

# Official Report (Hansard)

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# Northern Ireland Assembly

Tuesday 4 February 2014

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

*Members observed two minutes' silence.*

## Assembly Business

**Mr Craig:** On a point of order, Mr Speaker. This morning, the Minister of Justice made a pronouncement on the cost of policing parades and protests. The figure quoted is at variance with figures given to the Policing Board. Would it not be in order for the Minister to come to the House to give a breakdown of the figures?

**Mr Speaker:** The Member will know that that is a matter for the Justice Minister, and it is a matter that he should take up directly with the Justice Minister. Once again, I say to Members that it is for Ministers to decide when they need to or should come to the House. We really should move on.

**Ms Ruane:** Further to that point of order, Mr Speaker, this is the second day in a row on which points of order have been made. It appears that some of the Members opposite do not know that there is Question Time in the House. Points of order seem to be a bit of a pattern now. I wonder whether you are worried about that.

**Mr Speaker:** All Members from all sides of the House will find that, on occasion, there are points of order, or issues that are not points of order, raised in the House. I always question Members when they raise bogus points of order. In saying that, I have to add that, from time to time, there is a need for Members to get issues on the record. However, Members from all sides of the House should not abuse points of order.

## Speaker's Business

**Mr Speaker:** Before we begin today's business, I inform Members that I will be absent from the House next week.

## Ministerial Statement

### Strategic Planning Policy Statement for Northern Ireland

**Mr Durkan (The Minister of the Environment):** With your permission, Mr Speaker, I will make a statement to inform Members that I am today launching a 12-week public consultation on the draft strategic planning policy statement (SPPS) for Northern Ireland.

We all know that this is an exciting and challenging time for planning. In just 15 months' time, 11 new councils will be responsible for drawing up their own local development plans, making the majority of planning decisions and shaping how their areas will grow and develop in a way that responds to the needs and aspirations of the communities that they serve. The benefits of that approach are wide-ranging, from improved service delivery to gaining community buy-in; from supporting the creation of a shared society to delivering sustainable development. This new approach to planning provides a real opportunity to transform the look and feel of local areas and create places that reflect local culture and the environment.

The return of planning powers to local councils on 1 April 2015 will mean that Northern Ireland will follow a two-tier approach to planning that will enhance local democratic accountability. Through the transfer of powers to councils, communities will have greater opportunity to engage with their elected representatives and have a say in how their area will change and develop. In this way, our planning system will be more responsive to the priorities and needs of our local people. It will be more open, more accountable and more inclusive. Through working together, the planning system can be used to bring about positive change, economic recovery and a more sustainable future for all.

It is my job to ensure that the transfer of planning to local councils happens as seamlessly as possible and to deliver a new system that is ready for providing these benefits. In October, I affirmed to the Assembly my commitment to driving forward planning and local government reform. Last week, I laid a written statement before the Assembly in which I announced five key actions that I will be implementing over coming months. These actions will lay the foundations for introducing an improved planning system. I am pleased to be able to bring forward the first of these

actions today by launching for consultation the draft strategic planning policy statement.

My aim is to create a planning system that is fast, fair and fit for purpose; a system that is less complex, more effective, more efficient and more customer focused. This strategic planning policy statement will ensure we have a shorter, simpler strategic policy framework that provides clarity and certainty for all users of the reformed planning system. It consolidates some 20 separate pieces of planning policy into a single statement, reducing 800 pages of policy to fewer than 100.

The SPPS signals a new approach to the preparation of regional planning policy in the North. It outlines the reformed two-tier planning system and sets out a new purpose of planning and a new set of overarching planning principles. It explains the new local development plan and development management systems; consolidates existing planning policy statements (PPS); and includes new town centre and retail planning policy. Although the SPPS is largely a consolidation of existing planning policy provisions, there is an emphasis on improving them. I will outline some of the new elements it contains.

First, there will be eight new core planning principles, which will underpin delivery of the planning reforms set out in the Planning Act (Northern Ireland) 2011. In undertaking their planning functions, planning authorities have to balance and integrate a variety of complex economic, social, environmental and other matters of public interest. The core planning principles will assist with this process, and reflect my expectations for delivery of the reformed planning system. This includes furthering sustainable development; improving health and well-being; and supporting good design, positive place-making and urban and rural stewardship. Other core principles focus on creating shared space; delivering spatial planning; following a plan-led system; and enhancing stakeholder engagement and local accountability.

Secondly, the SPPS explains the new development plan and development management system. The Planning Act transfers responsibility for producing local development plans from the Department to councils and ensures that they are at the core of planning decisions. Councils must prepare a plan strategy to set out their strategic vision for the future development and use of land in the plan area. A local policies plan must also be prepared. This will set out the council's local policies to support the plan strategy. The SPPS

explains how the new local development plan system will promote greater efficiency, transparency, soundness, sustainability and accountability. Key elements of the new development management system are detailed in the SPPS. Those include a development hierarchy and schemes of delegation to streamline planning decisions; pre-application discussions to facilitate high-quality and timely applications; and pre-application consultations to allow applicants to inform and discuss proposals with communities.

A third feature introduced by the SPPS is a new strategic policy for town centres and retailing. The policy promotes a town-centre-first approach for the location of future retail and other town centre land uses and is consistent with the regional development strategy. It seeks to protect and enhance the vitality and viability of town centres and to foster a more sustainable approach to future retail provision.

Finally, the SPPS describes proposed transitional arrangements, which are considered necessary in the short- to medium-term to ensure continuity of planning decisions while councils finalise new plans for their areas. During the interim phase, councils will apply retained operational policies.

The draft SPPS has been subject to a number of impact assessments, including a strategic environmental assessment (SEA). That assessment, which considered the statement's impact on Northern Ireland's environment, was carried out independently by specialist SEA consultants acting on the Department's behalf. An environmental report that was published with the draft SPPS, makes a range of recommendations for mitigating and enhancing the SPPS to improve the overall environmental impact.

As part of the process of preparing the draft SPPS, my officials carried out a series of early stakeholder engagement events, independently facilitated by the Royal Town Planning Institute. Those events included meetings with key stakeholders, such as the business and local government sectors, and my officials sought comments from internal stakeholders.

To sum up, the SPPS supports my vision of creating a better environment and a stronger economy and of bringing forward a planning system that delivers for business, with timely decisions that encourage investment, facilitate employment and aid economic recovery. My new planning system will realise that the environment and the economy should not, and cannot, be at loggerheads. We need a system

that protects the environment and fully recognises that a vibrant, sustainable environment can be a driver of prosperity and job creation. Similarly, a strong economy and a prosperous society can be good for the environment.

The SPPS will support and guide local plan making, the design and delivery of individual development proposals and the determination of planning applications and appeals. It will also influence how those functions are carried out.

This is the start of 12 weeks of consultation. I want everyone who is involved in the planning process, be they developers, planners, councils, communities, environmental groups or professional bodies, to work together to shape and influence this planning policy and the future planning system. I am keen for the final SPPS document to reflect all stakeholders' views. Therefore, during the 12-week public consultation, my officials will conduct a further round of stakeholder engagement events that will provide an opportunity to find out more about the SPPS and to ask questions.

Meaningful engagement with stakeholders is a vital part of the policy development. In support of the need for continuous improvement in how the Department serves its citizens, I am pleased to inform Members that the SPPS is being published as an online interactive digital consultation document that aims to make it easier for stakeholders to respond and to provide a better customer experience. This will be the first time that the Department has undertaken a digital-first approach. I encourage everyone with an interest to give us their views by using the digital consultation document. It is only through working together that we can ensure that we achieve an efficient and fit-for-purpose planning system that delivers for all.

**10.45 am**

**Ms Lo (The Chairperson of the Committee for the Environment):** I am absolutely delighted to hear this announcement about the SPPS, and I certainly want to thank the Minister and his officials very much. They have been working very hard in the past few months to produce this hefty but succinct — hopefully — document. I also congratulate the Department for the extensive process for consultation, because I am sure that there will be a lot of public interest and a lot of responses received.

With your permission, Mr Speaker, may I ask a question as a member of the Environment Committee rather than as its Chair? As the

Minister will probably recall, during the ill-fated Planning Bill, with the agreement, I think, of his predecessor, I was to put forward an amendment on shared spaces. I am so glad that, as part of the core planning principles in the SPPS, shared space is going to be included. Will the Minister perhaps elaborate a bit on how the SPPS will promote shared spaces?

**Mr Durkan:** OK. I thank Ms Lo for her warm welcome for my statement and, indeed, the opening of this consultation period on the strategic planning policy statement. She thanked my officials, and I would like to do the same. They have indeed, as Ms Lo pointed out, been working very hard over the past few months to compile this document, which is hefty. It is also concise. However, it is not yet complete and that is why this consultation process is so important.

On the role of peace-building and shared spaces, I am aware that the Member had tabled an amendment to the Planning Bill along these lines, an amendment to which my predecessor was well-disposed, shall we say. As you know, I decided for legal, procedural and evidential reasons not to move the Planning Bill to Further Consideration Stage. However, that does not diminish my commitment to proactively promoting shared, safer and welcoming places and spaces through the planning system on a number of fronts.

Creating and enhancing shared space will be a core principle of the SPPS. Post-transfer of powers, planning authorities should utilise development planning, regeneration and development management powers to contribute to the creation of an environment that is accessible to all communities, socially and religiously mixed, has a high standard of connectivity and supports shared use of the public realm. Council local development plans will be required to take account of any good relations policies set out within a local community plan by considering the criteria of equality of opportunity, reconciliation, mobility and connectivity in their formulation.

Also, as project partners in the Queen's University Belfast, Peace III project, Planning for Spatial Reconciliation, my Department is working closely with Queen's research staff to explore and exploit opportunities for connecting this research with the process of planning and local government reform. Further guidance will be included in 'Living Places: An Urban Stewardship and Design Guide for Northern Ireland', which I issued for consultation last August and am finalising.

**Mr Weir:** I thank the Minister for his statement. He made reference in his statement to bringing forward a planning system:

*"with timely decisions that encourage investment, facilitate employment and aid economic recovery."*

Given the commitment within the statement to the economy and economic development, I want to ask the Minister whether there is specific meat on the bones of that. Can the Minister point to any place within the statement that gives new or additional weight to planning decisions involving economic development or inward investment?

**Mr Durkan:** As regards meat on the bones, my written statement tabled before the Assembly last week outlined measures that I am taking to improve the planning system, all of which will go some way to creating more certainty in the system. From meeting developers, representatives of developer groups and the frequent objectors to developers and developer groups, I know that the one thing that everyone is crying out for is certainty. That is what will create certainty for investors and what will attract them. They want to know how long it will take for a decision to be reached, the likelihood of success and, therefore, whether to come here. It is my ambition and desire that investors will want to come here. It is important that we show that Northern Ireland is not only open for business but is good for business.

As regards the weighting of economic development as a consideration in planning applications, the new SPPS sets out the overarching core principles of the new planning system. It gives expression to important matters that are in the public interest, including furthering sustainable development and economic development. That core planning principle makes it clear that planning authorities should ensure that economic considerations are accorded appropriate weight in the making of planning decisions.

I am committed to ensuring that this new approach to planning policy plays its part in contributing to growing a dynamic, innovative and sustainable economy in the North. As things stand, consideration and weight are given to economic factors. However, it is not a determining weight, more a material one.

**Mr Boylan:** Go raibh maith agat, a Cheann Comhairle. Cuirim fáilte roimh ráiteas an Aire. I welcome the Minister's statement but I am concerned about it. He is putting weight on

economic recovery, but he also stated that this is about consolidation of the planning policy statements. Some of those statements are not fit for purpose, and I will give you two examples. In relation to the Hillsborough —

**Mr Speaker:** I encourage the Member to come to a question.

**Mr Boylan:** I will certainly, Mr Speaker. The proposed Hillsborough Golf Course and Country Club development and the application by DMAC in Tyrone could create over 350 jobs. The criteria in the existing policies mean that there are difficulties with those applications. Will this planning policy statement address the concerns that people have with those applications when it comes to the creation of jobs and economic recovery? Go raibh míle maith agat.

**Mr Durkan:** Go raibh maith agat as an cheist suimiúil sin. I thank the Member for that interesting question. I fully intend for this statement to provide greater certainty and opportunities for economic development, as outlined in my previous answer.

I am reluctant to get drawn into the specifics of particular planning applications, although I am aware of both applications to which the Member referred. They are at different stages in the planning process. One has been refused and is awaiting a deferred office meeting, and I am not sure whether a decision has been made on the other one. Both have very differing sets of circumstances, which I would be happy to discuss with the Member following this morning's session. I accept his concerns. This is the launch of a public consultation period. This is a draft SPPS. He may think that it is very "drafty", in which case I invite him to do his best to plug the holes in it.

**Mr Speaker:** Before I call Colum Eastwood to speak, let us be careful that we do not pull the Minister into individual planning applications. Let us have questions on the statement.

**Mr Eastwood:** Thanks for that guidance: I will keep my question suitably broad. Will the Minister outline the changes he has made so far to improve the planning system?

**Mr Durkan:** I thank Mr Eastwood for that broad question. I will give him a broad, in no way prepared, answer. *[Laughter.]* I recognise that the planning system can and should do much more to unlock development potential, support job creation and aid economic recovery. I want to create a better environment and a stronger

economy. My aim, as I have stated — maybe a bit naive — is to create a planning system that is fast, fair and fit for purpose, works to achieve that and delivers for business with timely decisions that bring investment and jobs but not at the expense of our environment, planet or people.

This is an exciting and challenging time for planning. In just 14 months' time, our 11 new councils will be responsible for drawing up their own development plans, making the majority of planning decisions and shaping how their areas will grow and develop in a way that responds to the needs of their local communities. It is my job to ensure that we transfer planning as seamlessly as possible and ensure that the new system is in the best possible shape for transfer.

Just last week, I made a written statement to the Assembly setting out five key actions that I want to focus on to bring the new system to life over the coming months. I want to shorten and simplify policy, which is why I am here today, by moving to the SPPS rather than the 20 separate policy publications. I want to initiate key reforms to the planning system. Although the Planning Bill, as originally intended, would have allowed us to do many of those on a legislative basis, we can set measures in place without legislation, such as new local development plan preparatory work; the new hierarchy of development arrangements; extending pre-application discussions; and encouraging more widespread pre-application community consultation. Better-informed applications will be processed more quickly.

I especially want to tackle consultees' response times. Members will be delighted to hear that I want to do so, particularly with the Northern Ireland Environment Agency (NIEA) in my Department. I want to improve customer service and access to case officers — I know that that is another bone of contention for Members — so that queries can be addressed as quickly as possible. I want to ensure that all those with responsibility for delivering the new system have the capacity to do so.

These measures will benefit all users of the planning system, including communities that want to input in a genuine and meaningful way to development plans for their areas and to be consulted before applications are submitted. Developers will also benefit because, as I said, they will have more certainty through speedier decisions and outcomes. The environment will benefit from better-informed decisions, and the Department will benefit in the short term. Councils will reap benefits in the longer term

through improved efficiencies and performance. These actions have received widespread support and were welcomed by a number of organisations, including the Confederation of British Industry, the Construction Employers Federation and the Institute of Directors.

**Mr Elliott:** I thank the Minister for the statement. I welcome the new strategic planning policy statement. It is a wee bit difficult to ask about specifics because we have only the statement in front of us and not the actual document. Did the Minister have to make any changes to the strategic planning policy because of his actions in having to withdraw the Planning Bill?

**Mr Durkan:** I thank Mr Elliott for his question. As outlined in my previous answer, a lot of the changes proposed in the Planning Bill, as intended, can and will be implemented, but not through legislation. I suppose that you are more interested in what is not in it than what is, so I will chat about the aspects of the Bill that have not been implemented through the SPPS and what will happen to the planned changes.

Some reforms, which will not have a legislative footing until the 2011 Act is commenced, can be brought forward and tested administratively. Pre-application community consultation is already being tested with developers on a voluntary basis. The Windsor Park stadium redevelopment is a prime example. That application was granted planning permission only 11 weeks after it was received by the Department and had not attracted any objections from the public.

**11.00 am**

I know that the pre-application community consultation does not necessarily mean that there will not be any objections — our colleagues from West Belfast will be aware of that. I will continue to encourage this pre-application community consultation in other proposals.

We have also been working closely with statutory consultees through service level agreements to improve response times to planning application consultations. We will continue to do so in advance of a statutory time frame for responses, which I hope to introduce separately.

Inevitably, some elements will require legislative provision: for example, enhanced powers to determine applications, shorter time limits for submitting planning appeals and

increasing penalties for a range of offences. These will commence in 2015, but, in the interim, a wide-ranging package of capacity building measures for the new arrangements will ensure that we are all ready for the transfer of the reformed system in 2015.

**Mr Campbell:** The Minister said in his statement that he wanted:

*"to create a planning system that is fast, fair and fit for purpose."*

That is strong on alliteration, but people will want to know more. If his draft policy statement proceeds and becomes operative, will large-scale planning applications that have the potential to deliver thousands of jobs in Northern Ireland, such as the one outside Lisburn and one near Londonderry, be delivered, taking account of any objections, in good time so that the economy can be regenerated and people in those areas can benefit as a result?

**Mr Durkan:** I just thought of another "f".

As I said, this is about creating speedier decisions and greater certainty on outcomes for developers and developments of all sizes and in all areas. I am not aware of any such current application for a development outside Lisburn. I do not want to get caught up in particular applications, but I am not sure that there is a live application for a development outside Lisburn that would meet that description. However, I assure the Member that all steps will be taken to ensure that quick and proper decisions are made on all applications. With the new hierarchy of development, resources will be allocated accordingly to such applications.

**Mr McElduff:** Go raibh maith agat, a Cheann Comhairle. Might the draft strategic planning policy statement contribute to the opening up of possibilities in rural communities that have been hamstrung by the out-of-date zoning of industrial land? In many cases, area plans are way out of date. In places such as Fintona, in County Tyrone, there is suitable land for industrial development, but, because of the out-of-date nature of the area plans, things cannot happen.

**Mr Speaker:** Is there a question somewhere?

**Mr McElduff:** Might we see the opening up of possibilities under this strategic approach? I thank the Minister for his statement, of course.

**Mr Durkan:** Go raibh maith agat as an cheist sin. I thank the Member for his question. Yes, I am hopeful that it will open up possibilities. I have responded to questions from other Members by saying that this is a draft policy statement, and I look forward to input from all Members. The list of respondents on how the statement can be improved will go way beyond the membership of the House.

In last week's debate in the Chamber on PPS 21, I pointed to this consultation period as an opportunity to improve that policy. I am aware of other difficulties in rural areas, such as that which the Member has outlined. I view this as a tremendous opportunity for me as Minister and, indeed, for you as Members to shape planning policy for the years to come.

**Mr Storey:** I thank the Minister for his statement. My question follows on from some of the questions from my colleagues on building and securing economic prosperity and moving forward on planning. I note the Minister's intention that we will have a planning process that is:

*"fast, fair and fit for purpose."*

Where is the synergy between the area plans, such the northern area plan in my constituency, which has been on the go since 2001 —

**Mr Speaker:** I encourage the Member to come to his question.

**Mr Storey:** I ask the Minister where the synergy is between the area plans, the statement and the way in which he is intending to reform the Planning Service.

**Mr Durkan:** Work has commenced between departmental officials, local government officials and soon-to-be shadow council members on the formation of new area plans. It is a very important phase. Indeed, I said that it is an exciting time for planning. It is also a very challenging one, because, in the transition between the existing raft of planning policy statements and the implementation of the SPPS, there will be a period in which we look at existing, retained policy statements. That is what we will be using to draw up the new local area plans. Obviously, the role of local government in that cannot be understated. However, it is vital that the Department retain an oversight role to ensure, for example, that one council cluster is not, in its area plan, proposing something that will be hugely detrimental to a neighbouring council or councils. "Synergy" is the word that the

Member used, and we will need to use a lot of energy to ensure that that synergy does exist. I look forward to his cooperation in doing that.

**Mr A Maginness:** I welcome the Minister's statement, and I wish his objectives well. From talking to investors coming to Northern Ireland, one thing that strikes me is the need for policy certainty, and I hope that the statement can bring about a situation in which policy certainty can be created. There is a gap at present, and it relates to the Belfast metropolitan area plan (BMAP). Can the Minister provide some detail on why BMAP has not yet been adopted?

**Mr Durkan:** I thank Mr Maginness for the question. I was asked a few questions on BMAP at my previous Question Time, and it has been the subject of much correspondence from other Members and, indeed, from developers and people outside of the House. My Department submitted BMAP to the Department for Regional Development for assessment against the regional development strategy 2035. I can confirm that the plan was awarded a certificate of general conformity on 21 October last year. I recognise the importance of the plan for the region's future development, as well as the need to ensure that it is adopted and published in its final form as soon as possible. I have sought agreement from my ministerial colleagues that my Department now adopt and publish the plan.

**Mr Beggs:** The Minister is consulting on very significant changes to the planning system, condensing the many statements into a single strategic planning policy statement. Will he outline the schedule that he foresees for adopting the new SPPS and the subsequent necessary training of planning officers and councillors? Will he ensure that there will be a fair and robust planning system suitable for devolving to local councils in the future?

**Mr Durkan:** I thank Mr Beggs for the question, and I reiterate that this is about more than condensing existing policy. I view it very much as an opportunity to improve planning policy here. However, the question about the timeline is a pertinent one.

Today, we see the start of a 12-week consultation period on the draft document. I would very much like to be able to bring the final document back before the House before the end of this year. I know one thing for sure, and that is that we need to do so in advance of transfer on 1 April 2015. I would like to do so well in advance of transfer so that the new system can be road-tested.

The question of capacity building is a very important one, and it is one that I am asked increasingly often at the moment, as I am doing a tour of statutory transition committees. I recall from my time on Derry City Council that often, during a planning committee meeting, councillors would rub their hands and say, "I can't wait to get planning" when they did not agree with a recommendation from planning officers. I am seeing an increasing reluctance to accept planning powers among councillors now as the sheer weight of responsibility that will come with that function dawns on them. For that reason, it is essential that we provide capacity training for councillors. It is vital that they have not just the competence to make sound planning decisions but the confidence to do so.

My predecessor secured £3 million from the Executive to allocate directly to capacity building. I think that it is safe enough to assume that the vast majority of that money will be spent on capacity training in planning, in particular. Some capacity-building events have already been held and have been well attended. However, we cannot really ramp that up until after the elections when we will know who is on the shadow councils and, therefore, who, on a personal basis, will be taking on those new powers.

**Mr I McCrea:** I welcome the Minister's statement. The Minister referred to the issue around the policy promoting a town-centre-first approach for the location of future retail and other town centre land uses. Can the Minister put a bit of detail on how he hopes that will be delivered, taking on board the concerns that many have in town centres about out-of-town development? Can the Minister comment on how he feels that those two things can come together, given the concerns that retailers have in that respect?

**Mr Durkan:** I thank the Member for the question. Now that the document is out for consultation, I fully expect PPS 5, which deals with retailing and town centres, to be one of the most thumbed chapters of this document. It is one that I receive quite a lot of correspondence on, and I know that all Members in this House will also be lobbied strongly on it.

A consultant team led by GL Hearn carried out a comprehensive review of existing town centres in the North last year. A key aspect of the work was engagement with local stakeholders, including MLAs, on the future of city and town centres and retailing. The updated evidential context and the consultants' recommendations on possible future planning

policy direction have been reflected in the SPPS. The new draft strategic town centres and retailing policy aims to support and sustain vibrant town centres across the North, consistent with the retail development strategy 2035.

The policy objectives are: to secure a town-centres-first approach for the location of future retailing and other main town centre uses; to adopt a sequential approach to the identification of retail and main town centre uses in local development plans and when taking decisions; to ensure local development plans and decisions are informed by robust and up-to-date evidence in relation to need and capacity; to protect and enhance diversity in the range of town centre uses appropriate to their role and function, such as leisure, cultural and community facilities, housing and business; to promote high-quality design to ensure that town centres provide sustainable, attractive, accessible and safe environments; and to maintain and improve accessibility to and within town centres.

Obviously, a lot of the work that has to be done, and that is ongoing, to protect and promote town centres falls outwith my Department's remit. However, I am keen and, indeed, happy to work with other Departments such as DSD, DRD and DFP to ensure that we do all that we can to protect and enhance the vitality of our town centres.

#### 11.15 am

**Mr Craig:** Thank you, Mr Speaker. I will start by keeping myself right with you. I will refer to paragraph 4 of the statement, which states:

*"The return of planning powers to local councils on 1 April 2015".*

I hope that the Minister can confirm that that is not an April Fool's joke. More seriously, with the granting of powers to local councillors, they will become decision-makers, whereas, at present, they are lobbyists in the planning process. There is a massive conflict of interest between those two roles. Minister, can you give the House assurances that clear guidance will be given to new councillors on that conflict of interest that now lies in their new role?

**Mr Durkan:** Thank you, Mr Craig. First of all, I assure the Member that it is not an April Fool. If it does not happen, I will be the one who looks the fool, so hopefully not. Mr Beggs asked about capacity building, and that hit exactly on what Mr Craig is asking. In my

answer, I said that I understand that the councillors are now a bit more reticent about receiving the responsibility for making planning decisions than they were a few years ago. That is because of the realisation of the difficulties that it will cause them in their role as public representatives.

Of the £3 million that is for capacity building in local government reform, I fully expect that the majority of it will be spent on planning training. That will be a key aspect of it. It is a lot more difficult when you have the responsibility to make a decision than it is to call for something or to criticise someone for not making something happen. There is also the potential conflict of interest that could arise and that will be created for councillors who have always been poachers until now but who will be forced to take on a gamekeeper role.

That is why, as part of the Bill on the reform of local government, I expect quite a lot of focus to be on the establishment of planning committees in the new councils. As it stands, councils are set up differently. In Derry, for example, all members of council sit on the planning committee. I no longer expect that to be the case, but it is certainly something that we will keep a very close eye on.

**Mr Byrne:** I welcome the Minister's statement. Can he tell us about the vexed issue of fracking? Would a fracking prospecting licence application be considered by a local authority, a central planning directorate or a combination of both? Where are we with that?

**Mr Durkan:** That is a "boring" subject. *[Laughter.]* I thank the Member for the question. Given the controversy surrounding fracking, I would fully expect — if not insist — that that would be a matter of regional significance and would therefore be treated as an article 31 application. So, any decision on that would still be made centrally.

My position is reaffirmed in the draft SPPS that there should be a presumption against the exploitation of unconventional hydrocarbon extraction until the Department is satisfied that there is sufficient and robust evidence on all environmental impacts. There is ongoing work in DOE and by DOE and NIEA, in conjunction with the Environmental Protection Agency and our counterparts in the Republic, to enhance knowledge of the fracking process. That could ultimately, I suppose, suggest refinement of that position. In the meantime, it is proposed that the policy position as expressed in the draft should be retained. However, as I said, it is a

draft, and we will use the consultation period to take on board the views of others.

**Mr Allister:** I do not know whether the Minister said that his statement had been approved by the Executive. However, commonality might disappear with the devolving of planning powers to 11 different councils. For example, can we expect to see differing and contradictory approaches across councils to something like wind farm blight, where some councils might embrace the folly of the most expensive form of energy while others might protect consumers and the countryside from that blight? Is there going to be the opportunity for differing approaches on an issue like that?

**Mr Durkan:** I thank Mr Allister for his question. He did not hear me say whether or not I have consulted the Executive on the draft. I have not. Obviously, however, before publication of the policy in final form, I will bring it to the Executive for consideration and approval.

The issue of consistency, or fear of a lack thereof, is a very real one, and one that I expressed to officials as recently as this morning. It must again be reinforced that the Department will retain an overarching and policy responsibility for planning matters and will be integral in the drawing up of local area plans with the new councils and new councillors. Obviously those will have to be drawn up bearing in mind planning policy. As expressed on a previous occasion in the House, it is my intention to bring forward a land use strategy for the whole of Northern Ireland, which, again, will help to determine applications such as those for wind farms, to which Mr Allister refers.

**Mr Agnew:** Like many others, I welcome the Minister's statement. He refers to after the devolution of powers to councils and states that our planning system will be more open, accountable and inclusive, which of course I welcome. The one word that is missing is "transparent". Does the Minister accept that, for as long as parties fail to publish who donates to the party, the planning system cannot be transparent and, indeed, will continue to be open to corruption?

**Mr Speaker:** Order. The Member is well outside the ministerial statement. It is very unfair to ask the Minister to comment on donations to political parties in Northern Ireland. I think that we should leave it there.

**Mrs Cameron:** I thank the Minister for his statement. Mr Allister touched on my question,

but I will ask it anyway. The Minister will be aware that concerns have been raised in Committee about the inconsistent approach by planners across Northern Ireland. How will the single strategic planning policy statement lead to a more unified approach in the application process, in particular as functions are transferred to councils?

**Mr Durkan:** I thank Mrs Cameron for the question. The previous question I answered dealt with fear of inconsistency under the new system. However, this question deals with the impression that there may be inconsistency in our present system.

Obviously planning policy is there as a guide for planners. However, planners ultimately have to make decisions on applications. I have no doubt that, on occasion — in fact, on many occasions — planners differ in opinions. That is why the group system exists in divisional planning offices whereby planning officers will discuss and, I suppose, debate planning applications on their merits or otherwise before formulating an opinion, which will then come to council; where elected members will disagree with it as well in many cases.

It is important therefore that, where possible, policy is adhered to. However, I believe that policy should also allow the flexibility for planners to be more creative, particularly when the powers will be going to local government. It is important that they are responsive to the needs and desires of local communities. Mr Allister used the example of wind farms. His concern is about how an inconsistent approach might impact there. Given that the buck will stop with elected representatives, any fear that something will be imposed on a community against its wishes might well be unfounded.

**Mr Milne:** Go raibh maith agat, a Cheann Comhairle. Mo buíochas leis an Aire as an ráiteas ar maidin. I thank the Minister for his statement. He touched on PPS 21. Will he give us an assurance that the SPPS will explore further opportunities for single dwellings in the countryside to accommodate non-farming country dwellers?

**Mr Durkan:** Ná habair é, agus go raibh maith agat as an cheist. In my earlier answer to the Member's colleague Mr McElduff and, I suppose, on the back of the debate that we had in the Chamber last week on PPS 21, I mentioned the opportunities that it affords to rural dwellers of non-farming and farming backgrounds alike. During that debate, statistics were aired that indeed showed the

likelihood of success of applications for single dwellings in the countryside and that vast improvements have been made. Certainly, PPS 21, as it stands, is a huge improvement on the overly prohibitive PPS 14. Subsequent to my predecessor Alex Attwood's working review of the policy, further improvements along the lines that the Member would like to see have been made.

