for the father of a child or the mother's partner to accompany a pregnant woman to an antenatal appointment. The Bill extends the right to request flexible working, which has worked well since its introduction in 2003, making it available to all employees who have been with their employer for 26 weeks or more. Finally, it introduces a minor technical amendment to enable working time regulations to be consolidated.

The benefits to working parents of being able to share leave and pay in the first year are clear. Women should be better able to maintain their attachment to the workplace should they choose to do so, which will have very positive career implications. Extending the right to request flexible working also builds on the success of the existing right but without imposing demanding additional administrative requirements on employers. I acknowledge that there are some concerns about potential additional burdens on employers. It is worth emphasising again that we are not talking about the creation of additional parental leave entitlement, but rather how it can be distributed. Moreover, there will be no increase in the costs to employers of making statutory payments, most of which are reimbursed. Furthermore, as I have highlighted, I believe that it is a positive Bill for business. The new provisions are designed to promote the increased retention of staff by creating a positive environment for employers and working parents to discuss how and when parental leave will be taken. The proposals may also result in some employees spending less time away from the workplace because they can now share parental responsibilities with a partner more equitably.

Before turning to consider the main provisions of the Bill, I want to set out briefly the context to these proposals. The coalition Government in Great Britain have legislated on a similar set of proposals through the Children and Families Act 2014, and the new provisions will come into effect from April 2015. My Department's consultation last year asked for views on the merits of the Great Britain proposals; the extent, if any, to which they should be implemented in Northern Ireland; and whether alternative options would be appropriate. As well as dealing with these broad policy questions, the

consultation also invited specific input on the administration of any new system.

There were 28 substantive responses to the consultation, which showed significant support for mirroring the GB proposals on shared parental leave. There was also strong support for extending the right to request flexible working to all employees with appropriate service. I want to acknowledge the contribution of stakeholders throughout the consultation process, which has significantly influenced the content of the Bill. Its 24 clauses and two schedules reflect the findings of the public consultation.

I will now deal with the new shared parental leave and pay entitlements in Part 2 of the Bill, which represent a significant change from the current, more restrictive, additional paternity leave arrangements. Additional paternity leave cannot begin before the baby is 20 weeks old or the child in an adoption situation has been placed for 20 weeks. The leave can last for no more than 26 weeks and can start only when the mother or primary adopter has gone back to work. Once that has happened, there is no ability for the mother or primary adopter to utilise any residual leave entitlements. The new shared parental system will remove all those restrictions. It will enable parents, including qualifying parents in a surrogacy arrangement, to share leave and pay from the end of the compulsory maternity leave period, which is usually two weeks, for the full length of the remaining leave and pay entitlement. It will allow both parents to take leave at the same time or at different intervals if they choose.

Going back to work early will no longer mean that a person loses any residual entitlements, and, by agreement with the employer, it will be possible to take more than one separate block of leave. The amount of statutory leave and pay available for sharing will be equivalent to the amount of untaken maternity or adoption entitlement, which could be up to 50 weeks of leave and 37 weeks of pay in the case of maternity or 52 weeks' leave and 39 weeks' pay in the case of adoption. All the entitlement must be used within a year of the birth or adoption. There will be no net increase in the total leave and pay entitlement of working parents as a result of the option to share. Employers will, therefore, not incur additional costs associated with statutory payments.

Parents will be asked to give a non-binding indication of their expected pattern of leave when they notify their employer of their intention to take shared parental leave. That will encourage parents to consider their plans from

the outset, give employers an early indication of the potential leave pattern and, in turn, encourage open and honest discussions between employees and employers from the start.

The facility to share the rights recognises the realities of modern family life. Traditional roles are changing, and it is important that the law keep pace. I acknowledge that sharing entitlements will not be appropriate to everyone, and I expect that the traditional pattern of longer periods of maternity and adoption leave will continue in many situations. However, the new arrangements will be attractive to others.

Women are increasingly earning more than their male partners, and there are many other non-financial reasons why a couple would want to share caring responsibilities — not least to make an equal contribution to childcare and to bond with the child in those vital early months.

### 1.30 pm

The Bill also recognises the valuable role that adopters play in today's society. It does that through a number of important changes to adoption pay and leave. First, it provides for adoption leave to become a right from day 1. At present, an employee qualifies only if he or she has 26 weeks' service. The change should ensure that adoptions are not prevented from going ahead or delayed, which can unnecessarily increase the time that children spend in care. Secondly, that change is supported by the enhancement of statutory adoption pay to 90% of the adopter's salary for the first six weeks, bringing it into line with statutory maternity pay. Thirdly, the Bill extends the adoption and paternity leave and pay provisions to cover surrogacy arrangements.

I now turn to provisions in Part 3 of the Bill, dealing with time off for antenatal and adoption appointments. Those provisions will entitle fathers, husbands and partners, as well as intended parents in surrogacy arrangements, to take unpaid leave to attend up to two antenatal appointments with a pregnant woman. Pregnant women already have the right to paid time off to attend those appointments. The change acknowledges the increasing desire of many fathers and partners to be more closely involved in shared parenting from the very start. It is important that we challenge the stereotypical assumption that the care of children relates mainly to women.

There is also a new provision for adoption appointments. Primary adopters will be entitled

to paid time off to attend five appointments after being notified of a match for adoption. The other adopter will be entitled to unpaid leave to attend two such appointments. Those appointments often involve the child and relevant professionals and are an important early opportunity for adopters to begin to establish a bond with the child. Overall, those new rights will give adoptive parents, fathers and partners the opportunity to be present for very important life events in situations where an employer may not otherwise grant time off. Costs to business will be minimised by restricting entitlement for each appointment to a maximum duration of six and a half hours. In addition, only the new right for primary adopters is a right to paid time off.

I now turn to the right to request flexible working. Current legislation lays out a statutory process for making and dealing with requests, setting timescales for each stage. In last year's consultation, my Department invited views on whether it would be appropriate to replace that process with a code of practice-led approach, which is the preferred option in Great Britain. The message from the consultation was clear: the current process is working; it is familiar to employers; and it provides clarity and certainty. The Bill, therefore, leaves it unchanged. I believe that, in order for that process to work, we need buy-in and support from employers. The decision is, therefore, aimed at addressing employers' concerns.

Clause 19 extends the right to request flexible working to all employees. It does so by removing current restrictions that mean that the right is available only to parents and carers. In seeking to extend the right in that way, I understand that many businesses already go beyond statutory requirements. I also accept that some businesses have limited opportunities to offer particular types of flexible working. I stress that all employers will continue to have the right to turn down a request on business grounds. However, I strongly believe that well-thought-through requests will, in many cases, start a discussion process that ultimately results in mutually satisfactory working arrangements being agreed. Flexible working is not prescriptive; a wide variety of arrangements is possible.

It is well established that flexible working benefits employees and businesses through reduced labour turnover, increased productivity and reduced absenteeism. Businesses need to be adaptable. Increasingly, they need flexibility in the way in which people work. My Department will produce supporting guidance for employers to enable them to manage

requests from what will be a wider pool of potential applicants.

The generally positive response to the wider consultation proposals gives me confidence that the systems envisaged are consistent with supporting the competitive position and growth of the economy. Furthermore, it is important that those measures are implemented in a way that offers working families and employers flexibility and certainty about the practical application of those rights. I understand the concerns that have been raised about the regulatory impacts of those proposals. That is why I have decided to leave unchanged the process for requesting flexible working. I intend for the administration of shared parental systems to be done with as light a touch as possible and for them to mirror closely the processes with which employers and employees are already familiar. Undoubtedly, the absence of some employees can affect employers as well as other employees. It is a particular issue for small businesses, especially when absence is unplanned. That is why shared parental leave regulations will include requirements for employees to provide an early indication of their expected pattern of leave and will limit, unless otherwise agreed, the number of occasions on which an employee can apply to change plans.

I want to maximise certainty for employees and employers. I also want to encourage a culture in which open and honest conversations can take place between employers and employees from the outset. As such, there will be provision for situations in which agreement cannot be reached, with the default position being that leave will need to be taken as a single block, starting on a date specified by the employee. I believe that the proposals contained in the Bill represent a balanced package of measures.

Northern Ireland is the only region of the UK where employment law is devolved. It is my desire to create a modern, efficient and integrated employment relations system that has a strong economic focus, while protecting the rights of individual employees. I am satisfied that the proposals in the Bill are consistent with that objective.

I should point out that the Bill contains provisions that touch on the responsibilities of ministerial colleagues in the Department for Social Development and the Department of Health, Social Services and Public Safety. Officials in our respective Departments are working closely on the relevant matters, and I extend my thanks to Ministers McCausland and Poots for facilitating the work. I also thank the

Employment and Learning Committee for its support throughout the consultation process.

As I already indicated, this is a very substantial Bill, and I know that the Committee has already made preparations for its scrutiny of the provisions. I want to put on record my Department's commitment to support the Committee once the Bill moves Committee Stage.

In summary, the Bill will allow for a sharing of leave and pay between working parents that better reflects the needs of modern families. It will also help businesses to retain and progress talented individuals, particularly women, and enhance the flexibility of the Northern Ireland labour market. I look forward to listening to Members' comments in today's debate, and I commend the Bill to the Assembly.

**Mr Swann (The Chairperson of the Committee for Employment and Learning):** I thank the Minister for laying out the first stages of the Work and Families Bill. I make my opening comments as Chairperson of the Employment and Learning Committee. I thank the Minister for his reassurances that he and his Department will work with the Committee as we work through the Bill.

I thank the Minister for outlining the general principles of the Bill, and I am pleased to speak in the debate on behalf of the Committee. The Committee recognises and supports the Minister's aim of allowing parents the ability to manage their parental and work priorities with flexibility. The Committee has spent considerable time scrutinising the proposals that are now before the Assembly.

The Committee first considered the proposals in the Bill on 1 May 2013 when Department for Employment and Learning officials set out the policy context and its plan to consult on the shared parental leave proposals. The Committee noted that, on 16 April 2013, the Assembly had debated and approved the Parental Leave (EU Directive) (Maternity and Parental Leave) Regulations (Northern Ireland) 2013 that implemented the revised 2010 parental leave directive. That legislation, which had been supported by the Committee, increased the entitlement of unpaid parental leave from 13 weeks to 18 weeks. During the Assembly debate on the directive, the Minister noted that responses to the public consultation on implementing the directive in Northern Ireland had indicated a desire for consideration of wider changes to rights for working parents.

During the briefing, departmental officials advised that, on 4 February 2013, the UK Government had introduced the Children and Families Bill for Great Britain, with proposals on a wide range of measures, including a framework for significant changes to statutory paid and unpaid leave entitlements associated with the birth or adoption of a child and an extension to the right to request flexible working to cover all employees rather than, as at present, parents and carers. The Department therefore advised that it would consult further on the issues to develop a Northern Ireland response.

Committee members sought clarification on a range of issues during the briefing. The Committee sought clarification on the Minister's consideration of adopting the GB legislation by way of a legislative consent motion and was informed that, given that the Children and Families Bill for Great Britain was at Report Stage, it was unlikely that the Department's consultation would be finished in time to allow for a legislative consent motion and that an NI proposal would allow for more flexibility in timing and proposals.

The Committee also questioned officials on negotiations with other relevant Departments to ensure that there would be no resistance from the Executive. We were assured that the relevant Departments — the Department for Social Development, the Department of Health, Social Services and Public Safety and the Department of Enterprise, Trade and Investment — had been involved from an early stage and were content with the proposals.

The officials were also asked to explain the range of opinions that had been put forward in the consultation on flexible working proposals. They outlined employers' concerns about extending the right to all employees and said that that could have a negative impact in two ways: first, employers feared that they would face a large number of requests, which would take up a lot of administrative processing time; and secondly, the equality impact assessment questioned whether extending the right to flexible working to all employees would dilute its effectiveness for existing categories of people who are able to request it, such as parents and carers of adults. The officials pointed out to the Committee that those issues were to be addressed in the consultation.

The Committee also drilled down into the Department's assertion that the Bill will enhance working parents' rights and asked the Department to explain why no specific provision

was being included for parents whose child has a disability.

The Committee also sought, at great length, assurance that the Bill would not lead to significant additional burdens on employers and to more red tape, especially given the high proportion of SMEs in Northern Ireland and the reasons for treating large companies and SMEs the same in the legislation.

The Committee also explored the many permutations of how the proposals could impact on employers in practice. It was content that those issues were to be explored in the consultation.

On 25 September 2013, the DEL officials returned to brief the Committee on the responses that were received to the consultation and on the Department's proposals going forward. The Committee noted that, of the 32 responses from stakeholders to the consultation, the consensus was that respondents were positively disposed to the main proposals set out in the consultation document and that they should correspond to those in Great Britain.

The Committee once again asked questions about the disproportionate impact on SMEs and was assured by the officials that the Department would seek to put in place arrangements to minimise the administrative burden for all employers and working parents.

More recently, on 26 March 2014, the Committee received a briefing from departmental officials on the principles of the Bill. The Committee asked for clarification on the impact of the Bill on flexible working for carers and parents. Officials explained that there was no change but said that the Bill will extend the right to request flexible working to all employees who have the necessary period of service, which is currently 26 weeks. The Committee also examined the process that is to be followed for requesting flexible working and looked at the statutory and non-statutory aspects of that.

Another issue that the Committee raised was how the legislation sat with the Department of Enterprise, Trade and Investment's commitment to reduce red tape and get rid of redundant regulations. The officials explained that the inclusion in the Bill of the consolidation of the working time regulations would assist in that aim.

I look forward to getting into the detailed scrutiny work of the Bill, and I assure the

Assembly and the Minister that we will fully examine the minutiae of the clauses and speak to all interested parties. I look forward, as usual, to working with the Minister and his officials, who have always been very obliging to the Committee.

I will now speak as the Ulster Unionist employment and learning spokesman. We welcome this legislation coming forward at this stage. We hope that the administration of the shared parental leave will have as light a touch as the Minister said and will be as straightforward as possible. We also hope that it will not place unnecessary financial and administrative burdens on our SME sector. We take some reassurance from the officials' commitment that small employers will remain entitled to recoup 100% of any statutory payments plus 3% compensation for the extra national insurance contributions that are payable. That compares with 92% of the recovery entitlement for larger firms.

We hope that the outworkings of the Bill and its regulations will be employee led, will entail minimal administrative demands on businesses and will ensure that employers are given sufficient notice of intended leave periods. We welcome the section of the Bill that provides for statutory adoption pay to be paid at 90% of earnings for the first six weeks. That will also facilitate paid time off work for primary adopters to attend up to five introductory meetings before a child is placed with them for adoption, as well as unpaid time off for secondary adopters to attend two such meetings.

I support the Bill's passage to its next stage.

**1.45 pm**

**Mr Buchanan:** I welcome the Second Stage of the Work and Families Bill to the Assembly, where there will be an opportunity for all Members to debate its various aspects, from draft format right through to receiving Royal Assent.

I welcome the Minister's outline of the Bill and the reassurance that he gave on some of the issues. Following the consultation, which closed on 23 August 2013, it is clear that, of the various options included in the consultation paper, one emerged with substantial support from consultees, namely that the Department should provide the same leave, pay and flexible working entitlements as are to be introduced in Great Britain, with an exception on flexible working. Here in Northern Ireland, the desire is to remain under the present system of statute-based procedure, rather than be governed by a

code of practice and supporting guidance, as is the case in Great Britain.

For many working families in Northern Ireland, I have no doubt that the Bill will be welcome. It will provide the legislative framework for parents to voluntarily share their parental leave and pay entitlements following the birth of a child. A new provision, which allows for adoptive parents to access adoption pay and leave will, I believe, be a further encouragement to them and other working families who have a desire to become adoptive parents.

However, in seeking to bring forward legislative changes and the proposed flexible working arrangements, we must be very mindful of the disproportionate impact that they could have on our small business sector. Some 90% of businesses in Northern Ireland are small and medium-sized enterprises, and many of them find the current regulations extremely burdensome, perhaps to the extent that, for some businesses, regulation is a hindrance to expansion. We must ensure that those firms are not being further strangled by any changes that may come about.

With employers and employees currently having to work with 11 sets of regulations, which they find cumbersome and difficult to comply with, I welcome the provision in the Bill to consolidate those into a single set of regulations. The establishment by the Department of a working group on better regulations, involving all the key stakeholders, to bring together a draft set of regulations that combines and consolidates those 11 sets into one, is a positive move. Hopefully, it will help to remove some of the red tape and bureaucratic burden that faces the small business sector today.

Although there are positives and negatives in the Bill, which will affect the small business sector, it is important that the Department works to ensure that any necessary changes do not place an added burden on that sector, which is the backbone of industry and provides employment for thousands of employees throughout Northern Ireland. It is important, whatever changes take place for working families and parents, that they are brought forward in a way that is least painful for small businesses.

I look forward to working through the various aspects of the Bill and scrutinising them at Committee Stage so that we can bring forward something that will be of benefit to all: the small business sector, working family parents and

those who need parental leave in Northern Ireland. I welcome the Bill and support it.

**Mr P Ramsey:** Like the Chair and Deputy Chair of the Committee, I welcome and support the Second Stage of the Bill. The purpose of devolution should be to do the best for the people of Northern Ireland, and this is a good opportunity to address inequality in our society and create a culture of shared parenting that will enhance Northern Ireland's reputation and competitiveness.

It is important that the proposals in the legislation are implemented in conjunction with the work of all the other Northern Ireland Executive Departments. The Minister specified two Departments that cooperated with him in preparing the legislation. The legislation must also dovetail with other key policies and strategies, including early years, childcare, play and leisure, and the cohesion, sharing and integration strategy. Similarly, consideration must be given to how it impacts on the work of DETI, rural development plans and poverty reduction strategies.

The SDLP, as a party, is committed to continuing to ensure that standards are raised in children's early years development to give them the best start in life and provide a strong foundation for their active involvement in society.

The plans on shared rights to leave and pay in the legislation are welcome as it is imperative that we support hard-working families and enable them to make the right decisions for their children and for their finances. The measures, including allowing for greater choice and flexibility in caring arrangements for more families, and the transferable nature of leave entitlement being proposed, will certainly help in that regard.