Last week, I said — and I will say it again this week — that this provides an opportunity to Members, planning experts and members of the public to have their input into planning policy and how we move forward with it. If the Member believes that improvements can be made, we will certainly look forward to considering them.

**Mr McAleer:** Go raibh maith agat, a Cheann Comhairle. The Minister will be aware of the anomalous situation whereby people in the countryside were awarded funding for small businesses from DARD through the rural development programme but had difficulty getting planning permission from his Department. Bearing in mind that the new rural development programme is under consideration, will the new draft planning policy take that into consideration?

**Mr Durkan:** I am aware that this is another difficulty that faces, and is felt in, rural communities. In response to the previous question, we are talking about making it possible for people to live in rural communities. It is also important that we make it possible for people to work in rural communities. We have an open door and an open book. I am looking forward to taking into consideration any matters that Members or indeed anyone wishes to raise.

## Executive Committee Business

### Reservoirs Bill: Second Stage

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

*That the Second Stage of the Reservoirs Bill [NIA 31/11-15] be agreed.*

The purpose of the Reservoirs Bill is to introduce a legal and administrative framework for regulating reservoir safety in order to reduce the risk of flooding as a result of dam failure in the North of Ireland. When enacted, the legislation will provide assurance that people, the environment, cultural heritage and economic activity are better protected from the potential risks of flooding from reservoirs.

#### 11.30 am

The Bill will regulate reservoirs that are structures or areas capable of holding 10,000 cubic metres or more of water above the natural level of any part of the surrounding land and that are created wholly or partially by artificial means. These will be known as controlled reservoirs. To assist you in visualising what 10,000 cubic metres looks like, it is the volume of four Olympic-sized swimming pools.

There are a number of exclusions from the legislation, including natural lakes, canals, quarry ponds, sewage lagoons and slurry pits. The legislation will make it clear that reservoir managers are responsible for reservoir safety and will require them to commission qualified engineers to supervise, undertake routine inspections and oversee any remedial works in reservoirs. Managers should not view those duties as an unnecessary regulatory burden but rather as an assurance that the safety of the reservoir is being managed and, therefore, their liability in the event of a dam failure may be limited.

In order to ensure that the legislation is proportionate, the level of regulation to the reservoirs will be determined by the degree of risk to people, the environment, the economy and cultural heritage. The management regime will, therefore, be related to the potential consequence of reservoir failure. The Reservoirs Bill is entirely focused on the management of reservoirs to prevent an uncontrolled release of water as a result of a dam failure. It does not deal with any other aspects of reservoirs, such as drowning, the

security of public water supply or water quality, as those are outside the remit of my Department.

Before I set out the key features of the Bill, I will outline the background and the need for legislation. The EU floods directive requires that all significant flood risks are managed in an appropriate manner. To identify the potential sources of flooding on significant flood risk areas, my Department carried out a preliminary flood risk assessment in 2010. That assessment identified that 66,000 people live in the potential inundation area of the 156 impounding reservoirs that are capable of holding 10,000 cubic metres of water or more. I am sure that you will agree that that is a significant number of people, and we should be in a position to provide assurance to them that they are not at imminent risk due to dam failure.

It is worth saying at this time that there have been a number of incidents in the North of Ireland due to dam failure at reservoirs in the past: 1822 in Keady; 1876 in Carrickfergus; 1902 in Belfast; 1971 in Derry; and 1980 in Hillsborough. The most recent incident took place in 1998 when flooding in the Doagh area was attributed to the collapse of a spill weir and resulted in a number of houses being flooded. Fortunately, none of those incidents resulted in the loss of life. However, the same cannot be said for England, Scotland and Wales, where 352 lives have been lost as a result of dam failure between 1852 and 1930.

The year 1930 is important in reservoir safety terms as that was when the first regulation was introduced. Since then, there has been no loss of life across Britain as a result of a reservoir failure. However, that has not stopped the legislators and policymakers seeking to improve reservoir safety. The 1930s legislation was replaced by the Reservoirs Act 1975, and that was further amended in England and Wales by the Flood and Water Management Act 2010 and is being replaced in Scotland by the Reservoirs (Scotland) Act 2011.

**Mr P Ramsey:** I thank the Minister for giving way. There is a unique situation in the Foyle constituency, where we have a not-for-profit organisation managing two reservoirs in Creggan Country Park. That would put additional resource pressures on organisations. Will you look at that unique situation? It is grand for a Department to fit the costs that you are expecting of them — rightly so — but it is putting undue pressure on a not-for-profit and charitable organisation. Will the Minister comment on that?

**Mrs O'Neill:** The Member is quick off the mark. I will come to that point later. I have also been contacted by the group that you mention, and my colleagues have raised the issue with me. I will address that point as I go through my opening remarks.

There are a lot of similarities in the legislation that I have just referred to in England, Scotland and Wales and the Reservoirs Bill that we are debating today. They all seek to be proportionate in their management regime by adopting a risk-based approach to reservoirs with the capacity threshold of 10,000 cubic metres or more. The capacity threshold of 10,000 cubic metres is generally agreed by reservoir engineers as the volume that has the potential to result in loss of life and significant damage to property.

Most of the impounding reservoirs in the North of Ireland are over 100 years old, and comments made at stakeholder events held as part of the policy development for the legislation indicate that many have not been subject to routine inspection and, therefore, are in need of maintenance. It was also evident at those events that reservoir managers are totally unaware of their common law liability in the event of dam failure.

The legislation will, therefore, establish a framework for what is considered to be a reasonable management regime of a reservoir, which complies with industry best practice. It will also provide assurances that the safety of reservoirs, and hence the risk of flooding, is being appropriately and proportionately managed.

At this stage, I wish to thank all those who attended stakeholder and information events and responded to the public consultation exercise, and the members of the Institution of Civil Engineers' reservoir safety advisory group, who provided excellent technical advice. I also thank the Chairman and members of the Agriculture and Rural Development Committee for facilitating presentations from my officials, for their comments, which have helped to shape the policy and the Bill, and for taking time out of their busy work schedule to visit Kiltonga reservoir in Newtownards. I very much appreciate the input of all the stakeholders, individuals and organisations who contributed significantly to the Bill's development.

The Bill contains nine Parts, 121 clauses and four schedules.

Part 1 sets out the definition of a controlled reservoir and, importantly, what types of

structures will not be regulated by the legislation. That is central to the legislation. It is, therefore, important to stress that it is structures or areas designed or used for the collection and storage of 10,000 cubic metres of water or more above the natural level of any part of the surrounding land that will be known as controlled reservoirs and subject to regulation. It will also include smaller reservoirs that, individually, do not meet the volume threshold but where, if water can flow between them, the combined capacity is 10,000 cubic metres or more.

The Bill also contains a power by regulation for my Department to provide that a smaller reservoir may be regulated if it is established that it poses significant risk or will have a widespread impact. That provision is only precautionary at this stage and is unlikely to be used by the Department.

Part 1 also defines the term "reservoir manager" as the person with responsibility for reservoir safety and, therefore, charged with ensuring that an adequate management regime is in place. The registration system that will apply to controlled reservoirs and the risk designation process to be undertaken by the Department are also detailed in that Part.

The risk designation will determine the management regime to be applied to a reservoir and is principally based on the potential consequence of reservoir failure on human life, economic activity, the environment and cultural heritage. The Bill provides for three classifications of risk: high, medium or low. That will determine the levels of supervision and inspection required by reservoir engineers. Basically, reservoirs designated as high risk will require more supervision and inspection than a medium-risk reservoir. Obviously, reservoirs designated as low risk will be required to be registered but will not be subject to the supervision and inspection requirements of high-risk and medium-risk reservoirs.

Part 2 sets out the supervision, inspection and record-keeping requirements for high- and medium-risk reservoirs. Such reservoirs that have been inspected prior to the commencement of the legislation may have their reports recognised, provided they meet certain requirements. That may reduce the initial regulatory and financial burden on some reservoir managers.

Part 3 sets out the requirements for the construction or alteration of a controlled reservoir and defines terms such as

"abandonment" and "discontinuance". Abandonment is when a reservoir is made to be no longer capable of holding water above the natural level of any part of the surrounding land, generally by the removal of the dam structure. Discontinuance is when the reservoir is capable of holding some water but not 10,000 cubic metres of water above the natural level of any part of the surrounding land. In those cases, the requirement of the legislation would no longer apply to the reservoir.

Part 4 deals with other requirements such as incident reporting, flood plans and the display of emergency information.

Part 5 provides for a means of arbitration between reservoir managers and their engineers. So, for example, when a reservoir manager disagrees with the direction in a safety report, inspection report or recommendation as to the date of the next inspection, he or she can challenge that by referring it to a referee. That ability to challenge should provide reservoir managers with an assurance that reservoir engineers will act reasonably, with professional integrity and abide by their professional code of conduct.

Part 6 provides the Department with a range of powers such as the ability to enforce the commissioning of engineers, to take safety measures and to step in to undertake emergency works to prevent an uncontrolled release of water from a reservoir. The Department will also have the power by regulation to create a system of stop notices, enforcement undertakings and a suite of civil sanctions as an alternative to prosecution proceedings.

Part 7 enables the Department to establish one or more panels of reservoir engineers who will play an important role in the supervision, inspection and construction of controlled reservoirs. The legislation will allow for transitional arrangements whereby reservoir engineers appointed under the Reservoirs Act 1975 may be appointed to the panels. That should alleviate any initial concerns that there may not be enough qualified engineers in the North of Ireland when the legislation commences.

Parts 8 and 9 contain miscellaneous and general provisions, including consequential and minor amendments. I do, however, want to draw particular attention to the power for my Department to introduce a grant scheme by regulation. I will be willing to consider the need for such a grant scheme if, following the first inspection, safety works are required. As you

will be aware, any such scheme will be subject to budget cover and Executive approval. Although the scope and conditions of the scheme will be considered at that time, it is very likely that any scheme will be limited to providing financial assistance for works required in the interest of reservoir safety. That takes on board the question asked by groups that have contacted us during the consultation about their responsibilities, given that they are community and voluntary organisations. General maintenance or other works due to neglect are therefore unlikely to be funded, but we can take a look at the wider grant scheme by regulation.

My Department will be responsible for administering and enforcing the legislation, and it is proposed that a dedicated unit, known as the reservoir authority, will be established to undertake that role.

Before Members debate the principles of the Bill, I emphasise that this is very much a risk-based approach to the management and regulation of reservoirs. It will ensure that each controlled reservoir will be subject to a proportionate supervision and inspection regime, depending on its risk classification. That will enable assurance that the potential risk from flooding as a result of dam failure is being appropriately managed. I am satisfied that the potential risk of flooding to people, the environment, cultural heritage and economic activity will be significantly reduced by the implementation of the Bill. I commend the Bill to the Assembly.

**Mr Frew (The Chairperson of the Committee for Agriculture and Rural Development):** I thank the Minister for her address to the Bill. I rise as Chairperson of the Agriculture and Rural Development Committee to speak on the Reservoirs Bill. I speak in the expectation that, at the close of the debate, and assuming that the Bill passes this stage, it will be referred to the Committee for Agriculture and Rural Development for its Committee Stage.

A few weeks ago, the Minister introduced the Bill to the Assembly as a Bill to protect the public from the risk of flooding arising from reservoirs. The Bill's contents and policy aims have been outlined by the Minister. With nine Parts, 121 clauses and four schedules, it is a highly technical Bill, and not one that makes light or easy reading. It has come about because, if all 151 controlled reservoirs in Northern Ireland flooded or failed, 66,000 people would be at risk. Now, the likelihood of all 151 reservoirs breaching at the same time and without notice must be an extreme one, of

course. Nevertheless, we now have to have a 75-page Bill to deal with it.

That leads me on to the first point, which various members of the Committee have mentioned about the Bill: is this in fact a sledgehammer to crack a nut? That is certainly an issue that the Committee will wish to explore with witnesses and experts as we undertake our detailed scrutiny of the legislation and its impact.

In my speech today, I will, on behalf of the Committee, outline the work that the Committee has done to date on the Bill. I will also outline some of the key issues raised by the Committee to date, and which we expect to fully explore during the Committee Stage. Finally, I will briefly outline who the Committee will take evidence from and why.

The Committee has been engaged for some time with the Rivers Agency, which, of course, is leading on the Bill. The total dam breach of a reservoir is recognised as a possible source of flooding that has the potential to cause catastrophic damage to those living and working in the reservoir's inundation area. Hence the need for legislation to prevent that happening in Northern Ireland.

The Committee has been told that the proposals for the Bill are designed to create a legal and administration framework to reduce and manage the risk from flooding from reservoirs. The intention is that the Bill will be based on industry best practice and that it will require operators and owners to carry out their duties in a manner that ensures, as far as is reasonable and practicable, the safety of their structures, without an unnecessary regulatory burden. It will be based on a risk-based approach for the management and regulation of reservoirs to protect the public.

The Committee has received oral briefings on the policy development and progress of the drafting of the Bill on a semi-regular basis during this mandate. During one of those briefings, the Committee asked that Rivers Agency assess the impact of the proposed reservoir legislation on those reservoirs that are regarded as community assets; assets that are used by local communities for social and recreational purposes. The Committee requested that information because it was concerned that some reservoir owners may wish to drain or empty their reservoir, or reduce the amount of water, in order not to fall under the legislation. In doing so, the reservoir owner may remove a community asset.

The result of the work that Rivers Agency undertook on that aspect was presented to the Committee in April 2013 and provided members with sufficient detail to begin to assess the impact that the legislation might have on the community, social and recreational uses of reservoirs. That information is also on the DARD website if any Member wishes to find out any more about reservoirs in his or her constituency.

#### **11.45 am**

The Committee also undertook a site visit, as the Minister mentioned, to Kiltonga reservoir just outside Newtownards. That reservoir was given as an example of a community asset that the public widely use for recreational purposes. Kiltonga reservoir is in public ownership. In that case, it is owned by DARD and seems to be very well maintained. Thus, the risk that is posed to a very large area of Newtownards is minimised. The reservoir and its surroundings are managed in partnership with the local council regarding paths and enabling public access. That outlines, in brief, the work that the Committee has done to date on the Bill.

I will now briefly outline the main issues that have arisen for the Committee and that we expect to explore in detail during Committee Stage, if we get there. Is the Bill proportionate to the risks that are involved? Has the Bill been gold-plated in any way? Is the proposal to define a controlled reservoir as one that is capable of holding 10,000 cubic metres or more of water appropriate? What about the costs to the private sector and third sector in complying with the Bill? What potential impact will it have on planning policy and household insurances? What about grant aid to ensure that reservoir owners can comply with the legislation? How will disputes and appeals be managed? What are the secondary legislation provisions in the Bill, and are they proportionate and appropriate? Members, that is not a definitive list, and we fully expect further issues to arise during Committee Stage.

Let me take a few minutes to explain some of those issues in a little detail. As I mentioned, the legislation will place new operational requirements on the owners and managers of 151 structures that are capable of holding 10,000 cubic metres or more of water above the natural level of the surrounding land. The legislation will place a regulatory requirement around reservoirs to try to prevent failure of the structure and thus flooding. We do not disagree that this is required, but we want to make sure that the regulatory requirements are appropriate and proportionate to the risk and

impact of a reservoir flooding. The Agriculture and Rural Development Committee, with its experience of the agriculture and agrifood sector, has seen how primary legislation, secondary legislation and EU legislation in particular can sometimes be gold-plated to the detriment of business.

That point is linked closely to the next key issue, which is the definition of 10,000 cubic metres. The Committee has heard that the rest of the UK currently has legislation that uses a 25,000 cubic metre definition. The Scottish Parliament has passed the Reservoirs (Scotland) Act 2011. Under that Act, the defining level will come down to 10,000 cubic metres, but that has not been enacted or commenced as yet. So, we will want to explore what the defining level should be for Northern Ireland, and we will want to explore what the consequences of different levels will be on issues such as numbers of controlled reservoirs, costs and the burden to the owners.

The anticipated costs that reservoir owners will have to bear to comply with the legislation is an area that the Committee is likely to have some concerns with. We are aware that ownership of reservoirs is roughly at 76 in the public sector, 59 in the private sector, nine in the third sector and seven with ownership unknown. We know that the single largest owner is Northern Ireland Water (NIW). It and, we assume, most other public body owners are already operating to the spirit of the proposed legislation. Subsequently, we do not expect that the operating requirements for that group will be either too onerous or will have new financial implications. That may not be the case for the private sector, most of which comprises private individuals, and the third sector, which involves bodies such as fishing clubs, social enterprises and charities. I do not want to suggest that those groups have been operating their reservoirs in an unsafe manner, but they most likely have not been operating to the spirit of the proposed legislation. They are maybe not even aware of the legislation in GB.

Yet very soon, as soon as this Bill is passed and commenced, they will have to pay for inspecting engineers, supervisory engineers and a rigorous repair and maintenance programme, if that is considered necessary. The cost of that may come as a shock to some of those people and owners. The initial consultation, undertaken by Rivers Agency, provided an outline of estimated costs, ranging from £2,000 to £4,000 for an inspection by an approved engineer, and that could happen twice a year for a high-risk reservoir. Remedial work could range from concrete repairs costing

£15,000 to some extensive work that could cost anything between £75,000 and £150,000. Rivers Agency is very clear that those are only rough costs and the need for such works on a regular basis will vary considerably, depending on the structure and its condition.

Nevertheless, there is some evidence to suggest that private owners and charity owners of high- or medium-risk reservoirs could be facing additional charges of between £6,000 and £7,000 or more a year. To the private individual owner or small local charity, such costs are substantial and could make them go out of business. So, please be assured that the Committee will explore such costs in great detail with the relevant witnesses.

Rivers Agency has recognised that this legislation may well have a detrimental financial impact on private owners and charities. Within the Bill, it has proposed a grant scheme to be enacted if necessary. I suspect that it will be a critical issue. However, a legal basis for a grant scheme is no good if the funds to back it up are not in place. So, we will be exploring how much Rivers Agency might consider it will need on an annual basis for such a grant scheme and where it thinks the funding might come from. I will take a little bit of licence here and go so far as to say that the Committee will need definitive assurances that any potential grant scheme will be funded before it can be truly content with the Bill as it stands.

Linked to that issue is that of operating requirements or the extent of the administrative and financial burden. The requirements for inspection and maintenance are linked to the risk assessment. There are three levels of risk: high, medium and low. The requirements under each level vary according to the risk. The Committee will want to assure itself that the requirements at high- and medium-risk level are appropriate and not unnecessarily burdensome financially. There also appears to be very little difference in the operating requirements at high and medium risk, and that will need to be explored at Committee Stage.

Another major issue that taxes some of the Committee members is the impact on community assets and community use of reservoirs. We have heard that from Members' contributions, even at this early stage. Reservoirs and their environments are often very pleasant landscapes and used for a variety of activities, from walking and family outings to boating and fishing. Access is often free of charge. The Committee is concerned that the legislation may cause reservoir owners and managers to consider discontinuing the reservoir by reducing its capacity or taking it

under the 10,000 cubic metre threshold or abandoning the reservoir so that it no longer holds water above the natural level of the surrounding land. If that happened, it could mean the loss of significant amenities to the local community. That is one of the reasons why the Committee asked Rivers Agency to carry out the community assets survey.

Some of the other issues that have been mentioned in the Committee meetings but have not yet been explored in great detail include the potential impacts on household insurances, once the reservoir flood inundation maps are made public and, indeed, what account Planning Service will take of such.

The cost to Rivers Agency to develop, implement and eventually police this legislation has also been discussed at the Committee, and we will obviously wish to explore the dispute and appeals mechanism in some detail to assure ourselves that it is fair, cost-effective and capable of acting in a timely manner.

I will now briefly outline the work programme that the Committee has proposed to undertake. We will speak to as many owners or managers of reservoirs as we can. The ownership of the 151 reservoirs that are likely to come under this legislation has already been mentioned as follows: 76 or some 50% are owned by the public sector; 59 or some 39% by the private sector; nine or some 6% by the third sector, that is the National Trust, angling clubs, social enterprises, charities etc; and seven or some 5% are orphaned or the ownership is unknown. The single largest owner is Northern Ireland Water, with 48 reservoirs. The Committee, therefore, will take evidence from that organisation. We will explore all the issues I mentioned earlier with Northern Ireland Water. We will also want to explore the implications for reservoir safety of the proposed sale by Northern Ireland Water of up to 18 reservoirs. The production and testing of a plan to cope with a reservoir breaching and flooding will also be of interest to the Committee.

Although there are reservoirs in practically all council areas, only 10 councils are likely to become reservoir managers as defined by the scope of the Bill, with those councils owning or being responsible for the reservoir. The councils are Ards, Banbridge, Belfast, Craigavon, Carrickfergus, Dungannon, Fermanagh, Lisburn, Newry and Mourne and Newtownabbey. The Committee decided, therefore, that it needs to hear from local government about what the legislation means for it. The Committee will request written evidence from all councils that own reservoirs,

and it will take oral evidence from the Northern Ireland Local Government Association (NILGA) and from Belfast, Craigavon and Newry and Mourne councils. This is particularly important as council-owned reservoirs are also likely to be community assets. We will also wish to hear about the potential cost to the ratepayer for an increase in the operating regimes of councils regarding reservoirs and the plans they have in place to cope with any reservoirs that breach or cause flooding. That leaves nearly 50% of reservoirs that are owned by the private sector and third sector, by which I mean a combination of individuals, private sector companies, angling clubs, social enterprises and charities. The Committee will hear from two angling clubs that own reservoirs, and it has invited two other charitable and social enterprise owners of reservoirs as well.

The inspection and supervisory regime, as well as the recommendations for the maintenance required, will be undertaken by a panel of engineers drawn from the Institution of Civil Engineers. They also have a role to play in the dispute and appeals mechanism. As the majority of costs relating to inspection and supervision will arise from the panel of engineers, I imagine that the Committee will be interested in exploring cost issues in some detail. We also hope to take evidence from local government and private sector owners in Scotland and/or England by videoconference about what it is like, and how much it costs, to live under similar legislation in those jurisdictions.

Reservoirs are important parts of our environment. Many are in areas of outstanding natural beauty or of special scientific interest. We will explore that aspect and the decommissioning aspects with the Northern Ireland Environment Agency (NIEA). We have already identified one private owner, and we hope to identify more in the coming weeks, from which to receive oral and written evidence. I am sure that, as the weeks go on, further issues might come to the surface that we will wish to explore in further detail.

That completes what I wish to say on behalf of the Committee. I will now take the opportunity to say a few words as an MLA for North Antrim. I will be brief. Most of us — North Antrim is not alone in this — have reservoirs, sometimes many, in our constituencies. There will be different levels of risk and different sizes of population around reservoirs, which will, of course, increase or decrease the risk, depending on the size of the population. It is important that safety comes first. It is important that we protect life and property. Like many

MLAs, I have witnessed at first hand how flooding can devastate a family. It takes a house to be flooded only once to have dire consequences for a family. Every time it rains, they are on tenterhooks. Every time a river increases in size, those families are nervous. There should be no difference in the potential threat that a reservoir holds for the flooding of those properties. Sometimes, properties, households and communities do not even know the risk that is being placed on them by a reservoir. Sometimes, communities might not even be aware of a reservoir and the potential flooding of their area.

It will all depend on the contour of the land, the size of reservoir and the size of the population. We understand that, but the most important thing is that the legislation and the need for it are balanced by the proportion of risk. It is very important that we get this right and have in place legislation that will meet that risk.

#### 12.00 noon

We all live with risk every day. As soon as we walk out of the house, we are involved in risk. It is about managing risk, and that is what we have to get right. We have to ensure that the balance is there: the risk must be managed, but doing so must not increase the burden on the owners, ratepayers or the public. There is a balancing act here, and I stress to the Department and the Minister that we need to make sure that the legislation is not gold-plated and that it is not burdensome to the point where we lose some of our best community assets. We have to manage risk, and we have to do so in a way that is best suited to Northern Ireland, not other areas, be that GB, the Republic of Ireland or anywhere in Europe. It must be suited to Northern Ireland and Northern Ireland alone.

**Mr McAleer:** Go raibh maith agat, a Cheann Comhairle. I welcome the Bill. We are very lucky here in the North that dam failures are a rarity. As many as 66,000 people live in potential inundation areas, so the message is that prevention is better than cure. We welcome the steps being taken to improve reservoir safety and reduce the possible loss of life and damage to property.

It is also important to point out, and I am glad to note, that a risk-based, proportionate approach is being taken in looking at the potential consequences of the unlikely event of a dam failure. I understand that many of the dams or reservoirs are very old — indeed, some are

over 100 years old — and have not been subject to regular inspection.

I share some of the concerns raised previously, particularly about voluntary organisations using reservoirs for social activities. In my community, the reservoir, which is not subject to this legislation because it is a lake, is a centrepiece of community development activities. I appreciate personally the importance of that natural asset to communities throughout the country.

I am glad to note the Minister referred to a grant scheme by regulation should, after inspection, safety measures have to be implemented. I will track that with great interest as the Bill proceeds through its various stages.

**Mr Byrne:** I welcome the opportunity to speak on the Bill. Considering that there has been no legislation on reservoirs in Northern Ireland prior to this, the Reservoirs Bill is important. For many reasons, it is timely that this is addressed fully, both in the Agriculture Committee and the Assembly.

As was stated earlier, the EU requires that there be such legislation. England and Wales have had legislation in place since 1930, and Scotland's legislation, which has been in place since 2011, is being implemented through the Scottish Environment Protection Agency. There is no legislation on reservoirs in the Republic of Ireland.

Reservoirs throw up a difficulty in dealing with them because of their variety of owners. One third are owned by Northern Ireland Water, one third are loosely in public ownership and the other third are loosely in private ownership. So it is important to have a regulatory system that fits all types of ownership. All 151 impounding reservoirs in Northern Ireland are 10,000-plus cubic metres, the variety to which the legislation will apply.

As the continuity of supply of water to the public is vital, it will be important to have a grant aid system to help owners who are not in the financial position to upgrade structures to acceptable standards. The Bill needs to provide the powers to do that. Nearly all the reservoirs in Northern Ireland are over 100 years old. New capital investment will be required in the future as engineer inspections become mandatory.

Although the main purpose of reservoirs is to provide the public with water, many are also considered to be community assets and not only provide recreational and leisure facilities

but have tourism benefits and offer vital amenities. Others are used for economic and social activities. As has been said, examples are the Ligoniel reservoir in Belfast, the Creggan Country Park in Derry and, indeed, in my area, the Loughmacrory lake in Omagh district that was mentioned by Mr McAleer. Many also have environmental or built heritage protections. Thus, it is important to consider the direct and indirect impact that any legislation would have on the reservoirs.

It is important that the Bill protects the users of the reservoir without putting too much unnecessary burden on owners. It is important that any legislation ensures that reservoirs are safe for users without putting unnecessary burden on the owners of the facilities. Dam bursting and consequent flooding are the nightmare scenarios that must be taken into consideration and provided for.

It is important that the Bill reflects the aspirations not only of DARD but of other agencies, such as Northern Ireland Water and the Planning Service. Again, it is important that the level of administration is kept to a minimum, as many of the private owners may be active farmers or landowners, who are already subject to many rules and regulations and much administration. It is also necessary that those farmers or landowners are not put under more strain to upgrade reservoirs to DARD-required standards without grant aid. Some of the reservoirs are in isolated locations, and virtually nobody accesses them other than the farmers and those who check them.

There are a number of reservoirs in my constituency of West Tyrone — Lough Bradan, Loughmacrory lake, and Glencordial. Both Loughmacrory lake and Lough Bradan are used for leisure activities, and all are in areas of great beauty. I know how much people enjoy using those facilities. It is therefore important that any legislation accommodates the various uses of these reservoirs and their surrounding areas.

Safety is important so that the reservoirs are safe for their various uses. However, it is important that this is in proportion: one system will not suit all. It is also important that the costs associated with monitoring the reservoirs are kept to a minimum. Also, who will take responsibility for these costs, because the Bill provides for a panel of reservoir engineers?

In Northern Ireland, we have an integrated water capture, water processing and water distribution system that provide a quality water supply to almost 100% of homes. Unfortunately, some homes in upland areas are

still not provided with a public water supply. Our integrated water system has been brought together over the past 40 years. We have a unique water capture system of five water capture zones across the North, through the infrastructural system of natural lakes and reservoirs. Northern Ireland Water is a very good water management organisation that is in public ownership. The Rivers Agency and DARD now have to deal with the EU requirement in relation to the risk of flooding from reservoirs.

The proposed legislation needs to be sensitive to the owners, the community and the users of those facilities. I welcome the Bill today.

**Mrs Dobson:** I welcome the opportunity to speak on the Bill. It has been a long time coming, and has moved along very slowly in the background since I first joined the Agriculture Committee. Nevertheless, it was right not to rush the Bill through the Assembly, as the Department encountered issues during the consultation stage. By taking an open approach, it had the opportunity to hone and refine the contents of the Bill. I will refer more to that shortly.

The policy intent of the Bill has been discussed, so I will not go through it again. What I will say is that, of course, I agree with the broad objective of ensuring that Northern Ireland's reservoirs are properly maintained and pose no significant risk to human health or life. I think that we can all agree on that.

People need reassurance that these large bodies of water, which are often sitting above their homes and built to store huge volumes of water, are stable. Thankfully, none of Northern Ireland's reservoirs would be considered dangerous at this moment in time. Nevertheless, it is right to put in place the proper safeguards to ensure that the situation remains like that.

Many of our reservoirs were constructed a long time ago, especially during the industrial revolution. They were built in a different age, when the focus for some would have been on the generation of power rather than the safe storage of water for decades to come. Tragedies across the water spurred authorities there into action, even if it took a while. However, for some reason Northern Ireland was left behind.

Although there have been no significant breaches here, it would be remiss of me not to mention that reservoirs can still be dangerous, especially with people using them as leisure

facilities. Unfortunately, over recent years we have seen their deadly power. Tragedies in these waters, including that at Annalong last year, may not be the focus of the Bill, but it is important that we recognise that other safeguards may also be necessary for our waterways.

I pay tribute to the Pollard family in particular, who, through their grief, wrote to me urging action on safety measures at reservoirs and quarries. Minister, I wrote to you on this issue, as well as to the Environment Minister. Although this is not directly linked to the Bill, perhaps you would agree to take their views on board.

Although our reservoirs may be unregulated in the sense that those in England, Scotland and Wales are regulated, we have a number of pieces of legislation that mention them. Those include the Water and Sewerage Services (Northern Ireland) Order 2006 and the Drainage (Northern Ireland) Order 1973. Importantly, though, neither requires reservoirs to be maintained to a particular standard. Thankfully, over the years a common sense approach has been taken to the maintenance of many of our reservoirs, and we have avoided the tragedies on the scale that has been experienced in other places across the UK.

We were told during introductory briefings by DARD officials that Northern Ireland Water, for instance, already follows similar standards to those in the 1975 GB legislation. It is a fact, however, that even those reservoirs that are in public hands have few accompanying duties placed on their owners. However, any responsible owner of these structures, which hold huge volumes of water, must accept that they should have some responsibility to ensure that they are safe. Having said that, however, I do not believe that full responsibility can be placed entirely at their feet. Many of these reservoirs will have passed through private hands, sometimes down through families, in addition to the many that public authorities own but are now surplus to requirements. Indeed, we are now seeing Northern Ireland Water in the process of selling a number of its reservoirs.

A reservoir, although potentially dangerous, can be a great asset to an area or organisation. A number have been converted into some of our very best fisheries, for instance, and we have excellent examples of successful and beautiful fisheries dotted in reservoirs across Northern Ireland. On that point, Northern Ireland Water should consider the future benefit to communities when selling its reservoirs. I know that alongside the Richmount Rural Community

Association, we have worked so hard in Upper Bann with Northern Ireland Water to convert a disused sewage works into a community nursery. That is an example of Northern Ireland Water working responsibly with the community for the good of all.

The definition in the Bill of a controlled reservoir will not discriminate between owners, whether they are farmers, Northern Ireland Water, councils or any other body. If they meet the volume limit, the Bill will carry requirements, so I trust that Northern Ireland Water, alongside DARD, will be keeping potential new owners of reservoirs fully up to date on what will be expected of them. As a direct consequence of the Bill, some owners, whether new or long-standing, face having to pay for visits from engineers to inspect reservoirs. Some may even decide to drain their reservoirs to below 10,000 cubic metres so that they will fall outside the scope of the Bill. The Minister's views on that would be appreciated.

The Bill should not be resented, and I do not think that it will. However, although the Assembly has the job of deliberating on the Bill, it will be the owners or managers of the 151 reservoirs concerned who will have to live with the day-to-day decisions that are made in it. A one-size-fits-all approach would be entirely wrong for the Bill, and I believe that the Department fully recognises that. For instance, its initial proposal for either high impact or low impact reservoirs was far too broad-ranging and would have meant too many reservoirs being subject to excessive requirements out of precaution because no middle option was being made available. It was crucial that those concerns were listened to by the Department during the consultation exercise, and it now proposes high-, medium- and low-risk categories.

#### 12.15 pm

Unsurprisingly, many of the reservoirs that are determined as being high risk are in urban areas, so it is only right that they are properly maintained and have an appropriate level of supervision. Equally, those determined as being low risk will simply have to register and display signage that states who owns it and who to contact in the event of failure. Importantly, they do not face the prospect of paying for regular engineer inspections. However, I hope that owners of those structures will still use their judgement to determine if and when repairs are necessary.

There are a number of issues in the Bill that, I hope, will be thrashed out in more detail over

the coming stages. One such issue is the power that the Department is proposing that will enable it to call in smaller reservoirs if it deems it necessary. I am not opposed to that as it is important that the flexibility exists to allow intervention on smaller structures that may still pose a risk.

However, I urge the Department to ensure that the Bill's drafting and, more importantly, its subsequent regulations stand up against the threat of legal challenge. The Minister may say that she does not envisage that power being used, but it is best to get issues like that right the first time around.

The issue that I want to conclude on is the power in the Bill that will enable the Department to bring forward a grant support scheme. I welcome that, because, as I have said, many of the owners of our reservoirs will have no idea about where to look for professional engineering opinions or about how to go about making any necessary repairs. How much support would be available or where it would come from will not be decided until after the Bill comes into operation. However, I hope that the Department is already looking into options available to it. I would be grateful if the Minister could provide some idea of what she anticipates being included in the grant scheme.

The Bill was clearly heavily prompted by the EU floods directive, but the Department will now be judged on how it liaises with the people most affected by it. So far, the lines of communication appear to have been adequate, with the exception of our local councils. At a time of significant reform in local government, the Department will have the difficult task of ensuring that its voice is heard on the Bill. There is time for the Department to persevere. I hope that the lines of communication with the owners in the past remain open, even more so as the Bill enters its Committee and Consideration Stages.

I welcome the overall intent of the Bill. However, it is entirely in the hands of the Minister and her Department to ensure that its provisions can be adopted and implemented with the broad support of the 150-plus owners and managers of our larger reservoirs.

In closing, I come back to my point about safety measures, as raised with me by the Pollard family. I would welcome the Minister's assurance that she will continue to work with her Executive colleagues in that area.

**Mrs Cochrane:** I too speak in general support of the Bill as presented. The need for the Bill is

clear, since there is no formal legislation that covers reservoirs in Northern Ireland, unlike in GB where reservoir safety has had its own legislation since 1930.

The European floods directive requires member states to identify, assess and manage potential flood risks. Therefore, the policy objective of the Bill is to ensure that we can comply with that directive by introducing a risk-based approach to management and regulation of reservoirs to protect the public from flooding.

The Bill proposes a number of things. First, the establishment, under DARD, of a reservoir authority. Panels of civil engineers would be appointed to supervise, inspect and construct controlled reservoirs under the Bill's provisions. DARD would then establish and maintain a register of controlled reservoirs that would be available for public inspection.

Other proposals in the Bill are that high-to-medium risk reservoirs will be required to have a supervising engineer at all times, and there is a requirement to maintain records of water levels, leaks, repairs etc. DARD could also make flood plans for reservoirs. These controlled reservoirs would have to have emergency response information displayed.

As others said, 151 reservoirs will come under the scope of the Bill. Many of them are currently under public or Northern Ireland Water ownership. Northern Ireland Water should have the funding available to cover necessary maintenance. Indeed, it already maintains reservoirs under voluntary regulation matching the UK legislation requirements.

An area of concern, however, relates to the reservoirs that are not under statutory ownership. Angling clubs, not-for-profit organisations, individuals etc who own reservoirs may find the regulatory regime arising from this Bill onerous and may perhaps seek to dewater, reduce levels or drain completely and abandon reservoirs with the resulting environmental impact. It is important that we look carefully at the potential impact of the Bill on these private and third sector owners and explore options for DARD to bring forward a grant scheme to help them meet the requirements of the Bill if passed.

It will also be important to ensure that there is a joined-up approach involving the Northern Ireland Environment Agency, Planning NI, the Rivers Agency and other bodies to safeguard the environment and ensure the safety of reservoirs. As we look at the Bill in more detail, we must ensure that it sets out clearly how

abandoned reservoirs will be managed. We must also consider what issues may arise once the legislation is in place should Northern Ireland Water, for instance, start selling disused reservoirs as their duty of care to stop flooding will pass to new owners as a result of the legislative safeguards.

Overall, the Bill seems reasonable. It is necessary to meet the EU floods directive and to bring Northern Ireland into line with the rest of the UK. I support the principles of the Bill and look forward to looking at the issues that I and others have highlighted in further detail at Committee Stage.

**Mr Spratt (The Chairperson of the Committee for Regional Development):** I thank the Minister for her opening remarks in introducing the Bill. I will keep my remarks brief and to the areas that affect the Committee for Regional Development.

Members will be aware that Northern Ireland Water, an arm's-length body of the Department for Regional Development, owns quite a few reservoirs throughout Northern Ireland. It is my understanding that officials from NIW will brief my Committee and the Committee for Agriculture and Rural Development should the Bill pass to Committee Stage. My Committee may also wish to make a further contribution to the development of the Bill at that point.

I am aware that the Department for Regional Development expressed its support for the principles of the Bill in correspondence to the Agriculture Committee in January 2012. The Department and NIW contributed fully to the consultation process on the Bill and queried a number of issues, including seeking consideration to be given to NIW, as the operator of the majority of service reservoirs in Northern Ireland, having a construction service reservoir engineer in its employ. I would appreciate it if the Minister could indicate whether those queries have been amicably resolved to date.

Northern Ireland Water has 71 structures under its ownership that will fall within the Northern Ireland Reservoirs Bill, making it the largest single owner of structures that will be affected. There are a significant number of reservoirs in private ownership. They will be subject to the requirements of the new Bill. I will be interested to hear how the Minister intends enforcing the requirements of the Bill, particularly in the event that a private owner attempts to drain a reservoir to a level below the 10,000 cubic metres stipulated in the Bill. Deliberate circumvention of the regulations to avoid the

safety works proposed in the Bill needs to be prevented. The requirements of the Bill need to be enforced.

As I indicated, I am aware that Northern Ireland Water warmly welcomes the Reservoirs Bill, which is being introduced to:

*"Make provision about the regulation of the management, construction and alteration of certain reservoirs, in particular in relation to their safety to collect and store water; and for connected purposes."*

Northern Ireland Water is, like its predecessor, DRD's Water Service, committed to ensuring the safety of the public of Northern Ireland. It has, since 1975, been managing its impounding of dams in line with the Reservoirs Act 1975 in England and Wales.

All of NIW's physical assets are already compliant with the regulations that fall within the new Bill. I am confident that any further work necessary to ensure their ongoing compliance will be undertaken within the specified timescale. This further work will require that NIW develops and implements new documentation on how each site is being managed.

The principal objective of the Bill is to introduce a risk-based approach to the management and regulation of reservoirs in order to protect against the risk of flooding. I note that, thankfully, no fatalities have been reported in Northern Ireland because of dam failure. It is important, however, that we do not rest on our laurels. We witnessed the recent severe floods in England and Wales and, indeed, those that impacted on our constituents. The Bill, through regulation, seeks to improve the safety of our dams and remove risk to the public. I support these efforts and the principles of the Bill. I look forward to further engagement with the Committee for Regional Development at Committee Stage.

The Committee for Regional Development supports the principles of the Bill.

**Mr Irwin:** This is an important issue that requires a specific focus from the Department and the Executive. Over the past number of years, there have been no fixed regulations for the maintenance of reservoirs to a recognised standard. The Bill aims to provide these as part of a response to the EU floods directive, which requires DARD to assess all potential flood risks — hence the focus on reservoirs and the obvious flooding potential associated with breaches of dam defences.

These are important issues, especially given the history of wall failures over the past 100 years across the UK. Notably, however, that has not been the case in more recent times, which shows that public and private owners are more alert to the dangers and risks when large volumes of water are held. That said, it is important that reservoirs are legislated for. That is where the Bill enters the agenda and seeks to plug the gap, if Members will pardon the pun, in the regulation and maintenance of such infrastructure.

I spoke on this matter in the early stages of the discussion in the Committee for Agriculture and Rural Development. I have some concerns that private owners of reservoirs in areas with a particularly low risk of damage to the public or the environment will be subject to an overly onerous set of regulations, which, in many cases, would become financially impossible to meet. With a low to non-existent risk, it is questionable what any maintenance over and above that which the owner already undertakes would achieve.

Certainly, where the larger reservoirs are concerned, in light of the lack of legislation and where significant risk has been established, it is proper that some controls are available to ensure that those facilities are of a standard that addresses any risk to the public and the environment. The Bill must strike that balance. It must ensure that European directives are complied with but in such a way that they are not overbearing, financially or from a management perspective, on the lower-risk installations.

I look forward to further opportunities to contribute to the debate in the Committee.

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

*The debate stood suspended.*

*The sitting was suspended at 12.29 pm.*

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

2.00 pm

## Oral Answers to Questions

### Culture, Arts and Leisure

#### Museums

1. **Mr McCarthy** asked the Minister of Culture, Arts and Leisure to outline the current links between National Museums NI and the Northern Ireland Tourism Board. (AQO 5454/11-15)

**Ms Ní Chuilín (The Minister of Culture, Arts and Leisure):** Museums play a central role in helping to deliver on the objectives of the Tourist Board's strategy to 2020. The Tourist Board recognises the important role that museums play in our tourism offering here and the benefits of partnership working. NITB has provided significant levels of financial support towards a number of museums-based projects. These financial links include providing £482,000 of capital funding for the Ulster Folk and Transport Museum and the Ulster American Folk Park over the past five years. Of this amount, £257,000 was for the discovery farm at the Ulster Folk and Transport Museum, and £225,000 funded the Rogan and McCallister houses at the folk park in Omagh. In addition, NITB provided £40,000 of funding for the successful bluegrass festival at the Ulster American Folk Park over the past three years.

**Mr McCarthy:** I am grateful to the Minister for her response. The Minister will agree that museums are an integral part of the tourist industry, as indeed is Exploris in Portaferry in my constituency. Now that a strategic business plan has been produced for the future of that wonderful facility, what part will the Minister and her Department play to assist in the continued existence of a new and revamped Exploris?

**Ms Ní Chuilín:** I thank the Member for his question. I am waiting for the revised business plan to come before the Department. I am glad to see that significant progress has been made since the Member last asked this question. It is still up to each of the Departments that currently do not have a role in Exploris — as the Member is aware, I am not responsible for marines — to see what role they have and to see how that money will come forward, if at all.

**Miss M McIlveen:** Can the Minister advise whether National Museums Northern Ireland has sufficient moneys in its budget to take advantage of any links with the Northern Ireland Tourist Board?

**Ms Ní Chuilín:** The Member may be aware that some of the zero-based budgeting exercises with the arm's-length bodies (ALBs) are currently under way. Museums has just been completed, but we still have to come back on things. I am conscious of the fact that Museums has, in line with a target set out for it, raised some of its own capital, but, from what I have seen thus far, the plans are reliant on Departments — not just DCAL, but others. Indeed, Museums is trying to strengthen links with other Departments to ensure that funding not only continues but increases over the years.

**Mr Hazzard:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Can the Minister explain why DCAL supports W5, which is a regional educational museum, but not Exploris, which, in my opinion and that of the people of south Down, is a similar place?

**Ms Ní Chuilín:** I thank the Member for his supplementary question. I recognise that Exploris has an important tourism aspect, and it has educational and environmental implications to its product. As I said to Mr McCarthy, while my Department has no remit for marines per se, by comparison, W5 is a science centre that is an integral part of the wider Odyssey Trust Company project, which the Department of Education and, latterly, DCAL were instrumental in developing. The Member may not be aware, but Museums, which is, obviously, one of DCAL's funded bodies, set up W5 activities, and its funding is covered by legislation under museums. In April 2012, we transferred ownership of W5 to the Odyssey Trust, so the W5 aspect was firmly wedged within the DCAL family product. As I said, I am waiting for a revised business plan for the future of Exploris to come in front of not only my Department but those of other Executive colleagues to see what way we will take it forward, if at all.

**Mr McGlone:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle, agus gabhaim buíochas leis an Aire as na freagraí cuimsitheacha in leith sin. Thank you, Mr Principal Deputy Speaker, and I thank the Minister for her comprehensive answers on this.

It might be worth putting it on record that the ETI Committee, of which I am Chair, was the only Committee that took the time and trouble

to go down and find out for itself and lobby on behalf of Exploris. I hope that others can learn from that and maybe commit to doing that too.

In the context of the question, can the Minister please advise whether any collaborative work has been done by Museums NI and the Tourist Board on the Tourist Board doing that bit more to highlight upcoming attractions and events that are being held in the museums, rather than just advertising museum opening times?

**Ms Ní Chuilín:** I thank the Member for his supplementary question. In my answer to Kieran McCarthy, I said that the Tourist Board had provided funding for events and activities. That needs to continue, particularly when it looks at tourism and the DCAL opportunities, especially in rural areas outside the cities of Belfast and Derry. The bluegrass festival in Omagh is very successful. That is an example of collaboration and helping others in the decade of centenaries, and that will continue. I hope to see those links strengthened to the end of this mandate. It should be put in a better place for future funding, because it is important that we provide a better wrap-around approach to investment, particularly in tourism and culture, arts and leisure.

**Mr Principal Deputy Speaker:** Question 14 has been withdrawn.

## Football Grounds: Funding

2. **Mr Elliott** asked the Minister of Culture, Arts and Leisure what funding is currently available to upgrade facilities at Irish League football grounds. (AQO 5455/11-15)

**Ms Ní Chuilín:** I thank the Member for his question. The Executive previously endorsed the development of subregional stadia as a priority area of spend in the next comprehensive spending review (CSR), which is in 2015-16. So, funding for the development of a subregional association football stadium has yet to be finalised, and no decision on or timescale for funding has yet been made on that basis. However, in the meantime, I have commenced preparations, and the early planning phase on the delivery of the subregional programme, which will allow the necessary programmes to develop from one stage to another, will take place in advance of future funding being made available from 2015-16 and beyond.

**Mr Elliott:** I thank the Minister for that update. Can she confirm whether she or her

Department has made any promises of funding to any clubs in Northern Ireland?

**Ms Ní Chuilín:** I confirm that I have not made any decisions yet on any of the potential subregional facilities. I am waiting for a facilities management plan to come forward, and, on the basis of that and of the recommendations for the plans, I will test them to see how robust they are to make sure that they meet the needs. On that basis, I will make the decision, but none has been made by me thus far.

**Mr G Robinson:** Can I ask the Minister whether any delay in the stadium development at Windsor Park will impact on the second tranche of money going to grass-roots football?

**Ms Ní Chuilín:** I could not quite hear the first part of the question. I think it was, "Was any of the money from Windsor Park going to have an impact" —

**Mr G Robinson:** I asked you whether any delay in the stadium development at Windsor Park will impact on the second tranche of money going to grass-roots football.

**Ms Ní Chuilín:** There is no delay in Windsor Park, and there will not be any delay in Windsor Park. There will also be no delay in Ravenhill or Casement Park. In advance of securing the funding for the subregional stadia, which I anticipate I will do, I will not sit and wait for that funding to drop into my Department; I am getting on with the plans. I do not anticipate any delays at all.

**Mr Boylan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. How will the decisions be made on what football grounds will benefit from subregional funding?

**Ms Ní Chuilín:** I am sure that the Member heard the response that I gave to Tom Elliott. The decisions on any of the subregional facilities will be made by me. Where the process or any distribution of funding under the subregional stadia programme are concerned, as the Member will be aware, we are waiting for strategic outline business cases. At the outset, that should reflect the needs for the facilities strategy. It then goes into the whole technical processes of outline business cases and so on and so forth. At the end of the day, the decision around the subregional programme will be made by me, and it will, as I said to Tom Elliott, be based on identified need and robust business cases. It has to make sure that it will have a long-lasting legacy, not just in soccer

but in the communities where those facilities will be built and developed.

**Mrs McKeivitt:** Has the Minister any plans to introduce funding for the Irish League football clubs that wish to purchase defibrillators and, if they do, for training in the use of those?

**Ms Ní Chuilín:** As the Member will be aware, as part of the legacy of the World Police and Fire Games, defibrillators were certainly transferred to schools and, I understand, some sports clubs, although I am not in possession of a breakdown of exactly where they all went. The popularity of defibrillators, training and awareness raising around health and safety, unfortunately for many schools and those involved in sport and physical activity, has meant that people are now looking for those. Sport NI, as the Member will be aware, is bringing forward a new series of grants, and that is something that they could have a look at. I have been in discussions with many clubs and some schools around how we can ensure that those facilities are available at first hand, particularly when there are lots of children involved.

### **Irish Language: Funding**

**Mr D Bradley:** Go raibh míle maith agat. Ceist uimhir a ceathair.

**Mr McNarry:** What question is that?

**Mr D Bradley:** Question three.

3. **Mr D Bradley** asked the Minister of Culture, Arts and Leisure, following the announcement of the new funding model by Foras na Gaeilge, which establishes six lead Dublin-based Irish language organisations, how she plans to ensure that local Irish language organisations are included in the funding and work of the six lead organisations. (AQO 5456/11-15)

**Ms Ní Chuilín:** Ná bí buartha, Dominic; tá a fhios agam sin. My response is to Dominic's question, which was question 3, is that, following an extensive review of the current core funding arrangements, which began in 2008 with discussions and consultations and included a public consultation, Foras na Gaeilge has announced the names of the six lead organisations that will now lead services in the six thematic areas across the island. The purpose of the review was to ensure the effective delivery of services to language communities consistent with Foras na Gaeilge's

statutory obligations and to make best use of available resources.

To ensure that there is Northern-based representation in the delivery organisations, Foras na Gaeilge, in accordance with the approved business case, will agree criteria with the lead organisations to ensure that up to 25% of staff will be based in the North. They will also have to demonstrate that their boards include members from the North.

Although the core funding will cease under its present format at the end of June, there will be opportunities for organisations in the North to apply for funding from Foras na Gaeilge for individual projects and programmes that meet identified needs outside those provided for by the six thematic areas. The language development forum will also include representatives from the North and South. Foras na Gaeilge has appointed a project change management adviser who will provide assistance to the six lead organisations. The adviser will also provide advice and guidance to the non-lead organisations about their future funding options.

**Mr Principal Deputy Speaker:** I remind Members about the use of telephones. We are getting an awful lot of feedback at the Table.

**Mr D Bradley:** Go raibh míle maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a freagra. Is dócha go bhfuil a fhios ag an Aire cheana féin go bhfuil eagraíochtaí Gaeilge anseo sa Tuaisceart, ar nós Forbairt Feirste, Pobal, Altram agus Ultach, go bhfuil siad gan dóchas a bheith acu as an phróiseas nua seo. An dtig liom a fhiafraí den Aire cad is féidir léi a dhéanamh le misneach a thabhairt do na grúpaí sin go mbeidh siad istigh sa líon maoinithe?

I hope that my Irish is up to the standard required by my learned friend here to the left.

**Mr Allister:** It is better than the Minister's, anyway.

**Mr D Bradley:** I will offer a translation. I am sure that the Minister is aware that there is a high degree of dissatisfaction among some of the language groups here in the North like Forbairt Feirste, Pobal, Altram and Ultach. They are not hopeful about the new process. What can the Minister do to ensure that those groups have enough confidence that they will be included in the funding net?

2.15 pm

**Ms Ní Chuilín:** Go raibh maith agat. Mar pointe eolais, tá Gaeilge mhílis agat. You have very good Irish. I am not going to answer the remarks made from the Bench, because I think they are offensive to you, let alone to me.

I thank the Member for his question. It gives me an opportunity to repeat again that there is still an opportunity for the four groups — three of which are eager, I understand — to try to fit into the new arrangements and be reflected. One group decided, for whatever reason, not to apply and has not indicated to me that it has any intention of applying to any of the lead organisations in a partnership. I am willing to make sure that those who are eager to protect the value of their work, which needs to be protected across the island, enter into partnership with other groups. The change manager, provided by Foras na Gaeilge, needs to be integral in that transition. I will continue to work with Forbairt Feirste, particularly on the work it is doing around the development of an Ceathrú Gaeltachta.

**Ms McCorley:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a freagra. I thank the Minister for her answer.

An dtig liom iarraidh ar an Aire cé hiad na phríomh-ghrúpaí nua? An bhfuil teacht le chéile déanta ag aon duine de na grúpaí bun-mhaoinithe anseo, nó an dóiche go dtiocfaidh siad le chéile?. Who are the new lead organisations? Have any of the core-funded groups here merged, or are they likely to merge?

**Ms Ní Chuilín:** Of the lead organisations, Gaelscoileanna will have responsibility for Irish-medium and Irish emerging education. Conradh na Gaeilge will have responsibility for awareness raising, language protection and representation. Gael Linn will have responsibility for education and the English language sector for adults. Oireachtas na Gaeilge will have responsibility for supporting the use of Irish and the establishment of networks. Glór na nGael will have responsibility for community and economic development. Cumann na bhFiann will have responsibility for the development of opportunities for the use of Irish in networks for young people. So far, Comhluadar has amalgamated with Glór na nGael, and Comhaltas Uladh, which is already affiliated to Conradh na Gaeilge, has reached an agreement with Conradh on language awareness raising, protection and representation. Foras na Gaeilge has asked both lead organisations and those not chosen thus far to begin talks to ensure that the skills

and knowledge are retained. As I said in response to Dominic Bradley's main question, the opportunities for other groups who have yet to amalgamate are still there. I encourage them to explore ways in which they can not only secure the work that they do but future-proof and protect the language.

**Mr Swann:** Minister, have you any intention to review the current funding structures for the Ulster-Scots bodies that exist? As an aside, do you recognise Ulster Scots as an official language?

**Ms Ní Chuilín:** I am surprised at the Member asking that question, given that, at one stage, he sat on the CAL Committee. He should have a working knowledge that Ulster Scots is protected in legislation. *Ná bí silly*. Do not be silly. At some stage, we will review the working arrangements between the Ulster-Scots Agency and the ministerial advisory group on Ulster Scots to make sure that the work it does still provides value to the community, not only value for money on the investment we have made but by taking on board the ideas, projects and themes that are emerging through its work. It would be best served if you, coming from your community, gave them a bit more support, rather than making cheap, silly remarks.

**Lord Morrow:** On the announcement of the new funding model, will the Minister tell us, in some detail, the amount of money that she is making available? Is she funding the Dublin groups directly?

**Ms Ní Chuilín:** I did not catch the last part of your question: what about the Dublin groups?

**Lord Morrow:** Directly.

**Ms Ní Chuilín:** The Member should be aware — he is a former Minister — that those arrangements are done through North/South body arrangements.

**Lord Morrow:** I never served on them.

**Ms Ní Chuilín:** You should have. If you had, you would have known the answer to that question. There is another example of people putting public money and faith into elected representatives. Either way, I will write to the Member with the exact figure for the core funding arrangements, and I will write to him about the exact amount of money for Ulster Scots so that he will have the correct figure to hand if he needs to use it.

## Arts: Budget

4. **Mrs Cochrane** asked the Minister of Culture, Arts and Leisure what proportion of her departmental budget is allocated to the arts in the remainder of the budgetary period. (AQO 5457/11-15)

**Ms Ní Chuilín:** I thank the Member for her question. I take the Member's reference to "the arts" to mean budget allocations to the Arts Council — I thank her for that clarification — and to NI Screen, the creative industries, the City of Culture and a number of smaller areas in the Department. This is how the Department records and reports on its arts allocation.

The allocation to the arts in 2014-15, the final year of the current Budget settlement, for resource is £15.4 million or 16% of the total resource budget. In the current and preceding year, that proportion climbed to around 22%, with major contributions being made towards the City of Culture and its legacy. The allocation for capital spend in 2014-15 is very modest in comparison at £249,000. I should emphasise, however, that the capital investment trends cannot follow the regular pattern that was there previously. Capital spend on the arts throughout the current CSR period from 2011-12 to 2014-15 will amount to £7.12 million. As the Member will be aware, significant capital investment was made to ensure that the Crescent Arts Centre, the MAC and the Lyric Theatre were all completed.

**Mrs Cochrane:** I thank the Minister for her answer. Does she agree that supporting Northern Ireland's artists boosts both our culture and the economy and that we should seek to increase funding to exploit that in coming years? What impact will the zero-based budgeting exercise that she referred to in a previous answer have on the arts sector?

**Ms Ní Chuilín:** I suspect that the Arts Council would probably look forward to the answer to that question. With the zero-based budgeting exercise, we need to ensure that all the ALBs attached to DCAL provide value for money, first of all, and that the money that they are provided with is used to deliver services against the DCAL plan. If the Arts Council, for example, wants to do other projects, it needs to ensure that it meets the policy and direction of the Department, which, thus far, it has.

The Arts Council certainly wants to champion and take forward support for artists. I will look at how it does that and at how that investment and support will increase year in and year out.

Certainly, spend in the arts has a direct impact on economic development. The Member will remember from last year the World Police and Fire Games in Belfast and the City of Culture and the Fleadh Cheoil in Derry. Those are the best examples that we have that investment in the arts can help the economy.

**Mr Spratt:** I thank the Minister for her answers so far. Substantial amounts of money obviously go into the arts in the south Belfast area. Will the Minister indicate, however, what projects or money might be poured into less well-off areas — if you want to put it like that — such as Sandy Row and, indeed, Taughmonagh?

**Ms Ní Chuilín:** I thank the Member for his question. I was waiting for clarification of which parts of south Belfast he was talking about. I am also keen to ensure that the zero-based budgeting exercise puts investment into the areas that the Member has just outlined, including communities that probably have not received what, they feel, is their fair share of investment in the arts thus far. I am happy to write to the Member. I will write to the Arts Council to find out exactly what money has been spent in his constituency and will forward that information to him. Whatever is there, I hope that it will change in the future. I hope that investment, particularly in working-class areas, increases and that people feel that they can access and participate in the arts.

**Mrs Overend:** The funding of the arts in urban and rural areas is important. Will the Minister inform the House how much funding has come to my constituency of Mid Ulster?

**Ms Ní Chuilín:** I am happy to write to the Member with details about the funding that has gone to her constituency. I appreciate the principle of the question that she asked about ensuring that there is a spread of investment in the arts and other members of the DCAL family. As I said, I will write to the Member and give her those details.

**Mr Eastwood:** In light of the current discussion and debate on the need for a permanent gallery at Ebrington, is the Minister supportive, and what work will she do with OFMDFM to ensure that we have an internationally recognised art gallery at some place on the Ebrington site?

**Ms Ní Chuilín:** When I was in the Member's constituency last week, Ebrington was one of the places suggested as a permanent art gallery, and the retention of Buildings 80-81 has certainly received some prominence. As the Member is aware, they are not within my gift;

they are within the gift of OFMDFM. However, rather than waiting to see the outcome of that, I am looking at the potential for other sites around the city of Derry, not only for art galleries but for exhibition space that can be part of the permanent legacy of the City of Culture.

## **Sport: Funding**

5. **Mr Ó hOisín** asked the Minister of Culture, Arts and Leisure to outline the recommendations made by Sport NI on the recognition and funding available to sports with differing or no governing bodies. (AQO 5458/11-15)

**Ms Ní Chuilín:** Along with Sport NI, the sports councils in England, Scotland, and Wales have a governing body recognition policy that aims to recognise a lead organisation for the governance of a defined sporting activity. For applications to be recognised, they can be made only by an organisation that claims to have a governing body. It is, therefore, not possible for a sport without such an organisation to apply. Any governing body can apply. However, under the current policy, the sports councils will recognise only one body per sport as the lead organisation.

Sport NI may be in a position to provide funding that will support the delivery of an activity for which there is not a governing body. That will depend on issues such as the purpose for which the funding programme has been developed; the criteria for the funding; the level of risk and regulation required for the activity; and the ability of the applicant to deliver on the objectives of the funding programme.

**Mr Ó hOisín:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. Will the Minister advise which sporting bodies are currently going through the recognition process?