Policies must be in the best interests of the child and be child-friendly as the paramount guiding principle, and the Minister outlined that. Research has suggested that strong, stable families offer the best environment for children to thrive and fulfil their potential. Good parental leave policies must therefore be complemented by good family policies, including on childcare, early years and nursery provision. Parents and families are most often the primary carers in the early years of a child's life, and support for the family structure is therefore central to positive childcare policies.

Government support for families should focus on easing the external pressures on them. The increasing fragmentation of society can be

attributed in part to pressures from the working culture that demands longer and more typical hours. Flexible working policies for mothers and fathers are therefore inseparable from good children's policies. Child-centred policies that encourage children to develop to their full potential must also be supported in the changes. This includes extension of the provision of free nursery places to all three- and four-year-olds and extending the Bright Start programme to private daycare providers.

It is also important to note that the changes should have a positive impact on the promotion of equality, as moving towards greater shared parenting will reduce women's disproportionate caring responsibilities, which are a key factor in the discrimination faced by many women in the workplace. With an increase in zero-hours contracts and the volatile job market, many low-paid workers and those on short-term contracts could still be excluded from taking parental leave. Minister, that is wrong, and I know that you are examining the issue of zero-hours contracts as well. It is imperative that the issue of zero-hours contracts is adequately addressed to protect and give some comfort and peace of mind to workers. Alongside those proposed changes, employers must be given the best possible support to ensure that more and more indigenous Northern Ireland companies can become major employers with an international reach and, as a result, be moved to a more equal employment in Northern Ireland.

Although we support the main thrust of the Bill, it is imperative that it is flexible enough to benefit the different — and these are a couple of key points I want to raise with the Minister — social situations that parents and children find themselves in. Some weeks ago, I raised with officials at the Committee for Employment and Learning the issue of kinship carers. This issue is so relevant across Northern Ireland at present, and we should acknowledge the major responsibility and role that they have. I ask the Minister to consider amending some of the terms of the Bill to cater for and protect the unique and sometimes very difficult situations that kinship carers find themselves in. I have spoken privately to some of the officials, and I am sure that many Members in the Chamber have been lobbied over the past year. There has been a big strong lobby from key players in the kinship campaign, and it is important that they are recognised in law so that they can be identified and have comfort and peace of mind as they prepare to act as parents for those children. We support the Second Stage of the Bill.

**Mr Lyttle:** I rise on behalf of the Alliance Party to welcome the introduction of the Work and Families Bill to the Assembly, and I believe it will prove a positive example of devolution working for the benefit of people in Northern Ireland. It is a good example of a Northern Ireland Minister — in this case, the Minister for Employment and Learning — taking heed of UK Government proposals, in this case the Children and Families Bill, but consulting widely with the people and employers of Northern Ireland to deliver devolved policy that is in the best interests of working families and economic development in Northern Ireland.

I welcome what I assess to be the core aim of the Work and Families Bill: the delivery of a more effective, flexible, balanced and shared approach to parental leave entitlement, paid and unpaid, for working parents during the first year after the birth or adoption of a child. I agree with the premise of the Bill that getting a good work/life balance is the right thing to do for families and children — for their early years development, for better health and well-being and for improved educational outcomes — as well as for the flexibility and effectiveness of our workforce. I welcome the fact that the Bill aims to strike a balance between flexible access to leave and pay for working parents and certainty for employers in a globally competitive economy.

I welcome and support the key principles of giving working families greater control over care arrangements for children and increased shared parental involvement during formative stages of children's lives. I also welcome and support the promotion of female participation in the workforce and improved choice for parents regarding childcare options. I also welcome the challenge it presents to traditional assumptions about the balance of responsibilities at home and at work. I think that it is sensible that the Bill retains current arrangements whereby a new mother/primary adopter is entitled to 39 weeks' paid and 13 weeks' unpaid maternity or adoption leave and the statutory steps to deal with requests.

I welcome the positive proposals that the Bill puts forward, such as the rights for parents to attend antenatal appointments. As a young dad, I found antenatal appointments to be eye-opening. They were extremely useful in preparing me for what was a completely new life journey. I welcome the introduction of that right in the Bill. There are also rights for primary adopters and secondary adopters to attend pre-adoption appointments, and statutory adoption leave is a day one right. As well as that, there is enhanced statutory



adoption pay. I think that that shows that the Bill recognises the vital role played in society by adoptive parents. I am sure that the Assembly would join me in paying tribute to those families across Northern Ireland. I agree with Mr Ramsey's recognising the key role that kinship care plays in Northern Ireland. I know that there are some fantastic organisations doing fantastic work in that regard.

I also welcome what seems to be a sensible requirement on employees to provide a non-binding indication of their expected pattern of leave as part of notifying an employer of their intention to share parental leave, in order to assist employers with planning around that leave period. Having up to 20 keep-in-touch days per person for people on shared parental leave presents employees with a good way to stay connected to their employment.

I welcome the meaningful consultation responses that were garnered by the proposals. NIPSA, for example, welcomed a move towards greater shared parental responsibility, and the Confederation of British Industry (CBI) recognised this as an opportunity to revolutionise the approach to working parents. However, as other MLAs have done, I recognise that concerns have been voiced, mainly in relation to any possible burden and disproportionate impact for small employers and businesses.

Concerns were raised about the fact that intermittent absences are much harder for a small employer to accommodate, and proposals were made as to how that might be addressed. The Bill has taken those into consideration. One such proposal is some form of advance notice of planned leave in order to alleviate the burden. Concern was also expressed for how the proposals might impact single mothers and the rate of pay for fathers. Hopefully, those are issues that can be taken into further consideration.

In conclusion, I acknowledge that whilst there are some concerns, I encourage the Department to use clear, plain English and creative communication on exactly what this legislation will mean in real terms to working parents and employers in Northern Ireland. I also seek the assurances of the Minister, and would welcome those today, that the administration of the new arrangements will be easily understood and not overburdensome for employers. I welcome the fact that a Northern Ireland Executive Minister has brought substantive and relevant primary legislation to the Northern Ireland Assembly, which will permit detailed scrutiny of proposals, not least

by the Committee for Employment and Learning. Most importantly, it will permit wider consideration of how best to facilitate the important contribution that working families make to our economy and society.

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

*The debate stood suspended.*

**2.00 pm**

*(Mr Speaker in the Chair)*

## Oral Answers to Questions

### Office of the First Minister and deputy First Minister

#### Praxis Care

1. **Mrs Hale** asked the First Minister and deputy First Minister, in light of their strategy to improve the lives of people with disabilities, whether they have had any engagement with the Northern Ireland Office on Praxis Care at Hillsborough Castle. (AQO 6070/11-15)

**Mr M McGuinness (The deputy First Minister):** Mr Speaker, with your permission, I will ask junior Minister McCann to answer the question.

**Ms J McCann (Junior Minister, Office of the First Minister and deputy First Minister):** The Secret Garden is an extremely worthwhile programme that offers a wide range of opportunities for adults with learning disabilities. It provides an important person-centred environment which helps people to acquire the skills necessary to secure employment and reach their personal potential. There is a duty of care on all those involved to ensure that this issue is handled sensitively.

Praxis Care was the subject of a debate in the Chamber on Monday 28 April in which all parties acknowledged the work carried out by Praxis Care and called on the Secretary of State to explore all possible avenues to ensure that the employment provided and work carried out by Praxis at Hillsborough Castle remains on site. Although we, as OFMDFM, have not held direct discussions with the NIO on the matter, I

understand that the Health Minister met the chief executive of Praxis Care and the Secretary of State to discuss the matter. It is our hope that the situation can be resolved to the satisfaction of all those involved.

**Mrs Hale:** I thank the junior Minister for her answer. If finance is the issue with possible relocation or recompense, should OFMDFM not consider funding under the Executive's disability strategy?

**Ms J McCann:** As the Member will be aware, the disability strategy has a number of elements to it. The purpose of the strategy is to set out a high-level policy framework to give guidance to Departments to make sure that they carry through their responsibilities under the UN Convention on the Rights of Persons with Disabilities. We have identified a number of signature programmes already within that strategy.

I met Praxis Care, and I visited the Secret Garden. The Member will agree that the 16 people with learning disabilities working there depend very much on that site in everyday life. They and their families feel that they need that for the social interaction it gives them. We should explore all avenues to ensure that those people are kept on that site. I have also contacted the NIO and the Secretary of State to express that. We should do all we can to ensure that the 16 individuals are kept on site and their jobs kept open.

**Mr McKinney:** I thank the Minister. Is the decision to close the Praxis Care garden and coffee shop at Hillsborough Castle compatible with the Bamford mental health review? It argued, among other things, that people with learning disabilities need stimulation and trust.

**Ms J McCann:** As I said in my previous answer, I brought the debate to the Floor of the House. There was all-party support for the motion. There is a responsibility on the Secretary of State and the Northern Ireland Office to ensure that the employment of those individuals continues. Also, Praxis Care has invested up to £400,000 in the site. There is a responsibility on the Secretary of State and the NIO to ensure that, if they are relocated, that investment is returned in some way. It is only fair and just that that should happen.

**Ms Boyle:** Go raibh maith agat. I thank the junior Minister for her responses thus far. Does she believe that everything possible is being done to support Praxis? What individual

support was given to those who work in the Secret Garden?

**Ms J McCann:** We know, through our discussions with the NIO and the Secretary of State, it is not as though the reception area and the coffee shop facility will not be needed in any future plan and development of the site. The responsibility of the Executive is to put pressure on the NIO and the Secretary of State, who are ultimately responsible for this site, to ensure not only that the money that Praxis Care has invested is not lost but, more importantly, that the 16 people who have learning difficulties remain working on the site. It is very important for their social interaction. When you go there and visit the people concerned, it is very clear that it means so much to them every day. We need to ensure that the Secretary of State and the NIO treat this sensitively and that the people who work there remain on the site.

**Mr Copeland:** I thank the junior Minister for her answers thus far. More generally, what is her assessment of the scale of poor mental health and well-being across Northern Ireland and of any identifiable causes of the problem?

**Ms J McCann:** In OFMDFM, we have responsibility for the disability strategy and to ensure that other Departments fulfil their responsibilities under that. The disability strategy was agreed by the Executive in 2013 and implements the UN Convention on the Rights of Persons with Disabilities. It is to ensure that we take forward the work that improves the lives of children and adults with a disability. I believe that the strategy covers all types and forms of disability for all ages: children, young people, adults and older people. Our responsibility in OFMDFM is to monitor other Departments and their actions, and we will definitely take that forward through monitoring and evaluation.

## Social Investment Fund

2. **Mr Easton** asked the First Minister and deputy First Minister how much funding has been allocated to date for projects under the social investment fund. (AQO 6071/11-15)

3. **Ms P Bradley** asked the First Minister and deputy First Minister for an update on the delivery of the social investment fund. (AQO 6072/11-15)

**Mr M McGuinness:** With your permission, Mr Speaker, I will ask junior Minister McCann to answer these questions also.

**Ms J McCann:** With your permission, Mr Speaker, I will answer questions 2 and 3 together.

On 10 February, the First Minister and deputy First Minister announced that £33 million would be invested in 23 projects aimed at tackling poverty and deprivation through improved community-based services and facilities. These first 23 projects were identified as priorities by the steering group in each local area plan across the nine social investment fund (SIF) zones. Officials are working with lead partners to agree the letters of offer for these projects and further arrangements for their delivery. To this end, on 10 March, a conference for all lead partners was held, which provided a platform to move forward. Following agreement of letters of offer, lead partners will take forward the necessary procurement to deliver the outcomes described in the project proposals that have been approved.

We are keen to ensure that projects are fully established and under way as soon as possible. Officials are working to ensure that this is the case. A further 29 projects have been identified as being within the limits of affordability in line with the budget allocations for each zone. Work is ongoing to secure business case approval for these. Subject to this and final costings, we hope to announce further projects later this year.

Details of the 23 projects announced and the further 29 projects prioritised for funding within the budget are available on the OFMDFM website. We would also like to assure Members that the £80 million remains ring-fenced for the delivery of the social investment fund. It is our intention that this will be fully allocated to projects by the end of this year.

**Mr Easton:** I thank the junior Minister for that update on progress towards the realisation of projects under SIF. Will she clarify whether any letters of offer have gone out yet?

**Ms J McCann:** As I said in my previous answer, a conference was held in March. Letters of offer should be going out soon for the 23 projects that were announced. I am not sure whether the steering groups have received them, but they have certainly been in contact with our officials, who have taken them through the projects that will be getting those letters of offer. That is what the conference was for.

**Ms P Bradley:** I thank the junior Minister for her answers thus far. Do any projects that are due to receive funding meet one of the key aims of

the social investment fund, which is to address dereliction in communities?

**Ms J McCann:** The Member will be aware that the projects that were looked at were put forward by the steering groups themselves, so they were the priority projects in that area. The groups were waiting to see the allocations that would go across the zones, and, when those allocations had been decided and the groups had been informed about them, they had to re-prioritise some of their projects. Some of the 23 projects that have been announced and the 29 that have been prioritised look at dereliction and new capital build. The projects that I am talking about, which go right across the North, are listed on the website.

**Mr Hazzard:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her answers thus far. Will she outline how any procurement models employed under the social investment fund will ensure that local delivery partners are given opportunities to deliver initiatives?

**Ms J McCann:** The Member raises an important point about ensuring that local delivery partners are given that opportunity. When procurement and government contracts go out, we hear that small and medium-sized businesses, particularly those from the community sector and from people who deliver in the community, can find the process difficult. However, our preference is for locally designed interventions to be taken forward where there is the capacity and capability to deliver that.

We believe that procurement projects could impact on training, employment and investment in local communities and, in the longer term, on regeneration. As such, social and environmental requirements can be included in public contracts in so far as they comply with procurement rules. Lead partners will be contracted to procure service providers who can deliver the specific projects that have been successful at appraisal stage, and we certainly welcome any collaborative approach whereby community groups can come together as consortia to build and deliver those projects, particularly within and across all the social investment zones. As I said, community groups can sometimes find it very difficult to do that.

**Mr Byrne:** Will the Minister outline how confident she is about the way in which the steering groups are operating, particularly the western steering group, on which Strabane and District Caring Services and Derg Valley Care are represented? Is she happy that there is a fair allocation across the zones?

**Ms J McCann:** The Member will be aware that, when members of the initial steering groups were being selected, we were very mindful to consider geographical representation. Obviously, these groups are right across the North, and they have to be a manageable size, so it was not always possible to ensure a spread of representation across individual zones. I know that appointed steering group members and their supporting consultants work very closely with each of the zones and with different organisations and groups in those zones to identify projects in the planning process. I can assure the Member that, when areas in a zone demonstrate evidence of objective need, they have been included in the plan. If someone in a certain area is not sitting in that zone, that does not mean to say that they do not have input into those groups and into taking forward those plans.

**Mr Cree:** I thank the Minister for her comments. How much of the £80 million will be spent in the current financial year or, indeed, in the next year if that is applicable?

**Ms J McCann:** The spend to date has been focused on the consultation and the work to get the steering groups up and ready to deliver. We also need the necessary approvals, structures and processes to be in place to ensure that the fund delivers to the benefit of the communities that need it.

I can understand that sometimes there is a view that not much money is being spent on the actual projects, but I assure the Member that, after the conference that was held on 10 March, we are in a better place than we were with connectivity and with keeping people up to date to get the money out there as quickly as possible so that those projects and programmes can take place.

2.15 pm

## **Jobs: Foreign Direct Investment**

4. **Mr Lynch** asked the First Minister and deputy First Minister what impact their visits to attract foreign direct investment had on the recent job announcements. (AQO 6073/11-15)

**Mr M McGuinness:** A key focus of the Executive's Programme for Government 2011-15 is to grow the economy. We are committed to bringing investment, jobs, tourists, new skills and best practice by promoting local capabilities and developing mutually beneficial relationships with targeted countries, regions and

international organisations. Securing international projects requires long-term relationship building and raising awareness of the many advantages of investing here. We will continue to be proactive in targeting countries and organisations in an effort to secure trade and investment opportunities.

Our international engagement during the past year has generated a number of significant benefits. As a result of recent visits to Japan in December and the United States in March, we have been able to secure investment from Fujitsu, with the announcement in December of a 192-job project for Derry, and, in February, Ryobi announced a £32 million investment, with the creation of 100 new jobs in Carrickfergus. We are pleased to report that we had a very successful visit to the west and east coasts of the United States in March. We had meetings with senior executives from Home Box Office (HBO) and Seagate Technology. Both companies make a significant contribution to the local economy. We also met Concentrix and we hosted a luncheon in San Jose, which was attended by over 120 potential investors.

HBO and Concentrix have since announced major investments here. The HBO investment will generate in excess of £20 million annually to the local economy, and Concentrix will create over 1,000 new jobs, which will contribute over £18 million a year in wages and salaries here. Of course the Convergys announcement in Derry, the announcements from EY, Capita, Schrader Electronics and, this morning, Wrightbus are all very good news.

The First Minister and I are confident that our personal intervention helps to bring potential investors over the line to commit to investing here. The First Minister and I continue to make a strong personal commitment to promoting economic growth during our overseas visits. In fact, that is the underlying objective for any visit that we undertake. We look forward to standing here in future to announce more very important new investments as a result of our overseas visits.

**Mr Speaker:** Can I just remind the deputy First Minister of the time limits? If Ministers need more time, they can certainly ask and they will get more time.

**Mr Lynch:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an LeasChéad-Aire as an fhreagra sin. I thank the deputy First Minister for his comprehensive answer. Will the Minister give us his views on recent investment by HBO and other investments in the film and television industry?

**Mr M McGuinness:** I think, by this stage, Members here as well as the general public will be well aware of the extensive publicity given in recent weeks to the phenomenal success that 'Game of Thrones' has been right throughout the international community. Investment in the four series to date of £9.25 million has returned over £98 million to the local economy in direct leverage spend. The economic impact of such investment in the TV and film industry is significant when coupled with the wider benefits that have been derived to date. Securing internationally mobile productions of that type has also led to the development of additional sound stage facilities, which will increase our ability to secure large-scale productions and will enable us to manage multiple productions at the same time.