**Ms Ní Chuilín:** The only sporting organisation going through the recognition process is kick-boxing. At present, none of the sports councils in England, Scotland, Wales, Ireland or here recognises kick-boxing as a sporting activity. Therefore, there is currently no governing body. However, I am led to believe that the recognition process is well under way.

**Mr Lyttle:** The Minister may be aware that urban sports are among the fastest growing sports in Europe, and we have a fantastic urban sports facility in T13 at Titanic Quarter in Belfast. However, it is self-sustaining and has

no funding body. Is the Minister willing to visit T13 with a view to helping to advise on the development of urban sports in the region?

**Ms Ní Chuilín:** I have visited T13, and I have visited the Odyssey to see the Giants and other aspects of the complex on many occasions. I am happy to facilitate a meeting with the Member and representatives from urban sports, T13 or anybody else involved. In areas of work that are self-sustaining, it is particularly important that we do not take them for granted or ignore the potential for further participation. It is important that that is not forgotten, particularly for children who cannot afford access to urban sports.

**Mr Principal Deputy Speaker:** We are still getting feedback from mobile telephones in the Chamber. I remind Members of the rules.

**Mr Allister:** Today's 'News Letter' reports extensively on the support of a very prominent figure in the world amateur boxing fraternity — Mr Ray Rodgers of Golden Gloves — for the Sandy Row club and, in particular, for the establishment of a Northern Ireland association of amateur boxers. Would the Minister care to join in giving her support for such an enabling organisation in order to enfranchise and open up opportunities for all young boxers in Northern Ireland?

**Ms Ní Chuilín:** Unlike the Member, I have not had time to read the 'News Letter' or any other paper for that matter. I am too busy getting on with my work to peruse gossip. The Member will also be aware of an independent report on boxing that did not recommend a separate authority for boxing in the North.

The Member keeps bringing this up at every Question Time — fair play to him; he is consistent — and he is given the same answer. He needs to stop messing about with politics and sport. It is unbecoming of any elected Member. *[Interruption.]*

**2.30 pm**

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

## **Irish Language: Project Funding**

1. **Ms Ruane** asked the Minister of Culture, Arts and Leisure to confirm that project funding for the Irish language will be available to groups

that are not recipients of core funding. (AQT 661/11-15)

Go raibh maith agat, a Phríomh-LeasCheann Comhairle. An féidir leis an Aire a chinntiú go mbeidh maoiniú togra don Ghaeilge ar fail do na grúpaí siúd nach mbeidh bunmhaoiniú acu.

**Ms Ní Chuilín:** The short answer is yes. Project funding will continue to be available. It has been available year on year and will remain available until 2014. It is very important that groups that are not recipients of core funding have certainty about the opportunities to apply.

**Ms Ruane:** Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for her response. I am sure that she will join me in reiterating that the Irish language, contrary to some misreporting in the media, is for everyone, regardless of which community or, indeed, country in the world they come from. Will she assure us that support, particularly for smaller groups, will continue to provide added value to their work?

**Ms Ní Chuilín:** Bhuel, aontaím leat go hiomlán. I totally agree with you about the need to make sure that the Irish language belongs to everyone. Given some of the speculation and media coverage on funding for the Irish language, I want to reassure some of the smaller groups out there that programme funding and funding for smaller groups doing specific work is still available. I want to make sure that that support and opportunity continues not just in 2014 but beyond.

## **Giro d'Italia**

2. **Mr McKay** asked the Minister of Culture, Arts and Leisure what role her Department has played and will play in the planning for the Giro d'Italia, one of the most popular international sporting events, watched by millions around the world, which will, in three months' time, pass through the constituency of North Antrim, where we will all be donning pink shirts for an event that is particularly great for the local area, given the growth in cycling clubs over the past couple of years. (AQT 662/11-15)

**Ms Ní Chuilín:** I thank the Member for his question. Perish the thought that everybody in North Antrim will be wearing pink shirts, especially pink Lycra, but we will not go there. *[Laughter.]* The Giro is hugely important, and it is a huge opportunity for us all. DCAL, through Sport NI, has been working closely with not just some of the local government bodies, which I

visited last week, but other small groups and bodies, which are looking forward to the Giro coming to their area. I support the Member's sentiments: it is a huge opportunity to have an international sporting event come to these shores.

**Mr McKay:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for her answer. I will not take any offence at her comments about Lycra.

It is crucial that we have a cycling legacy at the other end of the Giro and that we aim to target other events such as the Tour de France to hold opening stages here in order to build further on cycling as a sport in the North and across the island. Further to that, how will the Minister keep Members informed about the progress plans for the Giro?

**Ms Ní Chuilín:** As the Member will be aware, that is primarily in the Department of Enterprise, Trade and Investment's remit. However, the legacy for cycling is firmly in my Department's remit. My Department has met Cycling Ulster, some of whose representatives are from North Antrim, but they are from all over. I have had discussions with my colleague Leo Varadkar and his officials on the potential new business cases for a velodrome and on what we can do across the island. As the Minister with responsibility for this jurisdiction, what I can do is provide better facilities for cycling in the North. I wish everybody all the best with their preparations for the Giro.

### **Arts Capital Funding: Newry**

3. **Mr D Bradley** asked the Minister of Culture, Arts and Leisure what plans she has to correct the imbalance in arts capital funding for Newry city. (AQT 663/11-15)

Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Agus seo í mo cheist don Aire. Ba mhaith liom a fhiafraí di cad iad na pleanannaí atá aici leis an mhíchothromaíocht atá ann i gceantar an Iúir ó thaobh maoinithe caiptlíochta do na healaíona a cheartú.

**Ms Ní Chuilín:** The Member may be aware that I have visited Newry on several occasions. I have certainly met some of the arts organisations. Indeed, as a result of those discussions, we were able to support Sticky Fingers Arts, which is happening this week. The lack of capital investment has certainly been raised. I anticipate those discussions increasing this year. If DCAL or any other Department need to look at capital investment,

particularly around arts provision, even in partnership or conjunction with other Departments, that is something that we will be happy to do. The Member will also be aware that this is a long process. I am waiting on, and will have meetings with, the Sticky Fingers project around future capital needs and potential needs, but one thing is clear: organisations need to come together and act in partnership and concert to make sure that Newry gets what it deserves.

**Mr D Bradley:** Go raibh míle maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a fhreagra. An féidir liom a fhiafraí den Aire an bhfuil socrú ar bith déanta aige le déanamh cinnte de go bhfuil an Ghaelscolaíocht san áireamh nuair a chuirfeas a Roinn polasaí nua chun tosaigh, mar atá molta san athbhreithniú ar an Ghaelscolaíocht? Will the Minister's Department or, indeed, an arm's-length body of her Department, be willing to be a partner with other partners in Newry city to deliver a major capital arts project?

**Ms Ní Chuilín:** Again, I thank the Member for his question. Just to repeat myself on capital provision for arts and leisure, it is unthinkable that DCAL or a member of the DCAL arm's-length family would not be part of that, but we need to make sure that when we are having discussions, we are having them with all the partners in the city and that we make sure that the city acts in concert. To be honest, I do not think we are there yet. I think that we will get there. After a round of discussions, we need to start working out what people want, how they go about getting it and what we can do to help them.

### **Fish Ladder: Ballyshannon**

4. **Mr Flanagan** asked the Minister of Culture, Arts and Leisure what discussions she has had with Inland Fisheries Ireland to ensure that there is an adequate and functioning fish ladder at the dam in Ballyshannon. (AQT 664/11-15)

I was down for question 9 in questions for oral answer, but we never got that far, so I have asked the Minister that one now.

**Ms Ní Chuilín:** I am not too sure. I do not have the response here; I have it in my folder. The fish ladder is there to try to make sure that the fish kill, particularly in those rivers and in relation to the Electricity Supply Board (ESB) substation, is reduced. That will continue around discussions with inland fisheries and my Department. We have tried to have discussions

with the ESB about reducing the fish kill in that area. Certainly, it is important that we take measures for that reduction to make sure that salmon and other species have an opportunity to go upstream.

**Mr Flanagan:** I thank the Minister for her response. A Phríomh-LeasCheann Comhairle, this is a topical issue. Cathal Ó hOisín and I met the chairperson of the Enniskillen fishing group today. The Minister will be aware that there are widely held concerns about the impact of the dam and the ESB operations in the area on the travel of salmon in the Erne. Will the Minister advise the House on whether she is willing to engage in discussions at a ministerial level with her counterparts in the Oireachtas with regard to trying to resolve those issues, given that the ESB is a semi-state company?

**Ms Ní Chuilín:** I can give the Member that assurance. Certainly, I hope to have a meeting at the end of spring to have that concluded. For the Member's information, I did try to have discussions and meetings with the ESB around this, and they did not provide any outcome. I do not find that acceptable. Certainly, I am keen to pursue this because I have responsibilities under European obligations to make sure that salmon are conserved, and the ESB has responsibility not only to people but to species, flora and fauna in their neighbourhood. We all have responsibility to make sure that we do what we possibly can and not to have a detrimental impact. I am not convinced, thus far, that the position and conservation measures around salmon are being taken seriously or even that ESB is aware of how serious this is.

## Irish City of Culture 2016

5. **Ms Maeve McLaughlin** asked the Minister of Culture, Arts and Leisure to outline any discussions that she has had regarding the potential for Derry to submit an Irish City of Culture bid for 2016, given that she has indicated that she is broadly supportive of the Irish City of Culture. (AQT 665/11-15)

**Ms Ní Chuilín:** First of all, I have not had any formal discussions with either Derry City Council or anyone else about their approaches or my support — it is, at this stage, support — for the Irish City of Culture for 2016. By 20 December, anybody I had met in the city had made known their view that I should support the bid for Irish City of Culture for 2016 or 2018, or whenever it is.

**Ms Maeve McLaughlin:** Go raibh maith agat. I thank the Minister for her support for the City of Culture and for the bid. Can she give us assurances that the process will involve a wide range of stakeholders, particularly from the community and voluntary sector, as we move forward?

**Ms Ní Chuilín:** I can give that assurance about my Department. I am sure that the Members and other residents in the city of Derry can stand over the fact that, when DCAL made its investments and continued its support, we engaged in a genuine and real way in an inclusive partnership with people from the community and voluntary sector. We will ensure that that continues in anything that I or, indeed, our arm's-length bodies are involved in in the city or surrounding areas.

## East Belfast Arts Festival

6. **Mr Douglas** asked the Minister of Culture, Arts and Leisure whether any discussions have taken place with the East Belfast Arts Festival, given that, last year, she encouraged the festival to engage with her Department much earlier this year. (AQT 666/11-15)

**Ms Ní Chuilín:** The Member brought representatives from the East Belfast Arts Festival to meet me last year, and, from that, we have made a small investment, albeit at a late stage. I am keen for that investment to continue, and I am also keen to make sure that the partnerships between east Belfast and west, north and south Belfast continue. To that end, I will fairly soon meet a collective of people who are involved in arts and festivals — east Belfast is part of that — and I am happy to keep the Member updated on any developments that come from that.

**Mr Douglas:** I thank the Minister for her support so far. Could she ensure, at those discussions, that the arts festival looks at a longer-term strategy of maybe three to five years?

**Ms Ní Chuilín:** Certainly. We have had discussions with the West Belfast Festival, and I know that it has a good working relationship and strong partnership with the East Belfast Arts Festival. I expect that that is at the top of the agenda for sustainability, particularly, but not exclusively, for arts in working-class and inner-city areas. I would be surprised if it is not looking for at least five to 10 years' support. The discussion will focus on how we do that and, I am sure, on other things that it will raise. However, as I said in a previous response, I am

happy to meet the Member again, and I will certainly keep him updated in between.

## **Cultúrlann Cairde Teo: Armagh**

7. **Mr Boylan** asked the Minister of Culture, Arts and Leisure for an update on the Cultúrlann Cairde Teo project in Armagh city. (AQT 667/11-15)

**Ms Ní Chuilín:** The Member will be aware that we have had ongoing and continuing discussions with Cultúrlann Cairde Teo in Armagh city. He may also be aware that DCAL funding was offered for the development of the Cultúrlann. I know that that funding was dependent on match funding from other sources. I am not too sure about developments on that, but my investment was, I think, in the region of £150,000. So, I look forward to seeing the Cultúrlann in Armagh city developed.

**Mr Boylan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for her response. Will she assure the House that opportunities for cultural hubs are developed in communities outside Belfast and Derry?

**Ms Ní Chuilín:** I am keen to make sure that not just cultural hubs but, indeed, facilities, services and investment in the provision of public services are developed outside Belfast and Derry, particularly in smaller towns and villages and in newer cities. The cultural hubs, particularly in the Member's constituency, are vital not just because of what they provide but in the context of a shared future, reconciliation, creative industries, inclusion and working with children and young people, older people and people who have been excluded. From what I have seen across the city in Belfast and, indeed, outside it, those hubs provide excellent opportunities for people to do very good activities, to put down roots and to give them access where they did not have it before.

2.45 pm

## **Education**

### **Orangefield High School**

1. **Mr Copeland** asked the Minister of Education what options are being considered for the future use of the Orangefield High School site. (AQO 5469/11-15)

**Mr O'Dowd (The Minister of Education):** As indicated in my announcement of 14 January

2014 on east Belfast development proposals and area planning, Orangefield High School will close on 31 August 2014. The Belfast Education and Library Board is considering a range of options for the future use of that site. Following consideration of those options and engagement with relevant stakeholders, clarification on the future use of the site will be provided by the board. In the event that a viable alternative use is not identified, the site will be declared surplus and disposed of in accordance with guidance issued by Land and Property Services.

**Mr Copeland:** I ask the Minister for his assessment of any changes that he would have made to the original plan, in the area planning process and the development proposal process, in order to better reflect the needs of the local community.

**Mr O'Dowd:** At the end of the day, it is up to the managing authorities. In this case, the Belfast Board and the South Eastern Education and Library Board were involved in the development proposals. I have to say that they should have been brought forward much earlier. Orangefield has been left in limbo for a very considerable period without any firm decisions being made about its future. I had to make the unfortunate decision to close it. Had interventions been made earlier by the managing authority, a different outcome may well have taken place.

In relation to the entirety of the planning process, I have reflected that it would have been much more useful had all the schools in the area been involved in the discussions on the planning process, regardless of sector. That might have been of huge benefit to the planning proposals. However, I believe that the decisions that I reached in the 14 January announcement are the correct ones and give a stable environment for education to be planned and the way forward in that community.

**Mr Lyttle:** I thank the Minister for his update. He may be aware of significant parental anxiety that has followed his announcement to amalgamate Newtownbreda and Knockbreda High Schools in south and east Belfast. How will the Minister reassure those parents of the plans that he has in place in relation to that particular proposal? Is he willing to meet with a delegation to listen to concerns in more detail?

**Mr O'Dowd:** Had we continued with Knockbreda and Newtownbreda as two separate schools, both would have suffered as a result. The proposal to amalgamate is the

right way forward. I pick up a certain commentary on my proposal to close Newtownbreda. However, the more people say that out loud, the more they miss the exact point. They send out into the community a misconception that the school is closing. The school is reopening in a new guise. The school is going to continue to provide high-quality education to that community and beyond. People should look at the positives in the proposal on the way forward and should not bring it forward as a negative story. Educational provision has been secured in the area at post-primary level for generations to come. That is the benefit. I am more than happy to meet a representative group of parents, or representatives from the community, to discuss the proposals. I will not be overturning my decision, but I will be happy to outline how it will be implemented.

**Mr Principal Deputy Speaker:** Before I call any other supplementary questions, I remind Members that the original question is very site specific.

**Mr McKinney:** As has already been articulated, the Minister is aware of the enormous anxiety that has been caused to Newtownbreda and Knockbreda in relation to this proposal. Our offices have been inundated with people reflecting those concerns. This might be helpful. Will the Minister now take the opportunity to dispel any notion that the Orangefield site will be used as a new site for Newtownbreda or Knockbreda schools?

**Mr O'Dowd:** I respectfully suggest that, had your offices expressed the views and commentary of the people before I made a decision and, indeed, expressed concerns about the failure to plan properly for education in that community, it may have been more beneficial than expressing it afterwards. I am not the decision-maker in the matter of where or whether the school will be relocated. I asked the two boards to discuss future provision in the area in much greater detail and to decide, based on all the evidence before them, whether the school needs to be relocated and where it should be relocated to. I am not interested in postcodes. I am not interested in the postal address of any school. I want to ensure that schools are in the right place to provide education to the young people of the community they are there to serve.

**Ms Maeve McLaughlin:** Go raibh maith agat. I will keep my question all-site-specific. What work has the Minister's Department done in and

around the overarching framework for community asset transfer?

**Mr O'Dowd:** The Department for Social Development is leading on the Programme for Government commitment to support social enterprise growth in the broader community sector. A key element of that is to develop and implement a policy framework for community asset transfer. The Minister for Social Development brought a paper before the Executive on 30 January in that regard. My Department continues to work with my Executive colleagues and other Departments to ensure that community asset transfer is brought forward, that it is to the benefit of communities and that, where appropriate, assets are transferred to the community for the betterment of it.

## Markethill High School

2. **Mr Irwin** asked the Minister of Education for his assessment of the recent inspection report on Markethill High School. (AQO 5470/11-15)

**Mr O'Dowd:** I am always eager to read the reports produced by the Education and Training Inspectorate. I am particularly pleased when, as in the case of Markethill High School, the inspectors recognise and celebrate very good quality education provision, which is led effectively and results in very good outcomes for the young people in the Markethill and surrounding rural areas.

**Mr Irwin:** I thank the Minister for his reply. There is ongoing discussion about a possible new school build for Markethill High School. Will the Minister give an indication of the possibility of a new school build for Markethill?

**Mr O'Dowd:** I asked the education and library boards and the Council for Catholic Maintained Schools (CCMS) to bring forward proposals for possible future builds. I am not in a position to announce the outcome of the discussions or any of the proposals that the boards or CCMS brought forward. I hope to be in a position at a latter stage of the spring to bring that announcement to the Assembly. I am not in a position to make any specific comment about Markethill High School or any other school, for that matter.

## Extended Schools Programme

3. **Mr Spratt** asked the Minister of Education to outline any plans he has to increase funding to

the extended schools programme. (AQO 5471/11-15)

**Mr O'Dowd:** During the 2013-14 year, £12.4 million was made available for the extended schools programme. Work is ongoing to finalise budget allocations for 2014-15, but I fully intend to maintain extended schools funding at a similar level to 2013-14.

Looking forward, the education budget will not be known until the outcome of the 2015-16 Budget process, which has to be agreed by the Executive and the Assembly. Any decisions about the level of future extended schools funding will be taken in the context of the 2015-16 Budget outcome for education.

**Mr Spratt:** Will the Minister join me in recognising the great potential there is to make greater use of school buildings for community purposes, and, indeed, that it can be done through the extended schools programme?

**Mr O'Dowd:** I will. I have no hesitation in promoting the greater community use of school buildings. Recently, I launched a guidance document; along with the Minister of Culture, Arts and Leisure who also launched a document on sports clubs and greater linkages between sports clubs and our schools estate. The extended schools programme is an excellent way of integrating schools more into the community and drawing parents and others into schools to encourage them to use school facilities and become more involved in their children's education. The community use of schools is a programme that I very much support.

**Mr Cree:** I thank the Minister for his responses so far. Minister, how concerned are you that school principals are being overburdened as a side effect of this worthy policy?

**Mr O'Dowd:** We have set out best practice in the guidance. The guidance is there to assist school principals and boards of governors to open up their schools more to the community. There is a great demand for greater access to facilities, particularly to schools after hours, and particularly in communities where there are inadequate community facilities.

The guidance sets out simply how schools can and could open up their facilities. It refers to insurance issues, rental policies etc, and I believe that the guidance has taken some of the burden off boards of governors and principals.

**Mr Rogers:** I thank the Minister for his answers thus far. The development of parenting skills and encouraging parents to get involved in their child's learning were an integral and valuable part of the extended schools programme. Does the Minister have any plans to extend that aspect to all primary schools?

**Mr O'Dowd:** The option exists for all primary schools, although I accept that extended schools is directed at schools in areas of highest deprivation to assist them in tackling the challenges that deprivation brings to education. However, many schools outside the extended schools programme run programmes on relationships with parents and communities, expansion etc. The current budget restricts me to a certain degree on how much funding I can make available to the extended schools budget. I have no plans at this stage to expand the eligibility criteria.

## Irish-medium Education Review

4. **Mr D Bradley** asked the Minister of Education for an update on the implementation of the Irish-medium education review. (AQO 5472/11-15)

**Mr O'Dowd:** The aim of the review is to ensure that Irish-medium education is fully and appropriately supported as an integral part of the education system and contributes to the building of a shared future for all our citizens, based on equality. I am pleased to say that the vast majority of the recommendations in the review have been fully or very substantially implemented.

The current position is that, of the 24 recommendations, 15 have been implemented, with a further seven showing substantial progress. Only two recommendations have not made significant progress, but these relate to developing Irish-medium primary provision through a federation model. As time has progressed, educators have been able to develop and share best practice across Irish-medium primary provision through less formal structures and ways than a federation model, as originally envisaged in the review.

These approaches are proving successful in the stated review aim of creating and maintaining sustainable Irish-medium primary education. The ongoing implementation of the recommendations continues to contribute greatly to the vibrancy and success of the Irish-medium sector at preschool, primary and post-primary school stages. Although significant progress has been made, I am keen to identify

where more needs to be done to develop this important area further and to ensure that education in the sector is of the highest quality.

**Mr D Bradley:** Go raibh míle maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a fhreagra. An féidir liom a fhiafraí den Aire an bhfuil socrú ar bith déanta aige le déanamh cinnte de go bhfuil an Ghaelscolaíocht san áireamh nuair a chuirfeas a Roinn polasaí nua chun tosaigh, mar atá molta san athbhreithniú ar an Ghaelscolaíocht?

I thank the Minister for his answer. Is there a process in place in his Department to ensure that any new policy emanating from it is Irish-medium proofed, as recommended in the review of Irish-medium education?

**Mr O'Dowd:** Gabhaim buíochas leis an Chomhalta as a cheist. Yes, all policies in my Department are proofed across the sectors, particularly for Irish-medium education. It is ensured that they are adaptable to and appropriate for the promotion and facilitation of Irish-medium education. I think that that is one of the reasons why we have seen such a dramatic rise in the number of young people attending Irish-medium provision. The numbers have risen from 2,695 in 2002-03 to 4,627 in 2012-13. We have supported that development through direct financial resources and through resources for teaching the curriculum and provision around the curriculum. We engage with the Irish-medium sector, as with all sectors, regularly and continue discussions as to how we can further support and facilitate that sector.

**Ms McCorley:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. I thank the Minister for his answers up to now. An dtig leis an Aire sonraí a thabhairt ar fhás an Ghaeloideachais le blianta beaga anuas? Will he detail the growth of Irish-medium education over recent years?

**3.00 pm**

**Mr O'Dowd:** Gabhaim buíochas leis an Chomhalta as an cheist. There has been a dramatic rise in Irish-medium education over recent years. As I outlined to Mr Bradley, there has been an increase from 2,695 pupils in 2002-03 to 4,627 pupils in 2012-13. There are now 29 stand-alone Irish-medium schools — 28 primary schools and one post-primary school — and 10 Irish-medium units attached to Catholic maintained schools — seven in primary schools and three in post-primary schools.

Since 2009, DE has made capital investments totalling just over £7.6 million in the Irish-medium sector. In addition, on 25 June 2012, I announced new school projects in the Irish-medium sector: an £11.9 million investment in Coláiste Feirste; and a £2.5 million investment in Bunscoil Bheann Mhadagáin. Two further Irish-medium projects revealed in my 22 January 2013 announcement are at an early stage of progression.

The Department continues to react to the growth of the Irish-medium sector. We will continue to carry out our statutory duties in the sector and to engage with it on our statutory duty to facilitate and promote Irish-medium education.

**Mr Lunn:** Given that the Irish-medium and integrated sectors were both referenced in the Good Friday Agreement and that his Department has the same statutory obligation to encourage and facilitate both movements, will he consider a review of the integrated system similar to the one that has been spoken about today?

**Mr O'Dowd:** In previous responses, correspondence and, indeed, statements to the Assembly, I have set out my obligations and work on facilitating and promoting integrated education. I have not been asked to carry out a review of integrated education to see whether that will facilitate its advancement. However, I am happy to consider that and have further discussions with the Member and supporters of the integrated sector.

## Minority Languages

5. **Mr McElduff** asked the Minister of Education for his assessment of the recent Council of Europe report on the implementation of the European Charter for Regional or Minority Languages and its implications for his Department. (AQO 5473/11-15)

**Mr O'Dowd:** I noted the recent Council of Europe report on the implementation of the European Charter for Regional or Minority Languages. My Department is considering the references to education here in the North of Ireland and looking at what action we can take to ensure that we meet our obligations under the charter.

My Department has already made a great deal of progress in the area: the Irish-medium education review that I have just mentioned aims to ensure that Irish-medium education is

fully and appropriately supported as an integral part of the education system; schools can teach the Irish and Ulster-Scots languages, literature, culture and history at primary and post-primary level; my Department has provided funding for the production of teaching resources for Irish and Ulster-Scots languages; the development of special educational needs provision for Irish-medium education; the establishment of an advisory group on the strategic development of Irish-medium post-primary education; the creation of an Irish-medium education early years specialist post in Altram; the introduction of the community relations, equality and diversity in education policy; and the introduction of a Department of Education languages policy for Irish, which sets out the administrative services that my Department offers in Irish and informs those who wish to use Irish how they may communicate with the Department through the Irish language.

**Mr McElduff:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Will the Minister outline what additional duties or obligations the charter places on him as a Minister? Essentially, will he develop his point about how the charter specifically impacts on education?

**Mr O'Dowd:** I thank the Member for his question. As he will know, and as I said in response to a previous question, there is an obligation on us under the 1998 Act. Part II of the European Charter for Regional or Minority Languages sets out high-level objectives and principles that are to be pursued in support of regional and minority languages. That applies here to Irish and Ulster Scots.

Part III of the charter lists more specific measures that must be taken to promote the use of regional or minority languages in public life. Here, that applies only to Irish. Under Part III, DE has either a specific or a collective responsibility with other Departments under article 8, which deals with education, or article 10, which deals with administrative authorities and public services. So obligations to promote minority and regional languages are placed on us by the charter. That is taken very seriously by my Department.

**Mr Humphrey:** The Minister will be aware of his Department's funding and resource responsibilities for the Ulster-Scots Agency. Given what he has just said, what extra resources will he put into the education system and sectors across Northern Ireland to promote Ulster-Scots education? Indeed, given the ongoing disparity in funding between Irish and

Ulster Scots, what more can he make available to help to address that?

**Mr O'Dowd:** My Department funds on the basis of need. The Member will be aware, and I have said this in answer to previous questions, that we have a thriving Irish-medium sector. We have over 4,000 children being taught through the medium of Irish, and that number continues to grow. We have over 20 specific Irish-medium units or schools. Unfortunately, we do not have any for Ulster Scots.

I make funding available for the promotion of Ulster-Scots material and have engaged with the Ulster-Scots Agency. I asked it to come back to me with further details for support. I await that response, but I am happy to engage with anyone who is promoting Ulster Scots to see whether we can work closer together to promote the Ulster-Scots language or culture. I have a phobia of neither.

**Mrs Dobson:** Given his party president's statement in 2003 that:

*"the language is still central to our political project",*

how is the Minister, as Education Minister for all children, depoliticising the Irish language?

**Mr O'Dowd:** The Member spends more time studying my party leader's speeches than I do, so I do not know in what context or where the party leader said that, but keep studying his speeches anyhow.

The Irish language has been politicised not by those who advocate it, wish to speak it, wish to learn it or wish to respect it but by those who wish to prevent it from being spoken, prevent it from being learnt, prevent it from being used or prevent its identity from ever being acknowledged.

I am currently learning Irish because I believe that it is part of what and who I am. Many other people learn it because they believe that it is part of what and who they are. However, it does not belong to me, my party or my political beliefs. It belongs to everyone on the island of Ireland, regardless of their political or religious affiliations or none, and the best way, to use your term, to depoliticise it is for people to respect it for what it is — a language — and for everyone to take ownership of it. Then no one can claim ownership of it.

**Mr McGlone:** Ní thiocfadh liom ach aontú leis an Aire ins an mhéid a dúirt sé ansin. Is le

gach aon duine an teanga agus agus ba choir rud a dhéanamh í a leathnú amach i measc an phobail i gcoitinne.

I thank the Minister for, and support him fully in, what he is just after saying about the Irish language. It is there for everyone. It belongs to no one, or to no section of the community in particular. It is there for us to gain understanding of our history, background and environment.

Le theacht ar ais chuig an cheist maidir le tuairisc Chomhairle na hEorpa, ba mhaith liom a fháil amach ón Aire i dtaobh cibé taighde atá déanta lasmuigh den Roinn maidir leis an tuairisc: an féidir leis an Aire an t-eolas sin a roinnt linne go poiblí.

What analysis has the Department done of the recent Council of Europe report, and can it make that analysis publicly available so that the rest of us can have a look at it?

**Mr O'Dowd:** Gabhaim buíochas leis an Chomhalta as an cheist. I have asked my officials to study the report and to report back to me on its findings. I have been concerned by certain media reports highlighting alleged failings by my Department in its promotion and facilitation of Irish-medium education, and I certainly want to clear those matters up. Where there are failings, we need to deal with them, correct them, move on and ensure that they do not happen again, but, once my Department has completed its review of the report, I will be more than happy to publish that and share it with Members.

## Literacy and Numeracy

6. **Mr Dickson** asked the Minister of Education how his Department improves literacy and numeracy in deprived communities. (AQO 5474/11-15)

**Mr O'Dowd:** Through the implementation of 'Count, Read: Succeed', the literacy and numeracy strategy, the aim is to raise standards and close achievement gaps. The strategy sets out the central role of teachers, supported by parents and school leaders, in their work to raise standards. Improvements have been made at Key Stage 2, GCSE and A level. However, we still have too many young people who are underachieving.

Funding has been allocated to specific programmes to further improve outcomes in literacy and numeracy in socially disadvantaged areas. Those include the Delivering Social

Change programme to employ additional teachers, a community education initiatives programme, a literacy and numeracy continuing professional development (CPD) Key Stage 2 and Key Stage 3 project and the special educational needs CPD literacy project for primary schools. I have also provided additional funding for area learning communities to increase the capability in post-primary schools to improve literacy and numeracy levels amongst disadvantaged pupils.