We have a recognised credibility of association with international production projects, which has significant added-value opportunities for our economy, not least for tourism. NI Screen continues to engage with key stakeholders, including the Tourist Board and Tourism Ireland, on developing that opportunity. Tourism Ireland recently used 'The Shore', Terry and Orlagh George's Oscar-winning film, to highlight and promote the local tourist industry. The relationship with HBO has been very important. As a result of the success of 'Game of Thrones', the making of 'Dracula' and many other productions in recent times, we now have a very solid base on which to build.

**Mr Nesbitt:** The House is often told that Northern Ireland comes second only to London in attracting foreign direct investment into the UK. That is obviously something to be welcomed and embraced. Will the deputy First Minister help me embrace that further by giving us the comparative breakdown of what percentage of total FDI goes to London and what percentage comes to Northern Ireland?

**Mr M McGuinness:** I do not have those figures, but we will write to the Member with those. I think that, in asking the question, the Member knew fine rightly that that would be the answer.

The important thing is that we are doing well. The important thing is that, in recent times and against the backdrop of what has been a very cruel world recession, we have been battling on all fronts. More importantly, we have all been battling together. The overseas visits that we have engaged in have had a major impact in places like North America and Japan. Of course, the opening of a new office in Beijing, later this year, will provide a further opportunity to build on the relationship with the politicians in China. Against the backdrop of the world

recession, what has happened here has been pretty phenomenal, but we have to keep it going. Far too many people are unemployed. Although all the signs appear to be very good when we listen to the experts who monitor all this, what is most encouraging about the news of the past couple of days is the prospects for people in the construction industry, which is hugely important for our indigenous businesses.

As for the ability that we have to compete with regions like London, and, indeed, many others, we have clearly shown that, as a result of the effort that has been made, we can compete with anybody. We will write to you with the exact figures in the percentage terms that you are seeking.

**Mr Eastwood:** Given its importance in attracting FDI, what involvement did the deputy First Minister or his Department have in the promotion of the enterprise zone in Coleraine?

**Mr M McGuinness:** The enterprise zone in Coleraine is effectively a pilot project. Principally, the responsibility for dealing with that resides with the Department of Enterprise, Trade and Investment. From our perspective, we are trying to ensure that we see the success of the Coleraine enterprise zone as a forerunner to other developments in other parts of the North. However, the departmental responsibility lies more with DETI than OFMDFM.

**Mr Allister:** What impact does it have on promoting Northern Ireland as a stable place when the deputy First Minister's mask slips and it emerges that his support for law and order is selective and conditional on his terrorist buddies not being pursued? What impact does that have on foreign public confidence?

**Mr M McGuinness:** I think that I, alongside the First Minister, have had a very positive impact in recording the success that we have seen over the past number of years, when more foreign direct investment jobs have been brought into the North of Ireland than at any other time in the history of the state.

The Member refers to my comments. I think that perhaps people should have listened very carefully to what I said, rather than work on a media interpretation, for which I am not responsible. I have made my position absolutely crystal clear: I fully support the PSNI and those who are committed to delivering impartial and accountable policing. I am absolutely opposed to those who would seek to undermine the progress that we have made on

policing and justice and the wider peace process. Those elements, I am determined, will not turn the clock back to the dark days of policing, which included a lot of repression and sectarianism.

## Racist/Sectarian Attacks

5. **Mr F McCann** asked the First Minister and deputy First Minister, in light of the recent racist and sectarian attacks, and attacks on political party offices, what priority is being given to the implementation of Together: Building a United Community. (AQO 6074/11-15)

**Mr M McGuinness:** I condemn all racist and sectarian attacks. Building a united, shared and reconciled community is a clear commitment in the Programme for Government. The Executive have committed to deliver a range of measures to build good relations through the Together: Building a United Community strategy and, in turn, to create the conditions to progress further towards a prosperous, peaceful and safe society.

Work is progressing across all seven headline actions, and Departments are also working to drive forward the implementation of the other actions and commitments contained in the strategy. The strategy recognises that our community is increasingly diverse and envisions a society that is strengthened by that diversity, where cultural expression is celebrated and embraced, and where everyone can live, learn, work and socialise together free from prejudice, hate and intolerance. One of the key priorities in the strategy — "Our safe community" — aims to create a community where everyone feels safe moving around and where life choices are not inhibited by fears around safety.

I want a society free from hate and intolerance, and I am determined to prioritise the Together: Building a United Community agenda. I am clear in my resolve to continue to build good relations across our community. We must work to strengthen the peace that we have built over time and ensure that the more negative elements in our society do not undermine what we are trying to achieve. Together: Building a United Community is not only about tackling the physical structures of division but about the attitudes and behaviours that enable their continued existence.

**Mr F McCann:** Does the deputy First Minister believe that these attacks are being orchestrated?

**Mr M McGuinness:** I have been on public record for some considerable time over the past number of weeks making it clear that I believe that the attacks are orchestrated and that they are being orchestrated by the UVF. I call on that organisation to halt the activity immediately. The attacks are absolutely unacceptable and deplorable, and I call on all political leaders to speak out loudly and to stand together with victims of those hate crimes.

**Mr Campbell:** I suppose that everyone, both inside and outside the Chamber, will unite in condemning all attacks, whomever they are enacted on and whoever carries them out. Will the deputy First Minister not agree that his condemnation, unequivocal as it is, would carry more weight if he were to own up in an open and transparent manner to all the hate crimes that he engaged in when he was in the IRA?

**Mr M McGuinness:** I know that the Member who has just asked the question is, unlike me, very embittered. I have a lot to be bitter about in the past, but I do not intend to lead my life through hatred and bitterness. I want to contribute positively to everything that is happening in our society. It is about time that leading spokespersons from the unionist Benches who say that they condemn attacks on isolated eastern Europeans or attacks on Alliance Party offices, be those attacks because of racism or sectarianism, stood up and told the public whom they believe are responsible. Am I the only person who has the courage to do that —

**Mr Allister:** It is about time that —

**Mr Speaker:** Order.

**Mr M McGuinness:** I have made it crystal clear — *[Interruption.]*

**Mr Speaker:** Order.

**Mr M McGuinness:** I have made it crystal clear in the course of recent times that a lot of the violence that has occurred on the streets of Belfast has been orchestrated by elements in the UVF, with some assistance from elements in the Orange Order. I note that, on a number of occasions—

**Mr Allister:** Shame on you. Shame on you.

**Mr Speaker:** Order.

**Mr Allister:** Shame on you. *[Interruption.]*

**Mr M McGuinness:** — and I note —

**Mr Speaker:** Order.

**Mr M McGuinness:** I note — *[Interruption.]*

**Mr Speaker:** Order. Allow the deputy First Minister to answer the question.

**Mr M McGuinness:** I note that, on a number of occasions when I have been at the Dispatch Box, not one Member from the unionist Benches has had the courage to challenge my assertion that the UVF and the Orange Order are responsible. That is what we have been dealing with. Until such times as people are prepared to do what I do in the community that I represent — standing against even threats to my life from so-called dissident republicans — and unless we get to a point at which that is done by all of us, we are not moving forward.

**Mr Campbell:** Avoiding the question.

**Mr Allister:** How many people did you kill?

**Mr Speaker:** Order.

**Mr Lyttle:** On behalf of my party, I say that the attacks are not done in the name of the vast majority of people in this community nor do they reflect the values of the vast majority of people in this community.

Does the deputy First Minister agree that to have elected representatives, the PSNI, local authorities and the community and voluntary sector standing together against these abhorrent crimes is the most effective way in which to assist victims and help the PSNI prevent such crimes? Will he update the Assembly on whether any work has been ongoing in OFMDFM to re-initiate the Unite Against Hate campaign to facilitate that?

**2.30 pm**

**Mr M McGuinness:** For me, this is a time for leadership. We have seen totally and absolutely deplorable, despicable and unacceptable attacks on Alliance Party offices and, indeed, on those who work in those offices. We have also seen despicable attacks on isolated people from eastern Europe, principally the Polish community. In recent times, there has been a lot of speculation in the media about whether those attacks were sectarian or racist. For me, it does not matter what they were. If somebody has come here to build a life and a future for themselves and their

children, they should be accorded the dignity and respect of every other person who lives in our society.

So I absolutely agree with the Member that this requires a coordinated approach and all of us to speak with one voice. Unfortunately, we have not been speaking with one voice in recent times. I would like to see people rising to the occasion and recognising that the people of east Belfast are overwhelmingly good and decent people but that they are effectively being dictated to by a gang of hoods and criminals. Those people need to be exposed in the same way that I stand against those in my community who try to plunge us back to the past through their violent activities. That is the responsibility of politicians. No campaign — not United Against Hate or anything else — will work unless we, the politicians, give leadership.

**Mr Speaker:** Order, Members. That concludes questions for oral answer to the deputy First Minister. We will now move on to topical questions.

## EU Membership

1. **Mr Cree** asked the First Minister and the deputy First Minister whether they agree that the comments from the head of the European Commission, who stated that the EU should find ways to cater for the United Kingdom's needs, offer a clear basis for renegotiation of the United Kingdom's part in Europe. (AQT 1081/11-15)

**Mr Speaker:** Order. Members should not be reading out topical questions. The Member is a long-time Member of the House. I have watched a number of Members continually read out questions, especially supplementary questions and topical questions. That should not be happening.

**Mr M McGuinness:** The Member raised an important question, whatever about how he delivered it. Of course we, as a local Administration, have to be concerned about the ongoing debate, particularly in England, on EU membership and the prospect of a referendum. Personally speaking, I think that it would be a disaster for the island of Ireland and for us in the North if a vote in a referendum saw our withdrawal from the European Union.

I know that the big debate in England is about whether the British Prime Minister, David Cameron, has the ability to renegotiate aspects of Britain's membership of Europe. We do not have any control over that, except to say and to

point out to those in England who have political responsibility that we absolutely need to be consulted on any decision that impacts our economic prospects here. I hold a very strong view, which, I think, many Members on both sides of the House share, that withdrawal from Europe would be a disaster.

**Mr Cree:** I thank the deputy First Minister for his response. Minister, what do you think are the main areas that should be renegotiated as far as Northern Ireland and its benefits are concerned?

**Mr M McGuinness:** In any of the conversations that we have had at Executive level, we have not raised any areas that we think need to be renegotiated with Europe. We do not have any influence or power in that. The member state is the British Government, led by David Cameron. He has direct responsibility for dealing with these matters. From our perspective, it is very important that we apprise him of our view on the dangers for our economic prospects of withdrawal from Europe.

That said, I do not know how this debate will move forward. Quite a number of important debates are taking place across the water at the minute, not least on what is happening in Scotland, which will also have implications for that region. These are issues over which we have little control but on which we have a strong view. It is very important that whatever happens does not damage the economic or employment prospects of the people we represent.

### **Civil Service: Gender Balance**

2. **Mr McGimpsey** asked the First Minister and the deputy First Minister whether, given the Assembly's commitment to equality and gender balance in the House, the deputy Minister is satisfied that, although 53% of the Civil Service overall are female, in their office only 22% of senior civil servants are female. (AQT 1082/11-15)

**Mr M McGuinness:** I just want to remind the Member that I am the deputy First Minister. I am not anybody's deputy. I think that —  
*[Interruption.]*

**Mr Speaker:** Order.

**Mr M McGuinness:** The Member's question is valid and it raises an issue that has to concern all of us about ensuring that people in the Civil Service who are female have every opportunity

to rise to the highest levels. That represents a challenge to the Executive and the Civil Service, and it is one that we need to tackle very quickly.

**Mr McGimpsey:** I thank the deputy First Minister for his answer. Does he agree that, as far as rising to the highest level is concerned, the most glaring example of inequality is that we have 11 Departments run by 11 permanent secretaries here, and all of them are male? Can he indicate when he sees that situation changing?

**Mr M McGuinness:** I absolutely agree. That is not something to be proud of; it needs to be changed. The Executive, working in concert with the Civil Service and its head, need to recognise that that needs to be corrected as quickly as possible.

### **Bring Back Our Girls**

3. **Ms Fearon** asked the First Minister and the deputy First Minister whether they will lend their support to the local Bring Back Our Girls campaign for the 200-plus young girls who were kidnapped from their school in Nigeria. (AQT 1083/11-15)

**Mr M McGuinness:** Mr Speaker, with your permission, I will ask junior Minister McCann to answer that question.

**Ms J McCann:** I do not think that anyone right across the world could be anything other than horrified and appalled by the scenes that we saw in the aftermath of nearly 300 young girls being kidnapped from their local school. I think that that really shows how hate, intolerance and fundamentalism can be manifested.

I am glad that this case has got the international recognition that it needs. People from all over the world have condemned it in the strongest terms. That type of action is happening regularly to young girls who people believe do not have the right to be educated because they are girls. All right-thinking people need to send a clear message that that is wrong. We are horrified that some of these young girls have been threatened with being sold off as sex slaves, and we have seen the scenes of their distraught and devastated families. We should all make clear our condemnation of what happened and our support for the girls and their families.

**Ms Fearon:** I thank the Minister for her answer. Are the First Minister and deputy First Minister



willing to write to the Nigerian Government to call on them to use all their efforts to find the girls and bring them home, and to unequivocally defend a woman's right to education?

**Ms J McCann:** Most definitely. The Member was with me at a protest at Belfast City Hall last week to promote the worldwide Bring Back our Girls campaign, which started on social media. I have had conversations with the deputy First Minister and I know that he is very keen to do what he can. I am sure that the same goes for the First Minister. As I said, no one could be anything but appalled and horrified at this event.

## Executive Meetings

4. **Mr Dickson** asked the First Minister and the deputy First Minister to confirm that, by the time they meet at the next Executive meeting on 28 May, six weeks will have elapsed since the last meeting of the Executive. (AQT 1084/11-15)

**Mr M McGuinness:** Meetings of the Executive take place when we think that real business can be done. If there is nothing pressing, and there are occasions such as this — for example, when elections are taking place — whereby if there is something that cannot wait for the six-week period that the Member speaks of, we would deal with it immediately by calling a meeting of the Executive. I do not recognise the time frame of six weeks that the Member has put on the next meeting of the Executive, given that we have just recently had such a meeting.

**Mr Dickson:** Given that there has been only one meeting of the Executive in the past six weeks, can the deputy Minister tell this House and, more importantly, the citizens of Northern Ireland what business is being held up by the lack of such meetings?

**Mr M McGuinness:** Again, I have to remind the Member that I am not anybody's deputy. I am the deputy First Minister. That is the second time that that mistake has been made.

The Member should be assured that meetings of the Executive are held very regularly indeed. There are occasions when, of course, those meetings are not required to be held as regularly as they were previously. This is one of those periods. I am absolutely satisfied that nothing of major importance is being held up. There are issues that have not come before the Executive, but that is for different reasons.

## Parading

**Mr Gardiner:** Will the first deputy Minister confirm, sorry, the deputy First Minister — *[Laughter.]*

**Mr Speaker:** Order. It may be deliberate or it may be accidental, but Ministers should be addressed by their proper title in the House. That goes for all Ministers.

5. **Mr Gardiner** asked the First Minister and the deputy First Minister to confirm that the business of parading in Northern Ireland is a matter for Northern Ireland and the United Kingdom, not for foreign organisations or countries. (AQT 1085/11-15)

**Mr M McGuinness:** I know that some Members may be a bit nervous when they get up to ask me a question, but this is a wee bit ridiculous.

Parading is an area of huge importance for all of us in this House. As the Member well knows, a huge effort was made prior to and around Christmas and new year past in order to try to find a resolution through the Haass discussions. It is hugely important that we get back to that work. I understand that it is not going to happen this side of the elections, which are only days away, but I passionately hope that the parties can get together immediately afterwards. I note that the Member's party has absented itself from the discussions that have been held thus far, but for those of us who are willing to put their shoulders to the wheel in order to find a resolution, I think that it is very important that we do so.

There is a lot of talk about Richard Haass and Meghan O'Sullivan coming back. My preferred option is that the parties go into a room and find our own resolution. If that fails, there is a massive responsibility on both Governments to pull their socks up and do more than they have done. Speaking for myself, I think that the performance of the British Government through that whole process has been a particular disappointment.

**Mr Gardiner:** I thank the deputy First Minister for his remarks, but can he confirm that no foreign organisation or body outside Northern Ireland and the United Kingdom will be involved in the discussions that we are having on parading?

**Mr M McGuinness:** I presume that the import of that is that he regards the Government in Dublin as "foreign".

**Mr Gardiner:** Yes.

**Mr M McGuinness:** I do not accept that analysis. There is obviously intense interest in the community as to whether the British and Irish Governments are going to play a positive and constructive role in assisting us, if required, to get a resolution to issues such as the past, flags, symbols and emblems and the issue of parading.

## Racist Attacks

6. **Mr Sheehan** asked the First Minister and the deputy First Minister whether they have met the PSNI about the racist attacks in east and north Belfast. (AQT 1086/11-15)

**Mr M McGuinness:** I was going to ask the junior Minister to answer this question but, given that time has run out, I will say that I think it is important that we all meet the police about what are unacceptable situations, particularly in some parts of Belfast. When I leave shortly, I will be meeting the Chief Constable of the PSNI, Matt Baggott.

2.45 pm

**Mr Bell:** On a point of order, Mr Speaker.

**Mr Speaker:** The convention is that points of order are not taken during Question Time. I am happy enough to take a point of order after Question Time.

## Environment

### NILGA: Partnership Panel

1. **Mr Hazzard** asked the Minister of the Environment what role the Northern Ireland Local Government Association will have in the new partnership panel to be established under the Local Government Bill (NIA 28/11-15). (AQO 6085/11-15)

**Mr Durkan (The Minister of the Environment):** The partnership panel will comprise Northern Ireland Ministers and an elected representative from each of the 11 new successor councils. As provided for in the Local Government Bill, the panel may give advice to any Northern Ireland Department about matters affecting the exercise of any of its functions, make representations to any Northern Ireland Department about any matters affecting or of concern to those involved in local

government and give advice to those involved in local government. The intention, therefore, is that the panel will promote joint working and cooperation between the Northern Ireland Executive and local government.

The Bill also provides for the appointment of a maximum of five representatives of such a representative body or association of the district councils as appear to the Department to be appropriate. Although the Bill does not specifically name the Northern Ireland Local Government Association (NILGA), views were expressed by members at the political reference group meeting on 28 April that NILGA should have a role in the future of the panel. I intend to meet its office bearers shortly to discuss this point.