The Education and Training Inspectorate (ETI) is engaging with a number of post-primary schools in a programme to raise standards in English and mathematics. There is also an important role for parents and local communities in addressing educational achievement. The Education Works advertising campaign is aimed at informing and reminding parents of the importance and value of becoming more involved in the education of their children.

Both the community education initiatives programme and the extended schools programme have a focus on positive educational outcomes.

**Mr Dickson:** I thank the Minister for his answer. Given that literacy and numeracy issues in communities of high deprivation are often intergenerational, what is the Minister doing with other ministerial colleagues to address those issues, where children, unfortunately, are not supported sufficiently by their parents?

**Mr O'Dowd:** In my original answer, I referred to the Delivering Social Change programme, which is a subcommittee of the Executive. I have secured funding through that, in coordination and collaboration with OFMDFM, for the appointment of numeracy and literacy teachers to schools. Around 273 recently qualified teachers have been appointed to post-primary and primary schools. That is proving to be very successful.

I also have sponsored a programme, along with the Social Development Minister, in relation to nurture units in primary schools, and there are a number of other initiatives that I am looking at in conjunction with my ministerial colleagues. As I have reported to the Assembly, I have worked quite closely with the Health Minister on a number of the programmes that he has developed on working with young mothers and their families to create an educational environment in the home.

So, there is a lot of work going on. Of course, if we had greater budgets across the Executive, we would like to do much more work, but I am satisfied with the level of cooperation thus far.

**Mr G Robinson:** Given the work of learning communities, such as the one that you will see on your next visit to Limavady later this week, how important is that work in improving literacy and numeracy?

**Mr O'Dowd:** I was wondering how you were going to get your constituency into this one: fair play to you.

Area learning communities have proven to be very valuable in sharing skills bases and knowledge between schools on how to tackle the issue of numeracy and literacy and sharing the best practice and the advantages that it brings. I have provided funding specifically to the area learning communities to develop projects on numeracy and literacy, and they have proven very successful. I would like to see the area learning communities developing their work further and developing their collaboration further. When we come to finalising the budgets for the next comprehensive spending review in 2015-16, I will be keen to ensure that area learning communities continue to be funded in such a manner.

**Mr Kinahan:** I thank the Minister for his answers so far. Given the large amount of initiatives on illiteracy and innumeracy, if we were to go for absolutely no one — zero — to be illiterate or innumerate, would the Department have a process for annually counting how many people are illiterate or innumerate?

**Mr O'Dowd:** We have regular assessments within our schools system, and we are trying to improve on that through the levels of progression to see how our young people are progressing through the school system and to ensure that their needs are being met. The nature of this issue is that problems should, and can, be identified in nursery school and in primary school, and they should be dealt with in those phases of education. It is regrettable if any young person reaches post-primary school without having their numeracy and literacy deficit recognised or aided, or with no scheme put in place to assist them.

**3.15 pm**

I believe that the systems that we have put in place are continuing to ensure that more and more young people's lives are not blighted by

an absence of numeracy and literacy.

However, I also believe that we have to improve how that is measured. As you say, at any given time of the year can we express how many children are below the levels that we are concerned about? I believe that, if we could make progress on levels of progression, we would be able to achieve that goal.

**Mr Hazzard:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Will the Minister detail the level of additional funding that has been targeted at numeracy and literacy projects in recent years?

**Mr O'Dowd:** Delivering Social Change and improving literacy and numeracy has had £15.56 million added to it. The community education initiatives will have £2 million over the next two years. The literacy and numeracy CPD key stage 2/3 project will have £2 million over two academic years, and the post-primary sector will get an additional half a million pounds per annum over the three years to further support area learning communities. So, substantial additional amounts of money are being placed to tackle numeracy and literacy. However, the core function of educational funding is to improve numeracy and literacy. So, surely everything that we fund has to be about improving a child's numeracy and literacy skills.

**Mr Principal Deputy Speaker:** Order. That ends the period for questions for oral answer. We will now move on to topical questions.

## Holy Trinity College, Cookstown

1. **Mr McGlone** asked the Minister of Education for a progress report on the planned newbuild for Holy Trinity College, Cookstown. (AQT 671/11-15)

Tá mé ag iarraidh a fháil amach faoin dul chun cinn i dtaca le Coláiste na Tríonóide ar an Chorr Críochach.

**Mr O'Dowd:** Gabhaim buíochas leis an Chomhalta as an cheist. Following representations from CCMS, the Department's area-planning team has confirmed that it is reasonable to proceed with planning that is based on a school with 1,300 pupils. That increase in enrolment is subject to an approved development proposal. CCMS has indicated that development planning will issue such a proposal for consultation next month. The Department is scheduled to meet with the school on 10 February to commence work on

an economic appraisal with the help of expert resources that have been secured from the SEIB.

**Mr McGlone:** Go raibh maith agat, a Aire, as an fhreagra sin. Thanks very much to the Minister for that response. Does the Minister have in mind any projected date for when the tenders for this project might issue?

**Mr O'Dowd:** I have no fixed date in mind for when the tenders for this project should issue. It will depend on the work on the economic appraisal. I would like the economic appraisal work to go through as quickly as possible, because I am keen not only to get the schools built but to get money out the door and into our economy and to create the infrastructure. However, we have to cross each hurdle as it presents itself. The economic appraisal is the next hurdle, and, as I said, my officials will meet with the school on 10 February.

### **Schools: Common Funding Formula**

2. **Mr Flanagan** asked the Minister of Education for an update on his deliberations on the reform of the common funding formula for schools. (AQT 672/11-15)

**Mr O'Dowd:** I am at a very advanced stage in those deliberations. I hope to be in a position to share the consultation responses with the Education Committee this week. I see that the Chairperson has left the Chamber. As the Member will be aware, there were around 15,000 consultation responses. It took a considerable amount of time to work our way through them, but we have done that now. I also have to consult with a body known as the Local Management of Schools (LMS), which is the employing authority for schools. That meeting is scheduled to take place on Wednesday. I hope that my officials are in a position to meet the Education Committee next Wednesday and that a decision can be made thereafter.

**Mr Flanagan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his answer. Will he outline how any additional funds will impact on educational attainment outcomes?

**Mr O'Dowd:** My primary objective throughout this process has been to ensure that we direct our resources to where the most need exists and to where they will have the most impact. Time and time again, we are shown that social deprivation is closely linked to educational underattainment. Therefore, we have to tackle it. If we wish to create a more just and equal

society and to give everyone an equal chance in life, as set out in the Programme for Government, we have to direct our resources to do that.

I have had the opportunity to inject the £15.8 million additional funds, which was not recorded on the schools' budgets that they received earlier in the year and caused understandable concern. I am now in a position where I can confirm that no school will lose any funding as a result of the changes that I have made. I will put a contingency fund in place where it is necessary to do so to ensure that no school loses out in the first year of the funding round. I am confident that the losses have been reduced substantially to any school that would lose funds thereafter.

### **Education and Library Boards: Pressure**

3. **Mrs Hale** asked the Minister of Education for reassurance that he is actively reviewing the situation, especially the vacancy control policy in place since 2006, whereby the education and library boards are increasingly under pressure to deliver policy with decreasing numbers of staff, which is having a negative impact on schools. (AQT 673/11-15)

**Mr O'Dowd:** The best way to review this matter is to bring the Education and Skills Authority (ESA) forward and make it work. I have had a paper with the Executive since April 2013 seeking agreement on moving ESA forward, but there has been none. The best way to give certainty to the education and library boards and to education staff is to bring that policy forward. However, I can no longer continue on the basis of uncertainty in relation to those staff.

It is only right and proper that, if we place demands and expectations on our staff, they are in a position where they are motivated to do so and where they believe that they are being valued by me, as the Minister, the Department and the employers. I have committed to a review of vacancy control and a review of the numbers of staff who are currently working in the education and library boards. I will work with the boards to ensure that they are adequately staffed going into the future and that those staff who have been affected by vacancy control are dealt with in a proper manner.

**Mrs Hale:** With the denuding of the Curriculum Advisory and Support Service (CASS) and the consequential lack of input across all our schools, will the Minister review the personnel available to that service and will he inform us of

the outcome of the recent meetings that he had with the Association of Northern Ireland Education and Library Boards?

**Mr O'Dowd:** I largely informed you of that in my previous answer. In my recent meeting with the association, I informed the boards that I was prepared to take a look at vacancy control and at the impact of redundancies on the boards, and that we had to take significant measures to shore up the boards as a result of the failure of the Executive to deliver ESA.

CASS will be included in those discussions. I want to have adequate support networks in place for our schools to ensure that schools and teachers have every support available. However, we also have to bear in mind that substantial investment will be required. Substantial investment has already been made in letting 400 staff go from the boards and reducing senior management in the boards. That is all public money that has been spent. I may now be standing on the brink of having to spend more money rehiring staff and reconstituting senior management in the boards, all because the Executive have failed to agree on ESA, which is very disappointing. We cannot continue the way we are; our boards cannot function as they currently are.

### **Knockbreda/Newtownbreda High Schools: Amalgamation**

4. **Mr Spratt** asked the Minister of Education to provide an update on the amalgamation of Knockbreda High School and Newtownbreda High School. (AQT 674/11-15)

**Mr O'Dowd:** As the Member will be aware, I made an announcement in the House on 14 January for the amalgamation to take place by August 2014 or as soon as possible thereafter. The boards are now working on making that proposal a reality.

**Mr Spratt:** I thank the Minister for his very brief answer. Will he assure me and the parents of the pupils who are going to be affected by the amalgamation that those pupils will receive the highest standard of education and will not be disadvantaged by any of the necessary changes, given that many of them will be affected for the entirety of their secondary education?

**Mr O'Dowd:** I have no difficulty in giving the Member those assurances. I made the decision to amalgamate those schools in order

to ensure that high-quality education was and would continue to be provided in that area. I believe that my decision was the right one. I understand that the Member has an Adjournment debate down for discussion in the next number of weeks and I have already agreed to meet the Member to discuss the matter in more detail. The operational process for this is for the South Eastern Education and Library Board, and my Department is in close liaison with it on this matter. I assure the Member that my Department stands ready to give any further assistance required to ensure that we have a smooth transition to the new amalgamated school.

### **Schools Estate: Shared Access**

5. **Mr Hilditch** asked the Minister of Education what progress has been made on shared access to schools estate facilities by local community groups and sports clubs, following his answer to a question from Mr Spratt in which he stated that he had launched a joint shared access strategy with the Minister of Culture, Arts and Leisure. (AQT 675/11-15)

**Mr O'Dowd:** In fairness, we launched the strategy only several weeks ago. My part is for the community use of schools, and the Minister of Culture, Arts and Leisure has responsibility for sports clubs etc. There is commonality between them. We will come back to this within a year. We will go back to schools and take a survey to see which schools have taken up the opportunity to open their facilities to greater community use. At the end of the day, it is a decision for the boards of governors.

In previous discussions with schools, concerns were raised about issues to do with insurance, rental policies and access to schools afterwards etc. Through the strategy we have issued, we have case examples of that. We set out how those hurdles can be overcome and how schools can reassure themselves that they are not placing themselves under any further liability in relation to insurance etc. I believe that schools can and should open up their facilities to greater community use. I want to see how this policy develops before changing course and direction. As I said, it has been out for only a number of weeks.

**Mr Hilditch:** I thank the Minister for his answer. Although there are some successful partnerships out there, will he acknowledge that there remains some work, perhaps a substantial piece of work, to be done to encourage some in the sector to support the strategy?

**Mr O'Dowd:** I think it stands to the benefit of individual schools. They need to be part of the community, and they need to be accessible for longer than from 8.30 am to 4.00 pm. People living around a school need to have ownership of it, whether they attend the school or not.

If you are looking to encourage pupils to attend your school, if you are looking to encourage ownership of your school and if you are looking to encourage the community value of your school, the best way to do that is to open your doors and allow local sports clubs, local youth clubs and pensioners' clubs, whatever it may be that is happening in your community, to come in. If such clubs need a room to go into in the evening, why should it not be in the local school? I believe that, in our current policy, we have dealt with all the barriers that were once there, and I encourage schools to read the policy closely. If they have any questions, they should come back to my Department, and we will clarify those for them.

### **Boys' Model: Teacher Intimidation**

6. **Mr Brady** asked the Minister of Education what support the Department has put in place to assist the teacher at the Boys' Model who has been the target of sectarian intimidation because of her role as a Sinn Féin councillor. (AQT 676/11-15)

**Mr O'Dowd:** The most important support given to the teacher thus far has been from pupils at the school. The courage and vision that many pupils have shown in their public pronouncements through social media sites is commendable in relation to, it has to be said, a very small minority of people who are running a hate campaign against the teacher.

I welcome the fact that, even though it is belated, the majority if not all of our political parties have now come out and condemned the intimidation. I welcome the fact that community leaders and community groups in the area have come out and condemned the intimidation and want to see only the best for the young people at the Boys' Model moving forward. On your specific question, I understand that the education and library boards have been meeting the boards of governors and trade union representatives and may also have met the teacher herself to discuss the way forward.

**Mr Brady:** I thank the Minister for his answer. Does he agree that there is an incredible irony in the objections to a Sinn Féin councillor working as a teacher in a state school when

successive Sinn Féin Ministers have put substantial investment into state schools, including the Boys' Model? Those investments have improved the quality of life and made the prospects much better for many Protestant children.

**3.30 pm**

**Mr O'Dowd:** It is worth remembering that the objections came from outside the school, not from the pupils or teaching staff in the school. Those who made the objections clearly need to be educated in the broadest sense of the word. I stand by my record of supporting education in Protestant working-class communities, and I know that my predecessors can stand by their record of supporting education in Protestant working-class communities. As we move forward and see the outcome and results of the common funding scheme, it will be shown that, where there is need, we will support it. We will not judge it on the basis of creed but will support it on the basis of need.

## Executive Committee Business

### Reservoirs Bill: Second Stage

*Debate resumed on motion:*

*That the Second Stage of the Reservoirs Bill [NIA 31/11-15] be agreed. — [Mrs O'Neill (The Minister of Agriculture and Rural Development).]*

**Mr Allister:** In introducing the debate, the Minister said something that surprised me greatly. She said that the Reservoirs Bill was required because of the EU floods directive. She said that the EU floods directive requires all flood risks to be assessed. Two other contributors to the debate perpetuated that myth when Mr Byrne and Mr Irwin told us that the EU floods directive requires this legislation. It does no such thing. The EU floods directive does not relate whatsoever to reservoir holdings of water. The EU floods directive relates to coastal and river basin flooding, and it requires assessments on those two things.

Anyone who has read the directive will see that article 4 talks about assessments that are necessary for each river basin, so it is a total fallacy to try to build the justification for the Bill on the EU floods directive. Confirmation of that is found in the regulations that transposed the directive into our law: the Water Environment (Floods Directive) Regulations (Northern Ireland) 2009 No 376. Nowhere in those regulations is there any requirement for assessment relating to risk of flooding from reservoirs. It is just not there.

I was amazed, therefore, that the explanatory and financial memorandum should also peddle the myth. Paragraph 6 states:

*"The European Community Floods Directive requires member states to identify, assess and manage potential significant flood risks."*

That is correct, but it is in the context of river and coastal flooding and not in any other context. The explanatory and financial memorandum continues:

*"The preliminary flood risk assessment to comply with the Floods Directive identified a potential risk from total dam failure of 156 impounding reservoirs having a capacity"*

The preliminary flood risk assessment did not comply with the floods directive when it made that finding. All the floods directive required it to do was to make an assessment of river and coastal flooding. There is no reference in the EU directive or in the regulation to any threat about impounded water. That is a fantasy that the Rivers Agency or someone else has created as justification for empire building in laying a foundation for the Reservoirs Bill. It is just not in the regulations or the directive, so I begin by expressing my amazement that it has been built on that false premise.

It is interesting that the Rivers Agency preliminary flood risk assessment, which it produced in December 2011, begins by stating in the executive summary:

*"The principal aim of this report is to deliver the Preliminary Flood Risk Assessment (PFRA) for Northern Ireland as required by Article 4 of the EU Floods Directive."*

Fair enough, if it restrains itself to that. There is, then, I think, an acknowledgement from those who drafted it that they were pushing out the boundaries, because it goes on in the second paragraph to state:

*"Therefore, as the potential flood risk from impoundments has already been determined to be 'significant' and shall be effectively managed through a legislative mechanism the assessment of the flood risk from this source is not specifically covered within this report."*

Nor should it be, because it was not required under the EU directive or under the regulations. However, we find a whole edifice built on our being told that, because there is an EU directive that requires us to do it — there is not — we have to produce the Reservoirs Bill.

Let us look at the justification for bringing 121 clauses and a massive tier of bureaucracy, inspection and cost to some relatively modest reservoirs and impoundments of water. The justification is said to be public safety, and, fair enough, we should all be concerned about that. However, let us look at the history outlined in the explanatory leaflet. In 150 years, there have been five incidents of water escape from impounded water, none of which threatened life. There was something in 1876, in 1902, in the 1980s, in 1985 and in 1998. Yet, on that basis, we proceed with a Bill to build a structure on the presumption of the total failure of every impounded piece of water. That is how they arrive at the figure of 66,000 people being at risk: by assuming that every reservoir will burst

at the same moment. That really is stretching the justification for the Bill.

You would think, from reading some of the commentary, that we were going to introduce something novel, such as liability on the occupiers of these impoundments of water. Such liability has existed for decades. There was a very significant legal case called *Rylands v Fletcher*, which established the liability of anyone who controls any dangerous thing — impounded water has been found to be a dangerous thing — that escapes. So there is no issue but that liability lies with the occupier or owner of the reservoir, be they a public body or private individual. So the legislation does not bring something new in that regard; the legislation brings a new, oppressive tier of regulation. I think that it was the Chairman of the Committee who asked whether it was a case of using a sledgehammer to crack a nut. It most certainly is, and it is a very huge sledgehammer to crack a nut.

One might not be so concerned about Northern Ireland Water (NIW) and other public bodies that might own reservoirs, but one is concerned for the private individual who is now required to employ structural engineers, get regular reports from them and expend a huge amount of money. Why? To tick the boxes of the 121 clauses in the Reservoirs Bill. It is over-legislating by a huge degree. There was some talk yesterday in a debate on tobacco about the undesirability of over-legislating. The Reservoirs Bill is a classic illustration, I believe, of over-legislating.

**Mr Frew:** I thank the Member for giving way. I hear his arguments and have certain sympathy with them. He has illustrated how liability is with the owners and managers of the reservoirs at present. However, if a reservoir were to breach and fail, and someone were to die or property were to be damaged, would any existing legislation stop that breach from happening? I know that people would be liable and held to account after the incident. However, would this Bill not, in a way, prevent something from happening? I take the Member's point about the Bill being a sledgehammer to crack a nut, and that is something that we have concern with. We dare not get to the point at which we over-legislate. I sympathise with his arguments, but is there anything in law to prevent a reservoir from bursting?

**Mr Allister:** The Occupiers' Liability Act imposes obligations on any owner-occupier of any property to keep it in a safe state. If owner-occupiers fail to keep their property in a safe

state, they are liable. Therefore, in legislation, through the Occupiers' Liability Act, and under the rule in *Rylands v Fletcher*, there is no doubt that the occupier will be liable if the bank bursts and the water comes down, and there is resulting damage to farms or individuals. There is that liability.

This legislation will not deal with what happens if the owner-occupier turns out to be unable to meet the liability. Of course he should have insurance, but what if he did not? I would have a lot more sympathy with the legislation if it were building in safeguards about compulsion for insurance or bonds. However, it seems to me that the Bill goes overboard with regulations. To find that it is built on a misunderstanding of the floods directive — that is a pretence that is used — for me, compounds that.

I have severe reservations about the Bill. The House should think long and hard before it goes down the road of legislating for a massive 121-clause Bill and all the regulation that comes with it.

**Mr Buchanan:** I welcome the opportunity to make a few very brief comments on the Bill. I agree with the Member who spoke previously that it is a huge Bill to deal with what I take to be a very minor issue.

It appears that one of the key elements of the Bill is the management of risk. It is important that risk be managed in a way that is cost-effective, is not choked up with bureaucracy, does not place a financial burden on any farmer who may have a reservoir on his land, and is delivered with some common sense. Perhaps the difficulty that we have is that a lot of the Bill is so overburdened with bureaucracy and delivered in a way that a lot of people cannot understand.

### 3.45 pm

As other Members mentioned in their contribution, a number of our reservoirs are considered to be in excess of 100 years old. I have no doubt that there may be a requirement for some safety measures to be carried out to any of them that have been lying idle for a number of years. I suppose that that is where the question lies: who is then responsible for the upgrading of such reservoirs to a satisfactory standard and meeting the financial cost that is associated with that work? Perhaps that needs to be looked at.

A number of reservoirs have been extensively utilised for community development and have proved to be a tremendous asset in those communities. Again, that type of development needs to be encouraged further by the Department, should that be for tourism or some aspect of health and well-being. I believe that some of those reservoirs could be further developed. Again, there are those that provide fresh water to many homes in our constituencies. They need to be continually protected. I note that clause 9 requires the Department to establish and maintain a register of all such controlled reservoirs.

As I look through the 121 clauses of the Bill, which deal with controls, management, inspections, reports, certificates and reviews of reservoirs, not to mention the disputes that may arise, I hope that it will not turn into another burdensome, bureaucratic piece of legislation, but rather that it will be something that is flexible in nature to allow effective and efficient delivery.

I do not believe that there is a need for 121 clauses in a Bill to deal with reservoirs. As a member of the Agriculture Committee, I, with other Committee members, will certainly thoroughly scrutinise the various clauses at Committee Stage. Hopefully, the end result will prove productive. As I said earlier, I do not believe that there is a need for all of those clauses in the Bill. I am certain that we will look at that closely when the Bill comes through Committee Stage.

**Miss M McIlveen:** I probably find Mr Allister's assertions with regard to the EU floods directive to be the most interesting this afternoon. I look forward to the Minister's response to those comments. I certainly have sympathy with his arguments, particularly if the Bill is just about regulation based on a misunderstanding.

It is also important that we are not complacent: just because a reservoir has not yet broken its banks does not mean that it will not happen in the future. Given the age of many reservoirs, we have to be cognisant of that. Obviously the best way to prevent that is to ensure that an adequate system of inspection and regulation takes place, but we must also make sure that that does not become too onerous.

It is also important that if the legislation is passed, it does not have the unintended consequence of reducing the number of those assets that we have which have environmental, leisure and other benefits. Certainly, as Chair of the Culture, Arts and Leisure Committee, I can say that the Committee looks forward to

considering the culture and leisure aspects of the Reservoirs Bill that will be of interest to it. The Committee will be particularly interested in the impact that the legislation might have on angling clubs, particularly those that own reservoirs. The Committee is also interested in the impact on recreational and leisure activities where the legislation may cause an owner to consider discontinuing a reservoir.

The Chair of the Committee for Regional Development made an important point which needs to be addressed, which is in relation to enforcement and how the Minister will deal with those who attempt to circumvent the regulations by draining reservoirs below the level that is stipulated by the Bill in order to avoid the need for compliance. Certainly, in my constituency of Strangford there are a number of reservoirs. I am delighted that the Agriculture Committee, before my time on it and without my influence, chose to visit Kiltonga and was able to appreciate it as an important community and environmental resource.

Other reservoirs, such as Lough Cowey outside Portaferry, are currently under the management of the Department of Culture, Arts and Leisure, but owned by Northern Ireland Water, as many reservoirs here are. It has, however, been identified by Northern Ireland Water as being surplus to requirements. Although it has not been advertised for sale yet, that will undoubtedly happen eventually, as will be the case for Portavo reservoir near Donaghadee. Understandably and perhaps regrettably, despite the potential, particularly at Cowey, there does not appear to be a great deal of interest from local councils in Ards or north Down in acquiring them as assets, nor is there any desire from other public bodies to take them on.

So, in those circumstances, Northern Ireland Water would be looking to the private sector to take ownership of those reservoirs. However, it may be a concern that, if a balance is not struck, we may be regulating those reservoirs out of the market. That is not to say that regulation, inspection and repair are not required; after all, safety is absolutely paramount.

**Mr McCarthy:** I am grateful to the Member for giving way. Does she agree that, although the council is not interested, there are certainly sporting and community groups around Lough Cowey that would be interested in having it as a provision for sport and leisure activities?

**Miss M McIlveen:** Mr McCarthy will be aware that I have a relationship with Ards and Down

Salmonid Enhancement Association (ADSEA), which has a project looking at a potential fish hatchery on the site.

I will return to the comments that I was making about safety being paramount. I also note from the presentation that the Department gave to us that it is probably more concerned about the number of reservoirs that lie in private ownership. That is because those that are in public ownership are under fairly stringent inspection. However, cost must also be taken into consideration, and it has to be a factor for those private owners. As a result of the regulations, it is possible that landowners may drain reservoirs or seek to abandon their ownership. Is there a means by which the impact of that can be minimised?

The Chairman and others highlighted this issue, but it is important to know what grants or funding schemes can be put in place for owners or to know, perhaps, what social enterprises are currently in ownership of reservoirs that fall under the scope of the Bill but that cannot afford the initial inspection or the needed repairs.

One example that comes to mind in my constituency is the Golden Glen on the Mountain Road, which was bequeathed to the wildfowling by the Londonderry estate and is now run by the social enterprise, TAGIT. Being a social enterprise, it is a not-for-profit organisation and would simply not have the resources that are needed to carry out major works to the reservoir, which would fall under the auspices of the Bill. TAGIT has been doing an enormous amount of fantastic work on environmental improvement in Golden Glen and on youth diversionary work. It is inconceivable that something could not be done to ensure that those efforts are not undermined.

I would like to look into those issues in greater detail as we progress through Committee Stage. However, at this stage, I do not wish to repeat previous comments, as I am conscious of the rest of today's business in the House. So, I greatly appreciate the need to look at the legislation. I hope that a common-sense approach —

**Mr Frew:** I thank the Member for giving way. She raised the very important point about draining reservoirs or owners and managers reducing levels in reservoirs. Although it could be the cubic metres of water that do the damage if the reservoir were to breach, there could be reservoirs that have the capacity to hold much more water than they currently do. Therefore, they could also be deemed a risk.

Will the Minister clarify whether it is the actual amount of water in the reservoir or the reservoir's potential capacity? In other words, if an owner drains a reservoir by a couple of feet, will that still be under the legislation?

**Miss M McIlveen:** I thank the Chairman of the Agriculture Committee for those comments. I look forward to the Minister's response. It leads to the fact that we need a common-sense approach to the legislation, and I look forward to the Committee's scrutiny of the Bill.

**Mr Principal Deputy Speaker:** I call the Minister of Agriculture and Rural Development, Ms Michelle O'Neill, to respond.

**Mr Allister:** On a point of order, Mr Principal Deputy Speaker. I am usually very assiduous about staying for a Minister's reply when I have spoken in a debate, and I was particularly anxious to do that today because of the points that I raised. Unfortunately, however, I have a meeting that I must attend at 4.00 pm. So, I want to alert the House to the fact that I may not be here when the Minister is dealing with all the points, and I apologise for that.

**Mr Principal Deputy Speaker:** We note the apology; thank you.

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I am grateful to Members for their contributions. They have been absolutely valuable and informative. Some of the issues also reflect the concerns that stakeholders raised during the policy development stage and in the consultation on the policy proposals that underpin the Bill.

I will pick up on some of the key points raised today. If the Bill gets through its Second Stage today, we will look forward to the Committee Stage, during which there will be a full and frank exchange on all the issues outlined.

Members raised a number of common issues. First, it is clear that almost all Members who spoke generally supported the principles of the Bill. However, there is a worry that it is gold-plating or that we are using a sledgehammer to crack a nut. So, I really want to take on that point from the outset. Throughout the Bill's policy development, I made sure that I stressed to officials that the approach should be proportionate to the risk posed by the reservoirs. That is why controlled reservoirs will be designated as being high, medium or low risk. I am sure that you will agree with me that structures that present the highest risk or could

cause the greatest impact should be subject to significant regulation, while, by comparison, those that pose a very low risk should only be registered with little or no other requirements.

I want to pick up on a point in Mr Allister's lengthy contribution about why we are making the legislation and why it is unnecessary, which is a misconception. This is very much a preventative approach. I will correct your assertion that this is not required: it absolutely is required. The EU leaves it to member states to determine what is a significant flood risk. For us, significant flood sources are, in particular, rivers, sea, surface water and reservoirs. You referred to Rylands v Fletcher.

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

**Mrs O'Neill:** I want to finish my point.

Rylands v Fletcher applies when you determine liability after a failure has occurred. If that is how you would prefer to make legislation, let us wait until someone loses their life or someone's property is severely damaged. That is not the case. As I said, it is very clear to me from the directive that it is up to member states to establish what they need to do.

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

**Mrs O'Neill:** When I have finished my point.

When I have taken a decision on the legislation that needs to come forward, it has been based on the risk. I am happy to give way.

**Mr Allister:** Article 2 of the floods directive interprets what is covered in terms of a flood. There is no reference in the definition to anything outside river flooding and coastal flooding, none whatsoever. The Minister says that she interprets it as including impounded water, but she cannot do that and root it in the directive, since it is not there to start with.

**Mrs O'Neill:** The Member says, "Let us not do anything, because we have not had any significant events in the past number of years. Let us just sit down and wait for something bad to happen and then we will legislate when there is a public call for it". This is very much a preventative approach. The EU directive is relevant to that. It is about taking a protective approach based on risk and not being disproportionate. It is very much based on risk. That is what we are trying to do.

Many Members today expressed concerns about the affordability of the legislation,

particularly for third sector or not-for-profit organisations. I want to put it on the record that I have absolute sympathy for those organisations and recognise the services that they offer to the wider community. Although the Bill allows for a grant aid scheme, I wish to explore in more detail the possibility of meeting the cost of public safety measures. It also needs to be emphasised that any grant aid scheme may well be outside the current CSR period. However, as I said, I am content to look at that, particularly with organisations that feel that they will be adversely affected.

Picking up on a point raised by the Chair of the Agriculture and Rural Development Committee, I encourage any organisation concerned about the future requirements of the Bill not to unnecessarily draw down their reservoir without seeking advice from a suitably qualified engineer or, indeed, our officials. Given that many of those structures offer wider community benefits, we need to ensure that any decisions are well informed and are taken for the benefit of all those concerned. On the issue of capacity, it is about the capability to hold water not the actual volume of the water that is impounded.