However, I believe that it is important to provide clarity on this issue as soon as possible. Therefore, as part of the process to establish the partnership panel, I intend to consult the new councils about their councillor nominations to the panel and will also use this opportunity to take on board the views of the councils about their association representation.

**Mr Hazzard:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answer. How often will the panel meet, and what resources and support will it receive from his Department?

**Mr Durkan:** Go raibh maith agat as an fhreagra sin. I thank the Member for his question. As yet, the frequency of meetings of the partnership panel has not been established. One paper circulated at the most recent political reference group meeting suggested that the panel would meet every six months, but I do not think that that is enough. The panel will comprise Executive Ministers. I, as local government Minister, will be present at all meetings and will chair meetings of the panel. Other Ministers will be involved on an ad hoc basis, dependent on the agenda for discussion that day and its relevance to their Departments.

As I said, local government will select its own representatives on the panel; there will be one from each of the 11 new councils. I will meet the councils to discuss their nominations to ensure that they are nominating representatives onto the panel who are, I suppose, best equipped and have the experience and expertise to deal with the very important issues that, I would hope, would be raised at the panel. The panel will provide a good vehicle for dialogue at a political level between the Executive and local government, and we can use the panel effectively to ensure that local

government and central government are singing off the same hymn sheet.

**Mr Eastwood:** Further to the previous questions, given the fact that some people in local government may think that the partnership panel could become a talking shop, can the Minister give them any reassurances that that will not be the case?

**Mr Durkan:** I thank the Member for the question. The panel is not a decision-making body, but under my chairmanship I intend that it will have a very productive role and not just be a "talking shop", as the Member put it. As I said, membership will be made up of central and local government decision-makers in their own right. I intend to build on that responsibility, while establishing and strengthening relationships between the two tiers of government.

A number of ingredients are required to ensure a successful partnership. The one that is foremost in my mind is that there is a shared ownership of the partnership panel and a feeling among the partners that there is something in it for them and that it is worth their while to attend and contribute. I intend that the panel will be based on the key principles of openness, trust and honesty, with shared goals and values. My message to the future partners is that they must embrace that approach as well as the Executive's vision of local government reform. Members must move from parochial thinking on operations and create a foundation for strategic thinking on a regional basis.

We therefore need the panel to function fully. We also need collective thinking and practical input around the table, otherwise transformation projects like community planning, which are important to shaping services and improving the quality of life for local people, will simply not work.

**Ms Lo:** Given that each council is allowed to send its own representative, it is quite likely that the panel will be dominated by the two major parties. How will the Minister ensure that the smaller parties are represented on the panel?

**Mr Durkan:** I thank the Chairperson of the Committee for her question. An amendment was tabled and accepted during the passage of the Local Government Bill. That means that, as well as representatives from each of the 11 new councils, there will be representation from an association that will comprise up to 5 members. Reading between the lines, one would assume that that would reflect the five main parties or

those that are represented on the Northern Ireland Executive.

I do not want to predetermine who will be elected, how many from each party will be elected in the elections next week or how each new council will select their representative on the panel. Given the new d'Hondt function and how it will be applied in the new councils — run from day one in every year — there will be an improved or enhanced possibility for "smaller parties", as the Chair put it, to be represented on the panel and to get positions of responsibility and influence.

## Cycling Proficiency Tests

2. **Mr Gardiner** asked the Minister of the Environment, given that the number of cyclists seriously injured on roads has almost doubled in the last decade, whether he would consider introducing mandatory cycling proficiency tests before cyclists can use certain types of roads. (AQO 6086/11-15)

**Mr Durkan:** Over the past decade, there has indeed been an increase in the number of pedal cyclists who have been killed or seriously injured on our roads. The increase, however, is in the order of 21%: 38 cyclists were killed or seriously injured in 2003, rising to 46 in 2013. It is important to consider that rise in the context of the larger numbers of cyclists who are using our roads. Indeed, I believe that almost two-fifths of households here now own at least one bicycle.

My officials continue to monitor all road casualties as part of our work, along with road safety partners, towards an aspiration of zero deaths on our roads. My Department has taken a number of steps in recent years to raise awareness of cyclist safety issues among all road users. That has included a number of cycle safety campaigns, including the one that was launched last month. The campaigns were developed based on a range of qualitative and quantitative research. My Department will continue various interventions to reduce casualties, and I note that there was a welcome reduction in cycling casualties in the past year, from 57 cyclists killed or seriously injured in 2012 to 46 in 2013.

My Department currently offers a cycling proficiency scheme to all primary schools in Northern Ireland, and I am pleased to report that over 500 schools and 8,000 children participate in the scheme each year. The scheme teaches children to carry out manoeuvres and some rules of the road via the

highway code. I have recently approved an enhancement of that scheme.

The question of mandatory cycling proficiency tests needs to be considered in the context of this range of other work. I have reflected on the Member's idea carefully and considered the road safety benefits and the costs that would be involved alongside the costs and benefits of other interventions. At this stage, there is no clear evidence to suggest that such a regime would address the problems effectively.

**Mr Speaker:** I remind the Minister of the time limit.

**Mr Durkan:** Sorry.

**Mr Gardiner:** I would like to take the opportunity to thank the Minister for his response and for giving me those details. I accept them, and I think that he is on the right path. However, I am still very concerned about the number of accidents involving cyclists compared with the number of car accidents.

**Mr Durkan:** I thank the Member for his supplementary and his interest in the topic. It is extremely topical given the Giro d'Italia fever that swept the North at the weekend. One would imagine that, as a result of the Giro and the excitement and fervour around it, we will see, this year and in future years, an increasing number of cyclists on the roads. Unfortunately, the more cyclists and other road users there are, the more likely they are to be involved in accidents. I do not like to single out any particular type of road user, such as cyclists. That is why the most recent campaign, which we launched in April, centred on the need for road users — be they cyclists or motorists — to respect one another's journey so that the finger of blame is not pointed at cyclists or motorists for being involved in more accidents. Many accidents and collisions could be avoided if, as road users, we all respected one another's journey.

**Mr Weir:** Will the Minister outline which cycling organisations he has met to discuss road safety and whether any ideas were generated in those meetings that could be implemented to improve road safety for cyclists?

**Mr Durkan:** I thank the Member for his question. I regularly chair the road safety forum, which comprises all types of road user and their representatives. A few cycling groups are represented — notably Sustrans and others, the names of which escape me. I will come back to the Member on that — sorry. It

is vital to listen to road users' ideas when it comes to how we improve road safety. In answering Mr Boylan's question in the Chamber earlier, I said that I very much look forward to the public consultation on and Committee Stage of the Road Traffic (Amendment) Bill. That will provide an opportunity for road users' representative groups, such as Sustrans and other cycling groups, to have their input into legislation that is aimed at and, I believe, capable of improving road safety here and reducing the number of accidents, collisions, serious injuries and deaths.

**Mr Lyttle:** I welcome the Minister's response. Will he re-emphasise that he agrees that the key task is to bring about a fundamental cultural and attitudinal change to ensure that all road users respect one another's rights to share the road, rather than singling out any one particular user?

**Mr Durkan:** I thank the Member for his question. He has obviously got the message that was central to DOE's most recent campaign. Although such an attitudinal change is vital for all road users and is extremely important to improving road safety, we must not lose focus of the rationale or ethos of the cycling proficiency scheme and the need for all road users to take responsibility for their actions on the roads.

**3.00 pm**

### **Wind Farms: AONB Protection**

3. **Mr Buchanan** asked the Minister of the Environment what protection is in place for areas of outstanding natural beauty, which are subject to a planning application for a wind farm. (AQO 6087/11-15)

**Mr Durkan:** Policy RE 1 of Planning Policy Statement (PPS) 18, which relates to renewable energy, does not distinguish between areas designated for their beautiful significant landscape value, such as areas of outstanding natural beauty (AONBs) and other undesignated landscapes. Nonetheless, the policy requires that all renewable energy development, regardless of whether it is proposed in a designated area or not, should not result in an unacceptable adverse impact on visual amenity or landscape character of that area.

To assist the Department in the consideration of wind energy applications, PPS 18 is accompanied by best practice guidance (BPG) and supplementary planning guidance (SPG)

on wind energy development in Northern Ireland's landscapes. The supplementary planning guidance provides broad strategic guidance on the visual and landscape impacts of wind energy development for 130 landscape character areas (LCAs) across Northern Ireland. Within each LCA, the key landscape and visual characteristics are identified. As for the scenic quality of an area, the LCA will identify whether any part is subject to designation as an AONB. An assessment is also made as to the overall sensitivity of the landscape to wind energy development. SPG advice is taken into account by the Department as strategic guidance in processing planning applications for wind energy development across the whole of Northern Ireland.

**Mr Buchanan:** I thank the Minister for his response. Does he believe that an area of outstanding natural beauty should be exempt from wind farm development?

**Mr Durkan:** I thank the Member for his supplementary question. Wind energy interests everyone in the Chamber, and the closer we come to an election, the more interesting it becomes. Areas of outstanding natural beauty are designated as such because they are areas of outstanding natural beauty, and I believe that planning policy should afford some protection to that natural beauty. The fact that the current PPS 18 does not afford protection to the areas that it should protect has been raised with me on numerous occasions, inside and outside the Chamber. I recently put out my new strategic planning policy statement (SPPS) for public consultation, which, unfortunately, has now closed. It offered Members here, members of the public and people with an interest in planning an input into new planning policy. I have not had a chance to go through all the responses, but, when I do so, I firmly expect that Planning Policy Statement 18, which relates to renewable energy, will be one of the most thumbed chapters. I expect representation calling for a strengthening of the policy in order to provide increased protection to the areas that the Member outlines.

**Mr McKinney:** Following on from that, when does the Minister expect the single strategic planning policy to come into operation? Do you envisage significant change to renewable planning policy?

**Mr Durkan:** I thank the Member for his question. As I outlined in my previous answer, I launched the draft SPPS for a 12-week public consultation in February. The public consultation has now closed, and over 700

responses were received. Although the SPPS is largely a consolidation of existing planning policies, including those in PPS 18 on renewable energy, there is also, very importantly, an emphasis on improving it in time for the transfer of the planning function to councils next April. My officials are analysing and carefully considering all the responses. Once that exercise is complete, I will decide on the final policy direction for renewable energy and the SPPS overall.

I envisage the draft strategic planning policy statement being completed by the end of 2014, subject to Executive agreement.

**Mr McElduff:** Go raibh maith agat, a Cheann Comhairle.

I thank the Minister for his replies to date. He will be well aware of strong community concerns in areas of the Sperrins regarding proposed large-scale wind farms. Will the Minister firm up on his previous commitment to visit the Broughderg area, where he might meet representatives from Broughderg, Glenelly valley and Lisnaharney regarding their concerns? Will he firm up on a previous commitment to visit that community?

**Mr Durkan:** I thank Mr McElduff for his question. I am aware that certain parts of the North are coming under particular pressure from wind energy development. Cumulative issues are coming to the fore, especially in the west, and my Department has already refused a number of planning applications. Some, however, are subject to planning appeals, which will be determined by the Planning Appeals Commission.

I am reconsidering PPS 18 through the emerging SPPS and whether there is a need to review the balance between the benefits of wind energy and the cumulative impact on the environment and local communities. Mr McElduff identified some of those communities, and I have already given him a commitment to visit them. I have met representatives from those communities in office meetings, and I assure Mr McElduff that I will call the next time I am in the neighbourhood.

**Mr Cree:** Is there any evidence that wind turbines are harmful to public health?

**Mr Durkan:** I thank the Member for that question. Wind energy applications, as the Member will be well aware, tend to attract quite a number of objections. The objections are founded on many things, such as applications

being detrimental to residential amenity, taking away the view and creating a noise.

Often, and increasingly so, objections suggest that wind turbines are detrimental to human health. Where such an objection is raised, we are duty-bound as a Department to seek the view of the Public Health Agency, which we do. Often, if not always, the Public Health Agency finds that they are not detrimental to public health. If there was ever any doubt over something being detrimental to human health, I would not approve it or stand over its being approved.

## Councils: Transitional Work Streams

4. **Mrs Overend** asked the Minister of the Environment for the estimated cost of the transitional work streams of the local government reform programme that councils will fund over the 2014-18 period. (AQO 6088/11-15)

**Mr Durkan:** In 2013, the Executive agreed to provide councils with a reform funding package of £17.8 million over the 2013-15 period. There is also a further commitment of up to £30 million for rates convergence following the creation of the 11 new councils in April 2015.

Over recent months, senior local government officers have undertaken a detailed financial assessment of those additional transition work streams that are unavoidable and are not covered by the £47.8 million funding package provided by the Executive. A total upper limit for those costs likely to be incurred during the transition period, excluding the Executive funding package, has been estimated at £33 million over the 2014-18 period.

Those costs have been calculated at a regional level and are based on the transition costs data capture exercise completed by the local government sector. Naturally, the final costs will be dependent on decisions that are for the new councils to make, including their structure, how best to manage their assets and estate, and how quickly they can start to realise further savings through joint working. I ask that local government considers the impact of the choices it makes on ratepayers, and I encourage councils to be ambitious in their approach to joint working.

**Mrs Overend:** The figures that the Minister has given are quite concerning. Does he accept that many councils simply do not have the reserves or the room to pay for those costs

without passing them on to their residents via an increase in rates?

**Mr Durkan:** I thank the Member for her supplementary question and recognise the concern that she has raised that some councils will simply not be able to afford this. It is a concern that has been raised with me by representatives of local government — though not all representatives of local government, I might add — over the past number of months. It is anticipated and, indeed, fully expected that the reform of local government will yield huge savings, including to local government. Therefore, I believe that it is only fair that local government should contribute to the cost of reform. I do not dismiss the concerns that have been raised about the affordability of these measures. However, I point to the fact that, through the Minister of Finance and Personnel, we have sought and gained permission from the Treasury that those costs can now be capitalised. Therefore, that should facilitate and make easy any borrowing that local government might need in order to meet the costs.

**Mrs D Kelly:** The Minister mentioned the estimated cost of savings from RPA. Is he in a position to quantify any of those potential savings? Can he tell us whether the PwC report was on the money, so to speak, about the potential cost savings?

**Mr Durkan:** I thank Mrs Kelly for her question. The economic appraisal of local government service delivery, published by PwC in October 2009, indicated that, under the preferred option, implementation of the local government reform programme could involve expenditure of up to £118 million over five years but achieve savings of £438 million over 25 years. That is considered the benchmark cost to bring about a model of a fully transformed local government sector and what associated savings might be expected. The sector's subsequent ICE programme and 'Case for Change', which included an alternative to the regional Business Support Organisation, projected savings in the region of up to £570 million for less upfront investment in the same timescale.

The local government reform programme is based on a model that involves significant upfront costs, currently estimated at an upper level of £80.8 million during the transition period, while delivering substantial longer-term savings projected, as I said, between £438 million and £570 million over 25 years. Those projected savings and any associated costs will be refined further, once the new councils are

established and the work on organisational design is complete.

**Mr Speaker:** That concludes the period for questions for oral answer to the Minister of the Environment. We move to topical questions.

**3.15 pm**

### HGV Road User Levy

1. **Mr Lynch** asked the Minister of the Environment whether he has any plans to meet the British Minister with responsibility for transport to discuss exempting all local roads from the HGV levy. (AQT 1091/11-15)

**Mr Durkan:** Go raibh maith agat as an cheist sin. I thank Mr Lynch for the question. It is one that I expect to be asked again later this evening as we debate the HGV levy.

This is an issue that I have written about to my British counterpart, if you like to put it that way, on numerous occasions, most recently last week. However, to date, I have not sought a formal meeting with him. I am aware that Minister Varadkar, the Republic of Ireland Minister, has sought and obtained a meeting with him, and I have been liaising closely with my Southern counterpart on the issue to ensure that we are very much asking for the same thing. We have, to date, been asking for the same thing. Unfortunately, neither of us has got it thus far. That will not stop me trying. As I said, I wrote back last week to Stephen Hammond, and we are keeping a very close eye on and maintaining a focus on the situation. This afternoon's debate will, I am sure, also ensure that we do that.

**Mr Lynch:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. Are the Minister's officials involved in any enforcement arrangements at this time?

**Mr Durkan:** I thank Mr Lynch for his supplementary question. As negotiations are ongoing between me, Minister Varadkar and Minister Hammond on exempted routes, if not all exempted roads, I believed that it would have been premature of me to bring the SL1 to the Environment Committee. As that subordinate legislation has not gone through Committee, DOE officials do not have the power to enforce here, and therefore are not enforcing. No one is currently enforcing the HGV levy in Northern Ireland.

### Councils: Planning Powers

2. **Mr Craig** asked the Minister of the Environment, while sticking with the topical local government elections, whether he has issued any guidance to the new super-councils on how they should handle the planning powers that are being given to them. (AQT 1092/11-15)

**Mr Durkan:** I did not know that there are elections. *[Laughter.]* I thank the Member for his question. Over the past number of months, I have been around all but one of the 11 statutory transition committees to meet individuals who will, one assumes — I am sure that they assume — form the new councils. They have been sharing concerns with me, and one of the principal concerns is the transfer of the planning function. I remember, as a councillor on Derry City Council, sitting with colleagues who occasionally rubbed their hands when we were having a planning committee meeting, saying to the planners things such as, "I can't wait until we get you in here". However, as the time approaches and that is becoming more of a reality, councillors seem to be saying, "We don't want you in here", as it dawns on them that, along with the power of planning, will come a tremendous responsibility. Therefore, planning possibly comprises the largest part of the capacity-building programme for new councillors.

Community Places is a well-known and worthwhile organisation that has been awarded the contract from the Department to take part in planning and to give out that planning to the new councils, councillors and council staff. Planning staff will need training as well, as they get used to the new regime. Training will take place in many other ways. I am very hopeful of setting up mock planning committee meetings when councils are operating in shadow form so that councillors can get a grasp of what will be expected of them. Another difficulty that is going to be posed to councillors, now that, they, or at least the members of the planning committee, will have the responsibility for making planning decisions, is that their traditional lobbying role will be somewhat compromised, if not castrated. So, that is something that they are going to have to weigh up as well.

**Mr Craig:** I thank the Minister for that. That is the nub of the issue; as a decision-maker, you cannot be a lobbyist. Has any guidance been given to the actual size or make-up of the planning committees within the new super-councils, as it seems illogical that all councillors would be on them, as is common practice

today? Has any thought been given to indemnity or some sort of insurance for the planning committees, because we can see the legal nightmare that could face them?

**Mr Speaker:** I remind the Minister of the two-minute rule.

**Mr Durkan:** Do not worry; I will not take as long this time.

The size of the committees will be a matter for the new councils. However, what Mr Craig referred to as "common practice", where planning committees comprise all council members, will certainly not be the case. I cannot imagine that there will be a huge queue of councillors to join the planning committees. Also key to this will be the new statutory code of conduct for councillors. Some councillors could now find themselves having to make a decision on something that they were previously or are currently lobbying on. They might inherit that case.

The issue around indemnity is also very important. That will also be involved in the capacity-building and new code of conduct for councillors and councils.

## Dereliction Fund

3. **Mr Maskey** asked the Minister of the Environment, through an update on the transfer of powers to local government, whether he has given any consideration to city centre gateway projects, financed by the dereliction fund, in, for example, areas such as Cromac Street. (AQT 1093/11-15)

**Mr Durkan:** I thank the Member for his question. The dereliction fund has been a hugely successful initiative. It was launched by my predecessor, Alex Attwood. To date, 24 of the 26 councils have successfully availed themselves of the scheme. The scheme has had a huge, beneficial impact on town and city centres for relatively small amounts of money. Unfortunately, my bid to get more money for the dereliction fund, at the most recent monitoring round, was unsuccessful. However, I will make a new attempt in the June monitoring round. I have been inundated with correspondence from MLAs and councillors from across the North. They have seen how the dereliction fund has benefited other areas, and their own, and they would like to see more. So I am hopeful that my colleagues in the Executive will give me more to give to them.

**Mr Maskey:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for that response. Has the Minister considered having further discussions with DSD, for example? I am thinking in particular of areas in and around Cromac Street, for instance, which is a gateway from a residential area right through to the city centre and, of course, outward. It would help to regenerate that area, plus much improve the economic opportunities in the lower Ormeau area.

**Mr Durkan:** I certainly recognise the benefits that regeneration can bring. As the Member outlines, it is important that my Department liaises and works with other Departments such as DSD, which is responsible for regeneration on such issues as this. The debate on the business improvement districts is ongoing, and I know that it is to come back to the Assembly. In my Executive response, I have considered how my dereliction fund could tie in with that so that you could maximise the benefit of government intervention into an area or areas, rather than one Department trying to do something now and someone else coming along three years later to try to do another bit. It is vital that we collaborate to get the biggest bang for our buck and to benefit the businesses and people of the region when doing so.

## Paramilitary Murals: Giro d'Italia Route

4. **Ms Lo** asked the Minister of the Environment whether he, along with the House, agrees that the Giro at the weekend was a great success, albeit that I noticed that a number of photos taken of the event in Belfast were of cyclists passing paramilitary murals, and whether he further agrees that broadcasters would have used more positive images if, alongside not putting up election posters, those murals had been repainted. (AQT 1094/11-15)

**Mr Durkan:** I thank Ms Lo for her question. First, I reiterate my thanks and congratulations to all those involved in making the Giro a success. I also thank political parties here for the spirit in which they entered into the agreement not to put up election posters along the route. We displayed a great deal of maturity, and we showed that we can work together to achieve things when they are for the common good. However, there are those outside the House who refuse to do that. I do not have within my remit any control over paramilitary murals or, indeed, flags. I regret very much that I do not, but I believe that we can work collectively to tackle the blight of



paramilitarism right across the North. We must be resolved to do that.

**Ms Lo:** I thank the Minister for his willingness to do that. I would like to see him working on that with other Executive colleagues. Are any moves afoot to ensure that murals are re-imaged or removed so that we can showcase Belfast in a better light for future events?

**Mr Durkan:** These issues were raised throughout the Haass discussions. Richard Haass was unable to resolve them in a couple of months, and I have been unable to do so in a couple of weeks. You could say that we have been unable to resolve them in a couple of centuries. However, that should not dilute our desire to deal with these issues; it certainly will not dilute mine or my party's. We are happy to work with any and all parties to tackle this issue head on.

The new councils can play a vital role in the removal of murals and the re-imaging of communities, particularly through the new power of community planning, whereby everyone can have their say about what their area should look like. It is vital that we encourage people to participate in that process.

**Mr Speaker:** That concludes Question Time.

## Speaker's Business

**Mr Speaker:** Before I take Jonathan Bell's point of order, I want to raise two issues. Question Time is very important in the House because Back-Benchers can hold Ministers to account. All parties do extremely well when called to make a contribution. However, I am concerned that long-standing Members of the House, who have been elected to the House for some years, still want to read out supplementary questions. I ask long-standing Members of the House to set an example; they should refrain from reading out supplementary questions. I do not have any problem with Members who want to refer to notes at their table, but even seasoned politicians in the House still want to read out supplementary questions. I assure Members that that would not happen in any other institution.

On the other issue, it is important that when Members come to the House they address Ministers by their proper title, whether that is the First Minister, the deputy First Minister or any other Minister. I know that, for most Members this afternoon, it was not deliberate. It was accidental more than anything else, and I

am being honest when I say that. However, it is important that Ministers who come to the House are shown respect.

### 3.30 pm

**Mr Bell:** On a point of order, Mr Speaker. During the Office of the First Minister and deputy First Minister Question Time, the Member for East Antrim referred to the next Executive meeting being on 28 May, as well as some other things that could cause confusion. I will clarify that the next Executive meeting is set for 29 May. He made some comment about six weeks. However, as of today, the Executive have sat twice in the past six weeks. The Executive normally sit fortnightly. Obviously, with the local and European elections being on 22 May, they are not meeting that day. However, the Executive will meet twice in May.

**Mr Speaker:** Order. That is a very important clarification on that particular piece of business. *[Interruption.]* Order, Members. The junior Minister has now corrected what was said earlier; that is important. There is a procedure whereby Ministers come to the House to correct information that is not correct; that is important.

**Mr P Ramsey:** On a point of order, Mr Speaker. I learned today on a visit to the Business Office that I was not in my place during DCAL Question Time on 29 April. I was in another place, but I want to apologise to the House and to the Minister involved.

**Mr Speaker:** I appreciate the Member coming to the House and apologising. I hope that that sets an example for other Members. I know that the Member was in hospital at that time. At the Table, I have a list of Members who were in their place this afternoon but who did not feel fit to rise in their place and apologise before they asked their question. We have, at the Table, a note of Members who have still not apologised to the House.

**Mr Swann:** On a point of order, Mr Speaker. Although my name is not on that list, the name of my party colleague Mr Cree is. Mr Cree had informed me, as Chief Whip, that he would not be in the House. I failed in my duty to inform the Business Committee, so I apologise to the House and to Mr Cree.

**Mr Speaker:** That is a very brave Chief Whip who has taken his responsibility very seriously. I appreciate the Member coming to the House and explaining the reason why his own Member was not in the House; that is vital. Let us move on.

## Executive Committee Business

### Work and Families Bill: Second Stage

*Debate resumed on motion:*

*That the Second Stage of the Work and Families Bill [NIA 34/11-15] be agreed.*

**Mr Hilditch:** As a member of the Employment and Learning Committee, I have been afforded some background and detail of what is a substantial Bill making its way through the legislative process. I appreciate the efforts of the Department in trying to timetable the work to allow proper scrutiny. If the Bill moves to Committee Stage today, all stakeholders will have the opportunity to participate in a rigorous and robust scrutiny of the Bill's contents and new entitlements.

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

The Bill comes at a time when, on one hand, there are still very real concerns regarding the economy and, on the other, the need and desire to create a family-friendly society that will potentially help support economic growth and prosperity by making arrangements in work better for modern day living by increasing employees' morale and their commitment to their employer. However, a balance must be struck.

This legislation has already gone through Westminster, and I understand that similar employment practices have been very successful with some of our European counterparts. However, we, in Northern Ireland, are somewhat disadvantaged as around 90% of our businesses are in the small to medium-sized employer category. Given the additional pressure and demands being placed on those businesses with the introduction of this legislation on 15 April, Members will want to know what assistance and support will be made available by the Department. Many of these businesses have fewer than 20 employees. The administrative burden of change should be carefully considered by the Department.

Although GB has moved to a code of practice, I understand that, as a result of consultation, the intention is to retain the statutory procedures that govern flexible working arrangements. The Minister may wish to give some further explanation and detail of that.

At a previous briefing, I raised the issue of absence figures in the workplace and how the Bill may have a positive impact on that through the enhanced flexible working rights. To date, research indicates that flexible working arrangements could have a beneficial impact on absence, which, recently, has been a pretty topical issue. Again, the Minister may wish to elaborate on any benefits, particularly to small businesses.

On reading through the Bill, my attention is drawn to a couple of areas of personal interest due to the nature and type of constituency work that comes our way. I refer to clauses 10 and 11, which have the potential to bring many positive changes to families who want to plan for surrogacy. It is intended that parents in surrogacy cases who are eligible and intend to apply for a parental order will also be eligible to apply for adoption leave and paternity leave and pay for the first time under the Bill. This void in the current legislation was highlighted to me at the end of last year when a young family brought their case to my office. The mother was unable to gain assistance initially from her public sector employer because her situation did not comply with the current HMRC guidelines surrounding her planned surrogacy. However, with the baby arriving early, you can imagine the stress and pressures on a family at a very fragile time, particularly as the mother had suffered cervical cancer and was not able to have children. I have to say that the Department was very helpful in discussions and in explaining how change was coming by way of this Bill. Thankfully, after persistent negotiations with the Department and her employer, it was able to give some assistance, although, unfortunately, in financial terms, it was less rewarding for her than if she had been granted maternity. Thankfully, the new legislation will allow for cases such as that of my constituent and relieve the additional trauma and stress of what is meant to be a very happy time for a family welcoming a new baby.

The Minister will be aware of my interest also in the plight of agency workers and the need for equality in the workplace. This sector is constantly growing, and some of our biggest employers use the agency system of employment to a high degree, and rightly so if it suits their needs and requirements. I welcome the inclusion of agency workers in Part 3 of the Bill and their right not to be subjected to detriment. Again, if progress to Committee Stage is afforded, that will form an important area of scrutiny of the Bill and one that I look forward to. Agency workers make up a crucial part of our workforce and contribute immensely to our economy.

In closing, I again emphasise the need for balance between the demands of a flexible working life for employees and the needs of employers, where additional pressures and administrative burdens can often mean the difference between success and failure. Hopefully, all stakeholders will contribute at Committee Stage and that balance can be found.

**Mr Flanagan:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for introducing what is a sensible and progressive proposition. We fully support what the Minister aims to do, and we look forward to detailed scrutiny at Committee Stage. We are certainly willing to support the passage of the Bill at this stage. Despite the fact that the Bill is around 80 pages long, there is very little to say on it. Most of our scrutiny will be done at Committee Stage. Broadly, it is only right that additional flexibility be offered to parents. Society has changed and continues to change. Mothers are no longer the sole carers of children. Fathers and other carers play a crucial role in rearing children, and it is important that the legislation reflects that. We all accept that spending time with newborn children and with newly adopted children is very important, and I think that we all have to ensure that all parents are given the opportunity to do that. It is right that we allow this change to take place.

As well as considering what is in the Bill, in the Committee's scrutiny, I will want to explore further how this Bill will take forward the rights of employees on zero-hours contracts and the rights of agency workers, which Mr Hilditch mentioned. As Pat Ramsey does, I want to tease out further the issue of kinship carers and what support is being offered to them. There is also the issue surrounding workers who are based on one side of the border and work on the other, or frontier workers, as they are often called. They miss out on such legislative changes far too often, so, in Committee, I will want to ensure that those groups of people are not being left behind through these proposals.

During the earlier part of the debate, before Question Time, I had to step out to engage with a primary school from Mullanaska in my constituency. I asked the 45-odd children from P6 and P7 whether they thought that this was a good idea and whether they support it.

They mandated me on their behalf to support the Bill and vote in favour of it, so I do not really have much choice other than to do that. I welcome the Bill, commend the Minister for taking it forward and look forward to dealing with it in detail through the Committee Stage.

**Mr Ross:** Like other Members, I think it is sensible legislation that has the right aims and objectives. I do not intend to go over all the contents of the Bill; other Members have done that pretty well. My colleague Mr Hilditch has reminded the House of the contents, raised some of the areas of the Bill that could help employees and given some examples of that.

As the Minister rightly acknowledged at the beginning of his contribution, there will be a regulatory burden, particularly on small businesses, but I commend the Minister and his Department for trying to bring together and consolidate existing regulations that are on the statute book. That is a positive thing to do, and I hope that he and other Executive Ministers will work with the DETI approach of the review of red tape that is going on, which can help to consolidate existing legislation, simplify it and make it easier for businesses right across Northern Ireland. Perhaps some day we will even see a Minister bringing a repeal Bill to the House, which I am sure would be welcomed by many members of the business community. What we want to do ultimately in Northern Ireland is, of course, protect workers and employees, but we also want to create the most business-friendly environment that we can, because it helps businesses take on additional members of staff. It also helps us to attract overseas investment and encourage existing jobs in the UK to set up shop here in Northern Ireland if we have an attractive regulatory system here. That is what we ultimately want to do.

The Bill will bring about additional flexibility. Flexibility is a positive thing for both employees and employers and can help companies be more productive. There are a few areas of the Bill that have caused some concern among the business community, and perhaps we will be able to identify or examine those in closer inspection during the Committee Stage. Most of the work on the Bill will be done when we speak to business organisations or companies that will have to deal with the practical implications of the Bill. The common theme that has come from the business community is that it wants to have a simple piece of legislation simplifying the rules that it has to adhere to. If the system encourages more dialogue between employers and employees then, again, that is something that we should encourage and that will help to put an easier system in place.

One of the issues that have been raised with me — other Members have referred to it — is the impact, particularly on those small businesses, of having to find temporary

members of staff at relatively short notice and the difficulties that that brings about in making sure that they are adequately trained to fulfil that role. For some small companies that do some specialised work, that can be particularly challenging, and the period of eight weeks has been raised as creating a particular challenge in training people to an adequate standard. Also, in terms of the blocks of time that people may take off, if individuals take off one week at a time intermittently, that can cause particular difficulties for small or family-run companies that do not have the resources to cope with that. Again, at Committee Stage we may wish to examine that further and see whether it is a sensible part of the Bill. Other Members have talked about the fact that in Northern Ireland the majority of our economy is made up of small businesses, so it is something that we need to look at very carefully.

I am happy enough to support the Bill at this stage and look forward to the Committee Stage, when we can look at those issues in more detail.

**Dr Farry (The Minister for Employment and Learning):** First of all, I thank all the Members who contributed to the debate and, in anticipation, thank the members of the Committee for what will no doubt be some very detailed scrutiny and consideration of the Bill as it goes through Committee Stage — of course, subject to the Bill being supported in the House today at Second Stage.

The Bill represents an important development in how we support working families here in Northern Ireland. It shows that we are serious about supporting women and men in their roles as employees contributing to our economy and as parents contributing to our society and its future. We ask for support today to agree the Second Stage of the Bill so that it can be referred to the Committee for that more detailed scrutiny. I give the House an assurance that my Department will provide whatever support the Committee requires to undertake its scrutiny and to discuss any potential amendments that the Committee may wish to take forward. I will endeavour to respond to as many of Members' comments as I can. No doubt, many of the themes raised will be further bottomed out during the formal Committee Stage.

**3.45 pm**

I thank the Chair of the Committee for his comments, his recognition of the detailed work conducted to date and the very constructive relationship that we have built up, particularly

on this matter, between members of the Committee and my officials. Hopefully, that will continue over the coming months.

It is worth putting it on record that perhaps we had the opportunity to consider this as a legislative consent motion (LCM) tying Northern Ireland in with the legislation going through in Great Britain. However, in doing that, we would have missed an opportunity to give the House its proper place in considering legislation for Northern Ireland. Given the stronger profile in our economy of SMEs, as many Members stressed, it is right that we reflect on the particular circumstances that prevail in Northern Ireland when considering this legislation. Although we may, on a case-by-case basis, consider LCMs, in this situation it was appropriate to bring it to the Assembly as a Bill.

The Chair referred to some of the particular challenges — the regulatory burdens and the potential equality impacts — that will flow from the Bill. One area of concern is the pressure that will flow to certain categories from the extension of the right to request flexible working. We will look at that in greater detail as the Bill goes through. He also referred to the important point about the full recovery of statutory maternity pay by SMEs. That applies to situations in which the employer national insurance contribution bill is £45,000 or less.

Tom Buchanan, as Deputy Chairperson of the Committee, raised concerns about the potential impact on business. That was a common theme that most Members returned to. I fully recognise and respect that. In response to the comments made, it may be worth stressing a number of points at this stage. We are committed to a light touch on regulation and the administrative burden that will be placed on businesses. We are working with businesses to ensure that we put in place guidance to assist them when the new measures are introduced. It is also worth stressing that, in so far as we can, we will seek to replicate existing procedures for maternity and paternity leave and, in that way, use something that is familiar to employees and employers today.

It is worth reflecting on the point of view of SMEs themselves. This may not necessarily be seen as a burden that they have to absorb. Positive benefits may accrue for SMEs from the legislation. It is worth stressing that any decisions have to be based on the individual choice of the parents concerned, in particular the mother. An SME could find that, under this legislation, a mother decides to return to work earlier than would otherwise have been the case. Rather than a valued member of staff

being away for a longer period, the legislation could enable her to return more quickly. You can see how, through shared parental leave, particularly when it applies to valuable employees, the risk of absence could be somewhat mitigated. Of course, a range of factors will determine the decisions that parents take on how they use the legislation, but that may be one positive benefit flowing to SMEs from it. We are keen to encourage the full participation of men and women in our economy.

Pat Ramsey commented on the wider policy context behind what we are doing. I very much concur with his comments about what we can do to support childcare and early years provision and our wider policy of support for the economy. That has been endorsed by the Executive and sits within the wider suite of policy interventions that my Department and other Departments are making, along with the Executive as a whole through their Programme for Government and economic strategy. Like others, the Member referred to how that works in the context of zero-hours contracts and agency workers. Members will note that we intend to launch a consultation on the use of zero-hours contracts in Northern Ireland before the summer recess. That will be an open consultation, and, in due course, the Executive and the Assembly will take their view on what reforms, if any, will be taken forward in Northern Ireland.