Finally, I obviously welcome the comments made by the Chairs of both the Agriculture and Rural Development Committee and the Regional Development Committee. Scrutiny of the Bill is extremely important. I am pleased that issues such as the 10,000 cubic metre capacity, the need for reservoir engineers in NI Water and the frequency of inspections will all be examined, and I hope that we will then have an agreed outcome. I am content for my officials to present on the detail of the Bill to the Regional Development Committee, if it helps and if the Committee would like that to happen.

Again, I thank Members for their contribution to the debate and for raising their questions and issues. I am confident that the Bill will provide an assurance that reservoirs are safe and that the potential risk of flooding as a result of a reservoir's failure will be managed appropriately. My officials and I look forward to working closely with the Committee for Agriculture and Rural Development when it begins its detailed and important scrutiny of the Bill, should the Bill pass the Second Stage. I commend the Bill to the Assembly.

*Question put and agreed to.*

*Resolved:*

*That the Second Stage of the Reservoirs Bill [NIA 31/11-15] be agreed.*

4.00 pm

(Mr Speaker in the Chair)

## Public Service Pensions Bill: Final Stage

**Mr Hamilton (The Minister of Finance and Personnel):** I beg to move

*That the Public Service Pensions Bill [NIA Bill 23/11-15] do now pass.*

I apologise for being late into the Chamber; I thought that I would give everybody a little bit of a break in a very busy day. I am always trying to accommodate and be helpful in that way, Mr Speaker.

First, I thank the Chairperson and members of the Finance and Personnel Committee for their detailed scrutiny of the Public Service Pensions Bill. The Committee has taken evidence from a wide range of stakeholders, including trade unions and officials from my Department. I am grateful for the Committee's efforts to give this important Bill priority at Committee Stage. I also thank Members of the House for their support to date and look forward to their continued support today.

The Bill now has 38 clauses and nine schedules and is complex legislation in its scope and impact. Having been extensively quoted by Mr Attwood at Further Consideration Stage, I thought that I might at least quote him, not extensively, at Final Stage, in perhaps a more favourable quote than the ones that he hand-picked at Further Consideration Stage. However, I agree with Mr Attwood's comments at that stage last month when he said that the Bill is:

*"arguably the most significant legislation to come before the Chamber thus far in this mandate." — [Official Report, Vol 91, No 3, p8, col 1].*

I remind Members that the Public Service Pensions Bill provides framework enabling legislation for the reform of public service pensions in Northern Ireland. The Bill gives effect to the recommendations from the Independent Public Service Pensions Commission led by Lord Hutton. That review considered what needed to be done to have sustainable public service pensions, given the increases in longevity and associated costs. Two elements are at the core of the reforms: first, to move from final salary pension schemes

to a new career average revalued earnings scheme model; and, secondly, the introduction of a link between normal scheme pension age and state pension age. The reforms will apply to a range of public servants, including civil servants, local government workers, teachers, health service workers, the judiciary, firefighters and police officers. As I mentioned several times at Consideration Stage and Further Consideration Stage — I will repeat it again — on 8 March 2012, the Executive agreed to commit to the policy for a new career average revalued earnings model, with pension age linked to state pension age, to be adopted for general use in the public services schemes and to adopt that approach consistently for each of the public sector pension schemes, in line with their equivalent scheme in Great Britain, and not to adopt different approaches for Northern Ireland.

In total, 41 amendments were tabled at both consideration stages. Some were minor and technical in nature. I tabled nine amendments, all of which were accepted by the House at Consideration Stage. An amendment for firefighters was supported by all Members at Consideration Stage. That change means that normal scheme pension age for firefighters may be in the range of 55 to 60 rather than specifying that they must be 60 as originally proposed. I have made it clear that flexibilities exist at secondary legislation stage for all schemes. Those flexibilities mean that account can be taken of the particular needs of that workforce.

A number of amendments were adopted at Further Consideration Stage. On the local government pension scheme, the implementation date is put back one year to 1 April 2015. The local government pension scheme, although funded, is nevertheless part of the overall programme of pension reform. I reiterate that that change in the implementation date must not have any implications for the Executive Budget. I note Minister Durkan's confirmation that the delay will not have any financial consequences.

I welcomed, as did all Members of the House, the proposed new clause on the police pension scheme. I understood and shared Mr Allister's concerns about the inconsistencies in police pension scheme legislation for pensions paid to police widows on remarriage.

The Assembly also agreed amendments to clause 10, which deals with pension age. In Lord Hutton's report on public service pensions reform, he recommended that the link between the state pension age and normal scheme

pension age should be regularly reviewed to make sure that it is still appropriate, with a preference for keeping the two pension ages linked. The amendments to clause 10 give effect to that recommendation. The Department of Finance and Personnel must conduct a review every two years following the commencement of clause 10. A report must then be laid in the Assembly within six months of that review having started. Following such a review, the Department of Finance and Personnel may introduce an order to provide flexibility in pension age. Once again, I must make it clear that a review led by my Department will not mean that I, as Finance Minister, will provide any funding for changes. The thrust of the reforms is to contain the cost to the taxpayer and the public purse. Any variances must therefore be contained in the overall cost envelope. Any sector that exceeds that will need to make up the shortfall to Her Majesty's Treasury.

I welcome any points of clarity that might be sought by Members or, indeed, questions that Members may have about the Bill.

**Mr McKay (The Chairperson of the Committee for Finance and Personnel):** A Cheann Comhairle, I welcome the Final Stage of the Public Service Pensions Bill. Members are aware that the Bill will affect upwards of 216,000 employees in the public service, which is over 30% of the total workforce across the North. Those affected include teachers, health service workers, civil servants, local government workers, firefighters and police officers.

As Members are also aware, the Committee collected a significant body of evidence in advance of the formal introduction of the Bill and throughout Committee Stage. Members of the Committee scrutinised not only the policy intention of the reforms but the operational aspects of the detailed provisions, as well as examining the technical drafting of the Bill. That resulted in a wide range of issues and queries being raised with the Department for clarification and assurance, as well as proposals for specific amendments. Output from that work was set out in the Committee report, which, I believe, helped to inform the subsequent debates at Consideration Stage and Further Consideration Stage.

Originally, of course, the Executive deliberated on whether the reforms should be taken forward by way of a legislative consent motion (LCM), thereby handing responsibility and control to Westminster. I am mindful that that issue was reflected on when the Assembly was debating

and agreeing the amendments to improve the Bill. Suffice it to say that, had we taken the LCM route to legislate on this important and sensitive matter, the Committee would not have had the opportunity to conduct such detailed scrutiny of the Bill or to recommend or table amendments. I firmly believe that the rigorous scrutiny and quality of debate that Members have afforded the matter across the House — in Committee and plenary session — provide yet another example of the added value that can be achieved when we, as locally elected and accountable representatives, work collectively and constructively to tackle difficult issues and shape outcomes to meet local needs.

The Committee, at the outset of its scrutiny, was mindful that, although public sector pension policy is a fully devolved matter, the convention has been to broadly follow parity. More particularly, it was mindful that there could be costs to the Executive through varying from measures taken by Westminster to achieve savings. A key finding of the Committee's scrutiny, however, was the variability in the estimates of the financial penalty — they ranged from £262 million to £300 million — that the Treasury has confirmed it will apply, should the public sector pension reforms provided for in the Bill be delayed or not implemented in line with Britain. The Committee accepted that, given the existing financial framework for devolution, not proceeding with the reforms would place substantial pressure on the Executive's Budget and, in particular, on the funding available for delivering priority front line public services. That said, given the significance of the reforms, particularly in light of the predominance of the public sector in the North's economy, the Committee considered that, in expecting the Executive to follow parity on this devolved matter, the Westminster Government should have provided a macroeconomic appraisal of the Hutton reforms at a local level. Therefore, perhaps ensuring that the local impact of Westminster-led policy initiatives affecting devolved matters is fully costed well in advance offers a lesson for the future.

It was clear from the evidence to the Committee and subsequent debates and amendments that one of the most contentious impacts of the reforms arises from clause 10. In particular, there is an automatic linkage between normal pension age and state pension age for public servants generally and, as previously drafted, the fixing of normal pension age at 60 for firefighters. The Committee was unable to agree the clause as originally drafted and recommended that it be amended to provide

sufficient flexibility to enable evidence-based decisions to be taken at scheme level on whether certain public service roles, especially firefighters, should have a lower normal pension age than that set in the Bill. From the evidence presented to the Committee, it was clear that the jury was still out on whether there should be a firm and substantiated basis for setting the normal pension age of certain physically or, indeed, emotionally demanding roles, not least that of firefighters. Some of the amendments agreed at Consideration Stage and Further Consideration Stage should, therefore, go some way to providing the flexibility that the Committee had called for, to be able to respond appropriately to the outcome of current or future reviews that will inform thinking on fitness requirements and pension ages for particular public sector roles.

#### 4.15 pm

In the course of its deliberations, the Committee noted that clause 13 specifies that defined benefits schemes with a pension fund must require actuarial valuations of the fund. It also requires that the responsible authority appoint a person to report on whether such a valuation is in accordance with the scheme regulations, consistent with other valuations and at the applicable rate of employer contributions that is set. However, the clause, as drafted on introduction, simply required that the person appointed

*"must, in the view of the responsible authority, be appropriately qualified"*

whereas the accompanying explanatory and financial memorandum, which has no legal status, described the review as being an "independent person" undertaking an "independent verification". Therefore, the Committee decided that the clause did not go far enough to assure the independence of the appointed person and therefore tabled its amendment. I welcome that, at Consideration Stage, the amendment was agreed, and it now forms part of the Bill. It was a non-contentious but nonetheless important improvement to the legislation.

From its consideration of whether the Bill provides for sufficient checks and balances on Departments' powers to make pension scheme changes under subordinate legislation, the Committee recognised that there was a balance to be struck in requiring the higher level of Assembly scrutiny, in the form of the affirmative resolution procedure. Members were also mindful of the fact that, under the negative

resolution procedure, Committees or individual Members would have the option of tabling a plenary motion for annulment praying against the scheme changes that had given rise to concerns. In that regard, the Committee called for further assurance from the Department that it would observe the 21-day rule for any proposals that it made for negative resolution regulations that made scheme changes under the Bill. On behalf of the Committee, I therefore welcome the Minister's assurance that it is the Department's intention to observe that important rule. I advise the other applicable Committees to seek similar assurances on the issue from their Department.

Finally, on behalf of the Committee, I acknowledge the contributions of the stakeholders, including the various trade union representatives, in informing the Committee deliberations. I also acknowledge the responsiveness of DFP officials in seeking to provide clarification, explanation and assurances on issues that arose from the evidence. On behalf of the Committee, I support the motion.

I will now give my party's perspective on the Bill. The Bill outlines the importance of devolution and local legislative scrutiny. It seems a long time ago that there was some argument among Ministers about the issue. All in all, this has very much been a worthwhile exercise. There is flexibility in the Bill that was not there before. As the Minister said, the SDLP amendments at Further Consideration Stage, I think, have given the Minister the power to change schemes if certain exceptional circumstances justify it. I urge the Minister to consider using that power as is necessary.

We proposed our own amendments to clause 10 that were not accepted. They sought to set regulations through clause 10 that, we believe, would have been more acceptable. We have received significant praise from firefighters across these islands for our party's amendments that ensure that there is sufficient flexibility in the Bill to take evidence and future evidence bases into account when setting pension age. In Scotland, England and Wales, there has been a degree of tension between the legislatures and the Fire Brigades Union because of the lack of flexibility in the Bills that passed through their respective Houses.

Some of us in the House have a bad habit of nodding in deference to anything that the Government in London put before us. The lesson from the Bill is that that has to change. As local representatives, we should seek a fair deal for our constituents, and we should give as

much consideration as we can to the impacts of significant legislation such as the pensions Bill. The local scrutiny involved in the Bill through all its stages has certainly been a worthwhile exercise. I think that I can speak for all the Committee in saying that.

**Mr Girvan:** I am in favour of the Bill moving forward with the amendments that have been made and accepted at earlier stages. As it stands, I appreciate that, if we do not move ahead, there is a difficulty in that Northern Ireland would have to meet the bill. Some of the figures that were mentioned were quite horrific. It would have an ongoing cost to the Northern Ireland Executive of up to £300 million and rising.

Mention was made of the legislative consent motion, which could have dealt with moving this forward in a quicker way, but it would not necessarily have been right. I think that we have identified and seen some flexibility which has been suitable for certain sections that we felt were being adversely affected, such as the firefighters, as has been mentioned, and how that has been amended to give flexibility between the ages of 55 and 60. That is in clause 10.

Another area that I feel has been very helpful was an amendment that introduced clause 30 to the Bill, which allows widows and widowers of RUC officers to avail themselves of a pension and not lose it when they remarry. I think that that has moved ahead quite well.

As far as Committee Stage is concerned, I felt that there was quite a good engagement with the unions and feedback from the Department in relation to how we could meet in the middle ground somewhere. Some unions presented their case better than others, and I think that that has been represented in the Bill before us today, because some of those recommendations were included and carried forward in the Bill.

As for some of the other aspects, I appreciate that there is flexibility for Departments, should they wish to make amendments to certain sections, to do so under secondary legislation. I appreciate that we were all lobbied on some of those areas. If those Departments feel that they can, and they do want to, they can actually deal with that through secondary legislation.

The Bill as presented today has allowed for us to move ahead. Some other amendments were made to clause 10 which allow for a review of this every two years. I appreciate that that is provided. There were some amendments that,

needless to say, we did not all agree on, but we got there eventually. We have to deal with it and move ahead before it becomes a cost burden to the Northern Ireland Executive. That is all I have to say at this stage.

**Mr D Bradley:** Go raibh míle maith agat, a Cheann Comhairle. Tá áthas orm deis cainte a bheith agam i gcéim dheiridh an Bhille. I am pleased to address the House on the Final Stage of the Public Service Pensions Bill. I agree that, to some extent, the Bill has benefited from the rigours of the legislative process here, especially in the Consideration and Further Consideration Stages.

The original intention was that the Westminster Bill, with a few modifications, would be nodded through under the veil of a legislative consent motion, but thankfully that did not happen. I think that we are better off for that. Mr Attwood, my colleague, ensured at the Executive table that that did not happen, and I think that we owe him a debt of gratitude for that.

One of the most controversial aspects of the Bill is the alignment of the normal pension age, when public sector workers will receive their pensions in full, with the state pension age. Through amendments tabled at Consideration Stage and Further Consideration Stage, the SDLP attempted to decouple that link as presented in the Bill. I suppose that we achieved a limited amount of success with an amendment to clause 10 that could allow the normal pension age to be lower than the state pension age, although that is not guaranteed.

There was a further addition that allows for a biennial review and assessment of how the arrangements affect scheme members and for a report on that to be laid before the Assembly. I suppose that those are improvements that strengthen the Bill from the point of view of pension scheme members.

At this time, we do not know the outcomes of the Working Longer review or what effect that will have on employment. For example, we already have over 6,000 qualified teachers who have not yet gained full-time employment in education. If we take teachers as an example of a group that will be affected by the Bill, we see that, traditionally, we have had schemes that allowed older teachers to exit the profession and younger qualified teachers to enter it. The number of those schemes has gradually been reduced, and I expect that they will eventually be no more.

When the Bill comes fully into effect, any teacher who wishes to leave the profession

early will be subject to an actuarial reduction of their pension. I think that that will help to ensure that fewer and fewer teachers will exit the profession early and that, therefore, fewer and fewer younger teachers will enter it. I suppose that you could extrapolate that and say that, across the professions that the Bill covers, staff will be forced to stay on until they reach the higher state pension age, and that that will have subsequent implications for the employment of younger people. I do not believe that enough work has been done, if any, on the implications of the Bill on employment and the economy.

Early in his contribution, the Chair of the Committee mentioned that the Bill's macroeconomic effects have not been properly assessed. However, at a base level, the proposals will lead to less money circulating in the economy, as the financial power of retiring civil servants, sometimes described as the grey pound, will be reduced.

As I said, that is all in the context of the cost of public service pensions being driven down from 1.9% of GDP to 1.4% of GDP by 2060. Additionally, as I also said, increased numbers of public servants working longer will entail a reduction of job opportunities for younger people. Current circumstances already well define the problems of youth unemployment. For the period from August to October 2013, that rate for 18- to 24-year-olds was 23.8%. So, we risk developing a lost generation. Large numbers of young people are again being forced to leave these shores to find work, and we should not, through this Bill or any other, seek to perpetuate that problem. As the Chair of the Committee said, not enough work has been done on the longer-term effects of the Bill. Perhaps we are addressing a short-term problem and are remaining blind to the longer-term impacts.

It is important to remember that pensions are not some sort of added or extra benefit. They are simply pay that has been earned and deferred. The changes in the Bill will leave a bitter taste in the mouths of many public servants, especially given that the London Government are already reneging on their promise of a 25-year guarantee on pensions. We have been petitioned, I suppose like many other Members of this House, by members of various professions across the public service on the provisions of the Bill.

#### 4.30 pm

Contrary to the view that is often expressed on radio programmes and by various

commentators who perhaps have a monetarist attitude to public service, public sector pensions are not gold-plated in the way that they would portray them. Over half of public service pensions are less than £5,600 per annum. For civil servants, the average yearly pension is less again at around £5,400, with a quarter of that number being less than £2,000 annually. So, when considering the impact of these proposed pension changes, we should bear in mind that the average Northern Ireland Local Government Officers' Superannuation Committee (NILGOSC) pension for women is less than £3,000.

During the course of the Consideration Stages, a case was made on behalf of firefighters and police officers. The SDLP supported that case. Indeed, one of our amendments, which was not successful, was directed towards that very end. In this instance, the Sinn Féin amendment was carried, and we supported that amendment. However, as Mr Attwood pointed out in a previous debate, conceding the case on behalf of fire and police personnel proves the point. Many public servants — nurses, teachers, doctors and paramedics, to name a few — face demands during their employment that could be described as particularly physically, mentally or emotionally demanding. Looking ahead, it would not be amiss to predict that increasing the pension age for so many in the public service will probably result in increasing numbers of ill-health retirements and people forced out of work on capability grounds. There will be a cost to that, and that cost remains to be seen.

I was disappointed that our efforts to have the trade unions named in the Bill as pension board members were not successful. Trade union members make up 65% of the scheme. That force of numbers alone, not to mention the expertise on pensions, representation and related matters that unions have, should have ensured that they were represented in the Bill. An unwelcome animosity towards the unions was expressed by some Members. That is not helpful, considering the importance of the trade unions as social partners.

The Bill has been strengthened. Mr Allister introduced an amendment that is helpful to RUC widows, and the SDLP supported that. The Bill was strengthened also in respect of increased affirmative resolution, which is also to be welcomed. However, we are not convinced that the Bill as it stands is the best possible deal for Northern Ireland's public servants. We did our best on these Benches to shape the legislation and improve it. We met with some

success. However, the Bill is still not as we would like it to be.

**Mr Cree:** I support the Public Service Pensions Bill in its Final Stage. We have spent considerable time debating the Bill and the many amendments that were proposed. Basically, as some Members said, the Bill is modelled on the Westminster Act, which is not really surprising, as we have parity in these matters. However, this has allowed discussion and amendments to be considered, and that has been a good thing.

Members will remember that our Executive decided not to use a legislative consent motion, which would have meant the Westminster legislation applying directly here. They also decided, on 8 March 2012, to support the scheme in line with Great Britain and not adopt a different approach for Northern Ireland.

The Independent Public Service Pensions Commission, under Lord Hutton, was set up to review the structure in the UK. It found that the UK had not responded flexibly to rising costs and increases in longevity in past years and that the situation would not be tenable in the long term. The commission considered a wide range of professions and noted that a special case could be made for police and firefighters, who need an exception in retirement age because of the fitness and strength required for the job. It is important to note that no other categories were identified for this exception. The report was published on 10 March 2011.

The parties opposite have made determined efforts to change parts of the Bill and add other groups as exceptions. They have made no secret of the fact that they wish to break parity on these issues, despite the likely cost to the Executive of some £300 million in the first year because of delays. Most of us will know that that money could come only from the block grant and that other services such as health and education and job creation would suffer. No evidence or information was given as to why public sector workers should be given quite different treatment to those in the private sector.

The debates, in the main, were conducted in good order. The Minister accepted many of the amendments and had them incorporated into the Bill. In my opinion, those who continue to espouse further changes, with some passion on occasions, and enjoyed the shadow boxing were not really serious. If they had been serious, why did they not present a petition of concern? On behalf of the Ulster Unionist Party, I support the Bill.

**Mrs Cochrane:** As I said before, changes to public service pensions as a result of the Bill are not desirable but unfortunately are required. Unsurprisingly, there has been a strong lobby from public sector workers against the changes. It is frustrating for all of us that reform is necessary. However, the pension provisions are simply not sustainable in their current form.

Much has been said in earlier debates about increases in life expectancy and how the cost of pensions has risen by one third in the past 10 years. We need to be realistic and continue to monitor the proportion of adult life spent in retirement. That means continuing to assess whether scheme pension ages should be in line with state pension age.

There have been a few proposed exceptions to the link to state pension age. They have been made in line with the Hutton recommendations. Even with these changes, a public service pension, although perhaps not gold-plated, remains a very effective way to save for retirement. The benefits remain far greater than those on offer from most other employers, with the public purse paying the majority of the cost of the public service pension through the employer contribution.

We should also remember that there is transitional protection in place to phase in the changes. This means that many existing members of public sector schemes will still be able to retire at 60. It will probably be the mid-2030s before others will be expected to work until 68 in line with the state pension age changes. It is in that context, and given the amendments agreed at Consideration Stage and Further Consideration Stage, that I support the Bill's passage today.

**Mr Mitchel McLaughlin:** I will have to finish chewing this sweet.

I will not repeat the observations of Members who have spoken. The consideration process that we subjected the Bill to was very worthwhile, because changes were made. Those changes improved the Bill and inserted flexibility, which I hope the Minister and future Ministers will take full cognisance of. The underlying assumptions behind the Bill and the pension reforms introduced at Westminster should have been underpinned by a macroeconomic analysis, particularly of public sector pension schemes.

Whatever economic and political conditions or realities affect London and the greater London metropolitan area, they do not reflect the social, political or economic reality of the North. The

public sector's significance in our overall economy does not lend itself to a model whereby you raise the threshold for retirement while encouraging young people, particularly those who avail themselves of further and higher education, to enter the labour market. We are significantly disadvantaging that young generation of people who are looking to join the local employment market. Into the future, that inherent difficulty will apply.

Dominic, Daithí and others mentioned specific amendments. I am grateful that they were accepted and that the Minister responded with amendments that were, perhaps, minor in scope but that reflected the debate and the changes that the local Assembly was making to the Bill as originally presented. That was a long way from the arguments of his predecessor as Finance Minister, who simply wanted to subject us to the consent motion process without any kind of discussion.

My party is happy to support the career average reform. We think that that is inherently fairer and more equitable to the overall workforce. Other aspects of the reforms created difficulties for us and for other parties with the exception, perhaps, of the Ulster Unionist Party. Even the Minister's party engaged in the discussion and contributed to finding responses within the Assembly's financial capacity.

To that extent, I find it a bit disturbing — not just in this debate but in others — that some Members look at the projected costs or the financial penalties involved in going for nuclear options. Nevertheless, we have taken a much more measured and mature approach. We were not talking about throwing the whole lot, lock, stock and barrel, out the door and, therefore, having to pay the entire bill. Those were the figures that were being brought forward, in a sense, to bludgeon and dissuade those who wanted to examine the matter and to take their time to see whether that was the best that we could do.

The Bill made progress, as did the Assembly. I remain of the same view, which is that it is not sufficient, but at least we made an impact. On that basis, we support the Bill at its Final Stage.

**Mr McCallister:** Mrs Cochrane's contribution to the debate probably sums up the Bill. It is not completely desirable to make these changes, but the question is whether they will be necessary to safeguard the future. Were there many other options for the Minister or the Assembly with the hit that the block grant would have suffered? Could the Assembly or a Minister have taken a hit to the block grant of

£300 million? Could we have achieved that? It would have been unrealistic not to expect the inevitable knock-on effect on other services and areas of government activity had we taken that hit.

Although it was undesirable, we might have wanted to do different things. We might have wanted to ease the burden on some areas, and we did mitigate some of them. However, the sheer size of the hit to the block grant is one of the realities that faces the Assembly and the Minister.

Generally, at Committee Stage, we gave a good hearing to the many groups that attended the Committee or wrote to us to make their views known, including the trade unions, and we listened in particular to the firefighters' concerns.

That is why I was pleased to sign the Sinn Féin amendment on firefighters. Unfortunately, family commitments prevented me from being here to speak on that. For obvious reasons, that was an important change to make, and I was pleased that the Minister accepted the amendment and that it is in the Bill. The Fire Brigades Union made a compelling case for why it should be included. The service faces difficulties in redeploying staff who have not been medically discharged but who do not meet the very high standards that we all expect from our Fire and Rescue Service. It was important to support that change.

#### 4.45 pm

Mr McLaughlin's point about the career average was important. At times, it is important to reflect on the fact that many Members, including me, worked in other jobs or careers before coming into politics. Some of you, like me, will have been self-employed. Some of you will know that private sector pensions are a lot lower. If you are self-employed, your only source of contribution is what you can afford to put into it. That might be slightly more in some years than in others. So there is a huge difference between what people in the public sector get and what people in the private sector get, particularly those who are self-employed or work for small businesses, which may struggle at the best of times, never mind reinvesting and paying pensions.

I accept Mr Bradley's point that average pensions in the public sector are much smaller than we sometimes imagine. Not everyone receives the pension of, say, a retiring permanent secretary or someone else at that

level. However, there is certainly a considerable difference between what a private sector employee and a public sector employee will get, and we need to note that. You can accept all the other arguments about pension being deferred pay, but the public sector often makes a significant contribution, and it is no different for many of us in the Chamber.

**Mr Agnew:** I thank the Member for giving way. He makes a point that is often made about public sector workers in comparison with private sector workers. He mentioned permanent secretaries, who, undoubtedly, receive a very generous pension settlement, but theirs are dwarfed by the pension settlements of CEOs of banks, for example. This simple public-private dichotomy does not work across the board. Indeed, at the top end in the private sector, much higher pensions are paid out.

**Mr McCallister:** I am grateful for that. On the point that Mr Agnew introduced, we could probably run an entire debate on how many Members feel about banks, never mind the CEOs of certain banks, banking bonuses and all of that. I am sure that, if I speak too long, the Speaker will tell me that I am going off on a slight tangent. I accept the point, but you are looking at a much smaller number.

Going back to Mr Bradley's point on the public sector, I accept that many public sector pensions are not nearly as big or as generous as we sometimes imagine. The career average probably limits the pensions of some of those at the very top end, such as retiring permanent secretaries, whose pension is built over a 35-year or 40-year career average.

**Mr D McIlveen:** I thank the Member for giving way. I remind the Member and Mr Agnew, who just raised the point, that the same argument could also apply to senior executives in trade unions.

**Mr McCallister:** Mr Speaker, I will maybe let Mr McIlveen and Mr Agnew sort this dispute out. I think that Mr Agnew will probably speak shortly. However, the point is about the people who sometimes argue most vociferously against something. Their pay and other remuneration, whether it is their pension or general expenses, are probably significantly out of kilter with the membership average.

The only union that I am a member of is the Ulster Farmers' Union, so I am not overburdened in that regard. *[Interruption.]* Mr Allister tells me that the UFU does not count as

a trade union. Nevertheless, it is my only experience of union activity.

On pensions, we faced a difficult choice between what we might want to do and what changes we had to make, along with being realistic about the money available. I suspect that the Minister faces a similar choice when it comes to looking at welfare reform. He may want to tackle in his response how he will deal with Ministers, given some of the structural difficulties of our Administration. He has already had the experience of having to take one Minister to court. I wonder whether he is going to have to take the rest —

**Mr Hamilton:** Successfully.

**Mr McCallister:** Successfully to court. That probably depends on your point of view.

**Mr Hamilton:** I won.

**Mr McCallister:** He won, but whether it was a win for rural development and agriculture, who knows?

**Mr Speaker:** Order. The Member will know that I have given him quite a bit of latitude. He is straying totally outside this afternoon's debate. Will he come back to the pensions Bill?

**Mr McCallister:** I absolutely take the Speaker's guidance and will not give in to temptation. If the Minister throws such nuggets at me, I will deflect his interventions.

How will the Minister make sure that other Ministers and Departments deliver on their commitments to implement some of the changes in the legislation? Does he have the power to do that, or will he end up having to cut budgets if some Ministers do not buy in? Mr Cree made the point that some parties in here, although they are in government, have not exactly toed the government line on pensions. The Minister may want to comment and shed some light on how he might address those issues.

**Mr Allister:** We have had much talk today about unions; the essential driving force of much of the Bill is the Union — between Northern Ireland and Great Britain. It is the template that, of necessity, we are following for pensions. Many things, such as lengthening work periods and all of that, are hard pills to swallow, but they are an inevitable consequence of the austerity that has afflicted all of the Western World and more besides. I cannot help thinking though what a worse pickle

we would be in, with pensions and everything else, if some people were able to achieve the other union that is suggested — the union of all Ireland. Then we really would know the difficulties of austerity and all that comes with it. Although there are things in the Bill that, I am sure, if many of us were left to it, we would rather not have seen in it, there is a collective realisation that, with our membership of the United Kingdom, there come responsibilities. Just as the benefits flow, so too flow responsibilities.

I do not want to detain the House, but I want to sincerely thank it for agreeing to introduce what is now clause 30. It has brought considerable relief and pleasure to a small number of police widows, but, for them, it is very significant. It was right for the House — it did it very magnanimously — to bring that sense of equality of treatment to all police widows, whether recently widowed or widowed many years ago, and to restore to some who, hitherto, would have lost their pension rights if they had remarried and to some who did lose them upon remarriage the equality of treatment that more recent widows properly enjoy. I thank the House, and I think the Bill is better for bringing that equality of treatment to all police widows — I stress, all police widows — whensoever they became a widow.

**Mr Agnew:** I rise to express disappointment of behalf of Green Party NI at the failure to create our own path in the Assembly and go our own way on pensions, as we had the potential to do. We have failed to make devolution work for public sector workers in Northern Ireland.

As we are aware, there were those who were willing to abdicate responsibility in the Bill through the process of a legislative consent motion. I think there has been some acknowledgement, through their agreement to some of the amendments that have been proposed, that that was the wrong path to choose. Whilst overall I am disappointed by the Bill, I welcome the fact that we have been able to break parity in Northern Ireland, which is what we have done, and make some modifications to what would otherwise have been handed down from Westminster. I am sure that the firefighters in particular will be grateful that we did indeed choose to legislate ourselves for pensions and to make special provision, taking account of the particular needs of firefighters.