The Member referred to kinship, as did others. We are more than happy to have those discussions during the Committee's detailed consideration of the Bill. I certainly appreciate the point that he and others made.

Chris Lyttle referred to the importance of the consultation in a Northern Ireland context. The fact that we have a dedicated Northern Ireland Bill as opposed to a legislative consent motion has enabled those discussions. It is important that we take the views of local businesses into account, given the profile of our economy. He also highlighted the moves on adoption, not least because the Assembly may also consider an adoption Bill during this mandate. What we do here will reinforce moves in that direction as we seek to modernise adoption law in Northern Ireland and make it easier for young people to be supported in a caring and welcoming home environment.

David Hilditch stressed the importance of the balance that has to be found between supporting the economy and family-friendly policies. I concur with him, and we seek to strike a balance. However, we should not

necessarily see the situation of supporting the economy and family-friendly policies as being a choice that we have to make of how we find a trade-off between the two. Those aspects can be mutually reinforcing: more family-friendly policies would be a boost to our economy, and a range of benefits would flow from flexible working and our ability to retain and progress workers better, particularly skilled workers. As we know, women have been more disengaged from the labour force than men. We miss out on a large element of our local talent pool, and it is important that we fully adopt that.

There is one difference in our approach compared with that in Great Britain, and Mr Hilditch identified it: they are adopting a code of practice whereas, in Northern Ireland, we propose to retain the use of statutory procedures. That very much reflects the feedback that we received in the consultation. Stakeholders from across the spectrum preferred the certainty of statutory procedures to the uncertainty of a code of practice, so we respect those views. We are open-minded, of course, and, if a contrary view is expressed by the Committee, we will take that into consideration.

I concur with Mr Flanagan about the changing nature of family life, and I welcome the contribution from his primary school visitors. It is good to know that they are thinking so far ahead about how they will engage with the economy and family life. We note their interest and their wise counsel on the future direction of policy.

With regard to Alastair Ross's comments, I stress that I am committed to reviewing red tape. We are working on better regulations, particularly for employment law. That can extend either to the consolidation and simplification of existing regulations or, on occasion, to the repeal of certain regulations. If something is redundant, I am more than happy to consider removing it from our legislative and regulatory burdens on businesses and organisations. As part of the Bill, we are taking the opportunity to enable the consolidation of working time directive regulations, and, hopefully, the House will welcome that. Regulation can, at times, be positive and can, at other times, be negative. It is important that we consider things on their individual merits. Overall, we must seek to keep issues to a minimum for businesses while capturing the benefits that can come from regulation.

Having family-friendly policies in place can provide benefits for us in attracting investment. More and more, companies think about quality-

of-life issues when choosing locations for investment. Hopefully, a modern set of family-friendly policies will encourage companies to make investment decisions, including the potential relocation of staff from overseas. Equally, it may encourage some of our younger people to stay in Northern Ireland and build their career here, knowing that they will be supported in the family choices that they may wish to make in due course.

As for how blocks of time could be an issue for businesses, I want to stress to companies that there will be a default position, which is that the leave has to be taken as a single block. Where it is not possible for parents to agree a different system for how shared parental leave will be taken, the default position will be a single block of leave on the start date that the parents request. That is a very strong built-in protection for SMEs. There will not be anything, bar that, without the direct consent of the businesses concerned.

This is important legislation that strongly demonstrates the commitment of my Department and, indeed, the Executive, to supporting the economy and working families in Northern Ireland. I commend the legislation to the House.

*Question put and agreed to.*

*Resolved:*

*That the Second Stage of the Work and Families Bill [NIA 34/11-15] be agreed.*

## Private Members' Business

### HGV Road User Levy

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

**Mr Flanagan:** I beg to move

*That this Assembly expresses concern at the implications of the heavy goods vehicle levy being introduced by the Department for Transport; notes with concern the deeply negative impact that this levy would have on hauliers based in border areas and on island-wide trade, which generates £2.3 billion for the island, with the larger return to the local economy; further notes that the additional levy would increase costs to local consumers; and calls on the Executive to exert maximum influence on the British Government to ensure that the local road system is exempt from this levy.*

Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to participate in this important debate. From the outset, I want to put on record my opposition and that of my party to the ludicrous proposal from the British Government to charge hauliers based in the rest of Ireland a fee of £10 a day or a £1,000 a year to use the road system here. The levy came into effect on 1 April. Many thought that it was an April Fools' joke, but, unfortunately, it was not. The proposal will have a deeply negative impact on cross-border trade in Ireland. It is time to build up, not split, our island economy.

The island economy generates £2.5 billion in profit, with the larger return to the local economy. In today's economic climate, we must ensure that every opportunity is taken to grow our local economy. The economies of Ireland, North and South, are interlinked and interdependent. If we are to maximise the return on the island economy, we must maximise economic growth. That means ensuring that there are no added impediments to economic growth. The heavy goods vehicle (HGV) levy as it stands is a major barrier to the growth of the local economy.

All HGVs crossing the border into the North are now liable to pay a levy of £10 a day. This has

the potential to drastically lower the potential of our small and medium-sized enterprises (SMEs) to compete on the island market, particularly in the agrifood sector, which is our fastest growing, North and South.

#### 4.00 pm

We need to ensure that every avenue to support local economic growth is optimised. Sinn Féin has been vocal in its opposition to this levy; its representatives, North and South, have been to the fore in highlighting the issue in every elected forum. The British Government need to exempt northern roads from this regressive charge. We are unique, in that we are the only devolved area that shares a land border with a different jurisdiction.

The exclusion of the North will have only a marginal impact on Treasury, as any imports or exports to Britain will still have to pay the cost when landing in Britain. The increased cost for hauliers will be translated to the consumer. The only benefits from this levy will be the minor benefits to the British Exchequer.

The current situation is ridiculous. Our border areas face significant challenges. They have higher rates of unemployment and deprivation, but our businesses along the border perform much better at exporting than do other local businesses. These businesses are also heavily reliant on border trade to survive.

The HGV levy will result in increased costs for these businesses, and it could destabilise or even close some small businesses. In instances where the costs cannot be borne by business, the consumer will pay — consumers who are already experiencing a cost-of-living crisis. Our food and fuel prices are higher than anywhere else. Daily disposable income does not cover even the cost of a return train ticket from Portadown to Belfast or from Belfast to Derry. For the benefit of all our citizens, it is time to focus on building and not dividing our island economy.

In my view, the Environment Minister, to date, has failed to address that issue. He has failed to challenge the Westminster Government. He has accepted their rationale of why we should introduce the levy, as opposed to presenting the case for exempting northern roads. He has failed to listen to the needs of Donegal hauliers. The Minister may well proclaim, when he responds, that the exemption of two roads is a success for his Department. The exemption of two roads is actually quite pitiful, and much more could, must and needs to be done. The current Minister and his predecessor have

claimed to support the Donegal hauliers, but they have clearly let them down. The British Secretary of State, Theresa Villiers, can, through an affirmative order, exclude roads from this levy. I want the House to send a clear message to her to do just that.

Two roads are currently exempt in the North: parts of the A3 and of the A37. That is not enough. Selecting a small number of roads makes no sense. Where would you stop? Should the A5 from Derry to Aghnacloy be included in the exemption list? Should the A4 from Belcoo to Ballygawley be exempt? What about the A46 from Belleek to Enniskillen and then on to Belfast, Cavan or Monaghan? What about the A32 from Kinawley to Omagh? What about the A8, which now links Cork with Larne?

Picking a few roads will just not cut it. It is much easier to exempt all roads in the North from this levy. It makes no sense to split the island economy. We know that North/South cooperation works, whether it relates to the economy, health or education. When joint enterprise has been applied, we have all felt the benefits of cooperation, but, unfortunately, barriers still exist, and regressive steps will only reinforce and magnify current barriers.

We should be developing island-wide transport infrastructure, not dividing it. This levy is one of several regressive steps, alongside the lack of progress on the Narrow Water bridge and the A5. There are no advantages in that for an island nation of 6.5 million people, on the edge of Europe, with two separate tax regimes, two currency and legal systems and two economies. Harmonisation, cooperation and mutual benefit make sense.

What makes sense is maximising the return of the island economy for the local economy. What makes sense is protecting people from a further rise in food costs as a direct result of a regressive and poorly planned levy, directed from Westminster, in the interests of the protectionist agenda in the south-east of England. What makes sense is ensuring that there is free movement throughout this island. What makes sense is exempting local roads from the British HGV levy.

That levy may well make sense in the south-east of England, the place the British Government consider when they set their economic policies and then treat us as an afterthought, if at all, but such a move makes no sense here in Ireland. We are told that this levy compares with the tolling system that is in place in some other member states. That is not the case. All road-users pay those tolls. HGV-

users from that member state cannot get a refund from them for their excise duty costs. It is a tax on all users, not just users from another member state. I heard today that Danny Kennedy, in particular, has been promoting that falsehood.

The likely outworking of this HGV levy will be that if hauliers, particularly southern-based ones, have to pay a levy to use the road system in the North, the Dublin Government may well introduce a similarly regressive move for hauliers in the North. Protectionism and partitionism are not in our best interests. If we are to achieve what I believe that all of us want — regardless of our religious or political outlook — for our children and future generations, which is a better, peaceful, stable and sustainable future, both economically and politically, we owe it to the people of Ireland, North and South, of all traditions and origins, to explore every possibility and every idea to deliver the best possible future for everyone. That means ensuring that we protect and enhance the economic returns of this island for all our citizens. Ensuring that our roads are not subject to the proposed HGV levy will be a significant step in the right direction.

**Ms Lo (The Chairperson of the Committee for the Environment):** Let me say at the outset that there is no agreed Committee position on the issue. However, I will update the House on the work that the Environment Committee has carried out as part of its scrutiny of the proposed secondary legislation that will implement the enforcement of the levy in Northern Ireland.

On 20 February 2014, the Department briefed the Committee on responses to the consultation on the proposals to introduce secondary legislation relating to the UK HGV Road User Levy Act 2013. Departmental officials advised the Committee that the levy's key objective is to ensure a fairer arrangement for UK hauliers, as foreign-registered HGV road users do not currently pay to use the road network in the UK, whereas UK-registered HGV road users pay charges or toll fares in most other European countries. Officials also indicated that the Driver and Vehicle Agency (DVA) will act as the primary enforcement agency in Northern Ireland and said that, alongside the PSNI, it will enforce the charges and penalties for non-payment. The Committee was subsequently contacted by Donegal Truckers, which believes that the levy will adversely impact on the high level of business that takes place between the North and the South. Members agreed to pass the correspondence to the Department for its

comments on the issues that the truckers raised.

In his response, the Minister stated that, although the levy is an excepted matter, he had made robust representations to the UK Department for Transport on increasing the extent of exempted routes in Northern Ireland. He confirmed that he did not intend to move the secondary legislation until he had received and considered the reply to his most recent correspondence.

The Committee also sought clarification on how the HGV road user levy is being implemented, including information on any exemptions and infraction risks. The Department's reply, which was considered at the Committee's meeting on 6 May, confirmed that all Northern Ireland hauliers are paying the levy, as it is collected in combination with vehicle excise duty. The Department confirmed that significant numbers of Irish hauliers have also paid the levy via the online payment scheme. The Department also stated that it does not believe that its current position puts the UK at any significant risk of infraction.

Members felt that departmental officials are in somewhat of an invidious position, as it appears that they are able to draw drivers' attention to the levy but are not able to enforce penalties for non-payment. Therefore, the Committee agreed to seek further clarification from the Department on exactly what is taking place when non-UK HGVs are stopped on Northern Ireland roads.

As I said at the outset, the Committee has no agreed position on the levy but is continuing to take a keen interest in the issue.

If I may, I will make a few brief comments as the Alliance Party MLA for South Belfast. The HGV road user levy came into force across the UK as a whole on 1 April to transpose the EU directive, which sets out a framework for rules on tolls and charges in all member states. The directive prohibits direct and indirect discrimination on road levies to ensure fair competition for all HGV road users in the EU. We have not been able to adopt the secondary legislation to enforce the law because of the proposed exemption of the levy for Irish hauliers. There are already parts of the roads that criss-cross the border.

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

**Ms Lo:** Although I understand the arguments of the motion, my concern is that we may be deemed to be indirectly discriminating against



hauliers from other EU member states and we need to resolve this fairly quickly.

**Mrs Cameron:** I am glad to be able to speak on this issue this afternoon. I was initially broadly in support of the motion, but given the proposer's remarks I am afraid that I simply cannot support it.

As Deputy Chairperson of the Committee for the Environment I have had the pleasure of meeting representatives of local companies and the Freight Transport Association to discuss the heavy goods vehicle levy.

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

**Mrs Cameron:** No thanks.

It is worth noting that they very much support the legislation, which, in their view, will provide a level playing field for operators and owners in Northern Ireland. They see particular benefits in the opportunity to improve and regulate the safety aspect of heavy vehicles and they are of the view that these changes will make the market fairer and more competitive. Given the charges hauliers here have to pay to allow them to operate on roads across Europe, they welcome similar measures being introduced here, but there are some concerns which I will highlight on their behalf in my remarks today.

Generally, I am keen that the Northern Ireland Executive do everything they can to support our haulage industry, which faces enormous challenges to remain competitive and viable against the background of an economic downturn and spiralling fuel costs. Now that the economy is turning around, we must help this industry to move forward on a sure footing. We must also ensure that further support is given to the industry by providing a road network that is fit for purpose and is in good condition.

We know that good infrastructure requires investment and we also know that, in an effort to help the industry, vehicle excise duty has been frozen in recent years, yet the wear and tear that these heavy vehicles cause on our roads has not stayed the same. The heavy goods vehicle levy will help us to make up this difference.

Earlier, I mentioned the difference between hauliers based in Northern Ireland and those in other countries. In many countries in the EU, drivers from Northern Ireland are subject to tolls in order to access the roads network. Closer to home, there are no exemptions or special circumstances for drivers who make a trip to

Dublin. In that sense, there seems to be little by way of agreement or fairness in how the toll charges are operated in the Republic. This levy will help to address that imbalance.

That imbalance is further exaggerated by the situation of the Northern Ireland-based companies that watch their competitors fill up with cheaper diesel before entering the Northern Ireland network and do not pay anything by way of a levy here. I would expect that most reasonable people would see that as unfair and imbalanced. It is our job in the House, no matter what the aspirations of individual parties may be, to support and encourage Northern Ireland-based companies to maximise their business operations. If we can do that in partnership with other countries that would be progress, but we are where we are for now.

One area where I see a need for concession is in certain routes that would bring benefits to Northern Ireland. This has been recognised by the Freight Transport Association, which cites the example of companies on the island such as Dale Farm, which has operations on both sides of the border and uses the A5, for example, to send vehicles into Northern Ireland for maintenance and repair purposes. It is important that that side benefit to our economy is not lost to us.

As I said earlier, I would have been content to support an exemption of the A5 but I cannot support this free-for-all messy motion.

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

**Mrs Cameron:** No, thank you.

I believe that the levy will improve operating circumstances for many vehicle owners who use our road network. I am content to argue for exemptions where they promote Northern Ireland businesses in the longer term, if it can be done, to address the imbalances of Northern Ireland-based companies operating in the South and I would welcome that too.

**Mr Eastwood:** I intended to start my remarks by saying that I welcomed the motion. Although I welcome the intent — well, I think I welcome it — behind the motion, the proposer's remarks sounded a bit more like a party-political broadcast for the European and local government elections in the South and not even for up here. It just seemed like an all-out attack on somebody who is actually doing his job as a Minister in trying to ensure that we get the best

possible deal for the people and the economy here.

**4.15 pm**

**Mr Campbell:** I thank the Member for giving way. On the point that he is raising, has he read the part of the motion that calls on the Executive to:

*"exert maximum influence on the British government"?*

Did he also hear the comments of the proposer of the motion, which were that Sinn Féin is vocal "in every elected forum"? That runs in stark contrast to the fact that they do not take their seats in the very place where they are asking us to exert influence.

**Mr Eastwood:** It is a rare enough occurrence for me to agree with Mr Campbell [*Laughter.*] But that is the case. We have a Minister who is dealing with an excepted issue. He is doing his job; he is going over there and battling and arguing. He is going over there with Minister Varadkar as well. They are singing off the same hymn sheet and trying to get this sorted.

We got this great stuff from Mr Flanagan about how the Minister was failing in his duty and everything else. Never mind the issues that are excepted; what about the issues that are actually the responsibility of this place and this Government? What happened to the A5 and A6 — especially the A6 — when his party colleague was the Minister for Regional Development?

Earlier, we were treated to a great speech from the deputy First Minister during Question Time when he told us about the great things that are happening in the economy and all the great jobs that are coming into Northern Ireland. I am surprised that somebody who represents an area like Fermanagh and South Tyrone would accept that as a true reflection of what is happening in the economy at the minute. From where I stand, I can tell you that people in my city are crying out for investment in infrastructure and for foreign direct investment, and they are not seeing it from this Executive — from Mr Flanagan's party or the party opposite. My party colleague is going to Westminster to fight to get this issue resolved and, although we agree with the motion, he ends up getting a barrage of abuse from Mr Flanagan. That is shocking to say the least.

Think of all the posters that went up around Derry about educational infrastructure at

Magee? All that was guaranteed and was to be delivered. Where is that? Where are the 10,000 places for Magee? Where is the A6? Where are all the things that you are so concerned about today when a Minister who does not even have power or responsibility —

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

**Mr Eastwood:** I will, yes.

**Mr Flanagan:** I am wondering which of those issues has anything to do with the HGV levy. If you want to have a debate about what is going on in the city of Derry, let us have it. This is a debate about the HGV levy, so can you please get back to that?

**Mr Eastwood:** Mr Flanagan is the man who brought in the issues of failure and infrastructure. I could talk to you all day about failure in infrastructural —

**Mr Deputy Speaker:** Order. I remind the Member that I am chairing this debate. [*Laughter.*] I also forgot to remind the Member that he has an extra minute to speak on the subject.

**Mr Eastwood:** Thank you very much. The fact is that we are a week out from an election. We can all understand that there is a bit of toing and froing and that Mr Flanagan had to come in. We agree with his motion and we will still vote for it because we strongly believe that this issue needs to be resolved. But it is just not good enough to come in here and throw abuse at a Minister who is doing everything that he can, yet when he gets a bit back he cannot take it. I think that people will draw their own conclusions about some of that stuff.

The issue needs to be resolved, and the Minister is doing everything in his power to resolve it, in conjunction with Minister Varadkar in the South. It makes absolutely no sense to us that somebody coming from the north-eastern tip of Donegal through Northern Ireland's jurisdiction and out the other end on his way to Dublin would be charged. It makes no sense; it is ridiculous. In fact, Minister Foster agreed with that when she sent a letter to the Donegal hauliers that stated that there should be an ability to move goods freely within the jurisdiction and within the internal market that is the EU. That makes perfect sense. For us, that is what the EU is all about, and it is why we believe very strongly in staying in it. It should be about freedom of movement of goods and people and allowing people to develop

businesses that can criss-cross borders without silly barriers being put in their way.

Unfortunately, because of Mr Flanagan's remarks, the tone of the debate has changed a little. In fact, the DUP does not support the motion. I do not understand that. We will support the motion. However, we will not take lectures from those who clearly do not deliver for the people of my city or his own constituency when it comes to economic development.

**Mr Elliott:** I welcome the opportunity to speak on the motion. The issue has been backwards and forwards to the Committee of the Environment for some time now. The Committee seems to be getting mixed messages about whether the legislation was implemented or is enforceable. Some ROI haulage companies actually told us that they were paying the fee. Then, we got a letter to say that it was not enforceable. Therefore, there are mixed messages and a huge amount of confusion on the issue.

I understand the Irish road hauliers' position on having to pay to come through Northern Ireland. However, I understand the reasoning for the legislation as well. I want to put on record that I support the legislation. What it does is put a more level playing field in place. Time and again, we hear from speakers that it will provide a much more level playing field. If I dare say so to Sinn Féin, it will provide a level of equality among haulage businesses whether they be in Northern Ireland, the Republic of Ireland or indeed anywhere else throughout Europe.

I note a letter that I think is from some Donegal hauliers. I really appreciate their difficulties. However, I also appreciate the difficulties, more so, of hauliers in Northern Ireland and their federation, who support the legislation. I will support local hauliers in Northern Ireland as opposed to those in the Republic of Ireland. They said in their letter that, as taxpayers, they have contributed over €25 million to Northern Ireland's infrastructure and have pledged a further €50 million by 2016. However, there is no explanation as to where that finance is going or what it is being provided for. It would have been much more helpful if they had provided a more in-depth analysis of that because, as far as I know, that money has not been provided anywhere. If it has, I apologise; but I think that they should have given us more detail.

In their letter, they go on to indicate that they already pay road tax that is over three times what hauliers from this jurisdiction pay. If they do so, it does not come to the UK or indeed

Northern Ireland's revenue; it goes to the Republic of Ireland's revenue. Therefore, if they want that to be balanced up, there should perhaps be some compensation towards their haulage industry from the Irish Government. This might be a way to resolve the issue: that the Irish Government subsidise the Republic of Ireland's haulage companies in order for them to travel in parts of the UK, which obviously includes Northern Ireland.

I noted Mr Eastwood's indication of Minister Foster's letter. I do not know whether that refers to this particular piece of legislation. If it does, it was indicating that all those hauliers should have free movement throughout Northern Ireland. Perhaps, there will be clarification some time on whether that relates to this legislation specifically or is more broadly based and what the context of the letter is. I must say that if it relates to this legislation, it gives me significant concern.

Two roads are already exempt from the legislation. One weaves in and out from Fermanagh to Cavan. The other is in Armagh and goes into Monaghan, as far as I recall. I appreciate the Minister's difficulty, especially coming from his constituency, where just across the border are the north Donegal hauliers who use Northern Ireland quite a bit. I totally accept that. However, I say that if you use the roads and infrastructure in Northern Ireland, you cannot use them for free. You have to pay. When I travel down through the Republic of Ireland, I have to pay at two toll bridges on the M3. There are no toll bridges in Northern Ireland; therefore, those hauliers and road users get away pretty free in that respect.

So they have to pay for what they use. I think that that is one way of doing it.

**Mr Flanagan:** I thank the Member for giving way. I accept his point that there are tolls in the South, but it is not only drivers from the North who have to pay those tolls; all drivers who use that road have to pay that tax. It is not comparable with the HGV levy, as only people from outside the jurisdiction have to pay that toll.

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

**Mr Elliott:** Thank you, Mr Deputy Speaker. I acknowledge that, and I totally accept that all road users who use that road have to pay that, but the fact is that that is going back to the local economy in the Republic of Ireland. It has been indicated in the letter from the Department of

the Environment to the Committee for the Environment that Northern Ireland road hauliers are already paying the levy by way of the vehicle excise duty. So, if our hauliers are paying it, why should other hauliers who come in to our jurisdiction not pay it?

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

**Mr Elliott:** Yes, I am happy to give way.

**Mr Beggs:** Does the Member accept that local hauliers in Northern Ireland are unfairly disadvantaged against other European hauliers who might not be paying such high vehicle tax or might be filling up with much cheaper fuel in Europe, delivering goods to Northern Ireland and avoiding all those costs?

**Mr Elliott:** Yes —

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

**Mr Elliott:** Thank you very much, Mr Deputy Speaker. I acknowledge that my time is up. I also acknowledge and support my colleague's view. I oppose the motion.

**Mr Weir:** I will start with a confession, which is perhaps even rarer in the House than agreement between Gregory Campbell and Colum Eastwood. Despite the fact that I am a member of the Committee for the Environment, my knowledge of levies on heavy goods vehicles is relatively limited. Therefore, I came today with an open mind as to what would be said. I have to say that the more that I listened to the proposer of the motion, the more it indicated to me that this motion, which I had looked at initially and thought was not particularly well worded, is so badly worded and the arguments for it are so badly presented that I am left with no other option but to oppose it.

A lot of the points have been made. This is about trying to provide a level playing field and ensuring that what is there for Northern Ireland hauliers is similar to the position in the Republic of Ireland. We have a situation where Northern Ireland hauliers are not directly paying the levy, but they are paying via a different route through the tax that is put upon them, as Mr Elliott indicated. Consequently, we should look at the issue on the basis of how we can provide a level playing field.

The position of the Freight Transport Association, which my colleague met with, is that it supports the legislation as a whole. It is relaxed if there are specific cases where a

strong case could be made for an exemption. Therefore, from that point of view, I do not oppose what has been said about the actions of the Minister already. If we had a motion that was narrowly focused in and a good argument was being made about a specific route that nobody else can use, subject to a level of reciprocity from the Republic of Ireland in its trying to provide a level playing field for our transport sector, that is something that I would have a lot more sympathy for. However, the blanket ban that says that we want the law thrown out across all roads in Northern Ireland defies logic.

It is not surprising that Sinn Féin tried to present this as the wicked British Government trying to impose this on people. That does not factually bear out. It is an EU regulation that is being transposed here. This is where I disagree with the Chair of the Committee. If the desire is to throw this out as a whole, it seems to me that the only argument is to be away from the whole of the EU. The argument that all of Northern Ireland should be exempt, as opposed to having a specific example, does not hold water. To be fair, the British Government are only putting in place what has to be transposed from Europe. So, this is not simply a question of them having the choice to provide blanket bans.

I do not want to stray from the content of the motion, but it seemed to me, for all the supposed sympathy that was being produced for road hauliers, that the tone of the proposition seemed to be a lot more focused on an attempt to score some points at the SDLP's expense, rather than a genuine attempt to resolve the issue.

#### 4.30 pm

I may disagree with the Minister on certain aspects of this, but at least, I think, at he has made some genuine effort to resolve the issue in a practical manner, whereas certainly the tone of what has been proposed by the proposer seems simply to try to take a kick out of the SDLP.

This is an issue that needs to be properly resolved. We are in a slightly farcical position at present. In Committee, the officials indicated to us that it has been in effect since 1 April, but it has not been implemented. DOE officials on the ground are left in an invidious position. As I understand it from the Committee discussion, at present, hauliers are sometimes being stopped by officials and told that this is actually in but is not being implemented. Presumably, the inference is that it might be implemented in the future, but it is not being implemented now. To

be perfectly honest, I can see, even from the officials' point of view, a high level of embarrassment in trying to explain that. It seems to be a position that does not add up. We need to see certainty in this, and a resolution of it. If there are to be exemptions, particularly exemptions that benefit firms from the South, we need to see some reciprocity.

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

**Mr Weir:** I have to say that, while I came at this with an open mind, the words of the proposer have convinced me of my position, and not in the way that he had hoped.

**Mr Boylan:** Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom labhairt i bhfabhar an rúin seo. I speak in favour of the motion. Some Members have brought interesting points to bear. I will focus my remarks on the actual impact on business, as I see it. I have some great concerns. I live on the partition line and have a good understanding of business along it and the impact that it has had over the past number of years. I will make remarks in relation to that.

Let me pick up on a couple of points. Some Members talk about paying tolls when they go down South; others talk about road infrastructure. People should understand that the road infrastructure, especially around the border, is absolutely diabolical. People are paying taxes already, supposedly for the upkeep of the roads. Some Members have brought this argument that the levy is necessary to improve the road infrastructure or keep it up-to-date. That does not wash, and I do not buy that argument.

Mr Elliott raised the issue of tolls. There are a number of roads where you can travel from North to South without paying tolls, so I do not go down the road of supporting that argument either.

However, I want to pick up on one point and use it as an example. Over the past couple of days, we have seen a tremendous event here. Yesterday, I was in Armagh, and, over the past number of days, I saw the mayors of Dublin, Armagh and Belfast get together to deliver and support a great event for the benefit of this island. However, here we are today in the Chamber, and we are going to divide over this issue. The reason why we are going to divide is that a lot of Members do not understand the impact that this levy will have on businesses

along the border. That is the sad thing about this debate.

I thank the Research and Information Service for doing up the research paper. Let me pick up on a point in relation to Linwoods, which employs 250 people not five miles from where I live. That firm is greatly concerned about how the levy will impact on it. At the end of the day, if the levy is introduced on the hauliers, the hauliers will pass it down to the consumer. For the consumer to pay for it, the like of Linwoods are going to increase prices in order to cover it. It always comes down to the consumer and the jobs. That is how it will impact.

The sad thing is that, although this is being introduced through Westminster or whatever, in all the debate, the only thing I must say to the Minister is this: in all honesty, we did not have an opportunity to contribute to the debate. Had we had an opportunity, we would have said how it would impact on hauliers, businesses and consumers. We did not get that chance. I know that the Minister met the hauliers and has been trying his best, but it seems that, to every question that we asked the Department, it came back with a different answer. To be fair to the Minister, he sent some answers back. I want the Minister to clarify some points. Is this a live enforcement issue? I have heard that some people were stopped and told, "You do not have to pay it yet", and others were told, "You do have to pay it". I want clarification from the Minister on this: is it a voluntary scheme? To my knowledge, some firms in the South have paid. That means that some firms have paid and others have not. I cannot understand it. That is the feedback from people who have spoken to me. We need clarity on that.

During Question Time, the Minister talked about the SL1 that will come forward.

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

**Mr Boylan:** Yes.

**Mr Beggs:** My understanding is that this will remove the advantage for other hauliers who import directly from Europe to Northern Ireland and avoid much of the taxation that local hauliers have to pay. So can the Member please explain how it disadvantages local hauliers from Northern Ireland?

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

**Mr Boylan:** I mentioned Linwoods, and that information is in the pack, which the Member

should read. Linwoods says that it will impact on delivery from Donegal to its place of work. It is saying that there will be an added cost. It is in the file that the Member got. He has had his chance.

I want the Minister to clarify whether there is enforcement and whether anybody has paid the levy. The Minister has given a commitment to meet the Minister. He has at least written to him about the matter. What impact has there been, and what questions have been asked about the impact on businesses in border areas? During the debate and in all the talking that everybody has done, nobody, other than my colleague, has mentioned anything about the impact on businesses. I want the Minister to clarify that. I support the motion.

**Mr A Maginness:** I assumed that the motion brought by Sinn Féin was a genuine attempt to tackle a difficulty that Donegal hauliers were experiencing. I am afraid that the comments made by Mr Flanagan lead me to believe that, in fact, that is not the case and that it is simply a matter of Sinn Féin having a go at the SDLP prior to the elections in the next fortnight. The gratuitous and offensive attack on the Minister for failing in his duty is totally reprehensible. An attack of that sort should be rejected. The Minister has worked very hard on the issue. Prior to any input whatsoever from Sinn Féin — in Committee, outside it or anywhere else, even in the Executive — the Minister worked very hard to deal with the issue. So it is disgraceful for Mr Flanagan to come to the House in this way. I know that his colleague, in the previous contribution, tried to make up for Mr Flanagan's offensive remarks about the Minister, but that does not, in my view, repair the damage that has been caused.

It may well be that Sinn Féin presented the motion textually so that the DUP, which is sympathetic to trying to deal with the problem, would find it difficult to accept it. To that extent, Sinn Féin has been successful. Instead of trying to resolve a problem for people who are in genuine difficulty, you have made the problem politically much more difficult, and that is disgraceful. It does not serve the interests of the House or the interests of hauliers in Ireland, North or South, and I believe that that sort of destructive politics should have no place in the Assembly.

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

**Mr A Maginness:** I will give way certainly, if you want.

**Mr Flanagan:** I think that the Member's contribution is a wee bit over the top. I spoke for seven minutes, and three sentences reflected my concerns about what the Minister had done. I think that it is a bit over the top to say that I have offended the Minister and that he is offended.

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

**Mr A Maginness:** If the Member wishes to withdraw his offensive comments about the Minister failing in his duty, I am prepared to sit down and accept a further intervention in which he can do so and apologise to the Minister. Are you prepared to do that?

**Mr Flanagan:** I am prepared to stand up.

**Mr A Maginness:** No, only if you are prepared —

**Mr Flanagan:** Either you are giving me the Floor or you are not. Are you giving up the Floor or not?

**Mr A Maginness:** I am not giving up the Floor.

**Mr Deputy Speaker:** Order. I have to remind the Member again that, believe it or not, I am chairing the meeting.

**Mr A Maginness:** Obviously, the Member is not prepared to withdraw the offensive remarks and the ill-founded criticism of the Minister.

I refer the House to answers in the Oireachtas by Leo Varadkar, the Minister for Transport in the South. On 16 April 2014, he said:

*"My Department officials and I continue to engage with the UK authorities to seek an exemption from the HGV road user levy for the A5. I recently wrote again to Mr Hammond on the issue and I await his reply. This morning I met with my colleague in the Northern Irish Executive, Minister Mark Durcan to discuss this matter. While this is a function that is not devolved to the Northern Executive from Westminster, he and his officials are working with us to ensure an appropriate resolution to the difficulties the UK road user levy is creating on our island for hauliers, in particular those from Donegal. The upgrade of the A5 is expected to bring significant benefits to both economies in the region and I would have concerns that any increased costs levied on Irish operators who are simply transiting*

*Northern Ireland would have a detrimental impact on this economic benefit. I will continue to pursue what I believe to be a compelling case for the exemption."*

**Mr A Maginness:** That is corroboration, if any were required, because the Minister is an honourable man, and he has already stated to the House his representations to Mr Hammond and the British Government, and his discussions and cooperation with Mr Varadkar, the Minister for Transport in the South.

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

**Mr A Maginness:** No, I will not, because the Member has not added anything of value to the debate; in fact, he has devalued the debate and undermined the interests of those hauliers in Donegal who wanted honest political representations to be made here in the House. They did not want to be abused or misused in the lead-up to an election. I think that we have heard enough from the Member in that regard.

The DUP has expressed sympathy.

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

**Mr A Maginness:** I believe that most Members have sympathy with the issue, and I hope that it can be successfully resolved through an exemption negotiated by the Minister.

**Mr Allister:** I am opposed to the motion. In fact, I see the logic of the UK HGV levy and support it. Logically, it is very simple: we all travel on our roads, and if we meet a 44-ton lorry, we know that it is doing damage to the infrastructure of our roads. We know about the potholes in our roads. If the lorry we meet is, say, from McBurneys in my constituency, we know that they are contributing by paying their HGV licence; we know that the levy is incorporated in their licence; and we know that they are also paying into the Exchequer in fuel duty. However, if, immediately behind that lorry, there is a lorry from the Republic of Ireland or anywhere else in the EU, it is paying none of that. It has loaded up with diesel in the Republic that is 20p a litre cheaper. It is contributing nothing whatsoever on that score. It is not paying road tax, and now it does not want to pay the levy, yet it is doing the same damage to the road infrastructure and contributing to an increase in the number of potholes and the deterioration of our roads. Why should they not pay a levy for the opportunity and advantage to them of using our roads? That is the irrefutable logic pertaining to

the levy. To give free passage and travel to Republic of Ireland hauliers is to impose a disadvantage and an inequality on our hauliers and road users. That is something to which I am totally opposed. I support the logic and theory of the levy. It is irrefutable in why it would exist.

**4.45 pm**

I have a question for the Minister: why is it not being implemented? It came in on 1 April 2014, but it seems that it is not being implemented. Why? We also have the question of who is going to implement it. It might be a function for the now very pressurised DVA. Why could it not be afforded the opportunity to implement the legislation? In the implementing of it, there are further road safety advantages; it is not all about money. When a lorry is stopped to check the payment of the levy — they have the disc in that regard — there is also the opportunity to check the tachograph and other things to make sure that those lorries are living within the laws of the land, just as indigenous lorries are required to do. It is important that the Minister get on with implementing the levy. Not only will it bring monetary gain for the nation of which we are part, but it will have road safety potential in the added matters that may be investigated. It also creates a record, which is good to have, of what vehicles are operating in the country at any given time, something that is valuable right across Europe.

I have absolutely no sympathy with this Sinn Féin motion that thinks that Republic of Ireland hauliers should be free-loaders who travel our roads free of charge, doing the damage that all lorries do, with only the indigenous road hauliers paying through a levy and taxes for that. I am utterly opposed to the motion, and I will vote against it.