The Bill essentially came from London and was introduced for London. It does not sit well in the Northern Ireland context. As I said at a previous stage, for the rationale of the Bill much

has been made of the increase in life expectancy and, therefore, the increased pressure on the pensions pot, but we must contrast the life expectancy of 73 in Belfast with the life expectancy in Kensington of 85. When the Conservative Government talk about future plans to increase the state pension age, they base their proposals for pension provision on living in the bubble of London, rather than governing, as, I am sure, the unionist politicians believe that they should, on behalf of the whole of the UK, although, of course, they do not have a mandate in the whole of the UK.

Parties have, to some degree, been playing two different hands — one hand in Westminster and one in the Assembly — and arguing that they have challenged and opposed the pensions Bill in Westminster while seeking to implement it with insufficient amendment, in my opinion, in the Assembly. It is regrettable that the principles that those parties applied in Westminster were not carried over to their roles in the Assembly.

Much has been made of the cost to the block grant, and, of course, that is a significant factor in the issues that we are discussing, but, as has been pointed out by other Members, a macroeconomic case has not been made for the Bill. Increased productivity in the economy has not been taken account of during the pensions debate or in Westminster's decision-making, specific to Northern Ireland, on not seeking to increase the pension age along with the state pension age. No assessment has been made of the increased spend in the wider Northern Ireland economy through increased pensions coming into Northern Ireland. The impact and cost of youth employment have not been factored in to the figures that we are presented with. The cost of increased sick pay and of loss of productivity in public services has not been factored in. So, simply stating the cost to the block grant is giving only one side of the table of costs and benefits of breaking with parity. I have said before that it is an accountant's Bill, but that is not good accountancy.

#### 5.00 pm

I welcome the acknowledgement that has been made of the particular role of firefighters and police, but I regret that that has not been extended to other areas. I also regret that my amendment to include paramedics and prison officers in such provisions was rejected, although I thank those who supported it. Hopefully the review that was secured through amendment at Further Consideration Stage will mean that other professions, such as teachers

and nurses, can be given further consideration and the evidence that comes out of the Working Longer review can be factored in.

I regret the ideological attack on the trade unions that persisted. It continued today. I also regret that the amendment to give trade unions a place on pension boards was not accepted. It is right that those of us who defended trade unions did so. It is right that we defended workers' ability to organise, unionise and lobby in a professional and correct manner. We have heard the public versus private argument today. To workers in the private sector who do not have the right working conditions or pension provision and who I equally sympathise with, I say this: "Unionise and ensure that the trade unions do what they can to lobby employers for better pay and conditions". If they do so, they will certainly receive my support.

We need to move on from the conversation about how we bring down the terms and conditions of what are still some of the lowest-paid workers in our society, including some of those in public services, to the level of the private sector and instead discuss how we bring up pay and conditions for those at the lowest end in the private sector. There is clearly room to do that. I mentioned the highly paid CEOs in the private sector. A bit of fairness in the organisations that they work for could help to mitigate the problems that private sector workers face. We do not need to continually attack public sector workers.

I said in a previous debate on the Bill that we needed realistic and affordable pension provision that served the common good. I do not believe that we have that, and that is why I cannot support the Bill.

**Mr Hamilton:** I thank Members who have contributed to the Final Stage of the Public Service Pensions Bill. Indeed, I thank Members who contributed at all previous stages of the Bill. I thank the Chair, in his absence, and the Committee for their scrutiny of this important legislation. I thank the Chair for his overview of the Committee's work. I echo what Mr Girvan and Mr McLaughlin said about the good engagement that happened as a result of the Committee's work.

If I may, I will respond to as many of the points that were raised as possible — or at least to the ones that I want to respond to. Before I do that, I thank Mr Girvan, Mr Cree, Mrs Cochrane, Mr McCallister, Mr Allister and even Mr McLaughlin — an unusual source, I suppose — for their support for what, I think, everybody has acknowledged as necessary if not necessarily

desirable reforms to public service pensions. I want to pick up on some of Mr McKay's points later.

I will begin by touching on one of the fundamentals of the Bill that was addressed by Mr Bradley in his remarks: the linkage between the scheme pension age and the state pension age and his opposition to it. As I said repeatedly at Consideration Stage and Further Consideration Stage, it is a fundamental element of the reforms that are before us. In my view, those reforms are the right thing to do, with the notable exceptions for police officers and firefighters. It is the right thing in my view, not least because of the parity that it brings between the public and private sectors.

I want to pick up some of Mr McCallister's points. I welcome him back to the Chamber after his paternity leave. He arranged the birth of his third child — another son — to coincide with Consideration Stage, which is very handy. He has a habit of having these births coincide with major events. I am sure that he was more than happy to miss the Consideration Stage of the Bill.

**Mr McCallister:** It might have helped the baby to sleep.

**Mr Hamilton:** That is right. It might be helpful to bring the child here on any occasion.

Mr McCallister made the point about people, particularly those who are self-employed, who have to work, in many cases, beyond state retirement age. I mentioned a couple of times during the debate that, in his previous profession of farming, many farmers work up to state retirement age, whatever it is — 65, 66, 67 or even 68 and beyond in the future — and will not retire even at that age.

The reforms that are included, particularly the linkages that bring about parity between the public and private sectors, are a good thing. We are living longer. Sometimes, there is an attempt to equate old age with inability to work. As we know, many people live beyond the state retirement age and are more than capable of working to a good, high standard beyond that age. Costs are going up. That point was touched on by many. Indeed, I will return to it.

To go back to Mr Bradley's point and the amendment in respect of a regular review, the power that has been given to my Department to amend by order is the right thing to do. It takes us forward on an evidence base and not a subjective basis. Mr Bradley said something along the lines of the Bill being not as he would

like it to be. That is the case for many people. It is the case for many of us in the Chamber. However, I want to point out and stress the amendments that have been passed, including the amendment to clause 10 in respect of a review, to which the Member had his name attached, and the various protections, some of which were pointed out by Mrs Cochrane in her remarks in respect of absolute protection for people within 10 years of retirement, the stepped impact for those who are a further four years out and of course the fact that all accrued benefits to date are protected.

I turn to Mr Cree's comments. He talked about the untenable nature of pensions. Again, the point was touched on by many contributors. It is, I suppose, the driving force behind the reforms that are before us. Many of the comments that I heard at the past stages of the Bill have been very much focused on the here and now. I can understand the impact that the reforms will have in the here and now on people who are beyond the 10 years. The protections are there for people who are within 10 and 14 years of retirement. I argue that our job as legislators is to be long-sighted and to look as best we can for the next generation and even beyond, if we can, to ensure that public sector pensions are not only affordable but sustainable in the long term because they are affordable, not only for those who are currently in the service but those who will come into the service in future years.

I will turn to Mr Allister's comments. I want to congratulate him on two things. I congratulate him on the lecture that he provided on the value of the Union. Even though Mr Agnew came immediately after him, his lecture was not even listened to by all of the House. Indeed, it should be listened to. I may return to that point. I congratulate him, too, on the amendment on police widows that was in his name. As he mentioned, it will affect positively a small number of people. Even though there was an attempt to raise it as a straw man, the cost of it, as he and I know, will be minimal. I am glad to support the amendment and see it in the Bill. I am glad to support the righting of a wrong.

Mr Agnew's comments were numerous and are freshest in my mind because they were last. He said that what had been passed by way of amendments were a breach of parity. I suggest that they are not a breach of parity; they are the manifestation of the flexibilities we have as part of devolution. I would not have supported any breaches of parity. In fact, I did not support any breaches of parity, and it is important that we did not do so. To go back to many of Mr Allister's points in the mini-lecture that he

provided to the House, Northern Ireland simply could not afford to breach parity, because we could not maintain alone the public service pension scheme as it was, as it is now or even as it will be when amended by the Bill.

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

**Mr Hamilton:** Yes, I will.

**Mr Agnew:** I do not accept the Minister's point that we cannot afford it. We can make a choice about whether we wish to spend money in that way. Surely the figures he quoted as the cost are less than the figures quoted as the cost of reducing corporation tax. Therefore, it is a question of choices.

**Mr Hamilton:** I accede to the point that we could afford it, but it would come at a cost. This is the interesting adult conversation that we get into when suggestions such as the Member's are put forward. If the House or society in Northern Ireland were so minded to maintain forever and a day the current public sector pension scheme, the current welfare system or whatever it might be that we wanted to breach parity on, that would come at a cost. There is a question that goes back to the Member. Although I am sure that, if I were so minded, as Finance Minister and with the support of my Executive colleagues — I am not sure whether I would get the support of all Executive colleagues — I could find the money from somewhere in the Budget to pay for it, but it would have to come from elsewhere. The Member has a difficult choice. Although he may walk up to this point, he would back away very quickly when he realised the cumulative cost over time and the serious impact that it would have on the health service, which is already under strain. It would also have a serious impact on our education system, housing and so many other public services.

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

**Mr Hamilton:** Yes.

**Mr Wells:** I am not a member of the Finance Committee, although I am rapidly heading towards getting a pension some day. I have listened with great interest to the Members opposite, and not in one contribution has anyone suggested where they would get the money to implement the decisions that they are trying to force on the Department of Finance. For instance, in my situation in health, if, for the sake of argument, this costs £200 million — it will cost a lot more than that — that means that £80 million would have to be taken off the

health service budget. We simply could not afford to do that. Are there schools in north Down for instance, Mr Agnew, that you feel should close in order to maintain the present situation? Are there schools in north Antrim —

**Mr Speaker:** Order. Let us have debate through the Chair.

**Mr Wells:** Are there schools in north Antrim, Mr Speaker, that Mr McKay would wish to see closed in order to pay for this. I say to Mr McLaughlin from Londonderry, who represents South Antrim, "Are there schools or social services in Toomebridge, Moneyglass or Randalstown that you would like to see closed in order to pay for this, because that is exactly what you are asking the Minister to do?".

**Mr Hamilton:** I thank the Member for our second lecture on fiscal responsibility.

**Mr Mitchel McLaughlin:** On a point of order, Mr Speaker. I am not going to take up the issue of Londonderry. We are dealing with the Final Stage of the Bill, and no one here at this stage is reopening the discussion. It is unfortunate that Mr Jim Wells was not in to hear what the Members contributed to the debate.

**Mr Speaker:** That is a fair point of order. Members know that they should be in the Chamber to hear at least two if not three contributions to any debate.

**Mr Wells:** On a point of order, Mr Speaker. I may have my faults, but being absent from the Chamber is not one of them. I did indeed sit through long stages of the Consideration Stage and the earlier debate on the Second Stage.

**Mr Speaker:** Order. We are at the Final Stage. The Member may have sat through other stages of the Bill, but we are now at the Final Stage, so let us be very careful. I know that Members are busy elsewhere, and I understand that. However, even for interventions, it is important that, if Members are not here for any part of the debate, they should not even be allowed an intervention.

**Mr Hamilton:** To be fair to the Member, I did not hear anything particularly new today during Final Stage, compared with Consideration Stage or Further Consideration Stage, so perhaps he could be forgiven on that point. I will take the hint from the Chair.

This is an issue of fiscal maturity and responsibility that will come to all of us in the

House. If we think that we have had a difficult number of years — we have had a difficult number of years — times will get tougher even as the economy improves, particularly in respect of public expenditure.

I am glad that we took the sensible decision and got additional flexibilities, which is the right thing to do and is part of devolution.

**5.15 pm**

**Mr Weir:** I thank the Minister for giving way. The Minister referred to breaching parity and paying the difference forever and a day to maintain the current pensions scheme. Mention was made of other budgets that could be cut to finance that, but there is a second aspect to breaching parity. Once you throw parity out the window on a wide range of issues — social security, for example — the Treasury could say, "The average wage in Northern Ireland is less than that in the rest of the United Kingdom, so we are going to provide you with a smaller amount for social security payments. As you are keen to go on your own, you are perfectly free to cut other services to make up the difference". There is a double whammy with parity, which would have a major impact and would put further strains on pensions.

If, as a result, we were forced into a situation in which we had a lower level of social security benefits than anywhere else in the United Kingdom, would that not rebound on the very people whom some of the opponents of the Bill claim to represent?

**Mr Hamilton:** I am keen to move the debate on, but the Member is right. I have always been supportive, whether for pensions or welfare reform, of seeking and securing as many flexibilities in our legislation as we possibly can, when that is appropriate and affordable. That is one of the beauties of a devolved system. I hope that we will soon see the benefit of that with welfare reform and also the benefits of the flexibilities that my colleague the Minister for Social Development has negotiated.

The Member is right that a breach in parity in one place could lead to a breach elsewhere and an argument from the Treasury, particularly on issues such as public sector pay. The Treasury has already attempted to reduce public sector pay, which was successfully resisted by us and by other devolved Administrations. We open a Pandora's box on parity at our peril.

Mr Agnew said that he regretted that various groups had not been singled out for special treatment. He mentioned some groups of workers for whom he had not tabled amendments. As I said to him at Further Consideration Stage, although no one would seek to devalue the work that those groups of workers are carrying out on behalf of all of us, to go for the emotional and single out a worthy group of public sector workers and say that they should have special treatment, without any evidence to back that up, is the wrong approach.

I am sure that, on reflection, the Member would accept that, instead of picking out our favourite groups or groups that lobby us particularly strongly, an amendment for a review of clause 10 is the better way to go. Although a review was always part of the process and was inherent in Hutton's recommendations, to put in legislation that there will be a review, which does not breach parity but emphasises the need to do it, is the better way to go and will lead to an evidence-based approach to those issues.

**Mr D Bradley:** I thank the Minister for giving way. He criticises Mr Agnew for singling out groups without any particular evidence. Has the Minister or his Department undertaken any studies on professionals such as nurses, teachers and doctors and the effect that a longer working life would have on them and their ability to provide first-class services?

**Mr Hamilton:** In some ways, that is not the responsibility of my Department. We do not have the necessary expertise to address the Member's concerns, which may be true. I humbly suggest to my colleague the Minister of Health, who has come into the Chamber, that as the Minister responsible for that scheme, it is a matter for him to take forward such issues when he introduces secondary legislation in respect of the Bill.

Finally on Mr Agnew's point, Mr Speaker, you talked about Members not being present for the debate. As you know, although I was a little late, I have been present for all of the debate. I have yet to hear any ideological attack on the unions. I certainly have not heard one thus far, and I will not be provoked into one either. Arguing for special treatment to the exclusion of others, as Mr Agnew did today and when he voted for the SDLP amendment at Consideration Stage, was definitely dogmatic and, in my view, ideological, but I do not wish to get into a further debate about unions and the privileged position that some sought for them.

I am pleased that we have reached this point in the Bill's legislative passage, but it is important that we press on to deliver change and implement the reforms. Mr McKay and, indeed, many others talked about flexibility, which, in my view, was always and still is there in the secondary legislation required to amend the rules of each devolved public service pension scheme to give effect to the reform measures carried in the Public Service Pensions Bill. That work will be taken forward by each of my ministerial colleagues in Departments with responsibility for individual pension schemes. As Members and, indeed, Ministers will be aware, there is scope at that stage to introduce variations to meet the needs of particular workforces. Those must be met within the costs of the scheme.

Mr McCallister raised the issue of cost and asked what I will do. Once the Bill gets Royal Assent, it very much moves from me to the five Ministers responsible for the schemes. I am, of course, responsible for the principal Civil Service scheme. I assure the House that whatever I do, and if I include additional flexibilities, that will all be done and costed within the overall cost envelope. As I have made consistently clear throughout the Bill's passage, I will not pay, through the Department of Finance and Personnel, for Ministers who put in flexibilities that breach the cost envelope.

Ministers, though, are likely to give considerable consideration to the approach taken to date by the comparable scheme in Great Britain when designing their Northern Ireland scheme and its regulations. However, we must be mindful that, if we break from and exceed the cost envelope of the equivalent scheme in Great Britain, Treasury will seek to recoup the difference. As I said, I am content for Ministers not — to use Mr McKay's phrase — to nod in deference, as long as they do not nod in my direction looking for money.

We also need to maintain the impetus behind the reforms to meet the April 2015 deadline set by Her Majesty's Treasury. It is imperative that they are implemented on time; otherwise the Northern Ireland block will face a potential bill of about £300 million a year, starting in April 2015.

As I outlined in my opening remarks, the Bill is important and necessary legislation, the main purpose of which is to provide the primary enabling framework for required reforms. It is important that we get the primary framework enabling legislation passed successfully and that we retain, in particular, the link with normal scheme pension age and state pension age.

The essence of the reform to public service pensions is to make them sustainable by addressing the ever-increasing pensions liability. The commission reported that the public service pensions structure in the United Kingdom had not responded flexibly to rising pensions costs and increases in longevity in the past few decades. Change must happen now to address those matters.

Mr Speaker, if I may, I would like to speak on a procedural matter. I have already mentioned my concern about the limited time available to consider what are often numerous and complex amendments prior to Consideration Stage. It appears to me that we need more time at those critical stages in the legislative process. If it is helpful, I will speak to the Speaker's Office about considering a review of current deadlines to ensure that this critical part of the legislative process works effectively for Members and Ministers alike, with the collective aim of producing good law. I will certainly be in contact with you and your office about that matter in the future.

Finally, I thank all the Members here today and all who assisted in getting the Public Service Pensions Bill to this point in the legislative process. I look forward to the continued support of, in particular, the Ministers who have a responsibility for Northern Ireland public service pension schemes to ensure that we meet the April 2015 deadline for the implementation of these important reforms. On that note, I commend the Bill to the House.

*Question put.*

*The Assembly divided:*

*Ayes 77; Noes 13.*

## **AYES**

*Mr Allister, Mr Anderson, Mr Beggs, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Ms Fearon, Mr Flanagan, Mr Ford, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McQuillan, Mr Maskey, Mr Milne, Lord Morrow,*

*Mr Moutray, Mr Nesbitt, Mr Newton, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells.*

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

## **NOES**

*Mr Agnew, Mr Attwood, Mr D Bradley, Mr Byrne, Mr Eastwood, Mrs D Kelly, Dr McDonnell, Mr McGlone, Mrs McKevitt, Mr McKinney, Mr A Maginness, Mr P Ramsey, Mr Rogers.*

*Tellers for the Noes: Mr Byrne and Mr McKinney*

*Question accordingly agreed to.*

*Resolved:*

*That the Public Service Pensions Bill [NIA Bill 23/11-15] do now pass.*

**Mr Speaker:** I ask the House to take its ease as we move into the next item of business.

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

*Motion made:*

*That the Assembly do now adjourn. — [Mr Deputy Speaker.]*

## Adjournment

### South West Acute Hospital: Service Provision

**Mr Deputy Speaker:** The proposer of the topic will have 15 minutes to propose. All other Members who wish to speak will have seven minutes.

**Mr Flanagan:** Go raibh maith agat, a LeasCheann Comhairle. I sincerely thank the Minister of Health for being here this evening. I appreciate that he has been chosen on successive Tuesday evenings for Adjournment debates on a range of topics. I am hopeful that this one will take more of a proactive, preventative approach to a situation, as opposed to reacting to a crisis that he is facing in the health and social care system.

We are not here about something negative; we are here to talk about a significant opportunity that exists for the health service locally by working collaboratively with our colleagues in the counties across the border: Cavan, Monaghan, Leitrim, Sligo and south Donegal.

Before I get into any of the detail, I pay tribute to and commend all the staff in the new hospital in Enniskillen, who have had to acclimatise to very different circumstances than they faced when they worked in the Erne. The introduction of single-occupancy rooms has been a significant challenge for staff well used to working in eight-bed wards. It has resulted in staff having to work much harder to meet the needs of their patients.

The staff have worked well, and they meet the needs of the patients to a very high standard. However, there is room for improvement at a senior management level in increasing the range of services offered in Enniskillen and the wider issue of how the hospital is resourced. The staff of the hospital play a vital role in the successes of our health service. It is important that we remember that, without them and their help, the fact that there is a new hospital would be immaterial.

The new hospital in Enniskillen was opened in June 2012 to replace the Erne Hospital, which

had served the people of Fermanagh since 1964. We are told that the hospital is one of the most modern in Europe, and the facility is something that we are all very proud of. However, far too often, we see services being centralised to Dublin, Derry or Belfast, with no consideration given to those who live in rural areas such as Fermanagh. Many patients are forced to travel to large urban hospitals to meet a consultant for an outpatient appointment when it would be much easier on patients, particularly those in pain or discomfort, if the consultant would simply hold clinics in the Enniskillen hospital.

When the Health Minister Edwin Poots visited the new hospital in May 2013 along with a Dublin-based colleague James Reilly TD, he is reported by the BBC as having said that he was impressed with the:

*"cross border co-operation on many health projects ... The initiatives we have seen and heard about this morning are excellent examples of good practice and show the importance of collaboration ... Our strong partnership approach is key to delivering effective, innovative and streamlined services. Sharing information and resources on both sides of the border to maintain a better standard of care can only be of benefit to the people in both parts of this island."*

I think that we can all agree with those sentiments. That cooperation and partnership approach is the sensible one to take where it delivers mutual benefit for patients and service users as well as for the wider health service. Collaboration allows patients to be rushed to their nearest hospital in the event of a serious incident. It should also be extended to allow outpatients to attend appointments at their nearest hospital and to access services on both sides of the border without the need for so many barriers being in place. To facilitate that progress, there needs to be much greater collaboration between the health services across this island in planning; service delivery; the sharing of information and patient records; pooling resources, such as personnel and machines; resource allocation, including payment; and the reciprocal arrangements that need to be put in place to make such an innovative model succeed.

The benefit of greater collaboration is that there would be better delivery of services at a reduced cost to the taxpayer. It would inevitably work out better for patients, particularly those in rural and border areas, who can access services closer to where they live in

a sustainable manner with a sufficient population mass. Such a model would replace centralisation and the need to transfer an ever-increasing number of services into larger urban-based hospitals in Belfast and Dublin. Centralising services in large cities can have a negative impact on rural dwellers, as problems with congestion, parking and access arrangements are a major but unnecessary barrier. It also leads to problems in hospitals in urban areas.

The range of specialisms on offer in the hospital also needs to be looked at. One of the primary reasons for locating the new hospital in Enniskillen was to maximise the potential for cross-border collaboration and to attract patients from counties such as Leitrim, Sligo, Monaghan and Cavan. Unfortunately, due to poor planning and a reluctance to cooperate, patients from those counties still have to travel to Dublin or Galway to access some services. If the combined population of Fermanagh and its surrounding counties were to be assigned to the Enniskillen hospital, routine services, such as ear, nose and throat surgery and orthopaedic surgery, could be delivered locally instead of patients having to travel to Derry or Dublin to access what are very routine and planned procedures.

As I have stated, the benefits of greater collaboration between both health services in Enniskillen would have a positive impact for patients and service users, but it would also greatly increase the attractiveness of the hospital as a place for doctors to base themselves. Hospitals outside major cities face great difficulties in attracting doctors, particularly consultants. That point was demonstrated fully when the gynae ward in the old Erne Hospital had to close for a period due to a shortage of consultants. The accident and emergency and paediatric wards also faced challenges in attracting staff at times to the Erne.

If the wider populace of the neighbouring counties of Cavan, Sligo, Leitrim, Monaghan and the south of Donegal were to become regular users of the hospital and the range of services was to be increased, then the attractiveness of the hospital to staff would greatly increase as well. This needs to be taken into consideration, as does the possibility of a medical school being based at the hospital.

#### 5.45 pm

In response to a question that I recently tabled to the Minister, he advised that the Department

does not believe that there is a need for a second medical school in the North, but if consideration were to be given to the passage of patients from border counties and the possibility of medical students from those same counties using the hospital as a teaching and learning hospital, then I think that that is a consideration that needs to be looked at again.

Medical students from the north-west of Ireland have to go to places such as Belfast or Dublin in order to qualify and I believe that there is no need for that. Enough young people are leaving rural areas to access universities as it is, and when we have a world-class hospital in our local area that can appeal to people from nearby counties, I think that that is something that we should look at. Also, opening a medical school in Enniskillen could go some way to resolve the continuing problem of the lack of doctors.

The current lack of doctors and the practice where junior doctors are compelled to work extra hours is impinging on services across Ireland. The common denominator seems to be that, where the services are being closed or seriously curtailed, it is the shortage of junior doctors or consultants that is to blame. None of the ideas that I am talking about are new ideas. They have all been debated before.

**Dr McDonnell:** Will the Member give way?

**Mr Flanagan:** I will, quickly, Alasdair; yes.

**Dr McDonnell:** I welcome the Member's comments, but does he agree that the simplest way to begin a solution in this case is to provide some salary enhancement in a place such as Enniskillen for junior or senior doctors or consultants or at whatever level and indeed for other staff as well where there is a shortage of staff?

**Mr Flanagan:** I thank the Member for his intervention, but I do not necessarily agree. My gut instinct is that doctors and consultants are there because of a calling, a vocation, and I am not necessarily sure that extra money would be the carrot that they need. What they want to see are more patients for them to deal with in order to ensure that they are properly qualified and can retain their qualifications. That is the first issue that needs to be addressed.

The new hospital provides the opportunity to develop cross-border services from a base in Fermanagh that is convenient to or physically borders five of the six southern border counties. Services can be provided sustainably by

providing specialist services that are not currently available, including, in the case of the new hospital, the provision of services that are not available or that are under stress in the adjacent border counties.

The Transforming Your Care review by the Department of Health recommends developing joint planning arrangements with the South, including services in the new hospital in Enniskillen, and the report states that the South:

*"has expressly indicated it wishes to maximise the opportunity for its population in the new hospital".*

In relation to the current issues in acute healthcare delivery across Ireland, a 2007 report from the Centre for Cross Border Studies, 'Removing the Barriers: An Initial Report on the Potential for Cross-Border Co-operation in Hospital Services in Ireland', concluded that there is a clear case for joint hospital planning in the border region. In March 2008, the Centre for Cross Border Studies published a further paper, 'Surveying the Sickbeds: Initial steps Towards Modelling All-Island Hospital Accessibility', in which it examined the possibility of spatially exploring the accessibility of present and future hospital provision with particular attention paid to the cross-border region.

The North/South Feasibility Study presents a programme for real progress in the development of health services on an all-island basis, with benefits for all who share this island. That study should have been published when it was completed in February 2009, but it was deliberately withheld by former Health Ministers Michael McGimpsey and Mary Harney for political reasons. Recommendations in the North-South Feasibility Study included the two Departments and relevant agencies exploring approaches to improve access to services, including high-quality primary and community care services, particularly for populations in remote rural or border areas.

A briefing note published by the Health Service Executive (HSE) suggests building a strong bilateral link between Sligo General Hospital, Cavan General Hospital, and the new hospital in Enniskillen. Also under consideration at the time the briefing note was published were potential links between Sligo General Hospital and west Fermanagh for urology and cardiac catheterisation services, while the possible provision of rheumatology services to the west Fermanagh area from the Manorhamilton and Sligo hospital axis has also been looked at. A

number of these issues are under active consideration.

A report by the Centre for Cross Border Studies published in October 2011 entitled 'Unlocking the Potential of Cross-Border Hospital Planning on the Island of Ireland' looked at the opportunities presented by greater collaborative planning. That report found that the new acute hospital in Enniskillen presents a significant opportunity for fresh thinking in respect of service provision on a cross-border basis. Particular opportunities may arise in areas such as day-case surgical procedures and orthopedics, serving patients not just in Fermanagh and Tyrone, but in the surrounding cross-border areas.

The report found that further research is merited into the potential for the new South West Acute Hospital to serve a cross-border catchment area. The report also found that future development of cross-border acute healthcare services should aim to generate a two-way flow of patients across the border rather than a one-sided approach providing services largely in one jurisdiction to be accessed by patients from the other.

Such a model requires a more collaborative mindset on the part on the health authorities, which need to work together to develop strategies and programmes to benefit those in the border regions.

The report examined five sample or exemplar clinical service areas, explored their potential for cross-border collaboration and tested the modelling framework. It identified significant potential for the development of enhanced healthcare services on a cross-border basis in a number of areas, including services in the border corridor that are typically in clinical areas where there may be gaps on either side of the border, where accessibility may be problematic or where there is a general potential for providing services out of hours.

It examined services that may be provided on an all-island basis — for example, highly specialised tertiary services that may not be economically viable in either jurisdiction but that could be operated in a single location to serve the whole population of the island. It also identified challenges in moving to a more closely aligned system, including the different systems for the professional accreditation of medical, nursing and allied health professional staff, and different regulatory regimes that could create significant challenges, with clinicians practising outside their home jurisdictions.

As far as the financial crisis and the effects on health service budgets are concerned, there are two advantages to considering cross-border services in these difficult times. The first is that there is a potential to share resources, especially in the delivery of services in dispersed border regions, which should be a route to reduced costs for the same or better services in both health systems. The second is that the Co-operation and Working Together (CAWT) model, which attracts external EU funding for its activities, offers the health systems a weighted pilot and develops such services without having to commit all the investment at the outset. That is an attractive option and should be considered when finances are used as a reason not to consider the development of cross-border services in this area.

I now want to move on to specific opportunities for expanding the actual range of services that are on offer. Elective trauma and orthopaedic surgery are areas that have proved difficult to manage for the past several years in many countries, not least in Ireland and Britain. Although some initiatives across Ireland have managed to reduce waiting times, the signs are that problems will remain unresolved in the long term. With both health services facing further funding cuts, without specific action it is likely that the waiting times will continue to increase in the future.

An initiative to increase the day-case rate may increase the capacity of the system to address the needs of the population. Using both sides of the border to do that would increase flexibility and, as we have seen with other cross-border projects, may capture more capacity for all patients rather than losing out on potential opportunities to provide more procedures because of the existence of the border.

Ear, nose and throat (ENT) surgery is a diverse specialty, with patients ranging from newborn babies to the elderly. ENT surgery is provided in several border region hospitals, including Sligo and Altnagelvin hospitals. Outpatient consultation and day-case surgery are provided in the Tyrone County Hospital in Omagh, the South Tyrone Hospital in Dungannon, Letterkenny General Hospital and Monaghan Hospital by consultants who are based in other hospitals. The hospital in Enniskillen has outpatient clinics that are run by consultants from Altnagelvin, but all the surgery is carried out in Altnagelvin and not Enniskillen. That caused serious problems when the fire occurred in Altnagelvin, and there were associated delays of over a year in getting treatment. The fact that there was not a drive in

the Western Trust to open a service in Enniskillen, even to facilitate that short time frame, was extremely disappointing. The trust was much happier to rely on the private sector to fill in the gaps and deal with the waiting list. In fact, a private operator is based in the new hospital and provides services to reduce the waiting lists at a huge cost.