**Mr Agnew:** Cut corporation tax. Cut air passenger duty. Cut VAT for the hospitality industry. Freeze the regional rate. No water charges. Now, an HGV exemption is being proposed by the Assembly. When it is proposed by Sinn Féin in particular that Northern Ireland should have more fiscal powers, I worry because all we seem to do in the Assembly is say, "Where can we cut taxes, and how can we spend more on public services?" That is not responsible governance; it is irresponsible governance. I believe in public services, and Mr Allister highlighted the need to fund road maintenance. All the HGV levy proposes to do is charge those who damage our roads to help to pay for maintenance. Although it is very popular to

say, "This group over here should pay less", "That group over there should pay less", we have to look at the issues holistically. If we keep cutting every tax, whether it be cutting taxes for big business or whatever, our public services will suffer. We all pay through the inability to fund our public services properly.

There are a lot of rare agreements; it is rare that Mr Allister and I agree. However, I certainly agree with him on this: this is something that UK hauliers pay when they pay their vehicle excise duty.

So, it is right that, when other hauliers come in and use our roads, they pay this duty.

The principle of the duty is also the right principle. As I say, we must pay for the maintenance of our roads. However, while our current structures make heavy goods vehicles necessary, they cause damage not just to our roads but inconvenience to our communities. The tax both looks to discourage the use of HGVs where they are unnecessary and incentivise the use of more fuel-efficient vehicles through reductions in the levy for lower-impact vehicles. In other European countries, such as Germany, there is the city logistic model whereby they have looked to reduce the use of HGVs while recognising the damage that they cause.

I do not criticise the businesses that use HGVs. I criticise our governance for not using more ingenuity and for not looking at innovative ways in which we can deliver freight. I criticise the failure of Northern Ireland; it is probably the worst country in Europe for using rail freight. That is, in large part, due to our poor rail infrastructure. However, we cannot invest in our rail infrastructure if we constantly — because it is popular — come out and say only that we should cut taxes for this business, that business and every other business that we can think of.

We have to be responsible. I very much believe in the principle that the polluter pays and, in this case, the principle of road users paying for the maintenance and upkeep of the roads that they use, particularly when we know that HGVs cause such considerable damage to our roads. Why should it be for the ordinary motorist to subsidise the haulage industry?

**Mr Flanagan:** I thank the Member for giving way. I fully agree that we should adopt the polluter pays principle. However, the indigenous-based hauliers, as Mr Allister referred to them, are not paying an extra levy. What they pay in a levy is deducted from their

annual excise charge. It is only those not from the North who pay this additional levy.

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

**Mr Agnew:** I thank the Member for his intervention. This was a levy introduced by the UK Government that has added a component part to the vehicle excise duty. I do not understand his point of view, and I cannot agree with it. It is a fair tax, and the principle of the tax is correct. For that reason, I cannot support the motion.

**Mr Durkan (The Minister of the Environment):** I welcome the opportunity to reply to this debate on an issue that greatly concerns me. I thank the Members who tabled the motion on the UK HGV road user levy, though not necessarily for the way in which it was proposed. They share my concern about the impact that this UK Government decision may have on the economy of both jurisdictions on this island. I will inform the Assembly of the actions I have taken to engage with Department for Transport Ministers, who are ultimately responsible for the levy. I will also address some of the issues that Members raised today.

Let us be clear from the outset: the HGV levy is a tax that has been introduced by the UK Government. The levy, as a tax, is an excepted matter under the Northern Ireland Act. It has applied, under UK law, across the UK's roads since, as Members pointed out, 1 April 2014. I understand that the levy is generally supported by hauliers in Britain, but I am aware that one of the two representative bodies here has expressed reservations over its impacts. I do not believe that the UK Government has given proper consideration to the unique position here on the island of Ireland, particularly in respect of those in the haulage industry and those who rely on it to maintain and grow their business in the continuing difficult economic climate.

I strongly believe that further consideration of the levy is needed to maintain the stability of both economies. I have therefore been actively engaging with hauliers, haulage industry representatives and Ministers in London and Dublin to identify ways to ensure that the island-wide economy is not adversely impacted on by this new tax. Coming from the north-west, I understand the significant economic problems and know that any increased costs will have detrimental impacts on island-wide trade and the economy, North and South. Although there are some signs of economic recovery, this is still a fragile process, and additional financial



impacts such as this UK-wide tax could have a negative impact on the Irish transport industry, and therefore on delivery costs across the island.

Let us also be clear that there are potentially financial implications for transport-related businesses in the North; for example, those that service or repair HGVs for Southern operators who may have to pay the levy when bringing their vehicles into the North for that work to be carried out. Those hauliers may move to other servicing facilities. That is why I am working hard to explain to Department for Transport Ministers that we have a range of more complex issues to address on this island than those that impact on Britain.

The Department for Transport has taken the view that EU law prevents the exclusion of Northern Ireland from the scheme, so my focus has been on identifying measures that could mitigate the levy's impact. I understand that the EU laws under which the UK levy has been made are focused on key European routes, and I have therefore been engaging with Minister Varadkar, my Southern counterpart, and hauliers to identify routes that are strategically important to the haulage industry in the South but are not defined as key European routes — commonly known as TEN-T routes — and could be exempted from the scheme.

As a result of that engagement, I have identified the A5 as such a road. The A5 is of significant importance to the population of County Donegal and Derry because of its geographical position. It is the main arterial route from the north-west to Dublin city and port. It also provides local access to the Inishowen peninsula. The Irish Government have previously recognised the significance of the A5 to the area and, by providing £50 million towards its upgrade, is investing in a key route along which Southern hauliers travel. I wrote to Minister Goodwill, who is a Parliamentary Under-Secretary of State in the Department for Transport, to seek his agreement to extend the exemptions that are currently allowed for in the levy legislation for parts of the A37 and A3 to include the A5 for transit traffic to and from County Donegal. To date, the Department for Transport has not seen fit to agree to that, but I intend to press the point further, as I believe that the exemption of the A5 is allowable in legislation, possible as far as enforcement is concerned and appropriate from the point of view of Irish investment.

**Mr Beggs:** Will the Minister accept that the wording of the motion calls for an exemption for the "local road system"? I certainly read that to exempt the entire system, and that is unhelpful

to obtain the very reasonable objectives that he has mentioned.

**Mr Durkan:** I thank the Member for his intervention. The wording of the motion was my starting point, if you like, in negotiation with the Treasury. As it is where I started and where I came from ideologically, I cannot oppose the motion today. However, the actions that I am outlining to the House now show where I am at now, and I will continue to act as mandated by the Assembly following today's debate. Should the vote be in favour of the motion, and I have to pursue again a complete exemption, I will happily do so.

### 5.00 pm

Turning to the issue of enforcing the levy, the Department for Transport's plans have been based on the premise that my Department, through DVA, will enforce it in Northern Ireland, including through the use of fixed penalty notices and deposits. That is not a position that I have agreed to. Indeed my predecessor, in correspondence with Department for Transport Ministers last year, highlighted the importance of the DVA office in Coleraine to any consideration of DOE enforcing the Levy. Members are aware how much weight Department for Transport Ministers have given to any arguments around the need to retain the DVA office in Coleraine. You know that more than anyone, Mr Deputy Speaker.

At present, therefore, to remove or at least reduce any confusion, the levy is by law in place throughout the United Kingdom and any haulier, regardless of country of origin, is required by law to pay for the use of roads in the United Kingdom, including in Northern Ireland. However, in the absence of the necessary agreements with my Department for DOE staff to undertake enforcement and my making secondary legislation through the Assembly to enable fixed penalty notices to be used for the offence of not paying the levy, the Department for Transport has a limited range of means by which to enforce payment of the Levy.

I should be very open with the House that the Department for Transport does have means of doing so through the arrest of drivers caught not paying the levy by Department for Transport staff or their agents, or through the making of witness statements and a prosecution file being passed to the Public Prosecution Service (PPS). It is for the Department for Transport to decide whether it wishes to follow those avenues, but it would be remiss of me not to make clear the possible consequences to

hauliers of non-payment of that UK tax. Local hauliers, as some members have outlined, are already paying it as part of their vehicle excise duty payment.

I have indicated publicly on a number of occasions that I will decide my position on the Department for Transport's request that my Department enforce compliance with the levy once my discussions with Department for Transport Ministers on the A5 have been concluded. I do not believe that they have yet been so, as I believe that the Department for Transport has not to date taken sufficiently seriously the points that I have made to it and made again here today. The points include the Irish Government's part-funding of the upgrade of the A5, which was agreed in the negotiations that led to the St Andrews Agreement.

I have listened very carefully to all Members who have spoken during the debate and thank Members for their contributions. I will make the following comments on some of the points raised. Mr Flanagan started on a very positive and conciliatory note. He spoke of the interdependence of our economies North and South, the uniqueness of the situation here in Ireland and Northern Ireland, and the fact that the cost of the levy will ultimately end up being passed on to the consumer. Then there was a bit of a change of tone and he launched a blistering — maybe withering — attack on me, saying how I have failed. He said that I was claiming a success in the fact that two roads have been exempted. Sorry, I am not claiming that as a success and I am not settling for that. I have not implemented the levy.

Mr Flanagan's motion calls on the Executive to exert maximum influence in resolving the issue. Maybe his party colleagues in the Executive, including the deputy First Minister, might ride to the rescue and exert maximum influence. Hopefully that maximum influence is more successful than it was in protecting the DVA jobs in Coleraine when the Executive gave the same guarantee.

I have met the Freight Transport Association, representing Republic of Ireland hauliers who were supportive of my actions to date. Mr Flanagan's blunderbuss attack, rather than focusing on solutions, shows quite clearly that he is more interested in securing votes than securing jobs.

Ms Lo, as Chair of the Environment Committee, said that the situation needs to be resolved quickly. However, I am not going to rush something through when I believe that we can get a better and fairer deal. Mrs Cameron

referred to representations that she has received in her capacity as Deputy Chair of the Committee and stated that she was unable to support the motion.

Mr Eastwood — he is not here now — valiantly attempted to defend what I have done as Minister.

**Mr Eastwood:** I am here.

**Mr Durkan:** Thanks for that, Colum.

I will continue working on the issue, which is an excepted matter. While expressing his support for the motion, Mr Eastwood said that he would not take lectures on failure from experts in it.

Mr Elliott stated opposition to the motion and said that Northern Ireland hauliers were already paying a levy through vehicle excise duty. Mr Weir spoke about confusion on the ground. I can confirm that, currently, the levy is not being enforced but drivers are being informed. I admit that that is causing confusion for drivers and, indeed, in some cases, for officials as well.

Mr Boylan sought clarification from me, but I now seek clarification from him as to who has paid the levy, or told the Member that they paid the levy, because I do not know who they paid. No one is collecting it here.

Mr Maginness quoted Minister Varadkar on our ongoing collaboration on the issue. Mr Allister spoke of the road safety gain that could be achieved through the levy, which is a fair enough point, but I would like to assure him that vehicle checks continue, even in the absence of enforcement of the levy. Mr Agnew spoke of the environmental impact of HGVs. I agree with him entirely that we need to look at more innovative methods for freight and transport.

To summarise my position, I do not believe that Department for Transport Ministers have, to date, taken sufficient account of the particular issues on this island when implementing the HGV road user levy. Over the coming weeks, I therefore intend to continue my engagement with Department for Transport Ministers, emphasising the importance of minimising any negative impact that the levy has on hauliers based in border areas and on island-wide trade. I remain committed to ensuring that the potential negative impacts of the levy on trade across this island are minimised.

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom mo bhúiochas a ghabháil le gach Comhalta a ghlac

páirt sa díospóireacht. My main problem with the HGV levy imposed by Westminster is that it effectively —

**Ms Lo:** Thank you for giving way, Mr McElduff. I seek clarification about the motion. During discussions in Committee, we have always looked at just an A5 exemption. Are you talking in your motion of exemptions for all roads in Northern Ireland?

**Mr McElduff:** Yes, indeed. That is the content and spirit of the motion, as requested, for example, by Donegal Truckers, which has lobbied our Committee. The motion seeks the exemption of all local roads, including the A5. That is the intent of the proposers of the motion; let there be no doubt about that.

I believe that the levy effectively erects an obstacle to North/South mobility in the area of trade. I have a particular memory of a document that was in circulation around 2002, in which the North/South Ministerial Council looked at removing obstacles to cross-border mobility. There were a whole series of measures that could or should have been undertaken, and this goes against the spirit of that completely. There is also the fact that the levy does not take account of the particular circumstances of the island of Ireland, where two economies are interlinked and interdependent. It especially disadvantages hauliers in the county of Donegal, but not exclusively so.

However, it really does disadvantage hauliers in Donegal who have one point of exit from the county that does not come into the Six Counties, that being Ballyshannon bridge. The rest are in Lifford, Strabane etc.

I attended a meeting in Letterkenny with 150 hauliers from Donegal on a Sunday afternoon at the start of the year. The mood was very strong in that room in the Swilly Group building, and those hauliers set about actively campaigning against the levy. They thought that notification of the levy had come to them late in the day. I helped to facilitate the meeting with an informal meeting with Minister Mark H Durkan at the end of February. I am grateful to the Minister for responding on that occasion. I understand that the lobbyists — the Donegal Truckers and others — have kept in touch with the Minister, the Department and various political parties ever since.

The motion was proposed by my colleague Phil Flanagan, who emphasised that this hinders small and medium-sized enterprises when

competing in the island market. What came to mind was a representation from Mr Christy Gallagher, a Lifford-based haulier, who said that if the exemption was merely confined to the A5, it would dissuade him and other hauliers from doing business elsewhere in the North; for example, delivering to companies in Dunnamanagh and other places would simply not be viable. Therefore, there is a knock-on effect. I think that Roy Beggs asked the question about knock-on effects for local businesses.

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

**Mr McElduff:** Yes.

**Mr Beggs:** Will the Member explain how he will ensure that local hauliers in Northern Ireland are not adversely disadvantaged by European hauliers who come in, perhaps from Poland or eastern Europe, with low tax on their vehicles and cheap fuel and deliver in Northern Ireland and other parts of the United Kingdom?

**Mr McElduff:** I am not going to turn hauliers from the South against hauliers from the North. However, I will refer to a statement made by Seamus McMahon of Linwoods, which is based in County Armagh, as it is very helpful in trying to explain the knock-on effect that it will have for customers of various products here in the North. Mr McMahon runs a large bakery in County Armagh that employs more than 250 staff, and he said that it could affect Southern hauliers bringing in packaging or ingredients to his business. Asked if, ultimately, it could mean costlier bread, he said that, yes, it could. He said that they would do everything in their power to ensure that that does not happen, but they could not rule it out. He talked about the price being passed on to the customer and said that, if they have a charge, he was sure that it would be passed on, as they would have to recover it. Therefore, I invite Members to consider the knock-on effects.

After Mr Flanagan spoke, I felt that there would have been the cut and thrust or the rough and tumble of political debate that you might expect in the Chamber. However, I thought that things became a little bit intemperate. I will not pursue that any further, other than to say that I thought that some Members were unduly harsh in their attacks on Mr Flanagan in perhaps the same way that Mr Flanagan was very robust towards the Minister — I hope that you are all keeping well: OK.

Moving on, the Committee Chair, Anna Lo, reminded Members of the role that the

Committee plays in the scrutiny of secondary legislation, which has yet to come before the Committee. It appears that the Department of the Environment and the Minister are not yet ready to bring that secondary legislation to the Committee, and that is a good thing. I do wish the Minister well, and I wish any other Minister well who is engaged in the lobby, in pursuing the objective of ensuring that there is an exemption for all local roads. I know that the Minister is concentrating on the A5.

Other Members made various contributions. However, one point that should be made is that it is important to note that the Irish Government do not intend to introduce a reciprocal measure, and that is sensible.

### 5.15 pm

It has been noted by the Donegal Truckers lobby that the Irish Government are intent on contributing and have contributed to roads infrastructure in the North as well.

I will do exactly what the Minister did and congratulate Colum Eastwood on the valiant defence of his constituency and his party colleague, the Minister.

Tom Elliott asked questions about the enforcement action or otherwise, because we, as members of the Environment Committee, are uncertain about that. The Minister helped to clear that up somewhat. However, this question still remains: what is the message that Department of Environment officials are communicating to hauliers at the Ballygawley roundabout, outside Enniskillen and outside Newry? If that is not enforcement, what is it? Is it information? With what authority is that being given and to what end?

I was disappointed to hear Peter Weir suggest that the DUP will oppose the motion. It is my understanding that the DUP is in favour of North/South cooperation where such cooperation is beneficial to everyone concerned.

My colleague Cathal Boylan nailed the myth that paying tolls in and around Dublin is in some way comparable. The tolls are collected within the state, apply universally to everyone and are not discriminatory in any shape or form.

I say to Alban Maginness that this is a genuine attempt to move the situation on and to promote the interests of predominantly the Donegal truckers lobby. I thought that Alban did well to similarly defend the Minister's track record.

Jim Allister was rather predictable in his contribution.

**Mr Allister:** Good.

**Mr McElduff:** That will do me. He is not inclined to look at anything objectively. If it comes from Sinn Féin, it is not good.

Finally, the Minister detailed a series of actions that he has been involved in. I wish him well in his ongoing negotiations and deliberations. This is the business of the wider Executive. I would like to see a situation arrived at on this small island, with six million people and two states, where we do not erect any undue barriers to trade and commerce.

*Question put.*

*The Assembly divided:*

*Ayes 32; Noes 39.*

### AYES

*Mr Boylan, Ms Boyle, Mr Brady, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr O'Dowd, Mr P Ramsey, Ms Ruane, Mr Sheehan.*

*Tellers for the Ayes: Mr Boylan and Mr McElduff*

### NOES

*Mr Agnew, Mr Allister, Mr Beggs, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mrs Foster, Mr Gardiner, Mr Girvan, Mrs Hale, Mr Hamilton, Mr Humphrey, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lyttle, Mr McCarthy, Mr McCausland, Mr I McCrea, Miss M McIlveen, Lord Morrow, Mr Newton, Mrs Overend, Mr P Robinson, Mr Ross, Mr Swann, Mr Weir.*

*Tellers for the Noes: Mrs Cameron and Mr Elliott*

*Question accordingly negated.*

*Adjourned at 5.30 pm.*





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