Cystic fibrosis treatment and care is centralised for all of the North in two centres in Belfast: the Royal Belfast Hospital for Sick Children handles paediatric cystic fibrosis care; and Belfast City Hospital deals with adult cystic fibrosis care. That reflects the accepted model of care that relies on specialised tertiary centres for the delivery of cystic fibrosis treatment. There are issues about accessing specialist cystic fibrosis services for those who live in the border regions.

For those with cystic fibrosis who live in Sligo, Leitrim and Donegal, accessing the specialist centres in Dublin or Cork poses considerable logistical difficulties because of the distances involved and the poor transport infrastructure. Those with cystic fibrosis in Tyrone and Fermanagh likewise face long journeys to access the specialist care that is optimum to maintaining their quality of life. There is no reason why such a specialist centre could not be based in the new hospital.

The absence of an adequate neonatal facility in the north-west is another problem faced by many people. The birth of a premature baby is difficult and traumatic enough without parents having to spend so much time in Belfast with their newly born child. Once again, I want consideration to be given to such services being delivered in Enniskillen for parents in Fermanagh and its surrounding counties.

In conclusion, the opportunities presented by greater collaboration will deliver a broader range of services at better value for the taxpayer, increase the attractiveness of the hospital for staff and improve patient outcomes.

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

**Mr Flanagan:** The Minister and his counterpart, James Reilly, have indicated their willingness to explore such approaches when they deliver mutual benefits. We will all support them in reaching that goal.

**Mrs Foster:** Like the proposer of the topic, whom I congratulate on securing the debate, I want to pay tribute to the staff at the South

West Acute Hospital. Unfortunately, I had to visit on a number of occasions recently after my mother fell and was an inpatient for 11 days. That allowed me to see at first hand how much care and attention those staff were able to give.

Members mentioned the single rooms that we now have in our beautiful new hospital. I know that they may have presented a challenge to staff, but the privacy and dignity now accorded to patients in the new South West Acute Hospital really manifested themselves when I visited my mother and saw how all patients were treated.

I pay tribute particularly to the staff in A&E. They are often under pressure, but I found them very professional and courteous. I want to pass that on to the Minister, and, perhaps, he will pass that on to the chief executive of the trust, to the staff in medical ward 2 and, in particular, to the ancillary staff: the cleaners and porters who took the time to have a chat and spend that little bit of time with the patients around the ward. I thank them most sincerely.

The facilities in the new South West Acute Hospital are second to none. Recently, I was very proud to be able to bring members of my Smart region group to the new hospital so that they could appreciate the level of technology and the fact that we can use it as a catalyst for the public sector and, looking towards investment, for the private sector.

The Smart region group comprises the chief executive of the Western Health and Social Care Trust; the chief executive of the South West College; representatives from the councils in Omagh and Fermanagh; Invest Northern Ireland; private sector interests, including BT; and me. We are looking at how we can use the infrastructure in and around the hospital to draw attention to Fermanagh for all the right reasons. So I hope that this beautiful public sector building — not just the building, of course, but what goes on within it — will act as a catalyst. I thank the chief executive of the trust and her deputy Joe Lusby for the way in which they have engaged with the Smart region group in all that they do.

I want to put on record that we have some state-of-the-art technology. Enniskillen has the new electronic document management system and is the pathfinder site for that facility. That is a regional feasibility pilot. Edwin has been working with me in my ministerial capacity on Connected Health, which I am delighted to see playing such a growing role in the new South West Acute Hospital. As well as acting as a catalyst for public sector interest in the hospital,

it acts as a catalyst for the private sector. I understand, from speaking to the chief executive just yesterday, that it is proving also to be a magnet. Dr McDonnell made the point that it might be necessary to increase salary levels to get people to come to the new hospital. In my conversation yesterday, I was told that we are pulling in interest from top-quality medical staff. I look forward to announcements on that in the near future. I understand that the new hospital is attracting a lot of interest simply because we now have the technology hub in the south-west, and I am obviously pleased about that.

I understand that the hospital provides over 300 outpatient clinics per week, covering all the main specialties. Although I accept that we would want the maximum amount of services delivered locally — I acknowledge that desire, which is one that I share — I think that we will gain more from the hospital, and, more importantly, more for our patients, if we sell the fact that we have this marvellous facility in the south-west.

I take on board the point that Mr Flanagan made about cross-border working. Of course, if it is to the benefit of patients in Northern Ireland, we will do that. We want to make sure that the South West Hospital is the success that we all want it to be. I am sure that the Minister will reflect that in his comments.

#### **6.00 pm**

I know from speaking to clinicians in the South West that they are determined to innovate and to demonstrate the new facility and what it can deliver. I want to support them in that innovation where possible, whether it be Dr Kelly and all his colleagues in the stroke unit, Dr Nethercott in the paediatric clinic and everything that he is doing down there, or our coronary care services. It is always dangerous to pick out individuals, but I want to pay tribute to Mahen Varma for all the work that he has done for coronary care in the south-west. It is right to recognise his unstinting devotion, formerly to the Erne Hospital and now to the South West Acute Hospital.

Finally, 3fivetwo Healthcare has been using the facilities at the Erne Hospital. It is right to acknowledge what has been going on. A huge number of my constituents have benefited from the fact that 3fivetwo can lease premises in the South West Hospital. I understand that patient responses to 3fivetwo using the hospital have been very positive. For example, in 2013, 414 patients were seen at outpatient clinics and 474 patients underwent surgical procedures. Those

are 474 patients who otherwise would have had to go elsewhere for their surgery. I know that they very much appreciate the fact that they could access it near their own home.

The Minister is looking for new ways to develop the health service.

**Mr Deputy Speaker:** Will the Member bring her remarks to a close, please?

**Mrs Foster:** I know that he is going to use new technology to do that. I will certainly support him. I thank him for all his support to date for the South West Acute Hospital.

**Mr Byrne:** I welcome the opportunity to speak in the debate. June 2012 saw the opening of the new South West Acute Hospital, which we were told could accommodate up to 312 inpatient and day-case beds. I attended the official opening of the new hospital as one of only two nationalist public representatives on the day. I think that all the Members opposite were also there. The new hospital was to deliver a wide range of services and include an emergency department, stroke unit, maternity unit and children's ward, as well as services such as X-ray and GP out-of-hours.

Those of us in west Tyrone who advocated for the hospital to be based in Omagh were disappointed with the decision to place it in Enniskillen. We in Omagh and the surrounding district were, and are, proud of the services that were, and are still, being provided at Tyrone County Hospital. Nevertheless, once the decision was taken to downgrade Tyrone County Hospital in favour of the new development, many people locally supported the decision and went with it.

The hospital is a state-of-the-art building, and all are impressed with the facility itself. Many in west Tyrone have used the facility and have nothing but praise for the medical staff who treated them. However, some patients have been taken from Omagh to Enniskillen by ambulance and then, when discharged late at night, maybe in their bed clothes, asked to find their own way home. They have to get home in a taxi at their own expense. That is not appropriate. It is fine if patients can get someone to lift them, but many live alone and have no access to a car to get them home. What happens if the person has no money on them or at home? Can they afford it? Is that how a caring society treats patients?

One of the first things that we were promised when it was announced that the acute hospital

was to be placed in Enniskillen was the upgrade of the A32 from Omagh to Enniskillen. Although improvements have been made on part of the road, the overall road needs to be upgraded to accommodate hospital traffic and, in particular, emergency ambulances. We had black ice on the roads two weeks ago, and there were many accidents on the A32 that morning. That is not acceptable.

Many who choose to go to A&E in Enniskillen are transferred to either Altnagelvin or another hospital. Is that a case of double accounting and adding to the frustration of patients? As a result, many select to head straight to the other A&E services to save time. It takes 45 minutes to go from Omagh to Enniskillen. If patients are then referred to Altnagelvin from Enniskillen, the journey will take approximately one and a half hours. To be sustainable for the people of the area, the hospital needs to treat all the patients that it can on site, as well as have a full range of services and medical staff available to treat all emergencies.

I note that the hospital has sometimes spent much of its budget on locum staff. If we need to attract staff to a hospital such as this, we need to provide not only a range of services but career opportunities that will allow individuals to continue to develop their expertise. State-of-the-art facilities help, but it is the expertise that comes with services, patient numbers and the complexity of health-related matters that will attract permanent staff.

The people of west Tyrone and Fermanagh need to have the same access to hospital-based quality services that people in Belfast, Derry and Craigavon do. Let us make sure that the South West Acute Hospital is properly resourced to make sure that it is fully utilised in the interests of the people of the south-west area.

**Mr Elliott:** I thank Mr Flanagan for securing today's Adjournment debate on what is a crucial issue. I also welcome the Health Minister's input and his being here for the debate.

Clearly, this is a very important issue throughout the west of the Province. It is not just a Fermanagh or a Tyrone hospital; it is now a south-west hospital of Northern Ireland. I fully appreciate the issues around cross-border cooperation and, indeed, cooperation throughout the community. When people are in pain and are suffering, and when they have a severe medical condition, they do not care where they are treated provided they get good, honest treatment. That is why I believe that

there is a very good service in the South West Acute Hospital in Enniskillen.

We are all very proud, and I take Mr Byrne's point that people in Omagh and the wider Tyrone area were disappointed that they did not have an acute services hospital built there. In fairness, the people of Omagh and Tyrone have embraced it and accepted that the treatment that patients receive there is second-to-none. That is not to say that there are not some difficulties there, because there are. There are difficulties in every hospital and in every walk of life, and we have to take cognisance of what has happened.

There have been some very tragic incidents at the South West Acute Hospital. I have met families who have gone through severe tragedy, and clearly they may not be overly impressed with the service that their loved ones received at that time. However, you have to look at it in general; in the round, it is a first-class hospital that provides a first-class service.

Like others have done, I commend the staff in the hospital for the way they reacted and adapted to moving from the Erne Hospital site to the new South West. Let us be quite clear about it: there is a lot of new equipment and technology, and that brings opportunities for those staff who transferred, but it also brings opportunities for those people who wish to come to the South West to work, build a career and make their home in the south-west of the Province. They have an opportunity to develop their knowledge and their career. It is not every hospital in Northern Ireland, the United Kingdom or Ireland that has the technology that we currently have in the South West.

It is also important that we keep ahead of the game and continue to provide services to the wider public. It is important that elective surgery is developed. Initially, we were promised that quite a lot of elective surgery would take place in the South West; maybe the Minister can enlighten us to some degree about what is happening with that situation.

The 3fivetwo healthcare group has already been mentioned, and I am well aware of some people who have availed themselves of that service. They have been extremely appreciative of it and they believe that the service that they got was excellent, and they did not have to travel out of Fermanagh. I am well aware that some people will probably have to travel to Fermanagh to avail themselves of that service, but we are very thankful to have it on our doorstep in the south-west.

Clearly, it is important that the facilities there are developed. I said that before. I will also pay tribute to Joe Lusby, who is on site and on hand at every opportunity. He is very open and is very willing to meet to discuss issues. He is also willing to meet to discuss problems, as well as progress. He and the management there are looking to develop even further the facilities and the opportunities at the hospital and to ensure that, whenever there are faults and mistakes, as, clearly, there will be, they do not happen again. We need to put every possible measure in place to ensure that the mistakes are limited and, indeed, cut out altogether.

That returns me to the staffing issues. From talking to individual staff members who work at the South West Acute Hospital, I know that they feel under extreme pressure at times due to work and because they have had to move from an entirely different system from that at the Erne Hospital site.

Mrs Foster mentioned the individual beds and rooms, and that is certainly very good for patient care. It requires additional work from the staff, because you cannot walk into a cubicle and look at six patients in a matter of a few seconds. You have to physically go into every room or look through the windows, and the patients accept that.

However, there is an issue with the staffing levels. The staff there feel under extreme pressure, and I hope that the trust is able to provide enough staffing resources to ensure that the services are not brought down and that the excellent service that they provide is not reduced to any degree.

**Lord Morrow:** I look forward to saying some words in this Adjournment debate. I am delighted to see that Mr Flanagan is not just as belligerent today as he has been in the local press about the South West Acute Hospital in recent times. I half expected a tirade from him about all the things that are wrong in the South West Hospital, which he has been highlighting in the local media in recent times. I am pleased that, in fact, he has not taken that particular line tonight, and I think that that is a good thing. Maybe now that he is on the Floor, he is more appreciative of the facilities that have been provided through the South West Hospital than he has been in recent times in his remarks in the local media. So, maybe he is on a learning curve, or maybe he has seen the error of his ways. I very much like that, respect it and thank him for it.

I believe that the South West Acute Hospital is a magnificent structure. It opened its doors on

21 June 2012 at a cost of somewhere around £270 million, if my memory is right. At the hospital, which is not specifically for Fermanagh but is based in Fermanagh, we have facilities that, in my opinion, are second to none. It replaces, of course, the old Erne Hospital, which, also in my opinion, was no longer fit for purpose. This hospital certainly is a state-of-the-art facility.

It has a pioneering vascular services programme, benefiting patients North and South, as well as a Cooperation and Working Together project for people with diabetes. There are also specific units for dedicated stroke care and for women's health, as well as mental health liaison and a GP out-of-hours service.

Mr Flanagan, who secured the debate, has accepted that these are excellent facilities for staff and patients. I concur with what Mr Elliott said about the staff, because this is a completely different, unique hospital design, in that every patient now has a dedicated ward. It is not as though six to 12 to 18 patients are being facilitated in one ward.

It slips my mind now, but I heard the number of miles that nurses travel each day as they walk around the new layout of the hospital. It is phenomenal. I just wish that I could bring to mind the number of miles that they travel. That is not in any way to denigrate or downgrade that facility, as some have been trying to do in the media in recent times; rather, it is just the way that things are and an indication of how they have moved on. Fermanagh has benefited immensely from that.

Mr Flanagan was highly critical of an expenditure of £1.3 million on locum staff over a six-month period, which, incidentally, covered the first six months of the new facility being opened. He did not make reference to that tonight. I suspect that it slipped his mind, and he will want to return to that at some other time when he is writing to the press again. I think that the facility —

**6.15 pm**

**Mr Flanagan:** I thank the Member for giving way. I really do not understand what he is talking about. We are here to discuss the range of services that is on offer at the new hospital in Enniskillen. We are not here to discuss what you think I may or may not have said. Whether I have criticised a spend of £1.3 million on locum consultants or not is nothing to do with the range of services that is on offer.

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

**Lord Morrow:** It is not a matter of what I think he may or may not have said; it is a matter of what I read that he said. [*Interruption.*] Well, you were —

**Mr Deputy Speaker:** Order. Everything through the Chair, please.

**Lord Morrow:** Yes, of course. I am not the one who is shouting. The shouting is from a sedentary position.

It is easy to go to the media and be as negative as you can about a very modern, up-to-date facility. We had a state-of-the-art facility at the South Tyrone Hospital, and it is worth reminding him that one of his predecessors, who was the then Sinn Féin Minister, decided that she wanted to close that hospital or take away the acute services status — I know that he is not responsible for that, but his party certainly is. That put pressure on —

**Mr Deputy Speaker:** I encourage the Member to come back to the topic.

**Lord Morrow:** It is very relevant, Mr Deputy Speaker. The closure of that acute service put pressure on other hospitals. It put pressure on Craigavon Area Hospital; it put pressure on the acute service in Fermanagh; and it put pressure on Omagh. So, these things have a knock-on effect. When we criticise others for not doing this, that and the other, let us be ever mindful of the neglect that they perpetrated when they closed a hospital.

We have a case of having to respond to the needs of the community, and, at that time, there were literally thousands of people standing in Market Square. His party ignored each and every one of them and said, "Those people are not relevant. We will make our own decisions". So, we have a South West Acute Hospital. It is a particularly good service and a particularly fine hospital that is delivering a great service. Like others, I pay tribute to the staff in that hospital from the highest ranking position to the lowest, because they all play a significant part in delivering an excellent, full service to the community. There are teething problems, but I suspect that those will be sorted out in time.

Another thing that has been mentioned that has to happen is that we need to see an upgrading of our road system in Fermanagh and in south Tyrone. The A4, which travels from Belfast right through to Enniskillen and beyond, from

Augher to Enniskillen is not a good road system, and that has to change. I hope that it does change, and I hope that the Minister for Regional Development will see the importance of that. I am sure that Mr Flanagan will agree with that too. That is one thing that needs to happen in the whole of the Fermanagh area and, indeed, in the whole of the Tyrone area.

I want to say to the Minister today — he should take it back — that what he is doing and what has been achieved in Fermanagh is greatly appreciated by the people of Fermanagh and indeed those across the border. Mr Flanagan put much emphasis on delivering a cross-border service. I do not have a real problem with that at all. As a matter of fact, I am glad that he has acknowledged that it is uniquely situated to deliver that. As a result of what is continually happening in the South West Acute Hospital, there are better days ahead. I commend the Minister for what he is doing there, and I commend the staff, whether they are in his Department or in the hospital.

**Mr Lynch:** Go raibh maith agat, a LeasCheann Comhairle. Ar dtús, I thank my colleague Phil Flanagan for bringing the debate to the House. I agree with many sentiments expressed by Members so far, but I want to remind the Member who spoke last that it was a Sinn Féin Minister who delivered the magnificent facility that we have in Enniskillen. I agree with everybody that it is the most modern in Europe. It is always the most modern until the next one is built, but, at a cost of precisely £276 million, it was one of the biggest capital projects ever brought to County Fermanagh. As somebody who had the opportunity to visit the hospital through the various stages of its construction and at the end, I saw how up to date it was. I worked on a huge hospital in Dublin in a past life, Beaumont Hospital in the 1980s, and I could see the huge difference there was in just two decades.

Like the Minister — she is gone — I had reason to visit a family member, my mother, who took a heart attack this month last year. She got excellent care in the hospital and was out in a number of days. I have also spoken to staff. When you live in the county you meet people such as porters and staff at all levels. Although there were teething problems that we all know about, there will always be teething problems with a huge project of that size. I know that it had to open weeks before its time, which led to some of the problems. In fact, nurses were talking about the old hospital being a better facility. It took them a while to get used to single rooms, but today they would not go back.

The hospital is situated, as my colleague said, in a region that has Donegal, Leitrim, Cavan, Monaghan and Tyrone. You could drive for 25 miles in any direction and you would be in one of those counties. Therefore, the potential of the new state-of-the-art hospital is in the context of that region. It is an area of approximately 200,000 people, with a typical journey time of about 90 minutes. I know that there needs to be an upgrade of some infrastructure in the area.

The report 'Unlocking the Potential of Cross-Border Hospital Planning on the Island of Ireland' stated that, given the economic circumstances in both jurisdictions, it is unlikely that a similar facility will be built in the foreseeable future. There are ageing hospitals in Monaghan, Cavan and Leitrim, with decreasing services, so it is a reality that the new acute hospital will become more important in a cross-border context. The cross-border arrangement promoting access to healthcare will follow.

The report from the Centre for Cross Border Studies recognises that there are potential benefits to be gained from increasing North/South cooperation in key areas. Some of those have been mentioned by other Members, including ENT surgery, paediatric cardiac surgery, orthopaedic surgery and acute mental services. I believe that hip replacements, which are fairly simple, routine operations today, could also be carried out in it, though some people would say that they should not. Something that I have also raised in the House is that autopsy facilities should be located and utilised on a cross-border basis. Currently, if a loved one dies suddenly in Fermanagh, they must be transferred to Belfast, 100 miles away, not only at great cost but causing extra stress for the grieving family. I am aware that there is plenty of space in the new building to carry out autopsies.

I know that the Minister has encouraged cooperation, particularly in the Newry area. The Compton review of health and social care has suggested a number of cross-border initiatives, including specialist paediatric services to be provided to patients from here in Southern hospitals and vice versa, including cancer patients. I also recognise the good work being carried out by CAWT through its INTERREG project, particularly the arrangements between North and South. That is all to be supported. However, greater cooperation in area-based planning is needed. I call on the Minister to work with his counterpart — I know that he has done so quite well — to tackle some of the barriers, whether

organisational, waiting lists, patient information or insurance issues, some of which have already been resolved. Any cross-border arrangements are at risk of failing in the absence of central support. Cross-border arrangements for the new acute hospital would improve the quality of provision and improve access.

**Mr McKinney:** I welcome the opportunity to speak in the debate on the range of services at the South West Acute Hospital. It is a fantastic facility. We were all impressed when, after much anticipation, the building was unveiled. Indeed, it has won design awards. I also pay tribute to the caring staff at the wonderful new world-class facility. Minister Foster referred specifically to Dr Mahen Varma, whom I recall fondly. His contribution, particularly to coronary care, is legendary, and the House should acknowledge that.

Nevertheless, there are issues about the range of services in the hospital. When it first opened, one of the primary features that was marketed was the creation of a network of services. By that, I mean that medical staff, including consultants, would move between hospitals in Belfast, Derry and Enniskillen. Many were enthused about that prospect, as they felt that it would lead to an elevated level of local healthcare characterised by experience and expertise. Local people rightly envisaged a model of healthcare provision that would cater for all their needs on one site. It was hoped that the South West Acute Hospital would contain an A&E department, elective surgery and maternity services, with everything, as I said, on one site. It was to be a state-of-the-art, modern facility for fully comprehensive healthcare.

Tom Elliott said that there had been some incidents and that that was typical of many hospitals. I note that Lord Morrow does not want to brook any criticism and is selective in his, but there is a fundamental issue around how the business model was characterised at the start, which was what ultimately led to the capital investment. It has not yet delivered on its promises. We believe that that is more than just teething problems. There were warning signs on day one, when there were not sufficient doctors and nurses. I realise that the services currently undertaken in the hospital are all of a very high quality, and that has to be recognised. That is due to the ability and dedication of the staff. However, there are gaps in the range of services. One notable gap is the pain clinic. Individuals in the Fermanagh locality who need to use a pain clinic have to travel a substantial distance. Local people are

bewildered that such an expansive hospital with a wide range of capabilities cannot cater for that.

As was touched on, another worrying trend is the number of people who are transferred from Enniskillen to other hospitals, particularly Altnagelvin. Indeed, we heard today that many people who live between Enniskillen and Derry will often opt for Derry to ensure that they are treated at the first facility they attend. Imagine that you lived in Fermanagh and for years had leaned on the Omagh facility, which itself was disintegrating. Ultimately, you are told that you will get a newly built, high-quality hospital that is close to you. How would you feel, if you discovered that that shining new dawn did not do all that it promised? The hospital has some empty theatres, which, as I understand, and as was reflected on earlier, are being rented out to the private sector to deal with patient lists from elsewhere. From our perspective, that is another example of health service failure. Imagine that you built a school but could find only half the teachers necessary. Imagine that you built a factory with too many production lines. Somebody, somewhere should be able to answer questions on these issues.

Ultimately, will we face a potential situation in which the hospital could have a nurse-led unit? I do not want to be facetious about that, but that has been the answer in other situations that emerged in Dungannon, mid-Ulster and elsewhere. It would be different if it were a small low-cost unit, but this a multimillion-pound service that the people of Fermanagh and the south-west saw as a beacon for their health.

I will sum up with a range of questions. Why does the hospital not have the full range of services? Why are so many locum consultants needed and at such a high cost? Over five months, £1.3 million is a very high cost. Why do people need to be transferred to Altnagelvin? Why are the North/South elements not maximised? As I said, those issues culminate in more than just teething problems. It is clear that there is considerable concern among the people of Fermanagh and elsewhere. Contrast the initial vision for the South West Acute Hospital with the questions now asked about the service that it provides — can we get some answers?

**Mr Poots (The Minister of Health, Social Services and Public Safety):** I thank the Members who spoke in the debate. It is clear that the South West Acute Hospital is held in high regard by many. Mr McKinney is not about Fermanagh very often nowadays and therefore does not hold it in the same regard as, perhaps,

the rest of the community does. However, I can assure him and all Members in the House. I know that they think that it is an easy pop to have a go at the health service all the time. The 70,000 people working in the health service are a bit like a family. Politicians might think that it is smart to have a go all the time. However, the health service family does not like it, particularly when it is unjustified. So it is not a smart political move at all.

### 6.30 pm

I know how much people in Fermanagh appreciate the service because I get their letters, and those that appreciate the service greatly outweigh the negative ones. They are in favour of and recognise the good service that is provided. Very often, I do not need middle men to tell me what goes on in facilities because the public tell me, and I know the score. Mr McKinney can press whatever line he likes here, and Mr Flanagan can press whatever line he likes in the press and media — I know the score. People appreciate that they have a brand new hospital facility and that it has been well staffed. We have spent an additional £700,000 on nursing staff. We have taken on an additional cardiologist, an additional consultant in gastroenterology, an additional stroke consultant, two MRI radiologists and an additional physician. That demonstrates that there is not just a new, shiny building but a commitment to staffing to ensure that people are delivered high-quality services.

I had the privilege of being at the opening of the hospital by Her Majesty the Queen and His Royal Highness the Duke of Edinburgh, and it was an excellent day. The people of Fermanagh and the hospital staff were out in huge numbers to welcome its opening. It is a state-of-the-art facility of which the health service can be justifiably proud. Subsequent to the opening, I have gone down there and met staff who work in the hospital at all levels. I know how dedicated and committed they are to providing a high-quality service to the people of the south-west.

The influence of the South West Acute Hospital extends beyond its catchment area. As a Queen's University teaching hospital, it is deeply involved in medical education and supports a significant number of Queen's undergraduate placements. In addition, it is the only hospital in Northern Ireland that provides medical education for students from the Royal College of Surgeons in Ireland. The hospital has attracted significant interest from other parts of Northern Ireland and elsewhere in the UK, with clinicians and managers from other

areas visiting to see how it operates so successfully.

In the first year of its existence from July 2012 to June 2013, when it was, according to some people, having a whole lot of teething problems, the doctors, nurses and other professional staff working at the South West Acute Hospital clocked up an impressive volume of activity. There were 126,000 outpatient attendances, 20,000 inpatient admissions, 60,000 attendances for diagnostic imaging and 1,237 births. The emergency department had more than 29,000 attendances, with nine out of ten people attending the department treated and discharged or admitted to a ward within four hours. I know that some Members might want to work that up into a crisis, but it strikes me as a success story as opposed to a crisis.

Incidentally, reference was made to the challenges in other places. I know that the Royal Victoria Hospital, for example, has been under a degree of pressure in recent days. I can reassure Members that significant work has been taking place on that front. The Regulation and Quality Improvement Authority is assisting me in two ways at the RVH. First, it is carrying out inspections. Over the past few days, it has been in the Royal's emergency department and its acute medical ward assessing the quality of care and dignity afforded to patients. Secondly, the RQIA will facilitate the work of an external expert team to review the 9 January incident and advise how we can improve our emergency care more generally. I think that we can even learn things from the South West Acute Hospital on the management of such situations.

The South West Acute Hospital also provides general inpatient services, including medical, surgical, care of the elderly, obstetrics and gynaecology, paediatrics, maternity, neonatal, coronary care and critical care. Its elderly care and stroke wards support the work of a multidisciplinary team of specialists, meeting modern-day treatment standards and delivering hyper-acute care incorporating thrombolysis and acute rehabilitation. Consultants, visiting consultants and specialist nurses provide, on average, 300 outpatient clinics a week in all the main specialities.

There have been service developments and investments in Enniskillen in recent years in the old Erne Hospital and the new South West Acute Hospital. We have the additional consultants whom I mentioned, and those investments have increased the range of on-site inpatient and outpatient services significantly. The number of visiting consultants on site has increased. For example, urology

outpatient clinics are now held in the hospital by the team based at Craigavon Area Hospital.

The South West Acute Hospital is, of course, a general hospital, and it is not possible to provide every medical speciality there. The need to concentrate specialist expertise, particularly for the more acutely ill patients or for regional and tertiary services, inevitably means that some patients in the south-west will have to travel elsewhere for treatment. However, the majority of patients will be able to access most of their healthcare locally.

The South West Acute Hospital is also at the forefront of innovation in modern, cutting-edge technology. New technology is one of the keys to providing improved healthcare. Its most obvious use is in new technologies designed to diagnose and treat patients. Staff in the hospital have on-site access to specialist and support services, including state-of-the-art radiology, pharmacy and laboratories. For example, the hospital's radiology department has fully digital radiography rooms, a fluoroscopy room, a multi-slice CT scanner, an MRI scanner and three ultrasound rooms. The department is almost paperless, with requests and reports being processed electronically. In the hospital's intensive care unit, the clinical information system utilises the most recent technological advances in computer-patient interfacing to improve the quality and standard of care. That allows nurses more time to focus their skills on the patients, reduce mortality, improve outcomes and provide a better service to patients.

Technology can help improve patient safety, alleviate some of the pressures on our staff, reduce duplication, improve access to critical patient information and bring care closer to the patient's bedside. The Western Trust is also the pathfinder site for a regional feasibility pilot for electronic document management, which is the digitisation of patient medical records. The system went live in paediatrics at the South West Acute Hospital in March 2013 and is the first of its kind.

One of the recommendations in Transforming Your Care was the development of joint planning arrangements with colleagues in the Republic of Ireland. The South West Acute Hospital is well placed for collaborative cross-border working. In May 2013, James Reilly TD, the Republic's Minister for Health, and I paid a joint visit to the hospital. We met staff and patients who had benefited from participation in the Cooperation and Working Together diabetes programme and heard about developments in cross-border vascular

services. The Cooperation and Working Together partnership delivers an extensive level of patient services at the South West Acute Hospital, including vascular, ophthalmology, urogynaecology and ear, nose and throat services. Services range from outpatient assessment clinics to surgical procedures and follow-up review appointments. CAWT continues to invest in reforming and modernising patient services. One example is vascular VNUS closure, which allows patients to have more efficient vascular procedures. That means that patients are treated and discharged within approximately 2 hours as outpatients, rather than inpatients who stay overnight. My Department and the HSC will continue to explore opportunities for cooperation with the Republic of Ireland where it is of mutual benefit to our health and social care systems.

Transforming Your Care also sets out the direction of travel for Northern Ireland's health and services. Transforming Your Care has indicated that the South West Acute Hospital will continue to provide general hospital services to the people of the south-west, including its rural population. The hospital will network with Altnagelvin Area Hospital and Craigavon Area Hospital. The new hospital being constructed at Omagh will also play an important role in the network of hospitals in the west. The networking between hospitals reflects the fact that no hospital stands in isolation from its neighbours, as not every service can be provided locally.

I understand that my time is gone, Mr Deputy Speaker, so I conclude at that point. Perhaps we can catch up on some of the other issues at a later time.

*Adjourned at 6.41 pm.*







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